LEGISLATIVE COUNCIL

Wednesday 1 April 1992

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

QUESTIONS

TANDANYA

The Hon. R.I. LUCAS: I seek leave to make an explanation prior to directing a question to the Minister of Tourism on the subject of Tandanya.

Leave granted.

The Hon. R.I. LUCAS: In a statement reported in the *Islander* newspaper on 28 March 1991 the Minister gave the following explanation of her role and that of her department in supporting the Tandanya project.

> The opportunity to develop accommodation at the western end of the island was identified in Tourism South Australia's 'Invest in Success' document which I released in 1989. Since then TSA officers and I have worked very hard to achieve such a development and I'm delighted it's now come about.

The Minister has previously acknowledged to the Council that in 1989 Mr Jim Stitt was acting as a consultant for the company which first proposed this project—Paradise Developments Pty Ltd. Information has now been provided to the Opposition that at the time of Mr Stitt's direct involvement in the project he was making payments to one person, and possibly two persons, in the employ of Tourism South Australia. I have been told that these arrangements applied during the last six months of 1989. My questions to the Minister are:

1. Is she aware of any full or part-time employee of Tourism South Australia receiving payments from Mr Stitt while in the employ of her department and, if so, can she explain the reasons for those payments?

2. If so, when did she become aware of those arrangements and did she approve them?

3. If not, will she agree that such circumstances require immediate and independent investigation?

In raising this matter, I indicate that the Opposition is prepared to provide the names of the officers said to be involved to an independent inquiry.

The Hon. BARBARA WIESE: I have no knowledge of any such thing whatsoever, and I do not believe that it should be the subject of an inquiry. I am sure it is a matter that can be quite satisfactorily answered by way of simple questions to people involved. I am astonished that this rolling campaign of attacks is continuing upon me in this matter and in a number of other matters. I can only assume that the motivation of the people who are involved in this is very sinister indeed. I am absolutely astonished that the Hon. Mr Lucas would bring an allegation of this sort into this place. As I said, I have absolutely no knowledge of any such matter, and if the honourable member would provide information to me I am sure it is something that can be checked very quickly and dealt with.

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question on the subject of the Tandanya project.

Leave granted.

The Hon. L.H. DAVIS: The Minister told the Legislative Council on Tuesday last week that Mr Jim Stitt's involvement with the Tandanya project ceased in January 1990 and that Mr Stitt had not introduced the current owners of the project to the previous owners. However, further information I now draw to the attention of the Council indicates that companies with which Mr Stitt had had close links were involved in the project right up to the time when its ownership was transferred to System One. These companies were Paradise Developments, for which Mr Stitt had been a consultant, and Geographic Holdings, which has the same registered address in Fremantle as Nadine Pty Ltd, a company in which Mr Stitt and the Minister are the only directors.

Yesterday, the Council was advised that the Tandanya project was sold by Paradise Developments to Geographic Holdings, which in turn sold it to System One. Certainly, as my colleague the Hon. Robert Lucas has just mentioned to the Council, from at least 1989 onwards, Tourism South Australia, the Minister and her departmental officers were actively involved in ensuring that the project did proceed. 'Invest in Success' was one publication. Another official Tourism South Australia publication dated September 1989 'Capital Investment Register on Tourism in South Australia' describes the Tandanya resort as a committed project with an expected expenditure of $10 million.

After the Tandanya project received the approval of the District Council of Kingscote, an appeal was launched which went as far as the Supreme Court, but in June 1990 the Supreme Court dismissed the challenge to the project. Immediately after this decision the Minister of Tourism was quoted in the Kangaroo Island newspaper, the *Islander*, published on 14 June 1990, as saying 'it was a rational and very welcome decision' adding that 'the decision acknowledges the legitimacy of the proposal by Paradise Developments'.

On 20 March 1991, the Minister announced that the Tandanya project would now be undertaken by another organisation, System One. In the issue of the *Islander*, published on 11 April 1991, the Chief Executive Officer of the District Council of Kingscote, Mr Commane, explained the new ownership arrangements as follows:

> Council was recently advised by Tourism SA of a change of ownership of this land. The subject land has now been transferred from Paradise Developments Pty Ltd and Geographic Holdings Pty Ltd to a company named System One.

I have three questions for the Minister. First, what role, if any, did Tourism South Australia play in negotiations for the change of ownership of this land, and why was it that it was the Minister's Department, rather than the companies involved, that advised the Kingscote council of the transfer of ownership? Secondly, did Mr Jim Stitt or any companies with which he had an association seek any direct or indirect financial benefit from the sale of the project to System One? Thirdly, did Mr Jim Stitt or companies involved in this project with which he had an association derive any direct or indirect financial benefit from the sale of the project to System One?

The Hon. BARBARA WIESE: Yesterday, I was asked a series of detailed questions about the Tandanya project, as I have been asked a series of questions on previous occasions. I have answered those questions to the best of my ability when they have been asked. The questions that were asked yesterday were not matters, in most instances, about which I had knowledge, and I was not in a position to answer them, but I have undertaken to provide answers if I can ascertain that information.

The point at issue is not whether there was a development or whether Jim Stitt was involved with a development—although I have addressed those issues and acknowledged on previous occasions that he was involved with a previous owner of that development, and I gave details of when his involvement ceased—but whether or not I as a Minister of

the Crown declared an interest at the appropriate stage when this matter came before the Government. The fact is that in this instance I did declare an interest in those matters when they came before Cabinet. I recall two occasions during the time that Jim Stitt was involved with Paradise Developments on which a matter that had some bearing on the Tandanya development came before Cabinet. I informed the Premier in the appropriate way of Jim's involvement with the proponent.

When the matter came to Cabinet, it was recorded that there was an interest and that I took no part in the discussion. At no time during the course of the Cabinet deliberations on those matters was I forwarded papers relating to the matter, so that I could not be involved in any decision-making that would take place surrounding that issue.

They are the facts, Sir, and that is the matter at issue—whether I have declared an interest at appropriate times—and the answer is 'Yes', I have, and I did not take part in Cabinet deliberations on the matter when Mr Stitt had an involvement with the Tandanya development.

The Hon. L.H. DAVIS: As a supplementary question, Mr President, the Minister has made a statement but she has not yet answered the questions I asked. Would she please do so?

The Hon. BARBARA WIESE: The issue and the inferences that are being made here relate to my partner's involvement with a development. I have made it quite clear that, at all appropriate times when he was involved, I declared appropriate interests. When he ceased to have an interest in that project, the events that followed from there are a different matter altogether and, if Tourism South Australia or I were involved in those issues, then I believe that the Hon. Mr Davis and anyone else who has an interest in seeing development take place would expect the Minister of Tourism to play a role, if there was a role that a Minister could play, in attracting investment to this State and seeking an involvement. The honourable member has asked what role did I play in negotiations on what?

The Hon. L.H. Davis: I asked what role, if any, did Tourism South Australia play in negotiations for the change of ownership of this land and why was it that her department, rather than the companies involved, advised the Kingscote council of the transfer of ownership.

The Hon. BARBARA WIESE: As to the last question, I am not in a position to answer that, but I can only assume that it was because Tourism South Australia officers had information that the council did not and, as one would expect with a Government department that has information, it passed it on to a local government authority that may have an interest in a development in its local area.

As to the role that was played by Tourism South Australia in the acquisition of the project by a Japanese company, I do not have direct knowledge of that but, from what I understand from speaking with people within Tourism South Australia, the company, System One, which already had an interest in South Australia, approached Tourism South Australia with a view to investigating tourism development opportunities.

As was outlined, I believe, recently to a committee of the Parliament by a Tourism South Australia officer, the officers of the organisation attempted to provide information about the State and the tourism opportunities that existed here. That included introducing the company to various locations in the State. It undertook a wide ranging inspection tour of numerous locations around the State and System One ultimately decided that, in its opinion, Kangaroo Island was a place with the greatest tourism potential for the future and it asked to be introduced to the owners of the development.

I took no part whatsoever in that process; I had no knowledge of it until it had occurred. I reiterate that at no time during the course of that process was Jim Stitt involved with any of the parties who played any part in that.

The Hon. L.H. Davis: You still haven't answered my questions.

The Hon. BARBARA WIESE: Which questions? I have answered the questions. What are the questions that I have not answered?

The Hon. L.H. Davis: I asked, 'Did Jim Stitt or any companies with which he had an association seek a direct or indirect financial benefit and did he gain any direct or indirect financial benefit from the sale of the project to System One?' They were very clear questions.

The Hon. BARBARA WIESE: They are not questions that I can answer. I do not know whether or not that was the case—

The Hon. L.H. Davis: That's remarkable.

The Hon. BARBARA WIESE:—but I can only assume that that is not so. The Hon. Mr Davis says that that is remarkable. Why would he say that it is remarkable? His own colleague, the member for Coles in another place, on another occasion when she, too, was being victimised in this sort of way, having questions asked of her day after day about her then husband's financial interests and business activities, stood in Parliament and said, 'I do not have a detailed knowledge of my husband's businesses. There is no reason why I should have a detailed knowledge of my husband's businesses, and I should not be put in this invidious position.' I agree with her; I agree with her wholeheartedly.

It is not reasonable for anyone in this place to expect me to have a detailed knowledge of Jim Stitt's business activities: I am not involved with his business activities and there is no reason why I should have such a knowledge. What I have indicated to members of Parliament is that Jim Stitt's involvement finished with that project in January 1990. The project, according to my knowledge, was sold to a company called System One in 1991. That is as much as I can provide for the honourable member and, if he is implying something different, if he is implying that there is something untoward about those things, then let him say so, but I have made it quite clear that, during the course of the involvement of Jim Stitt with the Tandanya project, I made all appropriate declarations of interest and took no part in any Government deliberations on the matter.

TSA OFFICERS

The Hon. K.T. GRIFFIN: Can the Minister of Tourism say whether any officers of Tourism South Australia at any time sought the approval of their Chief Executive Officer to engage in business outside the Public Service as required by the provisions of the Government Management and Employment Act and its regulations? If so, is the Minister able to provide information as to the numbers and categories of officers and their respective areas of responsibilities?

The Hon. BARBARA WIESE: I do not know whether Tourism South Australia officers have made such application, but I will seek a report on the matter and bring back information.

TANDANYA

The Hon. M.J. ELLIOTT: I ask the Minister of Tourism the following questions:

1. Is the Minister now in a position to confirm involvement of her accountant, Lynn Jeffrey, and his company Geographic Holdings, in relation to the Tandanya project, and can she inform the Parliament when she first became aware of his involvement and when Cabinet was notified of such involvement?

2. Can the Minister say how much expenditure, and for what purpose, has been provided by the Department of Tourism in relation to the Tandanya resort project?

3. Can the Minister inform the Council whether the Department of Tourism has given any form of financial assistance, including temporary assistance and loans, to the Tandanya resort project?

4. Is the Minister in a position to inform the Council when the questions asked yesterday are likely to be answered?

The Hon. BARBARA WIESE: As to questions Nos 1 and 4, I will provide answers on those matters as soon as that information is available to me. As to question No. 2 in relation to the amount expended by Tourism South Australia with respect to the Tandanya development, I do not know the answer to that question. However, I will seek the information and provide it for the honourable member. I assume that the only expenditure that has been involved would be with respect to recent events, when Tourism South Australia assisted with the holding of public meetings on Kangaroo Island and with pamphlets and material of that sort, which was prepared and distributed so that islanders and anyone else who was interested could be informed about the details of the Tandanya development. However, as I said, I will seek information about that.

The honourable member asks whether Tourism South Australia has provided any temporary financial assistance or loans with respect to the Tandanya development. I have no knowledge of any such assistance being provided. However, again, I will seek a report on that matter.

I know that the Hon. Mr Elliott has had very considerable involvement with people who are associated with the conservation and environment movement in South Australia with respect to the Tandanya project. I am aware, as I indicated yesterday, that a number of people associated with that movement have, over a very long period—in fact, from the very beginning when the Tandanya project was first mooted—indicated that they opposed it with every force and that they would use whatever methods they could to ensure that that development would not succeed.

Well, the Government of South Australia believes that Kangaroo Island is one of the jewels in our tourism crown. It is a well known fact, and it has been indicated on many occasions that in order to fulfil the tourism potential of Kangaroo Island it is important to attract the right style of investment and accommodation development to the right locations on the island. So, we have unashamedly—

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. BARBARA WIESE: —indicated to any potential investor that accommodation at the western end of the island is a desirable thing. Officers of Tourism South Australia have over a number of years, whenever they have been able, drawn the attention of potential investors to the opportunities that exist there; that is their job. Instead of Mr Elliott and other members coming into this place and attempting to denigrate these developments, they really should be congratulating Tourism South Australia and the Government for the efforts that we have been making to encourage appropriate investment in tourism in South Australia. The continuing campaign—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —of smear, innuendo and questions relating to these developments is very damaging to the developments themselves. I can only hope that the investors who have taken up the challenge to look at these developments and to bring them to fruition will view this campaign in the context in which it should be viewed: as a grubby political exercise. I hope also that it will not in any way affect their decisions in relation to investing in this State. God help South Australia if these people ever get into government.

TOURISM SOUTH AUSTRALIA ADVERTISING

The Hon. DIANA LAIDLAW: I seek leave to make an explanation prior to directing a question to the Minister of Tourism on the subject of misleading advertising.

Leave granted.

The Hon. DIANA LAIDLAW: Yesterday, in a question to the Minister, I noted that an advertisement placed in last Saturday's newspapers in Adelaide and New Zealand and, I understand, elsewhere in Australia, under the name of R.F. Phillips, Acting Managing Director of Tourism South Australia, stated:

> Tourism South Australia seeks to appoint by contract a company to operate a retail and information travel centre based in Auckland, New Zealand.

However, in reply the Minister said:

> The decision has not yet been taken at all about what should happen in New Zealand in relation to Tourism South Australia's representation there. What is happening at the moment is that Tourism South Australia is exploring options for the future.

The Hon. L.H. Davis: It gives a new meaning to the word 'contract', doesn't it?

The Hon. DIANA LAIDLAW: Yes, it certainly does. As the Minister's reply conflicts with the positive statement of intent outlined in the advertisement, it is apparent that either the Minister misled Parliament yesterday about the status of TSA's future representation in New Zealand, she has no idea what is happening in her department or Tourism SA is engaged in misleading advertising. However, as I am prepared to give the Minister the benefit of the doubt in this matter—

Members interjecting:

The Hon. DIANA LAIDLAW: Well, I am prepared to give her the benefit of the doubt in this matter. In the light of the fact that the Crown is bound by the provisions of the Fair Trading Act and section 56 (1) of the Act provides that a person shall not, in trade or commerce, engage in conduct that is misleading or deceptive or is likely to mislead or deceive. I ask the Minister the following questions in her capacity as Minister of Consumer Affairs:

1. Does the Minister agree that Tourism SA's advertisement contravenes the provisions of the Fair Trading Act for which she is responsible?

2. What steps does she propose to take to redress TSA's misleading and deceptive advertising?

The Hon. BARBARA WIESE: I do not think I need to take any steps to address the actions that have been taken by Tourism South Australia, but somebody needs to take some steps to address the actions of the Hon. Ms Laidlaw and other members in this place for the misleading information that they supply to this place on an ongoing basis.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: The honourable member quotes from the advertisement, but she quotes from it selectively. If she had the advertisement in front of her, which I do not currently, but I have read it, she would know as I do that the next sentence goes on to say that registrations of interest are being sought. That is exactly what I indicated yesterday, Sir. Tourism South Australia—

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The Hon. Ms Laidlaw will cease interjecting.

The Hon. BARBARA WIESE: Tourism South Australia is seeking registrations of interest.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The Hon Ms Laidlaw will come to order. She has asked a question and I suggest she remain silent while she hears the answer.

The Hon. BARBARA WIESE: Tourism South Australia is seeking registrations of interest from companies that would be interested in providing such a service. As I indicated yesterday, if Tourism South Australia does not receive applications that are deemed to be suitable, then it will not be an option that will be pursued. That is a perfectly proper activity for the organisation to undertake. Is the honourable member suggesting that, having made an advertisement of this kind, if we received a bunch of dead head applications, by the terms of the Trade Practices Act we should appoint one of them? It is ridiculous. Absolutely nobody would expect Tourism South Australia to make an appointment—

Members interjecting:

The PRESIDENT: Order! The Hon. Ms Laidlaw will come to order.

The Hon. BARBARA WIESE: —if the applications we received were not suitable, and if the offers being made by the companies registering an interest were not deemed to be appropriate. There is absolutely no way that Tourism South Australia will act in that way. The applications that come from advertisements will be assessed appropriately and decisions will be made on the basis of the offers that are received.

RURAL UNEMPLOYMENT

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister representing the Minister of Employment and Further Education a question relating to JobSearch and NewStart.

Leave granted.

The Hon. I. GILFILLAN: Unemployed people in rural South Australia are being seriously disadvantaged by trying to meet requirements to attend training classes. The current benefit paid to the unemployed has become an active allowance which requires those people receiving it to sign on for either JobSearch or NewStart, which includes actively looking for work and undertaking whatever training schemes are put forward.

In theory, this may seem a reasonable requirement, but in reality many people needing assistance and living in rural South Australia (and I have particular knowledge of Kangaroo Island in this matter) have great difficulty meeting the requirements of attending training classes. Recently a compulsory three week training course was held at Parndana, on Kangaroo Island. A number of people were forced to travel more than 30 kilometres to attend the course, making a round trip of more than 70 kilometres. This trip had to be undertaken each day.

This is particularly difficult for unemployed people having to use large quantities of petrol and only able to be reimbursed if their journey exceeds 80 kilometres. In addition, many people have young children to be cared for, there are no creche facilities available in Parndana and private baby-sitting is too expensive for unemployed people to be able to afford the service. The convener of the training course insists that it is compulsory to attend and that failure to do so will result in a cut to benefits. Yet, so many people did in fact attend the first day of the course at Parndana that the convener did not have enough forms effectively to deal with each person, making some of their trips redundant.

In a case recently brought to my attention an unemployed teacher was forced to travel a considerable distance to undertake a three week compulsory course in basic literacy and numeracy skills, which, according to the teacher in question, was at about year seven school level. The course did not provide the teacher with any additional skills. Indeed, the teacher was in fact more qualified than the person conducting the course. It highlights the result of bureaucratic nonsence that can occur for the sake of meeting departmental requirements.

It is particularly crucial at a time when this Parliament has recognised the crying need for rural families in South Australia to get relief in the form of unemployment benefits as one of the only means by which these families can continue on the farms.

That this (I say advisedly) idiotic requirement is being imposed arbitrarily on these people is totally inane and counter-productive. I recognise that this comes primarily from a Federal Government fiat, but I do believe that any member of this Parliament, including the Minister and the Minister whom she is representing, will feel it is important to follow this through, I hope without any hesitation, so that people can be protected from this ridiculous requirement to spend money they do not have and waste time in ways that are counter-productive. My questions to the Minister are:

1. Will the Minister of Labour undertake to consult with his Federal counterpart to re-examine the requirement to attend training courses in rural areas?

2. What steps have been taken to provide funds and facilities so that unemployed Kangaroo Island residents and other rural residents are not disadvantaged in trying to fulfil the requirements of receiving benefits?

3. Will the Minister seek to have all travel costs fully refunded for those people forced to travel more than 10 kilometres to attend training courses in rural South Australia?

4. Is the Minister aware of the lack of Government funded creche facilities on Kangaroo Island?

The Hon. ANNE LEVY: I will certainly refer that series of questions to my colleague in another place, but I would point out that as far as I can tell all the matters to which the honourable member has referred are Federal matters and are not the responsibility of the Minister for Employment and Further Education in this State. As I have said, I will certainly refer that question to my colleague, and he may be able to take up the matter with his counterpart at the Federal level. I would point out to the honourable member that he, along with any other member in this place and indeed any citizen of South Australia, has access to Federal members of Parliament, be they in the House of Representatives or in the Senate. If he is really concerned about these matters being drawn to the attention of the Federal Government, I suggest that he is in a very good position to take up the matter himself.

The Hon. I. GILFILLAN: I ask a supplementary question. The Minister's gratuitous remarks about where I should go are totally irrelevant. I ask her whether she believes that the Government of this State should be concerned about its constituents involved in this stressful situation on Kangaroo Island.

The Hon. ANNE LEVY: I will refer that question to my colleague in another place together with the first question, as he is the Minister responsible for matters concerning employment and further education.

COMMUNITY SUPPORT INCORPORATED

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about Community Support Incorporated (CSI).

Leave granted.

The Hon. BERNICE PFITZNER: Community Support Incorporated, a new organisation, was set up as an outcome of the Domiciliary Care working party's report. At that stage, 'CSI was not considered in detail by the working party and its concept was strongly opposed by a number of members on the one occasion it was discussed.' CSI is funded by the Government, and it acts as a broker on behalf of designated specialist services, such as Autistic Children's Services, Julia Farr and the South Australian Mental Health Service, to help consumers contact and contract support workers to supply services to individuals.

The South Australian Council on the Ageing (SACOTA) is concerned about the establishment of this new body instead of Domiciliary Care being strengthened and accommodated. Other concerns pertain to personal accident and public liability insurance for casual support workers. This insurance only covers the time which the casual worker spends at CSI and not at the worker's main place of employment. My questions are:

1. Why has the Government funded this new body, CSI, instead of using the present Domiciliary Care Service, as it is opposed by a number of members of the Domiciliary Care working party?

2. What is the status of the insurance of casual workers?

3. Who is responsible for taking out the insurance? Is it the health worker, the client, CSI (the broker) or the designated specialist services (for example, IDSC)?

The Hon. BARBARA WIESE: I will refer those questions to my colleague in another place and bring back a reply.

SOCIAL WORKER

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Family and Community Services a question about a generic social worker on Eyre Peninsula.

Leave granted.

The Hon. PETER DUNN: The case of Mrs Boylan has been brought before this Council before, and in a ministerial statement it was suggested that the problem of Mrs Boylan not offering the services of the Department for Family and Community Services on central Eyre Peninsula would be corrected. Mrs Boylan is still not visiting people on farms or in their homes on central Eyre Peninsula. In fact, clients have visited Mrs Boylan at Port Lincoln. When asked to return the next day, one client was transferred to another officer who continued to service that client.

Mrs Boylan has now been accused by her department of receiving $3 000 from the Department of Agriculture, implying that that money has been misspent. It appears that there is peer group pressure and jealousy. In fact, I have been informed that Mrs Boylan has been told by people within her department to resign. I am still getting telephone calls from people on central Eyre Peninsula asking for Mrs Boylan to counsel them and their area. My question is: will the Minister try again to correct what is obviously an anomaly, and why must Mrs Boylan remain firmly seated in her position in Port Lincoln without being allowed to go out and counsel the people she is trained to serve?

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

LEGISLATIVE COUNCIL CARPET

The Hon. J.C. BURDETT: I seek leave to make a brief explanation before asking you, Mr President, a question about the carpet on the floor of this Chamber.

Leave granted.

The Hon. J.C. BURDETT: I understand that new carpet is to be laid on the floor of this Chamber—and I certainly support that. I think it is appropriate that a member ask a question about this matter because the members as well as the clerks, officers at the table and the staff of this Council have had to sit here for a long time looking at the carpet. I think new carpet is needed. I have had a quick look around and I have noticed that, in particular, the carpet where the Attorney and the Leader sit is well worn, no doubt through their stamping up and down. I want to ask a question about the nature of the new carpet.

The Hon. T.G. Roberts: Broadloom red, I think, John.

The Hon. J.C. BURDETT: Okay. Ever since I came here in 1973—and there has been one replacement of the carpet during that time—we have had the *fleur de lis* pattern on the floor. It has been suggested to me that that pattern has a significance that pertains to the Crown. However, others have said that it was simply an accident, that it was the only pattern available at the time. I do not know the answer to that question, but I ask you, Mr President, to tell me. Also, can you give the estimate of the cost and when the new carpet will be laid?

The Hon. T.G. Roberts: Will there be a whip around?

The PRESIDENT: Yes. In accordance with the refurbishment program of the Houses and the allocation of priorities, it has been agreed that this Chamber is the next in line to receive new carpet. The carpet was selected after consultation between me and the clerks. It is red and it will have a Sturt Desert Pea pattern; so, there will be a tinge of black in it. We will lose the *fleur de lis* which, as far as I understand, has no significance whatsoever to this Council. The carpet is due to be laid during the winter recess. I cannot tell the honourable member the cost offhand, but I will check out that matter.

The Hon. Diana Laidlaw: Does it match?

The PRESIDENT: As far as we are concerned, it matches.

ART EXHIBITION

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage a question about the Zones of Love exhibition.

Leave granted.

Members interjecting:

The Hon. R.I. LUCAS: I will not respond to those interjections, which are certainly out of order! In response to some questions on the Notice Paper that I asked the Minister earlier this year in relation to the number of consultancies employed by departments, organisations and authorities which report to the Minister for the Arts, I received a series of answers in early February. I want to refer to one answer in particular that concerns the Art Gallery of South Australia. The consultancy was for the promotion of a major exhibition, that being the promotion of the Zones of Love exhibition and the consultant concerned was Christopher Rann and Associates Pty Ltd. In response to my question as to whether the exhibition had gone out to open tender, the Minister said, 'No', because of the known expertise of the consultant in relation to the promotion of this particular exhibition. As to when a report was prepared, the Minister responded 'not applicable'.

As to the question of cost, the Minister responded that the cost of that consultancy was $5 000. I have been advised—and I have copies of invoices to back up these claims—that the total payments to Christopher Rann and Associates Pty Limited were nowhere near $5 000 for the promotion of the Zones Of Love exhibition, but were in fact around $1 500. One particular invoice reads as follows:

Draft press release, media advice re opening of Zones of Love exhibition, liaise regularly with Nat Williams to make amendments as requested, distribute media advice, arrange talk shows, attend media launch, provide a list of invitees for separate media event.

Then it lists a certain number of hours at a certain price per hour, with a total amount of $1 398.54 and a second invoice for reading the Zones of Love material and discussing it with an officer of the gallery, I guess, together with media monitoring, and again a number of hours at a certain quote per hour, with a total amount due of $146.20. So, the total amount that has been invoiced and paid to Christopher Rann and Associates is evidently only some $1 500. My questions to the Minister are, and obviously I do not expect she will have an immediate response at this stage—

The Hon. Anne Levy: That's lucky.

The Hon. R.I. LUCAS: Lucky for you. We are very generous in the Opposition. Will the Minister investigate the reasons for her answers to the written Questions on Notice indicating that Christopher Rann and Associates was paid $5 000 for this particular promotion and the reasons for the discrepancy between the stated figure in her answer of $5 000 and what is claimed to have been only a payment of $1 500? If the Minister and her advisers agree that there has been a discrepancy, will she ask her officers to double check all other cost estimates that have been given to me in relation to these consultancies and perhaps, also, indicate whether there is any overall administrative charge or oncost charge, or something like that, that the Minister, her departments and authorities reporting to her use, to increase the level of the cost of the consultancy over and above the actual payment made to the consultant concerned?

The Hon. ANNE LEVY: Mr President, I will certainly seek a report on this matter from officers of the department. I should perhaps remind members that the exhibition being discussed, Zones of Love, was an exhibition of modern Japanese art held at the Art Gallery of South Australia. Despite its title, it was not one which most people would regard as being in any way erotic. It was certainly a very interesting exhibition making apparent the enormous differences between classical Japanese art—to which many people are accustomed—and modern Japanese art, which obviously is very much influenced by modern art trends from every part of the world. However, I will seek a report and bring back a reply at the earliest opportunity

ILLEGAL NUMBER PLATES

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage, representing the Minister of Labour, a question about illegal number plates.

Leave granted.

The Hon. DIANA LAIDLAW: A constituent has expressed to me his alarm about the ease with which he has been able to acquire two new vehicle number plates—one for each of the two vehicles that he owns. The concerns raised with me are timely following the revelations last month that the police have cancelled three traffic infringement notices issued to a Mr Constable of Ridgehaven, because they acknowledge that the offending driver was a person who had illegally acquired the same number plates earlier issued to Mr Constable. My constituent's family owns several bicycles. Often it is necessary to carry the bicycles on one or other of the family cars. To do so, a bicycle carrier has been acquired which can be attached to the back of either vehicle. Because this attachment obscures the rear numberplate, to comply with the law it is necessary to purchase an extra numberplate for each vehicle.

He went to the Adelaide Number Plate Company in Gilbert Street in the city. There he asked for the two number plates that he required and gave the registration numbers that he wanted. No questions were asked, no form was required to be completed and, six minutes later, he simply walked out with the plates he wanted, at no time providing any proof of his identity or any proof that either or both of the family vehicles were registered in his name or in the name of a member of his family. My question to the Minister is: as the current arrangements for the issue of new numberplates are lax, probably even a joke, what action has the Minister taken or does he propose to take to tighten up the security arrangements for the issue of new numberplates for motor vehicles?

The Hon. ANNE LEVY: I will certainly refer those questions to the Minister of Transport in another place. The honourable member did say that it was a question to me representing the Minister of Labour—which I do not—but it was also not a question, it seemed to me, that she would want referred to the Minister of Labour, so I will refer it to the Minister of Transport in another place.

EAST END MARKET

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister for the Arts and Cultural Heritage a question about the East End Market.

Leave granted.

The Hon. I. GILFILLAN: I am sure all members would have had a chance to see the most recent edition of the *National Trust News*, on the front page of which is a photograph of what they describe as 'Discover our hidden heritage, Heritage Week, 26 April to 3 May', and in which there is a very illustrative photograph of habitations which were used in the early and mid nineteenth century. These were houses measuring, in the old measurement, approximately 12 feet by 12 feet, with a lean-to at the back, and in which a whole family was expected to live. Over that first page are even more fascinating and illustrative photographs showing a cistern and the cobblestones and people

at work. I would recommend members keep this as an heirloom, because it is the only chance they will have to see it. I, fortunately, was invited to have a look at it while the dig was in progress and found it absolutely fascinating that such a precious part of Adelaide's early history was being revealed and analysed so painstakingly. I looked forward to many thousand South Australians having an opportunity to see it also.

However, no such luck. I went back with some friends to look at it only to find that it had been totally demolished and ripped, so there would be no hope of anyone ever seeing it again. I and my friends were horrified that this, what I believe is a heritage act of vandalism, had been done with no announcement and no fanfare. The double irony of it is that, at the same time that this *National Trust News* is encouraging people to discover our hidden heritage, they are too late. They have missed the week 26 April to 3 May; it has gone—demolished. My question to the Minister is, first, was she aware of this archaeological dig and did she regard it as fascinating and as valuable as I did? Did she have any knowledge that in fact it was totally obliterated? Does she know who gave the instruction for it to be obliterated and will she undertake to make inquiries and to report to this Council any information she can find to inform us as to who was responsible for what I regard as an act of heritage vandalism?

The Hon. ANNE LEVY: I will refer that question to my colleague in another place, the Minister for Environment and Planning. The Heritage Branch of the South Australian Government is part of the Department of Environment and Planning and the division of responsibility in heritage matters between my colleague and me is that she has responsibility for the built, fixed or immovable heritage, while I have responsibility for what is called movable heritage, artifacts and so on.

The Hon. I. Gilfillan: You would be interested in the broken crockery, and so on.

The Hon. ANNE LEVY: While I might have an interest in the shards found in a dig, the site of the dig is not officially part of my responsibilities, and I will certainly refer the question to her. My knowledge of the matter is only what I have gleaned from radio reports. There have been radio news items on this matter for some time now, but I presume that that information is as available to the Hon. Mr Gilfillan and members of the public as it has been to me.

LEGISLATIVE COUNCIL CARPET

The PRESIDENT: To complete the reply that I had for the Hon. Mr Burdett, I advise him that the carpet and its purchasing and laying is in the hands of SACON, which is calling tenders, and we are not aware of the costs at present. As soon as tenders are under way I shall be happy to advise the honourable member accordingly.

WORKCOVER

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister representing the Minister of Labour a question about WorkCover.

Leave granted.

The Hon. J.F. STEFANI: On 14 July 1991, WorkCover advised all rehabilitation providers that as part of a new strategy to monitor the progress of injured workers an integrated reporting package was being developed. In the interim period WorkCover required all rehabilitation providers to complete a work placement assessment form on all injured workers at the initial assessment and thereafter at two-monthly intervals. The fee paid by WorkCover for completing each of the work placement assessment forms is $50. I understand that the forms have recently been withdrawn because the information provided has been found to be unnecessary. My questions to the Minister are:

1. What was the cost of developing and introducing the work placement assessment forms?

2. How much was paid by WorkCover to rehabilitation agents since the forms were introduced?

3. What is the amount of fees paid to date during this financial year?

The Hon. C.J. SUMNER: I will refer the question to my colleague and bring back a reply.

REPLIES TO QUESTIONS

The Hon. R.I. LUCAS: I understand that the Minister for Local Government Relations has answers to questions that I asked on 13 February, 20 February and 23 February, and I am happy to have those answers incorporated in *Hansard.*

The Hon. ANNE LEVY: I seek leave to have the replies inserted in *Hansard* without my reading them.

Leave granted.

NON-PERFORMING TEACHERS

In reply to **Hon. R.I. LUCAS** (13 February).

The Hon. ANNE LEVY: The Minister of Education has provided the following responses:

1. *(a)* The teacher referred to in the anonymous letter received by the honourable member meets the eligibility criteria for the Changing Direction Scheme. This teacher was on long service leave during term 3 of 1990, which is paid leave and should not be confused with leave without pay. Further, this teacher was on leave without pay (special) from the commencement of term 4, 1990 and was due to return to active service at the commencement of the 1992 school year.

The eligibility criteria for the Changing Direction Scheme states that teachers on any form of extended leave without pay are ineligible to apply for the scheme. For the purposes of the scheme, extended leave without pay was defined as 'not having a return to service date within the 1992 school year'. Therefore a teacher on leave without pay could apply to receive an offer of retraining assistance, so long as he or she had a return to service date in 1992.

This teacher, through her application and supporting employee profile form completed by her principal, was able to demonstrate to the external consultants that all eligibility and suitability criteria associated with the Changing Direction Scheme were met. She was recommended to the Director-General of Education by the external consultants as a suitable applicant to the scheme. In order to ensure that only suitable applicants received an offer of retraining assistance, the Director-General sought further confidential advice from principals in relation to recommended applicants. In the case of the teacher in question, the confidential advice corroborated the teacher's suitability for the scheme. Accordingly, the Director-General offered this teacher a retraining grant and she subsequently accepted this offer.

(b) No. First, the case raised by the honourable member was not an abuse of the Changing Direction Scheme. Secondly, the process employed to ensure that only suitable applicants received an offer of retraining assistance was extremely comprehensive.

Any review into the operations of such a comprehensive process, particularly when such a review would be based on allegations contained within an anonymous letter, would be unnecessary and wasteful.

2. The confidentiality of applicants to this scheme is a critical factor. As such specific details in relation to the classification of individuals who received retraining assistance and the exact amount of each individual's grant is also confidential. However, in terms of general information about the scheme, offers of retraining

assistance, totalling $4.6158 million have been accepted by 116 teachers, across all levels of the teaching service. This equates to an average retraining grant of $39 791.38 per person with a maximum of $42 000 payable to any teacher, regardless of the classification they held prior to tendering a resignation with the Education Department of South Australia.

3. (1) The Managing Poor Performance Scheme, announced simultaneously with the Changing Direction Scheme, has been developed, negotiated with the South Australian Institute of Teachers, and is currently being implemented to ensure that:

(a) guidance and support is provided to teachers whose performance has been identified as unsatisfactory to achieve an appropriate standard of efficiency and competency where possible, and

(b) where an appropriate standard of efficiency and competency is not achieved, effective action (including disciplinary action where necessary) is taken in order to protect the interests of students, the teaching service and the community.

(2) The procedure for the Managing Poor Performance Scheme comprises the following stages:

(a) one month of intensive, informal administrative support for teachers experiencing difficulty in the performance of their duties;

(b) three months of intensive school-based development, coordinated by a collegiate support group, where a teacher's performance difficulties continue to be significant and are unable to be resolved through informal support, and finally;

(c) a performance evaluation conducted by an officer, external to the school, where teachers are still unable to overcome their performance problems. The documentation from this evaluation and other accumulated documentation arising from the school's intervention will be used in determining possible disciplinary action.

(3) Implementation support developed for the Managing Poor Performance Scheme, to date, includes:

(a) the development of procedures for inclusion with the *Administrative Instructions and Guidelines*, approved by the Director-General of Education in December 1991, to be distributed to schools in March, 1992.

(b) training and development of all principals in relation to these new procedures, and

(c) a comprehensive reference manual, available in schools at the commencement of second term 1992, providing step by step guidance to the procedures and related support documentation including standard letters, information sheets, performance planners and data collection instruments.

(4) Effective personnel management in schools has also been further promoted through the development of two documents, *Teachers Work* (completed and distributed to schools in the last week of the 1991 school year) and *Leader's Work* (in development—available at the commencement of second term, 1992). These documents can also be utilised to determine standards by which performance will be assessed in relation to the managing Poor Performance Scheme.

TEACHER CUTS

In reply to the **Hon. R.I. LUCAS** (20 February).

The Hon. ANNE LEVY: The Minister of Education has provided the following responses:

1. The current approach to staffing in schools was negotiated with the South Australian Institute of Teachers and is based on how a school determines to use its budget over the school year.

2. The Education Department will continue to explore with schools how they wish to deploy their budgets flexibly to meet the changing needs of students.

SCHOOL STAFFING

In reply to the **Hon. R.I. LUCAS** (20 February).

The Hon. ANNE LEVY: The Minister of Education has provided the following responses:

1. The Education Department gives considerable priority to addressing the needs of students from disadvantaged groups who sometimes reflect behavioural problems. This year the Government is providing 783.5 teacher salaries at a cost of $37.2 million for social justice purposes.

2. There is currently no waiting list for referrals to the senior programs at the Gawler and Modbury campuses of the Northern Learning Centre nor has there been a waiting list for 1992. There are three students on standby for placement in the junior programs at the Brahma Lodge Campus of the Northern Learning Centre should the behaviour change programs designed for them not achieve the anticipated outcomes. This arrangement is not a waiting list.

TOURISM MINISTER

Adjourned debate on motion of Hon. R.I. Lucas:

1. That this Council urges the Premier to—

(a) Appoint an independent inquiry to determine whether the Minister of Tourism has or had, a conflict of interest in relation to the introduction of gaming machines into clubs and hotels in South Australia.

(b) Ensure the Minister of Tourism stands aside from her ministerial position for the duration of the inquiry.

2. An independent inquiry should inquire into the following—

(a) The role of the Minister of Tourism, Ms Wiese, supporting the introduction of gaming machines in South Australia, including any discussions she has had with Government agencies and officials about the preparation of the Gaming Machines Bill 1992.

(b) The role of Mr J. Stitt in supporting the introduction of gaming machines in South Australia.

(c) The role of International Business Development Pty Ltd and International Casino Services Pty Ltd in supporting the introduction of gaming machines in South Australia and whether the published offer of these companies, in association, to 'assist with the preparation of the enabling legislation' and give 'political assistance where necessary' was used in any way in the drawing up of the Gaming Machines Bill 1992.

(d) The role of IBD Public Relations Pty Ltd in supporting the introduction of gaming machines in South Australia.

(e) Whether Mr J. Stitt, and/or any company in which he has a direct or indirect interest, stand to make any financial gain from the introduction of gaming machines in South Australia.

(f) The sources of income of the company, Nadine Pty Ltd.

(g) Whether Nadine Pty Ltd has at any time invoiced International Business Development Pty Ltd for professional services and, if so, the nature of those services.

(h) The knowledge of Cabinet Ministers other than the Minister of Tourism about the role of Mr J. Stitt in supporting the introduction of gaming machines in South Australia and the financial relationship between companies involved in gaming matters in which Mr Stitt has an interest, and Nadine Pty Ltd.

(i) The practices of Cabinet with respect to the declaration of private interests of Ministers which may give rise to a conflict in matters before the Cabinet or in the exercise of ministerial responsibility and whether, in her role in moves for the introduction of gaming machines in hotels and clubs, the Minister of Tourism has at all times followed appropriate practices for declaring an interest.

(Continued from 25 March. Page 3595.)

The Hon. I. GILFILLAN: In supporting the motion, I want to discuss in general terms rather than in specifics my attitude to the matters involved and what I believe to be the appropriate way to deal with them. I consider this motion to be a substantial measure along that appropriate track but not the complete answer in itself, of course. This relates to the whole question of what is the appropriate involvement of Ministers, indeed not only Ministers but members of Parliament, with matters that come before this place, matters in which we have some say in final determination through legislation or motions in this place, and of course in particular with Ministers in ministerial or departmental judgments, and for those privileged enough, in Cabinet decisions.

I am without any doubt that the matters raised about the poker machine legislation—the lobbying activities of Mr Jim Stitt and the nature of the personal and financial arrangements between Mr Stitt and the Minister of Tourism (Hon. Barbara Wiese)—require close scrutiny. In my opinion they also demand independent assessment. I believe that the Attorney-General has accepted a request to scrutinise and assess the material, and I recognise that that is a proper role and one that he is fully competent to fulfil. However—and this is a fairly significant 'however' for me—it cannot be allowed to rest at that point. Even if the Attorney is of the opinion that the matter needs to go no further, I am convinced that it must be referred on (and at this stage I am dealing purely with the material raised last week concerning the lobbying activities of Mr Jim Stitt and companies with which he is associated), and assessed by someone or some entity accepted as being competent and independent, to set Parliament's and the public's mind at rest that the situation is not indicative of a conflict of interest, and not one in which there has been some form of improper benefit received or given. For that purpose I was and remain still convinced that, after the Attorney-General has more or less prepared and assessed the material to his satisfaction, it must then go to independent assessment.

The other area of concern, which my colleague the Hon. Mike Elliott has questioned over a long period but has referred to in much more detail in the past couple of days, has expanded the area that demands close scrutiny because the issue then becomes one of detached involvement, and I speak particularly of the accountant, as I understand it, and this material comes from material that has been provided in written form. I have had a chance to assess that myself, but I am not making my judgment a final one in this case. What I am saying is that it appears as though the accountant used by Mr Stitt and the Minister has been closely involved with a company which was involved financially in the land transfer, sale and resale of the land involved in the Tandanya development on Kangaroo Island.

The area of where one's personal responsibility ends in relation to associates or friends is a grey one, and the Minister was quite forthright in indicating that she and Mr Stitt have had a long-time friendship with Mr Dawson, who has been and is involved currently as an architect in the Tandanya project. It is indicated that he probably has an involvement with the Glenelg project.

I am more firmly convinced that these matters must be scrutinised by a competent, independent authority so that the extent of involvement in Tandanya and other matters by people with professional or friendship contacts with the Minister because of her relationship with Tourism South Australia can be established.

It is important to state that the assessment of material and the demand for an independent assessment, is not a judgment. I clearly repeat my position: I do not believe that anyone is justified in declaring the Minister to have been improperly involved until and if at whatever time an independent assessment makes that judgment. However, I am utterly convinced and will take any step that I believe is necessary to ensure that these matters are assessed independently. I believe that it can be done by the Attorney's canvassing about for what he may believe is an appropriate person or persons and discussing that with members in this place to get concurrence that they are in fact appropriate people and that the terms of reference can be drawn up to canvass properly all the matters. Under those circumstances I believe that we can properly deal with the matter.

However, I signal that if all other measures fail, although it is my least desired option, I would support the establishment of a select committee. I do not believe that a select committee is the optimum body to deal with this matter and I have no enthusiasm for another select committee to be established in this Chamber. However, I make quite plain that, if we are unable to get cooperation in the establishment of some other form of independent assessment of this material, I will certainly support the establishment of a select committee to do so.

Finally, I repeat my belief that the step should be taken with no accusation or acknowledgement of guilt, and that the Minister should stand down from her portfolio of tourism until such time as an independent assessment of this material is provided to this Parliament and to the public. Under those circumstances, I indicate that I would prefer that this motion be adjourned and that it not be pushed to a quick vote. I would be looking for support for the adjournment of the motion at least until Wednesday next week. However, I believe the Council is in no doubt about where I stand in relation to this matter.

The Hon. M.J. ELLIOTT: I intend to speak only very briefly at this stage. The major reason for my speaking is that it gives me an opportunity to table a couple of documents in relation to matters that I raised yesterday. However, as I am on my feet to do that, I will make a few comments at this stage. I believe that a number of issues need to be addressed. Those matters fit into two major categories. First, I refer to the question of whether or not the Minister has been in a position of direct benefit and whether or not she has, in fact, directly benefited. I have said in this place—in fact, I said it last Wednesday and I repeat it—that I have no reason to believe that the Minister has received direct benefit from her Ministerial position. Nevertheless, I think it is a question that needs to be addressed and clearly answered one way or the other. I do not believe that to be the case and I have never had any reason to doubt the integrity of the Minister.

The second issue relates to conflict of interest in relation to personal or business associates. This area has a whole range of shades of grey. I suppose it is almost inevitable that anyone working in politics will have people whom they know in positions where they may benefit by some sort of decision, to a greater or lesser extent. It becomes a matter of what shade of grey is acceptable. We need to be very rigorous and to demand very high standards and very great distance between Ministers and their associates and any potential benefit that their associates may gain.

We do not want to get into the sort of situation that is rife in Western Australia. WA Inc. has worked in a totally unacceptable way—business has come close to too many political figures too often. The results of that are plain for all to see. We do not want to find ourselves in that sort of position in South Australia. It is my very strong belief that, where Ministers find that they are in conflict regularly and that the conflicts are large, that it is probably best that they not hold that portfolio. I do not think anyone enters Parliament because they want to be Minister for a particular portfolio. That is probably a very rare thing. There are many ways one can serve the State and there are many portfolios that can be filled.

I have conveyed to the Minister of Tourism privately that I frankly think she is in a position where allegations are almost inevitable. I believe that she is too close to some of the people with whom she must work and that probably the potential for conflict recurs simply too often. I think the shade of grey we are looking at in this case is extremely

dark. There is no inference at this stage that the Minister has, in fact, used her position to benefit the people who have been mentioned and others who have not as yet been mentioned in this place. However, the important thing is that if we allow and accept that sort of position to occur, not just with this Minister but with other Ministers, then it is inevitable that we will find the sorts of things occurring here that occurred in Western Australia—and which perhaps occurred from time to time in New South Wales.

They are two major areas of concern and I believe that the potential for benefit to some individuals in this State is totally unacceptable. When we get to the point where a Minister's own accountant is involved in a company—

The Hon. Carolyn Pickles interjecting:

The Hon. M.J. ELLIOTT: I think that an inquiry would answer some of these questions. We have an interesting situation of coincidence, and this may need to be investigated. It is a very interesting coincidence where we have a company for which the Minister's partner is acting as a lobbyist and on-sells a development proposal to a company that has as one of its directors the Minister's own accountant—who happens to live in Perth. It is a bit of a coincidence that that just happened. That may be all it is; I have not drawn any other inference. However, indeed, it is a remarkable coincidence.

I think that it is only right and proper that the matters be looked at and that it be determined that it was no more than a coincidence. I indicated that I wished to table some documents which indicated that all I said yesterday came from matters that are on the public record; none of it was conjecture. I seek leave to table extracts from company searches which indicate organisations, their business addresses, their directors, shareholders and so on. Those are the major matters. I did not bring one document with me in relation to a land search, but I will bring that into the Council the next opportunity that I get in this debate.

Leave granted.

The Hon. M.J. ELLIOTT: The other thing I wanted to do today was indicate other matters which I believe an inquiry needs to look at. The inquiry as promoted by the Opposition and by the Hon. Mr Gilfillan by way of questions last week related particularly to matters affecting gaming machines and, quite clearly, if the air is to be totally cleared, a number of other matters need to be looked at as well. I will indicate those areas in general terms today, and we will be looking for amendments next week if we eventually find ourselves going to a vote on this matter. Those areas, which are possible additional terms of reference, are as follows:

1. To determine details of all individuals and companies involved in projects instigated, supported or supervised by Tourism South Australia since the Minister of Tourism had her appointment in that position;
2. To assess the relationships, either personal or professional, between those individuals and companies with the Minister of Tourism;
3. To determine whether Ms Wiese or Mr Stitt derived any benefit from decisions made in relation to the abovementioned projects;
4. To determine what benefit the associates have made or stand to make by such decisions;
5. To examine the role played by Tourism South Australia in relation to the abovementioned projects;
6. To examine whether Cabinet was informed of conflicts of interest of the Minister.

I feel that unless those questions are addressed and answered, rumours that have been circulating the State for two years, as the Minister would be aware, will continue to circulate. I believe that, having answered the questions, the inquiry will leave us in a position to know what should happen next. The Hon. Mr Gilfillan and I were not willing to support an urgency motion last week. We did not feel that the matter was so important that the Parliament had to drop everything it was doing or that an inquiry had to be set up at that moment. We were quite relaxed that the Government should take stock of the information before it and set up a proper inquiry. At this stage we are quite happy to follow that pathway. I find it highly undesirable to be forced into a position where the Government tries to tough it out and we establish a select committee. It would be a totally undesirable outcome to have a select committee of this Parliament looking into these sorts of matters, and it is something that I would hope and expect will not come to pass.

The other matter to which I should refer and which has been lost in all this is the question of the poker machines legislation. It is unfortunate that that debate has been caught up in this, because I would argue that it is a separate matter. The legislation itself should be able to stand or fall on its own merits. The Democrats frankly believe it has no merit and we will oppose it vigorously. However, the legislation itself should not be used as a political tool. It is unfortunate that the legislation has been caught up in all this. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

GREYHOUND RACING CONTROL BOARD

Order of the Day, Private Business, No. 3: Hon. M.S. Feleppa to move:

That the Greyhound Racing Control Board rules under the Racing Act 1976, made on 28 November 1991 and laid on the table of this Council on 11 February 1992, be disallowed.

The Hon. M.S. FELEPPA: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

Order of the Day, Private Business, No. 4: Hon. Diana Laidlaw to move:

That the Greyhound Racing Control Board rules under the Racing Act 1976, made on 28 November 1991 and laid on the table of this Council on 11 February 1992, be disallowed.

The Hon. DIANA LAIDLAW: I move:

That this Order of the Day be discharged.

Order of the Day discharged.

TOURIST ACCOMMODATION

The Hon. M.J. ELLIOTT: I move:

That the regulations under the Planning Act 1982 concerning tourist accommodation, made on 5 December 1991 and laid on the table of this Council on 11 February 1992, be disallowed.

My motion relates to changes to regulation 38 of the Planning Act. This regulation contains an exemption from the need to notify the community via newspapers of development applications. Through the regulation change, tourist accommodation and tourist accommodation zones are being added to this category. I am informed that the regulation will not apply where the development is prohibited under the principles of a particular tourist accommodation zone or where part of the development is prohibited; for example, where petrol stations are to be part of an application, the whole application will have to be advertised.

However, when a development proposal falls within the SDP of a tourism accommodation zone, there will be no avenue for public comment on the specifics of that proposal. Denying public comments also cuts off appeals to the Planning Appeals Tribunal against development approvals. The

rationale behind the regulation change is that when the areas are rezoned the SDP goes through a public process where the principles are debated. Once the SDP is approved by the Minister, developments which comply with the principles should be approved and proceed.

Tourism accommodation zones are a growth area, with councils being encouraged to establish them in a bid to prevent tourism development occurring haphazardly without any real direction or controlling parameters. Some 23 tourism accommodation zones already exist, each tailored to the particular area and the tourism accommodation considered appropriate for that area. It must be remembered that when these were set up individual applications still required notification, and the public had an opportunity to participate in the approval process. It could be argued that because the public could still participate in the approval of applications the SDPs were not subject to the same scrutiny to which they would be subjected if the notification requirement was not in place.

I have many objections to tourism accommodation zones being exempt from public notification. Community interest in the hypothetical is not as great as in the absolute when it comes to development. The SDPs will necessarily be vague and open to interpretation as to what will or will not be allowed, and that is quite clear by experience. An SDP can only set the possible parameters for a hypothetical development. The wider community may not take an interest in the tourism potential of the area until a concrete application is before a council.

Similarly, although the tourism potential of the area may be accepted, opinions on how that should or should not be exploited may vary over specifics not contemplated when the SDP was considered. An example of this is Jubilee Point, where the visible community opposition to the project really came about when the project became something concrete, something of which the community could actually see the shape and form and could therefore judge its impact.

SDPs go through a community consultation process; that is, submissions are sought from the public. Many people have little faith in the integrity of such processes in South Australia where the proponents of groups with a vested interest in a proposal review and interpret the submissions. There is never any dialogue or forum in which concerns can be raised and discussed. Public consultation processes are one way in which the relevant planning authority and the developer can be informed of possible problems and requirements that they may have overlooked.

The site of the proposed Tandanya resort at Kangaroo Island has recently been rezoned from a native vegetation conservation zone to a tourism accommodation zone. Many submissions were made expressing concern about the scale and type of resort proposed. In this case, it was a specific resort in which we now know the tourism Minister's accountant had a direct financial interest. These submissions were largely ignored and downplayed in the final report.

The potential for political or bureaucratic perversion of the process is great. The potential magnitude of impact that tourism can have on communities and the environment cannot be denied. It can change the whole character of a community and have a long lasting imprint on the natural features and ecology of an area, even where it has been planned with the best of intentions. Tourism accommodation zones, by definition, will tend to be in areas of high value to the community, both economically and environmentally, and are likely to be driven by entrepreneurs who are ready to exploit these attributes. They are often in areas of natural beauty, which can be environmentally sensitive and where there may not be any great population to comment on the establishment of a zone, although the area may be of great significance to the wider population of the State, which may become aware of it only when an actual development application has been lodged.

The argument about the impact on the community and the environment will go beyond the immediate surrounds of the proposed zone. We are also in a dangerous situation in South Australia, where the Government obviously supports and actively promotes development proposals and leans on councils for zoning changes to accommodate them. Tandanya is a recent example of this. This could and does happen behind closed doors. Many groups in the community no longer trust Government motives because the system can be and indeed is abused. It is pathetic for the Government to argue that notification holds up development. Six weeks is the usual time for submissions, and with nothing to hide the developer and the Government have nothing to fear in waiting that time and allowing what they are proposing to be scrutinised by the public.

I am supported in my opposition by a number of groups, particularly the Conservation Council, which is worried that the removal of the mechanism removes proper public involvement in planning decisions. I seek the support of the Council in opposing the regulation.

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

ACTS INTERPRETATION (COMMENCEMENT) AMENDMENT BILL

Second reading.

The Hon. M.J. ELLIOTT: I move:

That this Bill be now read a second time.

This is a fairly short Bill; indeed, it is very brief. The Parliament will be aware that there are a number of occasions, albeit limited, on which Bills are passed by both Houses of this Parliament. They receive the royal assent but then, for various reasons, they are not brought into operation by the Government for many months or years after they have received that assent. In fact, some Acts never come into operation but remain on the statute books forever, unproclaimed. These Bills have received the approbation of both Houses of Parliament; they have been signed by the Governor in Executive Council and, therefore, it could be said that they have the endorsement of the people of the State. Unfortunately, they are not always brought into operation.

This Bill requires that, where an Act is not brought into operation within 12 months from the day on which it receives that royal assent. It comes into operation 12 months from the date it receives royal assent. It is my view that, if there are any reasons why an Act should not come into operation, it is incumbent on the Government of the day to return to Parliament to give those reasons and to amend or repeal the Act and not simply allow it to lie on the statute books without being proclaimed to come into effect.

This is something that has the potential to bring the law into disrepute, because people are aware that these Acts have been passed by the Parliament but are then ignored on occasions by the Executive. I believe it is then important that the Executive should respect the processes of this Parliament, the people's Parliament, and should treat the enactment accordingly.

The Bill requires that legislation must be brought into effect within two years at least on a day within that period,

otherwise it occurs automatically. This is a brief Bill which makes a small but significant contribution to the statutes of the State and I commend it to the Council.

The Hon. J.C. BURDETT: Mr President, I support the second reading of this Bill. I have a contingent notice of motion on file that, if the Bill is read a second time, I will move that Standing Order No. 288 be suspended to enable this Bill to be referred to the Legislative Review Committee.

I support the Bill to the second reading stage for the reason that this is the stage of principle, of course, and I believe in the principle which is trying to be achieved. It has been a problem about which I have spoken in this Chamber before and I have asked numerous questions about it. It has been a problem that Bills are solemnly passed by this Council and are then not proclaimed, sometimes for years, and sometimes virtually for ever.

One example particularly in point I think is the Firearms Act Amendment Bill before the House of Assembly at the present time, which is to come into operation on the date when the Firearms Act Amendment Bill 1988 is proclaimed. So, that has not been proclaimed for four years and that is carried forward in the Bill currently before the House of Assembly. That really is disgraceful.

The reason why I particularly object to this practice of passing Bills and not proclaiming them is because it puts too much power in the hands of the Executive Government. I have said this before and will probably say it many times again—we have the tradition of the separation of powers between the Legislature which makes the law, the Executive Government which carries them out, and the Judiciary which adjudicates in particular cases. However, if the Legislature passes the law and the Executive Government then does not proclaim it, it means that it is assuming a legislative role because, when we pass a Bill here and it becomes an Act, it only comes into force if the Government sees fit to bring it into force. Otherwise, it does not happen. We can make laws here and we can pass Bills; they become Acts, but they do not come into force.

It is most undesirable I think from the point of view of probably not so much the Government or the Ministers, but more likely departments. They support the passing of a Bill, they initiate its being brought before the Parliament but they leave it aside unless and until they think it is fit to be brought into force. That is quite contrary to the notion of the separation of powers. It really means that whether it becomes a law or not depends on the Executive Government, in the broad sense, but I lay the blame not so much in the hands of the Government, the Cabinet or the Ministers, but, more so, in the hands of the departments. Therefore, I support the principle of this Bill.

When it was introduced by the member for Elizabeth in another place, it was for 12 months, as the Hon. Mr Elliott has said, and it was amended by the Government in the other place to be for two years. I think that partly draws the teeth from the Bill in the first place. Admittedly, two years would still avoid the gross improprieties in regard to the Firearms Act and other Acts in respect of which I have asked questions for some time, but I think making it two years instead of the one year (which the member for Elizabeth first moved) draws the teeth in many respects. The reason why I propose to move the contingent motion is that I believe there are other alternatives. The contingent motion is to refer it to the Legislative Review Committee and this matter of proclamation is very much within the purview of the Legislative Review Committee—very much in the hands of that committee—and properly referred to it.

We are in a transitional period at the moment. I am quite sure that, if the Parliamentary Committees Bill had been in force before, this Bill and several others which are before Parliament at the present time would have been referred to that committee. We are in the transitional period and the Bill has not been automatically referred to that committee, but it is very much within the purview of that committee. The reason why I believe that it ought to be referred to the committee is because, while I think that this Bill is attacking the problem—and it is a problem—it is not the only alternative; it is not the only way of dealing with the problem.

Another way that the problem could be dealt with would be that, instead of providing that if the Bill was not proclaimed within 12 months or two years, as the case may be, it come into operation forthwith to provide that, if it is not proclaimed within 12 months or two years, it should expire. That would be the finish, the end of it. That would create an even greater incentive to the Government to bring the Bill into operation in accordance with the tenor of the Bill as it was introduced by the Parliament and passed by the Parliament. I think that is what we are looking at. We are looking at incentives for the Government to do what Parliament said. When a Bill is passed by Parliament, it becomes law. It is an Act, it is assented to by the Governor in the name of Her Majesty and it just does not come into force. So there is this alternative: instead of providing that it come into force forthwith, to provide that it expire so that the Government has to think about it again.

One of the reasons we are often told why Acts are not proclaimed is because that there is a need to get regulations in place; there is a need to do various other things to enable the Act to work. In terms of the Bill, the Act at the end of two years would come into force automatically and regulations may not be in place—other things may not be done. It could be argued that it would be better if the Act expired at the end of one year or two years, or whatever the period is, so that if the necessary mechanisms were not in place, then the Government or whoever had introduced the Bill, would have to start again and get those matters in place in time when the Bill was proclaimed.

However, I do commend the member for Elizabeth for introducing this Bill in the other place and the Hon. Mr Elliott for taking it in this Council, because it certainly does address one of the several problems with the subordinate legislation procedure, which I have been concerned about for some time, but I would like it to be referred to the Legislative Review Committee, because I think there are other alternatives and other ways of achieving the same thing or achieving the intent of the Bill and striking at the evil which is sought to be remedied. I believe that it would be very appropriate for the Legislative Review Committee to consider the Bill and for it to be referred to that committee. However, I certainly have pleasure in supporting the second reading.

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

STATUTES AMENDMENT (ILLEGAL USE OF MOTOR VEHICLES) BILL

Second reading.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

This Bill originated as a private member's Bill introduced in another place on 20 November by the member for Hay-

ward (Mr Brindal). I congratulate him on his diligence in addressing this issue of the illegal use of motor vehicles. It is an issue of mounting community concern, with increasing costs to individuals who are the victims, and to the community as a whole through increased insurance premiums, and often police resources and health and hospital-related costs. I also congratulate the member for Hayward on securing the passage of this Bill through the other place. There are not many occasions that I can recall in this place where private members' Bills are debated in this Chamber when they have emanated from the other place, so I do commend the honourable member in that regard.

The Bill amends the Criminal Law Consolidation Act 1955 and the Road Traffic Act 1961. It addresses the discrepancies between the penalties that apply currently to the illegal use of motor vehicles and those applicable to other classes of offences under the Criminal Law Consolidation Act, and I would like to highlight some of these discrepancies for the benefit of members.

For instance, one can read in our statutes that any person who maliciously or unlawfully sets fire to any hedge or fences or any stack of corn, grain, pulse, hay, straw, stubble or any cultivated vegetable produce, or to any furs, gorse, heath, fern, coals, charcoal, wood or bark shall be guilty of a felony and may be imprisoned for life. We further read that anybody who attempts to unlawfully and maliciously kill, maim, poison or injure cattle shall be liable to a term of imprisonment not exceeding three years and that any person who kills, maims, wounds or disfigures any dog, bird, pest or animal, not being cattle, but being either the subject of larceny at common law, or being kept ordinarily in a state of confinement or for any domestic purpose, shall be guilty of an offence and liable to be imprisoned for a term not exceeding six months. It is not the only instance, I suspect, where there are major discrepancies in our law but, when one considers that for most people the purchase of a motor car may be their major investment in life, it is an issue of—

The Hon. Anne Levy interjecting:

The ACTING PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Not everyone can afford a house. The Minister is being pedantic: perhaps I should correct that and say, then, that for most people it would be the second major purchase in their life. For many, though, it is the major purchase. Not all will be fortunate to be able to afford a house, but I hope that most of them will enjoy the opportunity to purchase a car, for the freedom and independence that the vehicle offers people in today's society. It would be an absolutely devastating experience for a car to be stolen, particularly from one's home, but from anywhere where one may park that vehicle. This Bill certainly seeks to highlight the community's concern about the rising incidence of car theft in our community and it seeks, by very clear statement from this Parliament, to place on notice those who use a motor vehicle without consent, that the majority of South Australians have had enough and will no longer tolerate this rising incidence of car theft in our community.

As an indication of this frustration of the community in this matter, it is interesting that within just a year, or 18 months at the most, the expression 'car theft' is now common whereas it used to be called 'joy riding'. It is no longer tolerable for this crime to be called joy riding. That change in the value systems and the community's perception on this issue is most important. The Bill proposes a number of steps to address the issue of illegal or fraudulent use of a motor vehicle, as follows:

1. That section 44 of the Road Traffic Act addressing the use of a motor vehicle without consent be repealed and reference be incorporated in the Criminal Law Consolidation Act.

2. That the penalties be doubled, with the penalties for a first offence increasing from imprisonment of not more than 12 months to a division 5 imprisonment, that is, a maximum of two years. For a subsequent offence the Bill proposes increasing the current penalty for imprisonment from not less than three months or more than two years to not less than a division 7 imprisonment of six months and not more than a division 4 imprisonment, which is four years.

3. That the courts, in addition to imposing increased penalties, may also order the defendant to pay to the owner compensation for loss or damage suffered by the owner of the vehicle.

However, the Bill also addresses a number of other important issues and the disqualification of a licence is one such issue. In clause 3 it is proposed that section 86a(2) will impose a severe penalty upon a person guilty of an offence against this section by requiring the court to order that the person be disqualified from holding or obtaining a driver's licence for a period of 12 months. I note that this provision was moved by the member for Hartley in the other place and accepted, with some debate but without division. As I noted, it is a very severe penalty that does reflect the prevailing community wish that this Parliament increase penalties, in this instance by way of an addition of a specified period of disqualification of a licence, that is, a fixed period of 12 months. It is not less than nor more than 12 months. It will bring about consistency in the courts, in that anyone who embarks on an illegal use offence, apart from the penalties that are already prescribed by way of fines or imprisonment, in addition, faces a fixed period of disqualification for 12 months, which means consistency and certainty.

There is a further provision that specifies that where the Children's Court finds a charge of an offence against the section—that is, section 86a—is proved against a child, the court must order that the child be disqualified from holding or obtaining a driver's licence for a period of 12 months. Further, a licence disqualification period is fixed and cannot be reduced, mitigated or substituted by any other penalty or sentence. Those latter two provisions are very important in addressing the issue of car theft amongst juveniles. There are many kids who stop stealing cars when they realise that they are at an age where if they pursue such activities and are caught they will be brought before an adult court. Youth workers throughout our community can verify that fact. Youth workers will also confirm that in relation to graffiti and a range of other offences. When the children know that they will be treated more harshly in an adult court when they reach adulthood their previous activities stop.

It is a very sad reflection on our juvenile justice system that kids are not encouraged to stop those activities at a much earlier age. It would be of benefit to them and to the community as a whole if that were the case. I am very pleased to see that the Juvenile Justice Select Committee is looking at this very matter of reform of the juvenile justice system in this State.

One of the matters that was initially in the Bill introduced by the member for Hayward was a proposal that, in respect of young offenders, a second, third and subsequent offence would be dealt with in the adult court. In the final analysis, that clause was not moved; it was withdrawn. That was a

wise decision and the Select Committee on Juvenile Justice will be looking at that matter further as part of its overall consideration of the system.

The Liberal Party believes—as do members of the other place—that the proposed initiatives in the Bill ensure that future penalties for car theft are consonant with the damage inflicted on individual owners and our community at large. I believe that the majority of members of this place will have little difficulty embracing the provisions of this Bill. We certainly canvassed and passed most of these measures in this place last week. That Bill was entitled Road Traffic (Illegal Use of Motor Vehicles) Amendment Bill and was effected last week by the Government. At that time the Liberal Party indicated that it would be far better if the initiatives in the Government's Bill were addressed in the Statues Amendment Bill, giving rise to amendments to the Criminal Law Consolidation Act. That belief is reinforced in this Bill.

I hope that this Bill will receive the support of the majority of members in this place, acknowledging that it has certainly received, without division, the support of the majority of members in the other place. I seek leave to have inserted in *Hansard*, without my reading it, the explanation of the provisions of this Bill.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

Clause 2 is an interpretation provision.

Clauses 3 and 4 amend the Criminal Law Consolidation Act 1935, by inserting new sections 86A and 86B and amending section 87.

New section 86a deals with the illegal use of motor vehicles. Subsection 1 makes it an offence for a person to drive, use or interfere, on a road or elsewhere with a motor vehicle without first obtaining the consent of the owner of the vehicle. The maximum penalty for a first offence is division 5 imprisonment (2 years). The maximum penalty for a subsequent offence is not less than division 7 imprisonment (6 months) and not more than division 4 imprisonment (4 years).

Subsection (2) imposes a severe penalty upon a person guilty of an offence against this section by requiring the court to order the person be disqualified from holding or obtaining a drivers licence for a period of 12 months.

Subsection (3) specifies that where the Children's Court finds a charge of an offence against the section proved against a child, the court must order that the child be disqualified from holding or obtaining a drivers licence for a period of 12 months.

Subsection (4) stipulates that the licence disqualification period is fixed and cannot be reduced, mitigated or substituted by any other penalty or sentence.

Subsection (5) empowers the court in addition to imposing a penalty, to order the defendant to pay to the owner of the motor vehicle driven, used or interfered with in contravention of the section, such sum as the court thinks proper by way of compensation for loss or damage suffered by the owner.

Subsection (6) provides that subsections (1) and (2) do not apply to any person acting in the exercise of any power conferred, or the discharge of any duty imposed, under the Road Traffic Act 1961 or any other Act.

Subsection (7) provides that the terms 'drive', 'motor vehicle', 'road' and 'owner' have the same meaning as in the Road Traffic Act 1961.

Proposed section 86b makes it an offence for a person to enter onto land or premises with intent to commit an offence against section 86a. The maximum penalty is division 3 imprisonment (seven years).

Clause 4 amends section 87 by substituting a new subsection (2). Subsection (2) presently provides that an offence against Part IV of the Act may be disposed of summarily if the offence does not involve damage to property exceeding $800. Proposed new subsection (2) makes the same provision and also provides that an offence against section 86a may be disposed of summarily if the value of the motor vehicle involved in the offence does not exceed $2 000.

Clauses 5 and 6 amend the Road Traffic Act 1961.

Clause 5 amends the heading to sections 44 and 44a of the principal Act. This is consequential on the repeal of section 44.

Clause 6 repeals section 44 of the principal Act.

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

STATUTES REPEAL (EGG INDUSTRY) BILL

The House of Assembly intimated that it had disagreed to the Legislative Council's amendments.

Consideration in Committee.

The Hon. BARBARA WIESE: I move:

That the Council do not insist on its amendments.

The Hon. J.C. IRWIN: The Liberal Party insists on the amendments that were passed in the Council last week. I do not intend to go over the arguments, except to say that we believe that this matter needs further attention.

The Hon. PETER DUNN: I support my colleague's insistence that the amendments be accepted. They are important and this matter needs further discussion. A conference would achieve that aim and I can see only benefit coming to the industry if the Council insists on its amendments at this stage.

Motion negatived.

MFP DEVELOPMENT BILL

Adjourned debate on second reading.

(Continued from 31 March. Page 3691.)

The Hon. K.T. GRIFFIN: I will address some of the legal aspects of this Bill. My colleague the Hon. Robert Lucas has dealt with the background and the environmental issues. I am sure other members will do the same, particularly in relation to the draft EIS report. However, as I said, I will address the legal issues and the issues relating to the structure of the legislation and the MFP Development Corporation. It is quite obvious that this whole project is something that ought to be supported, but only if it is not a drain on taxpayers and public revenue.

It has been classified in the Japanese context as a dream and at this stage I think everyone who has been involved in it would agree that that was the appropriate description. That is not to say that it should not be supported and brought to fruition if it can be done within an appropriate structure and without costing the community at large a substantial amount of money as a Government backed venture. As a dream, we want to ensure that it has the appropriate support structure and does not become a nightmare for future South Australians.

The Premier made some statements about this Bill before it was introduced and then subsequently when it was indicated that there would be some delay in working its way through the Parliament, he was making all sorts of dire threats about the consequences for South Australia and the Liberal Party if there was that delay. He also made some rather dire threats about those in the Parliament who do not support the legislation and the consequences for South Australia if that was the result. A lot of that was window dressing—huffing and puffing in the context of the political environment where the Premier needed to have something that could demonstrate that he had some sort of plan for South Australia, rather than just the dream.

The MFP, of course, provided that focus. It provided the focus even though it was largely incapable of clear definition, and a lot of confusion surrounded what it was really intended to be. For some, the focus is on the MFP at the Gillman site; for others, the MFP is a series of developments around South Australia, not focused on a core site at Gill-

man but in decentralised locations outside and also within metropolitan Adelaide. There is still a great deal of doubt about what the MFP ultimately will be and the extent to which it will gain support from the private sector in South Australia, nationally and internationally. So, in that context, it is important to examine what this Bill really does, how it changes the powers of the promoters and whether in passing the Bill will enable the promoters (that is, the Government) to do anything which it cannot presently do.

What the Bill seeks to do is to create a statutory corporation called the MFP Development Corporation to merge with the Technology Development Corporation and its assets and liabilities. Of course, merging it with the Technology Development Corporation does provide the MFP with a pretty good start, considering the sorts of developments which have occurred to the north of Adelaide at Technology Park and which are planned for Science Park in the southern area of Adelaide. Those two parks are designed to focus on the development and exploitation of high technology and scientific development. So, they provide a very good start to an MFP Development Corporation but, in saying that, I should also refer to the fact that under the Technology Development Act the very large number of objectives and functions of the MFP Development Corporation are reflected in that legislation. So, it is not so much a new statutory corporation as a developing statutory corporation, building on the work of the Technology Development Corporation. The MFP Development Corporation becomes a statutory corporation, assuming all the assets and liabilities of the Technology Development Corporation, the assets particularly being Science Park and Technology Park.

The Bill seeks to establish an MFP core site, most of which is unalienated Crown land in the area of Gillman but with a portion in respect of which the Adelaide City Council has established rights. The Bill also seeks to allow the creation of additional development areas by proclamation, and those development areas will be established only if they are land of the corporation, whether that land is purchased or compulsorily acquired or land not granted in fee simple by the Crown. The vesting of the Gillman site is I suppose a shorthand way of getting the title from the Crown into the corporation. It can be done effectively either by this automatic vesting procedure, about which I note the Hon. Mr Gilfillan is concerned, or by transfer, which is a little more cumbersome but nevertheless can still achieve the same objective. Land which is not land of the corporation or land which is not alienated from the Crown may be brought within the development area, but no other land may be brought within that development area by proclamation.

I suppose at this stage one has to question the haste for the establishment of the MFP Development Corporation. Of course, a Government working group is doing some of the planning and promoting of the concept, meeting with international and national individuals and groups, and all this is directed towards planning the MFP. Of course, it does not need the establishment of a statutory corporation for that to be done; it can just as effectively be done by the working group with the authority of the Crown as the development corporation. The only advantage of the development corporation as a separate statutory body is to provide a more specific focus to the MFP concept, but one of the issues that was debated publicly was the suggestion that this whole proposition ought to be deferred until the environmental impact assessment procedures have been completed.

That was met with a response from Mr Guerin, the Chief Executive Officer of the project, who said that that would throw out all the planning program and prejudice the development of the site. I think there was a front page *Advertiser* photograph which showed him at the Gillman site indicating that within a matter of a month or two they intended to plant some trees. The immediate reaction to that was that, probably because of the high salinity, the trees would not grow or more precisely in the legal context that it was not the sort of development that could be undertaken, anyway, before the EIS procedures were completed and without the establishment of a statutory corporation.

If the Government wants this statutory corporation structure to satisfy itself that it has a separate entity which it can promote, it is not for me to stand in the way of that proposition. The only danger that I would suggest is that if the development corporation is established and it is an instrumentality of the Crown, its tendency is more likely to be to rely upon Government support than to win private sector support and involvement in the project, although that is recognised as being necessary in the longer term.

If we have an MFP Development Corporation, it must be properly structured. Ultimately, as I have already indicated, it is my view that it must be privately supported and maintained and not be a bottomless pit for taxpayers' funds propping up the venture or expending large sums of money on providing not only roads and other necessary infrastructure—and even that is questionable as an expense to Government—but also other things such as buildings, which may be necessary to attract private enterprise at a concessional price. In other words, it must not be a sinkhole for taxpayers' money.

If there is to be a corporation, its members or directors must be accountable not just to Government but to the Parliament and the people. The corporation itself must be accountable to the executive arm of Government, to the Parliament and to the people and, ultimately, because this is a Government corporation, the Government must be accountable. It was pleasing to note that in the House of Assembly the Liberal Party was able to gain sufficient support to have written into the Bill a number of provisions relating to accountability, particularly through annual reviews by the Economic and Finance Committee, reviews which we believe should be six monthly rather than 12 monthly, and a proper public reporting process about the loans, the guarantees made by the Treasurer and other transactions in which the corporation is involved.

The financial provisions that have been enacted in the House of Assembly go part way towards ensuring that there should be Government and parliamentary scrutiny of the financial affairs and the longer term as well as immediate and short-term projects of the development corporation.

The corporation is subject to a direction by the Minister responsible for the administration of the Act. It is clear from that, I would suggest, that the corporation is an arm of Government and is quite clearly dependent on Government for its funding. Its powers are set out in clause 9 of the Bill. One area which has caused the Liberal Party concern is the power to divide and develop land and carry out works. Although some members of Parliament are convinced that this can be done only by the private sector—and the Government intends that this should be done—the fact is that the corporation may undertake its own division and development work rather than put this work out to the private sector. That is of concern and, quite obviously, we will seek to ensure that the corporation has a coordinating role only and not a development role for property which it holds.

The power of compulsory acquisition does not sit too well, I would suggest, with this corporation. I have been a

constant critic of the ready access being given by Government to the powers of compulsory acquisition. I am not saying that Governments should not have those powers, because there are occasions, such as road building, railways, tramways, perhaps hospitals and schools, where the power of compulsory acquisition may be necessary to ensure that land is available for Government to be able to provide a particular service to the community. However, of real concern is the power to compulsorily acquire where that power is used by a statutory corporation for the purposes of the corporation not necessarily related to the provision of a service by Government. To suggest that this corporation ought to have a wide power of compulsorily acquiring land is in my view to provide a power that is far beyond the power which such a corporation should have.

I do not believe, for example, that the Urban Land Trust should have power to compulsorily acquire—and I made that point in the debate on an amending Bill relating to that trust which was considered by the Parliament earlier in the session. I see no reason why a statutory corporation, even with the consent of the Minister, should be able to acquire any property anywhere in South Australia for the purpose of setting up a development area for the MFP, selling that land off to provide sector bodies or even to develop it and then sell or rent it in a way that is not related to the provision of a public service.

So, I have very strong opposition to the clause of the Bill relating to compulsory acquisition of land. In that context, one should say that it is inappropriate for the special provision which has been included in the compulsory acquisition clause to provide a special arrangement in relation to the value of the land that is compulsorily acquired. If there is to be a proposition for compulsory acquisition, it ought to be dealt with under the Land Acquisition Act, unaffected by any variations proposed by this legislation.

The corporation has the power to delegate, and I note that any delegation is now to be referred to in the annual report. That was proposed by the Liberal Party in the House of Assembly. Also to be contained in the annual report is information about any directions given to the corporation by the Minister responsible for the administration of the Act.

I think that, more and more, where annual reports are to be provided to the Parliament, actions such as directions to a corporation, delegations and other acts by the Government which might impinge upon the activities of a corporation should be referred to specifically in the annual report.

This provision is similar to the provision that we were able to include in the Bill relating to the Director of Public Prosecutions, so that there is information on the public record about the way in which a corporation or officer has exercised powers.

The immunity of members of the corporation has always been of concern and is becoming more of a concern throughout the community, particularly with statutory corporations like the State Bank and SGIC losing large amounts of money, yet the members of the board are largely unaccountable for any of the losses which occur. It is even more pronounced than SGIC, for example, in the State Bank, where the losses, as everyone knows, are up to $2.2 billion. It is evident, also, in statutory corporations in other States.

I note what was said in the House of Assembly that the Government is working on some comprehensive legislation to address the issue of liability of members of a statutory corporation. However, we cannot let this Bill pass without ensuring that the directors or members of the corporation are liable for the way in which they operate, and that was the reason why some special provisions were included in clause 19 of the Bill in the House of Assembly.

I would not say that these are exhaustive, but at least they recognise the need for directors to act honestly, to exercise a reasonable degree of care and diligence, and not to acquire benefit as a result of his or her position. So, those matters referred to in clause 19 are supported.

In clause 20 there is a requirement to disclose an interest. I would like the Minister, at the stage of the reply, or at least in the Committee stage, to address what is intended by clause 20. I notice that in several pieces of legislation we have had to consider recently there has been a reference to private interest. Under clause 20 a member who has a direct or indirect private interest in a matter decided or under consideration by the corporation must disclose the nature of the interest to the corporation, and must not take part in any deliberations or decisions of the corporation on the matter.

Certainly, that goes further than pecuniary interest, and I have no difficulty with that extension. On the other hand, I think we and members and prospective members of the corporation need to be clear on what is a private interest and whether it relates to any pecuniary or financial aspect, or merely to a personal interest in the matter as a matter of fact. So, that does, I think, need to be clarified, because this is an area where, in the Parliament at the moment in another context, there is a great deal of focus on questions of interest and conflicts, but it will be equally relevant in the ongoing work of this corporation.

As to the borrowing power of the corporation, one of the problems that I think statutory corporations face is that, by being able to rely upon a guarantee by the Treasurer, they have virtually an unlimited source of funds. That guarantee is, of course, with the consent of the Treasurer, so that the Treasurer must consciously turn his or her mind to the question of the guarantee. Of course, the money which is the subject of the guarantee must be borrowed from the Treasurer or with the consent of the Treasurer from any other person.

However, that has a potential for getting out of control, particularly where there is inadequate application of the Treasurer's mind to the purposes of the borrowing, the manner in which it will be managed and the whole area of accountability and responsibility exercised by the corporation.

That is to be read in conjunction with clause 30, which does refer, as I have said earlier, operations and financing of those operations by the corporation to the Economic and Finance Committee of the Parliament. That must be a diligent and regular review by the Economic and Finance Committee. It is, as my colleague the Hon. Robert Lucas has indicated, only part of the whole package of measures which we believe are necessary to ensure proper financial and management accountability. For example, the reference of the budget of the Development Corporation to the annual House of Assembly Estimates Committees seems to me to be an essential part of the structure of ensuring accountability. Until the last year or so, statutory corporations largely have not been the subject of review by the Estimates Committees. I think it does need a specific provision to ensure that that does occur and is not left to the discretion either of the Estimates Committee, the Treasurer, or the corporation for that matter.

The corporation will have substantial land holdings. In the early stages they are largely unalienated Crown land but, if the corporation does acquire land in other parts of Adelaide and the rest of the State, it will be acquiring land which might presently be subject to rating, but which, when

taken over by the corporation, will cease to be liable to rates unless the regulations provide that rates and taxes are payable. With this corporation, which must become competitive and be fully accountable, it is important to make it liable to rates and taxes unless the regulations make a specific exemption, and I see that that is the preferable way of dealing with that issue.

In the Bill that was introduced into the House of Assembly, the regulation-making power was very wide and, certainly on first reading, set up a proposition whereby a regulation could exempt the corporation and its activities from any planning or building legislation. It was suggested to me that that was not a correct interpretation. I think it was open to that interpretation, but I am pleased to see that that has been removed from the Bill as it comes before us. The only aspect of the regulation-making power which is of some concern is the level of the penalty which a regulation may impose for breach of a regulation. It is a division 5 fine. I would have thought that because regulations deal essentially with administrative matters the fine should be no more than something like $1 000, which I recollect is a division 7 fine.

The only other aspect of that is that, as I understand from what was said in the House of Assembly, it is now proposed that all the activities of the MFP Development Corporation will be subject to the normal planning and building laws that apply to other agencies. I think that is an appropriate position for the corporation to be placed in. As to development work, my colleague the Hon. Robert Lucas has indicated that he is proposing an amendment that will prevent any development occurring until environmental impact procedures have been completed. I think that is important in view of the draft EIS, which does make reference to a number of problems at the site. But the Bill as it reaches us is in a better form than it was in the House of Assembly. There are a number of areas in which it can be improved significantly without prejudicing the operations of the corporation, whilst ensuring that it, its activities and the Government are fully accountable to Parliament and ultimately to the people for what is undertaken by that corporation. Therefore, it is in that context that I support the second reading of the Bill.

The Hon. J.C. BURDETT: I, too, support the second reading of the Bill. The concept of a high technology project in South Australia, provided that it has adequate financial support other than from the State taxpayer is unexceptionable. With the State Bank, SGIC, Scrimber, SAFA and others we cannot afford State money for another project. We are close to bankruptcy anyway because of the disastrous policies or lack of policies of the State Government. Whether this Bill passes or is lost will not have much bearing on whether or not the MFP goes ahead. If the Bill is lost, a high-tech project could go ahead anyway, without legislative approval. If the Bill is passed, the project will not go ahead unless and until there are massive injections of capital from the Federal Government and the private sector, including overseas capital. BHP has declared support, but it needs much more than that. The passing of the Bill—if it is passed—will not secure the MFP.

As I said at the outset, I have no objection to endeavouring to attract high-tech industry to South Australia. In fact, I strongly support such a move. At a time like the present when South Australia has the highest youth unemployment rate in the country, any project not involving substantial South Australian taxpayer funds which would boost job opportunities, especially for young people, would be most welcome. However, I have grave doubts whether many South Australians, particularly young South Australians, will in fact gain jobs out of the MFP project. The big question that I raise is: why could a high-tech development, a science park, not be developed under the existing structures? Why does this sort of structure need a Bill?

My big concern is the matter of sovereignty. Is the MFP going to be a State within a State, a country within a country? Will there be one law for those there and another law for the rest of us? I am particularly concerned about specific concessions in the areas of company law, taxation law, planning law, compulsory acquisition, migration law and local government law, for a start. This Bill does establish that some of my worst fears were well founded.

The corporation is not bound by planning law and that is an important aspect of our lives at present. The Bill provides powers of compulsory acquisition not for a school, not for a highway, not for a hospital but for the purposes of the MFP Corporation itself. I object strongly to that. I have said in this place on several occasions, and fairly recently, that I find the concept of compulsory acquisition in any event a difficult one. I do acknowledge, as the Hon. Mr Griffin did, that there are times when for a railway, a highway or the like it does have to happen, but usually in the event it means that people's property or land is taken away when they do not want it to be taken away. There are compensation procedures and in those procedures they are usually disadvantaged and, generally speaking, they do not get even the value of their land, let alone any compensation for the fact that they do not want to be deprived of it. I do object to the concept of compulsory acquisition for the purposes of the MFP.

In a full-page propaganda sheet published in the *Advertiser* of Saturday, 19 September 1990—I presume it was a paid advertisement at taxpayers' expense—we saw 10 so-called facts set out, although most of them were far too ephemeral really to receive the title of being a fact:

Fact 1: MFP-Adelaide to be international.

Well, it will be international if international expertise and money can be attracted and that very much remains to be seen at the present time. It continues:

Fact 2: The urban design. High technology but human scale.

That is fairly vague and not what I would call a fact. Further:

Fact 3: Housing. High quality, many options.

If, as some people have suggested, the MFP project is simply an exercise in flogging off South Australian real estate, that is not really a very worthy aspect of it. The advertisement continues:

Fact 4: The site. Adelaide and environs.
Fact 5: Major activities. Looking to the future.

Again, that is fairly vague. Next:

Fact 6: A focus for the environmental research industry.

Some of my colleagues, especially the Hon. Mr Lucas, have spoken fairly extensively on the lack of environmental research into the site itself, let alone an environmental research industry. The advertisement continues:

Fact 7: Technology interchange. Ensuring Australia will benefit.

I sincerely hope that they will be able to ensure that Australia will benefit but I fear that, if there is much overseas capital, the people investing overseas capital will want to make sure that their country and their enterprise benefits, and that, from their point of view, is fair enough. It continues:

Fact 8: The World University.

We have three perfectly good universities in our State, anyway. If we can effectively go further in that regard, that

is fine, but I feel that the World University is probably a bit of pie in the sky. It continues:

Fact 9: Law and governance. Australian laws apply. The new areas to be settled will be governed by Commonwealth and State law and will operate in accordance with normal local government requirements.

This addresses the problem to which I have referred. That requirement already seems to have been broken in this Bill, because the planning law is changed in the Bill. So, we are already breaking Fact 9. It continues:

It is envisaged that residents of MFP-Adelaide will have the same status before the law as every other member of the Australian community. This will include laws relating to immigration, citizenship, foreign investment and taxation.

I very much doubt that and since this document has been published it has been suggested that, in order to attract overseas capital, there will have to be concessions, a carrot, in regard to taxation law, corporate law, foreign investment and, probably, immigration. I just do not believe that Fact 9 will apply.

Fact 10: The cost—private/public. It is proposed that private investment will finance the greater part of the entire development. Government funding will apply only to the normal infrastructure in the same way as for any urban development.

That is fine if we can get the private development, the private input of capital. In regard to Commonwealth funding, the only funds that have been promised so far are those that have been earmarked for South Australia, anyway. So, we can disregard that from a practical point of view. There is no guarantee whatsoever that private funding will be available. As I said, BHP has committed itself, but there is quite inadequate commitment either within South Australia or overseas for the necessary private funding. If we do not get the private funding, it will not happen—whatever happens to this Bill.

One of the first—if not the first—practical MFPs was at Sophia Antipolis near Nice in France. That development started over 20 years ago. There are over 40 MFPs in France. Sophia Antipolis put out 11 questions about the development and I suspect that the 10 facts sheet was copies from the Sophia Antipolis 11 question sheet. The questions from Sophia Antipolis were very much more practical than those on this sheet, which, as I have said, are in many respects ephemeral and vague; we really do not know what they are all about.

The first question asks what does 'Sophia Antipolis' mean and it gives the language base for the name. It then tells us where Sophia Antipolis is. It asks: what is the legal status of Sophia Antipolis and who takes the decisions? What are its aims and operations? How is it financed? What are the dominant features of the companies and institutions operating there? What is the economic and social standing of the development? What educational institutions are there? Which technologies are represented? And we do not know that in regard to the new MFP at Gillman. What Government help is available? What are the prospects for further expansion of Sophia Antipolis? They are very practical matters, as opposed to the vague, so-called facts published about our MFP.

A little later this year I will visit and speak to the people at Sophia Antipolis. As I have already made clear, although I have reservations about our MFP, I think that knowledge of these matters is worth while. As I said previously, there are over 40 MFPs in France, and I intend to visit the South Paris MFP, which is said to be an MFP without walls; that is, it is scattered around and not in one place. Of course, that is quite reasonable. If one has a project and it is in a fairly small compass, there is no reason why it should necessarily be concentrated in one spot.

I refer again to the question of sovereignty. As I said, Fact 9 on law and governance has already been proved wrong in regard to corporate law and planning, in particular. I do not often find myself aligned with the Left faction of the Labor Party, but on this occasion many members of the Left faction of the Labor Party, particularly federally and especially Mr Peter Duncan, have criticised the MFP concept, partly on environmental grounds—and I believe that other speakers on this side of the House will speak about that—but also on the very issue that I have raised in relation to sovereignty. Mr Peter Duncan, in particular, has said that he is concerned about the concept of a State within a State and having laws in that part of the State different from the rest of the State and the rest of the country. As I said, I do not often find myself in agreement with Mr Peter Duncan, but it is interesting that people from quite different political stances have had a concern about these issues.

As I said, I do not propose to speak about the environmental issues, because I am not familiar with them. They are certainly important and the fact that I am not speaking about them does not mean they are not important. It is because I do not feel that I can contribute very much to the debate, and other speakers will address those issues. Certainly the Council should be most concerned about the environmental issues that are raised.

There is just one point I would like to make about the Gillman site. It has been suggested that it is environmentally unsatisfactory and that it would be very expensive or, perhaps, impossible to overcome its problems. Other people have said that they can overcome the problems. Probably all these kinds of problems can be overcome with the expenditure of enough money; it may need to be a lot of money. I just make the point that, whatever happens to the Gillman site, if we are to have an MFP in South Australia it, or part of it, has to be close to the sea, in practical terms, because MFPs need a colossal amount of water. They are largely involved in the production of computer software and hardware. Those products have to be washed, and massively washed.

The Hon. C.J. Sumner: Not with sea water.

The Hon. J.C. BURDETT: Yes, it can be with sea water. In South Australia it would have to be with sea water, because we do not have very much other water. In France that is not always the case, because there they have water running out of their ears. They have lots and lots of water and if it is fresh water it only runs out to sea anyway and so it does not matter. In South Australia we could not use our valuable commodity of fresh water. Sea water is quite satisfactory and it would have to be close to the sea, as Gillman is. I am not saying anything about Gillman and I am not addressing the environmental issues, but I just raise the possibility that an MFP of the type which has been developed in most other places would have to be close to the sea.

I mention that the *Advertiser* has agreed that this Bill is premature at this stage and is not really helping the issue. I really question whether a Bill is necessary at all. So, I support the second reading. There will be a number of amendments which the Hon. Robert Lucas and the Hon. Trevor Griffin have referred to. Two that are critical as far as I am concerned if I am to support the third reading are the involvement of the Budget Estimates Committee—substantial expenditure, loans and guarantees must be referred to and approved by that committee; and secondly, the matter of environmental impact statements, as the Hon. Trevor Griffin said. So far, there is only a draft. I would not be supporting this Bill at the third reading unless it was provided that work does not commence unless and until the

completed environmental impact statement is in place and unless the work is in accordance with that environmental impact statement. If these two matters in particular are not dealt with to my satisfaction I would be opposing the third reading, and I would also say again that I do find the compulsory acquisition provisions for this purpose most objectionable. Nonetheless, I support the second reading.

The Hon. PETER DUNN: In rising to support the second reading of this Bill I wish to make just a few comments. The first comment that comes to my mind is one that was made by the present Premier when Roxby Downs was being built. He called it a 'mirage in the desert'. I do not want a mirage in the desert, but I have a cold feeling in my bones that that is what might happen. I support the project to the nth degree, but I think the Government has chosen the wrong site. The very day that I heard it was the site I think I was leaving Parafield to fly home. It so happens that I fly across that site every time and it was a particularly high tide with a southerly wind. Goodness gracious me, if one were to live in that area, one would need a gondola to get around; it really will be the Venice of the south if we build the MFP there without putting in a huge amount of money to raise the site. It would have to be raised a metre or more, I suspect.

I have not looked at the detail, but I think that the practicalities of building a city there have many implications. It will be a city, and I hope that if it is built there it is a lovely city of which we can be proud because, if ever a State needs a project to ignite a little enthusiasm, this State needs one, because the management we have had in the past few years has been terrible, to such a degree—it has been so bad—that I think it has put this project in jeopardy. However, it is and will be a mirage in the desert if we do not put some considerable thought into it, about how it will be built, who we will attract to it, what it will produce when it is finished, and, when that is all in the can, what benefit it will be to us, our children and our children's children in the future.

Just let me go through a few of the reasons I believe the site is wrong. Before I do that, let me say that I think that better sites would have been in the country. The physics of this Adelaide plain are such that, with the mountain ranges on the eastern side and the sea on the western site there is not a huge amount of room. If we were in Europe or Asia there would probably be sufficient room because people tend to live much closer together there, but here in Australia we have developed a lifestyle that demands that we have more space.

With respect to the site that has been proposed, I tend to think that the Government or whoever has put up the project has looked at it and said that it needs infill or intensive housing. That is fine for parts of Europe and for Asia, but in Australia, area is of no significance, as there are millions of square miles available. I was reminded of this only yesterday morning when I flew four hours from Cagney Park on the Northern Territory border to be here before lunch. I think I would not have flown over more than 30 people in that entire trip. So, space is not a problem in South Australia; neither is it in Australia. Therefore, I think the project could have gone to an area that would allow a bit more space.

What is the object of the project? It is to provide some high technology and to have a model city that will attract people with high technological skills and high education, and they in turn will benefit the State by producing a product which, we hope, will sell on the world market and raise our standard of living, ultimately. If we think about that, we would know that those people will want more and more land. It has been my observation that people here in the city, having won a few dollars for themselves, regularly go into the Adelaide Hills and elsewhere and buy their patch of dirt, because they do like to have their patch of space and area to play around in. I think that is a very natural reaction.

The Hon. G. Weatherill interjecting:

The Hon. PETER DUNN: They are scientists; they are not cockies. I am a cocky and I am not a scientist; I have a great patch of dirt and I love it very much, and I am sure that, by the same token, the scientists do like a bit of space. We have chosen an area that hems them in. One has only to look at a map or to fly over it, as I do twice a week, to understand the restrictions that are in that patch. My choice would have been Mount Gambier. I think it is an ideal spot, because there is lots of water, and it has nice land and a relatively nice climate and I think we could have put the sporting and recreational facilities in that area that they would have enjoyed. If we want seats of higher learning, we have examples of that. Whyalla has an arm of the University of South Australia attached to it; I do not see why that could not be done in Mount Gambier.

As well as that, it is half way between Melbourne and Adelaide and people would have a choice. With the rapid and economical transport we have today, it is not difficult for people to travel from there to whichever capital they wish and therefore they have the best of both words as far as entertainment goes, a nice climate, plenty of water and good country. They can easily be fed and I think a very nice city could have been built there—a small city, if that was preferred. Certainly, Renmark would have been another choice that would have been adequate, with the lovely areas around Renmark. For that matter, Whyalla could have been another choice. Whyalla probably has the nicest climate in South Australia; it gets an awful press, but it has a very pleasant climate. It gets the sea breeze throughout the summer.

How often have we seen that Whyalla has had the maximum temperature in the State on any one day? I really do not think that that has ever happened. Whyalla is a very pleasant place, and in winter it is quite warm. Furthermore, there are the Flinders Ranges and so on nearby. There is plenty of sea water; other water is piped from the River Murray and that does not seem to be a problem. I think it would be a nice area in which to live.

So, they are the three choices at which I would look in this State. There are plenty of other areas, such as Murray Bridge and Port Lincoln, but I think the Government has made a fundamental mistake in choosing the Gillman site. I understand the Government's thinking. I really believe that at the moment the Labor Party is bunkered; it can think only about the city—there is nothing outside the metropolitan area. That is understandable, because most of its members come from the city.

The Hon. Anne Levy: Haven't you read the Regional Arts Review?

The Hon. PETER DUNN: Yes, I have. Port Lincoln and Ceduna never get the opportunity to see any of the programs about which I suspect the Minister is going to talk. Those programs never get to those areas or if they do it is very rare and they are the very small programs.

The Hon. Anne Levy interjecting:

The Hon. PETER DUNN: I admire what the Minister is trying to do, but she is just not doing it. That is what happened with this MFP project.

The Hon. Anne Levy interjecting:

The Hon. PETER DUNN: The Minister interjects that she is trying to do it, but there is an enormous difference between trying to do it and being successful. That is what has happened with this Party for quite some time.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order!

The Hon. PETER DUNN: If the Minister had a real interest she would succeed. She does not have a real interest; she pays lip service. I return to my argument that the chosen site is in the wrong place. The area is too small. I will not go into detail about that; I will leave it to the Democrats and people more skilled in those areas to argue that there is too much lead or that the development will affect the mangroves or the tide will rise because the temperature of Australia will rise. I would like the temperature to rise because I think it would be of great benefit to Australia. This is the driest continent in the world. If the temperature rises, so will our rainfall, and we will become a more productive country.

The fact is that a sewage plant is situated less than a couple of miles to the north of this chosen, anointed site. Not many members travel to the north of this State. Gepps Cross seems to be about as far as we can go; once we get past Gepps Cross we are out in the desert. However, if members drove regularly past the Bolivar sewage works without a peg on their nose and had a good sniff, they would see exactly what I mean. With light north-westerly or northerly winds, anyone living at Gillman under the present situation without any change to the sewage works—and I am informed that any change in the treatment of sewage would be at an enormous cost, because we would have to change the system to cut down the smell—would not be very pleased about the smell. The smell from the Bolivar works is terrible.

The smell at Parafield, which is about the same distance from the Bolivar works as is Gillman, is enormous. I parked an aeroplane at Parafield, and when I arrived home my son complained about the smell inside the plane.

Members interjecting:

The Hon. PETER DUNN: It was not because I had curried eggs and onions for lunch, it was because the plane was sitting there with the light westerlies blowing across from Bolivar. A terrible odour is emitted from that place. An enormous amount of money has been spent over the past three or four years trying to correct that problem already, but with no success. My colleague the Hon. Terry Roberts, who is in the Chamber at the moment, knows full well that the E&WS has put a lot of effort into trying to correct that problem, but it will not happen. People will not live in a place that stinks. I think it would be very difficult to encourage people to live in a place that is next door to a sewage farm.

The mangroves are fairly well-known—I will not dwell on them—as an area where fish breed, but I suspect, perhaps not as well as some people think. The power plant which emits millions of gallons of very hot water every year, was probably installed without the benefit of an EIS. As I understand it the mangroves are fairly sacred to the area for the breeding of fish. If we can clean up the area affected by the dumping of effluent from the Bolivar works into the Gulf St Vincent, it will again become a fishing ground in which Adelaideans will be proud to fish, and there will be plenty of fish there. At the moment, it is devoid of fish for several reasons upon which there is no point expanding at the moment.

Another problem is the dump. There will be problems in trying to eliminate the effect of the dump and the gases that will probably be produced for 100 years now that it has been covered with dirt. The worst problem I think is that the site consists of very wet sand. The water table is very close to the surface. The tides come in and go out and, by its very nature, this site consists of very wet sand.

The Hon. G. Weatherill: So was West Lakes.

The Hon. PETER DUNN: The honourable member is wrong when he says, 'So was West Lakes.' West Lakes was dug out and filled up so that the water table is nowhere near the level of the sand on the Gillman site. The building of industrial complexes can occur on those areas with the use of raft and pier and beam foundations, but building homes on wet sand is extremely expensive. The soil will have to be built up at Gillman or when it is high tide people's toes will be in the water when they are having their dinner. Raising the area will correct the problem, but the cost will be astronomical. Therefore, the Gillman site is not a good one.

Another thing that we have to remember is that this is an industrial area. I have never known people on high incomes who wanted to live in industrially intense areas, because there are always problems, whether it be with heavy transport, odours or noise. Gillman is surrounded not so much by heavy industry but by medium density and light industry, which will be a problem for the people who want to live there. The site will not attract people. No matter how good the housing, people will not want to live in the middle of an industrial area. I am not talking about industry that will be created by the MFP. That will be a clean, high tech industry, and it will not be obnoxious. In fact, the buildings will probably be most attractive.

The cost of this project seems to vary. How can one make a decision when the cost ranges from, say, $850 million to $2 000 million? I suspect that the lower figure is the one we will be talking about, because I do not think we can afford more than that. I want that money to come into South Australia more than anywhere else, and I support that to the nth degree. We have had from the Federal Government a number of promises that start off at $40 million. It appears to me that that comes out of the Better Cities budget. If it does, that is another con. This project should stand on its own and the Federal Government ought to put some money into it independently and separately as a project that Australia can sell to the world.

BHP has signed on the dotted line. It is a good Australian company; it is a big Australian company and, to its credit, it is giving it a go. I admire its spirit, but I wonder what will happen when it has to assign some money. I have looked at some of its balance sheets recently, and given that Australia is going so poorly and trading so poorly—nobody has very much confidence in Australia—I think it will probably say, 'Look, we just cannot afford to put our share of the money in', and it may want to put in less than it had promised. What are we left with? We are left with the State then financing the project.

One does not have to be a mathematical genius to understand that this State just does not have any money. In fact, I think if all the Federal and State debt is combined, it involves something like $15 000 or $16 000 for each person. By the time that amount is worked out each year, with the interest being paid on it and a little capital being paid off—and I think that in the past 10 years Governments have forgotten how to pay off the capital—it just seems to be growing and growing. They do not seem to understand that, if you borrow money, you have to pay it back some time and some how. In fact, the banks have been saying, 'Don't worry about paying capital off.' I blame them a little. They have been saying to the people like myself, people who want capital to run their operations, 'Don't worry about the cap-

ital; inflation will fix it.' So Governments have been living on inflation, and they have used inflation to keep interest rates where they are so they can attract overseas money, and we have got ourselves into this awful bind where nobody wants to pay off their capital.

However, one day you must pay it off. We are not doing that in South Australia and, when we do, we will have to stop building other projects. I think that is what has happened with the State Bank, and so on, getting us into the bind that we have got ourselves into. I am worried that the Gillman site will be a mirage in the desert—and, in a different sense, it is an awful desert down there. It is not that it is dry or that it is out in the middle of a continent, but it is a desert when it comes to being a productive area.

An honourable member interjecting:

The Hon. PETER DUNN: No, West Lakes is a totally different project. The honourable member interjects and says that West Lakes was a desert, but it never was—West Lakes was just an arm of the Port River that wandered up a little further. They have dug it out and put all the dirt from the bottom up on the sides. That cannot be done with Gillman. One cannot dig a hole at Gillman and stick the dirt somewhere else. The dirt has to be carted in from afar and I do not think that members understand what the cost will be to do that.

Members should look at the cost of roads, which amount to hundreds of thousands of dollars for each mile with a one metre rise—and that is 20 feet. Gillman involves a couple thousand of acres. The cost is off the moon. I think that, because of those costs, it will be a mirage in the desert. That disappoints me, because I want it. I think the project is a good one. It is a good idea and it ought to come here, particularly to South Australia. We need it more than any other State because we are in more trouble than any other State. I will support it to the nth degree, but the wrong spot has been chosen.

The Premier seems to go to the wall about this. Every time it is mentioned, he rears up on his hindlegs and spits. He ought to be man enough to have a look somewhere else. It might be just south of Adelaide; it might be north of Adelaide; it might be at Mount Gambier, Renmark, Whyalla or wherever—it could be at any one of those places.

An honourable member: Port Pirie.

The Hon. PETER DUNN: Yes. However, the Premier seems to be bunkered. He is in this bunker and he cannot get out. He cannot see out over the top. Because there is a bit of flak flying around, he will not put his head up. He does not seem to be able to have much vision. He is just looking at the four walls of the bunker. That is rather sad because, as I pointed out, I think it is a good project.

I will support the project and the second reading of the Bill, and I look forward to the amendments. I also look forward to examining some of the methods for the checks and balances that are necessary in such a huge project. I remember the Premier putting up such a terrific fight against Roxby Downs, but he was only too pleased to go up there and open it and put his name on the brass plate. I remind the Premier that he called Roxby Downs a mirage in the desert and, if he does not get this one off the deck and running for South Australia, I am afraid that the Premier will be a mirage in the desert.

The Hon. I. GILFILLAN: I have had an ongoing interest in the proposed MFP development since it was first put forward in early 1990. I appeared before the public hearing of the MFP committee, which took evidence from the public. In fact, the Democrats organised some public meetings, which offered the opportunity for members of the public to discuss the project. I can recall one quite clearly when Sir Mark Oliphant was the principal speaker in which he very astutely observed how naive it was to believe that we would be able to develop and hold world patents exclusively here in Australia—not specifically South Australia but in Australia—because of his awareness of how fluid the international scene is for movement of ideas and technologies and the fact that none of the big players are prepared really to isolate their homeland from the *avante-garde* or the cutting edge of development in areas in which they are interested.

So, from the beginning, I believe that there have been serious misgivings about the concept of the MFP, but, that notwithstanding, in amongst it all I was always convinced that there was potential not just for something worthwhile but for something very worthwhile. I would like to make some observations about that in my second reading contribution and indicate some amendments which I believe would help to create MFP legislation that would have the potential to assist the creation of exciting new developments in South Australia.

The Bannon Government's so-called vision for the MFP was first revealed to the public of South Australia in May 1990 and focused on the development of a twenty-first century technological city where, according to its early publicity, people from around the world would come to 'live, work and play to the ultimate benefit of humanity'. You cannot get much grander than that. I would like to know how 'play' is actually to the ultimate benefit of humanity, but I digress.

Its proponent claimed that it was a bold vision, that it would make South Australia:

> ... the key linkage point for Australia with the Asia-Pacific region ... a partner with other Australian cities in the development of national strengths for the twenty-first century and ... a place where people want to be ... a model for a future and preferred Australia.

MFP Australia was labelled a local, national and international project—a virtual panacea for South Australia's future economic well-being. According to the MFP Management Board report of May 1991, the project was summarised to be 'simultaneously an urban and community development, a centre of research and education and a focus for international business investment in new and emerging technologies'.

From the beginning critics labelled the project a calculated political gamble aimed at propping up a Government increasingly under siege and seemingly bereft of political and economic solutions in the face of a growing national recession which had begun to bite deep into the fabric of South Australia. That is what the critics say. I think there may be some truth in it, but I would not be so small minded as to deprive the Government of some kudos in promoting what was a bright vision on the horizon. It has certainly created a new debate.

In the past two years a good deal of Government energy and taxpayers' money has been spent on marginalising critics of the project, regardless of whether those critics were respected social and community leaders, environmentalists or ordinary members of the public concerned at the Government's often Orwellian approach to the future. As a public relations exercise, the Government and its appointed team of MFP gurus consistently failed to engender public confidence in the project. The early stages of selling the vision to South Australians was often shrouded in jargonistic and hazy catchphrases with little hard fact available.

I remind members of the earlier document with its thematic lines and its fantastic drawings. These really were so far-fetched that it was hard to take it seriously as a basis for something that could come into effect further down the

track. The other embarrassing factor I found was that on close questioning those who were supposedly representing the MFP were often left floundering and flat-footed—they just did not have the answers.

At one stage I asked Rod Keller, when we were on the top floor of the Hyatt at a PR exercise to persuade people what a wonderful exercise the MFP was going to be, what sort of particular horticultural projects were going to be developed. He said that one could be to grow mammoth size strawberries and develop a new world market. I cannot say that I was overwhelmed with that. We were then loaded onto a bus and then, with a non-stop commentary on the microphone, we were driven around West Lakes.

We briefly skirted past the Gillman site but we did not get out of the bus, and the most remarkable aspect of the trip was the hailstorm on the way back. I had never seen hail like it. Apart from that, it was a pretty boring trip around West Lakes.

The Hon. Diana Laidlaw: Were the new strawberries going to be as big as the hailstones—

The Hon. I. GILFILLAN: If they are as big as the hailstones they will certainly achieve international fame.

The Hon. T.G. Roberts: Did you get near Bolivar?

The Hon. I. GILFILLAN: No, we did not get near Bolivar. MFP officials consistently dodged questions about who the international investors for the project were, often claiming commercial-in-confidence reasons. It eventually became apparent that so-called big money interests were more of an illusion than a reality, and the Government has since spent a good deal of time attempting public relations damage control and reselling the vision. A number of studies of the project's core site at Gillman were withheld for several months with the reasons for the withholding of information varying, depending on which MFP official was speaking publicly.

Again, this did little to boost public confidence in the project, and questions and doubts continued when the Government, which had claimed an elaborate public consultation process would largely determine if the MFP should proceed, publicly gave the MFP the green light almost a month before the consultation process had been completed. Each time major aspects of the project were subjected to public scrutiny and found wanting, the proponents fell back on their prepared defensive position that it was a concept and therefore open to change and variation.

And vary it did. Originally, a development based on population projections of 100 000 people, it has been consistently scaled down in the past 18 months to fewer than 40 000. Cost projections have changed dramatically from early predictions of $8 billion to the current position of around $2 billion. But the financial workings of the project have continued to suffer from close scrutiny, especially in relation to the clean-up and site preparation costs for the core site. The draft environmental impact study released in March this year examined only two of the four discrete parcels of land that make up the site and questions remain unanswered about large areas of the total site in relation to clean up and site preparation.

That brings me to the issue of the Gillman core site. The choice of site has proven to be a major stumbling block to Democrat support for the development. The Government has allocated a core site of 2 343 hectares broken into four land parcels; the largest is the Gillman/Dry Creek area of 1 840 hectares, followed by Pelican Point on the northern tip of Lefevre Peninsula of 343 hectares and two smaller areas, Garden Island of 87 hectares and Largs North of 73 hectares.

The Gillman area was originally a large, inter-tidal mangrove swamp, flushing the Port River and providing an essential breeding ground and nursery to much of what was to become a $350 million a year fishing industry based around the Gulf St Vincent. It was also a drainage area for Adelaide's stormwater run off and for much of this century it had been increasingly used as a dumping ground for industrial wastes from surrounding industry.

As such, the natural environment of the area has been seriously undermined and the building of a levee bank along the southern side of the North Arm of the Port River in the 1960s has restricted and killed off large areas of the original mangroves. In 1992 the Gillman area of the Government's core site proposal is a graveyard of industrial waste, while the Dry Creek area plays host to vast salt recovery fields owned by Penrice Industries. The mangroves, which constitute the southernmost area of mangroves in the world, have been relegated to a thin line, only metres wide along the North Arm of the river before broadening out into a much larger area heading north-east through the eastern passage up to St Kilda beach.

The Government believes this site to be ideal for the development of MFP-Australia; the Democrats do not share that view. I believe the success or failure of a project such as this is not dependent on the Gillman site. Rather than creating a large dedicated site which in preparation stages would absorb vast sums of money, I believe the project would be better served by utilising existing services and facilities from established areas around the State. Areas such as Whyalla have large-scale industrial infrastructure already in place.

In July 1991, I travelled to the Upper Spencer Gulf region's three principal cities: Port Pirie, Port Augusta and Whyalla. At the time I was promoting an offer from the Ben Gurion University in Israel for a joint solar research facility to be established in the region in conjunction with the university's Jacob Blaustein Institute for Desert Research. Israel is arguably the world's leader in solar research technology.

Much of that country now receives its power directly from solar powered utilities and it has worked hard at bringing down the cost of solar power to make it more competitive with coal, oil and gas. However, Israel is looking to speed up research and development and sees the Spencer Gulf region in this State as an ideal place to continue parallel research. The Ben Gurion University's Professor David Faiman, who visited South Australia recently, believes that time could be halved if South Australia undertook a joint project with Israel. It is seeking a financial commitment from State and local authorities in South Australia of approximately $5 million to establish a solar research facility in the Upper Spencer Gulf region, possibly between Whyalla and Port Augusta or, as I suggest, it could be based within Whyalla itself.

The university is well advanced in a range of research and development disciplines that would be of significant benefit to South Australia in relation to an MFP and leading edge technologies. For example, there are a number of 'broad fields' of experiment applicable to the largely arid and desert climate of South Australia such as habitat and social organisation, climate and the desert environment, water resources and natural energy resources, the adaptive mechanisms to climatic extremes of plants and animals and the development of unique biotechnologies suitable for desert areas. The Upper Spencer Gulf region would benefit enormously from the establishment of joint research facilities with the Israelis in areas such as desert hydrology.

The main objective is to develop procedures for estimating water flow and water transport systems by seeking out better ways to locate, evaluate, develop and manage both the surface and subsurface water resources of arid lands. Research could be carried out with the aid of remote sensors from satellites, and area of expertise in which South Australia is already a world leader through work conducted at the Defence Science and Technology Organisation at Salisbury, and through British Aerospace with its signal processing research and development. In addition, we already have expertise in areas such as field data collection and computer programing, resources extensively sought and used by the Israelis in conjuction with isotopic tracer techniques. Many of these applications have export potential, especially in emerging third world countries where detailed data resources are scarce.

Another example of well estalished desert research undertaken by Israel and applicable to South Australia is the area of raising fish in arid climates. This research takes advantage of the development of unique biotechnologies using special year-round arid conditions, such high temperatures and brackish or saline water. Port Augusta's well established arid zone garden is an ideal location for the development of algal biotechnology using saline or sea water to grow algal plants which thrive on those conditions. For those who may not know, the Port Augusta arid zone garden is immediately adjacent to the upper reaches of the Spencer Gulf. The plants represent a renewable resource for food, feed and energy. Because arid climates are blessed with year round high temperatures and abundant solar radiation, algal biomass may be produced in abundance using either brackish or sea water.

In arid and desert regions the cost of fossil water is high and, moreover, the water is usually saline and desalinisation processes make it too expensive to use for open field agriculture. But, arid and desert regions are endowed in another resource—solar radiation. By putting this to maximum use Controlled Environment Desert Agriculture (CEDA) gives promise of enabling desert and arid areas to overcome some of the inherent disadvantages for agriculture. CEDA requires so little water that it makes desalinsation economically feasible and with the use of artificial seed beds the problem of scarce, naturally fertile soil is overcome, leading to more than double the normal agricultural yield. The goal of CEDA is to create profitable, computer-controlled agro-industry for the arid zone, one which specialises in the production of high cash crops for world export.

One of the most important areas that should be seized upon as a key part of any MFP research and development is in solar energy—the solar heating of water, energy in buildings, heat from industrial processes, advanced optics and the measurement and statistical analysis of radiation. The Israelis are well advanced in the area of thermodynamics of heat convection, thermodynamic engines, photovoltaic batteries, water diffusion in the soil and ion diffusion across membranes during water purification. All of these areas and disciplines are well advanced and are on offer to South Australia, and I believe they would make this State a world leader and exporter of technology as part of an MFP project.

There are other options for developments such as desert architecture, desert meteorology, environmental applied microbiology, ecophysiology and desert plan production and desert agrobiology. There is a vast export market in countries with arid and desert areas, especially with emerging nations which are struggling to maximise use of scarce resources, education and high technology. Countries such as China, Thailand, India, Kenya, Egypt, Nigeria, Pakistan, Senegal, Mexico, Portugal, Nepal, Chile, Cameroon and Ghana have all already expressed interest in being involved in future development and the purchase of information, expertise and technology. South Australia is well placed to take full advantage of any skills and expertise that are developed through a properly handled MFP project.

But, so far, the State Government has ignored all these offers, while talking effusively about leading edge technologies and developments under an MFP. The Government has ignored Whyalla's well established industrial infrastructure and campus of the University of South Australia, along with the academics connected with that campus who are keen to undertake the research. Port Augusta is also well placed with arid zone development in the area and recently accredited TAFE courses in arid zone management, but their pleas to be involved have also been ignored.

The reason I have spent so much time identifying the scope of the proposal as it could be affected in the northern Spencer Gulf area is that I think it highlights what is the achievable goal of the MFP vision and argues that it does not have to be locked like cement into the polluted land and the Gillman shoreline area. It also identifies the exciting scope of actually cooperating in a hands-on venture with another nation, in particular, and looking to see that the potential for the MFP is to develop information, because the market in information, as I am advised, is the commerce of the future. It is already a very substantial part of world trade—not necessarily the hardware or the products which, of course, will continue to be marketable, but it is becoming a very high priced commodity of world trade. The other additional advantage that I see in this particular technology development is that as we experience environmental change and as other areas become deserts or as arid zones spread or are identified then these technologies will become more and more critical and more in demand.

Premier Bannon has stated publicly in MFP documents that one of the areas to be developed under his Government's MFP proposal is the high use of solar power for the MFP village developments. South Australia is acknowledged as one of the best geographical regions in the world for solar development, but very little is being done to take full advantage of that factor and the State Government's rejection of the Israeli joint solar research facility is illustrative of this Government's failue to grasp exactly where the future direction of this State lies. In that context, I personally have an increasingly jaundiced view of the Govenment's crystal ball approach to a clean and environmentally sustainable future for South Australia.

One of South Australia's strengths is its brain power and we now have three well established universities and other educational and medical facilities in place. I believe that development of world class research facilities can and should take place in South Australia, whether or not an MFP exists. The evidence for that is Technology and Science Parks: two areas which the Government has recently seen fit to include in the Legislative Council version of the Bill before us as defined development areas. Technology Park is virtually next door to the Government's proposed core site. Adjacent to Technology Park is a fully serviced, contamination free area of land on the eastern side of the Port Wakefield Road, which is big enough to accommodate much of the concentrated development envisaged in the Government's MFP proposal.

If there must be a dedicated development site, then I believe the Government must consider alternatives to Gillman and its associated site preparation problems. On 14 February this year the Democrats unveiled plans for an alternative MFP site, subject to completion of the EIS proc-

ess. The proposal included approximately 60 per cent of the Government's core site, but contained what the Democrats believe to be three major improvements and innovations.

First, the alternative site proposal created a vast urban national park of 4 200 hectares stretching south from St Kilda beach and including all existing mangroves, Torrens Island, Garden Island and a large proportion of the Gillman/Dry Creek area. Secondly, it provided for the incorporation of approximately 650 hectares of land east of Port Wakefield Road, taking in Technology Park at The Levels to the east, running north to the boundary of Parafield Airport and South to Diagonal Road at Cavan. Incidentally, Parafield is in the process of considering a development of its south-western area for recreation use. That leaves open the question whether if further areas were needed for MFP-type development, there is good reason to consider that part of Parafield—and eventually all of Parafield—could be made available for it. The third innovation was to divide the Government's Gillman/Dry Creek area in half and incorporate the divided section into the proposed urban national park.

[*Sitting suspended from 6 to 7.45 p.m.*]

The Hon. I. GILFILLAN: Before we adjourned for the dinner break I was outlining the proposed site alterations which the Democrats had put forward and I mentioned that the third innovation was to divide the Government's Gillman/Dry Creek area in half and incorporate the divided section into the proposed urban national park. One of the benefits of this would entail the removal of the 30-year-old levee bank along the North Arm, responsible for killing off so much of the important mangrove swamps, and allowing tidal waters to flow once again into its natural area and enable the rejuvenation of the mangroves and thus ensure the long-term survival of the Gulf St Vincent fishing industry.

The addition of the area east of Port Wakefield Road was not too far removed from much of the scope of the original Government MFP proposal as outlined in a map, figure 4.1 of the Design Concept Development and Core Site Assessment which was prepared by Kinhill Delfin and which formed part of a 13 volume assessment report released in May 1991. It has been a matter of remarkable wonder to me that the consideration of this land on the eastern side of Port Wakefield Road has failed yet to stir any interest; or, certainly, any indication of support from the Government. If we consider (and I believe it is becoming inevitable that we will) the cost of any renovation of the Gillman site in tens if not hundreds of millions of dollars, the expense of purchasing virtually contamination-free areas on the east side of Port Wakefield Road becomes economically more attractive and viable than continuing stubbornly against all the evidence to hang on this Gillman contaminated area dream.

That map outlines the Government's original core site and then identifies the Levels, Technology Park and the Cavan area as '... Areas Adjacent to the Core Site with Potential for MFP-Related Development...' The Kinhill Delfin report identifies this area by stating it offers '... significant opportunities for positive interaction and integration with the core site...' Technology Park is fundamental to underpinning the values associated with the MFP; that is a concerted effort in developing science and technology, while much of the remaining area at Cavan and north to Parafield have well established infrastructure in place.

All studies undertaken on the depleted Gillman area have identified the problems associated with unstable soils and muds, liquefaction, toxicity, heavy metal deposits, drainage and runoff. One recent report, the 1990-91 annual report of the South Australia Department of Mines and Energy, contains a chapter of the proposed MFP at Gillman. I will quote directly from that document, but before I do, I point out to the Council that this is a document from a recognised, conservative, mundane, run of the mill, 'do the work thoroughly and print an ordinary report' organisation, which normally does not stir too much excitement around the traps. So, this report, which was made available after the middle of last year and which discusses the geology of the MFP site, states in part:

Seismic Risk

Despite the low probability of liquefaction induced by seismic shock, further studies of the site's seismicity and seismic risk are recommended to aid building design. Field trials of vibratory compaction have been proposed and these need to be supplemented by microzonation studies to define areas where amplification of ground motion may increase risk.

Groundwater and Pollutant Migration

The holocene sediments are saturated with saline water and are hydraulically connected to tidal waters of the Port River.

That is a great environment for the growing of the forests and trees that are drawn so prolifically in the preliminary promotional material.

The Hon. T.G. Roberts: Good for health spas!

The Hon. I. GILFILLAN: Yes, with a bit of solar heating to go with it. The report continues:

Marine waters seep below North Arm Creek levees and rainfall infiltration occurs through sandier facies. A north-westward hydraulic gradient exists from the Wingfield landfill to Magazine Creek where low tide discharge into North Arm creates an artificial sump. The greatest potential for groundwater migration is in the intertidal coquina facies, a coarse, porous shelly facies approximately one metre thick. Because of the very low gradient present, groundwater flow rates are also very low, averaging about half a metre a year.

Half a metre a year; any contamination will take an awfully long time to clear the site at half a metre a year. It continues:

Land Subsidence

Historic tide gauge data from Outer Harbor and Port Adelaide indicate a long-term secular rise in sea level of 2.9 mm a year.

This is not greenhouse, the Conservation Council, the Democrats or other authorities who are questioned as far as their tidal rise statistics are concerned; this is the Department of Mines and Energy. The report goes on:

However, the sedimentary record indicates that much of this rise is due to subsidence of the land.

So, that is happening anyway, regardless of the greenhouse effect. It continues:

Quantification of the rate of land subsidence and, more importantly, its causes are important issues requiring attention. Dewatering of deeper tertiary aquifers is a possible contributing factor that, in turn, has important implications for the water options for Adelaide and the proposed development.

These unresolved issues involve applied research in seismology, hydrogeology and marine geology—matters in which the department is well represented. Other important centres of post-tertiary earth science training and research include Amdel Ltd, the Australian Mineral Foundation, the Universities and CSIRO, whose expertise might be expected to be used in planning of the MFP and as active participants in its technological base. An investment in researching these problems will be vital to ensuring long-term viability of the site.

The Hon. M.J. Elliott: That work hasn't been done yet.

The Hon. I. GILFILLAN: As my colleague the Hon. Mike Elliott says, this work has not yet been done, despite the Government's own department, which is very conservative and usually rather reactionary in accepting new ideas, having spelt out the hazards of this site and the paucity of research involved in it. In addition, the Port River has significant water quality problems that include high nutrient concentrations, thermal and salinity stratifications in the

upper reaches, high phosphorus and metal concentrations and high bacterial counts.

Even Kinhill Delfin's engineers admit to the difficulty of large scale construction in the Gillman area and the high cost associated with remedial work such as removal of vast amounts of unconsolidated and contaminated material and the trucking in of equally vast amounts of fill suitable for compaction and subsequent foundation work. Much of the contaminated soil area is unknown, although studies by Belperio and Kinhill Delfin have examined core samples taken from drill sites in the area and identified contaminants such as pyrite, calcium carbonate grits, leachates from solid and liquid waste disposal, metals from stormwater runoff and industrial plants and even spent bullets from the old Dean Rifle Range. The Democrats believe much of the area should be reconstituted into an urban national park and, given time, much of the damage done could be rectified by natural processes.

The Government's proposal for the MFP provides for just 120 hectares of the entire core site to be used for MFP industry and commercial purposes, with 650 hectares accommodating 42 000 people. The remaining area of more than 1 500 hectares is deemed to be unsuitable for human habitation and will be used for lakes, canals and other forms of drainage or roads and other infrastructure. The Government proposal allocates just $4.96 million for the total clean-up of what it acknowledges as a highly contaminated site. This displays either a fundamental misunderstanding of the nature and extent of modern environmental clean-up costs or a deliberate cover-up of the real costs involved so as to make the overall public sector contribution to the project appear small relative to the perceived economic benefits. Kinhill Delfin's site assessment report states that the Largs North Area of the core site, which constitutes 73 hectares, has only 25 per cent of its area suitable for residential use because of the highly contaminated nature of the soil.

Yet, clean-up costs are estimated at just $20 000. Contrast this with the September 1991 report on costs associated with contaminated land prepared by the Government's own Waste Management Commission and the Department of Environment and Planning. Page 6 of that report states:

> ... the South Australian Housing Trust has five vacant sites known to be contaminated and in need of remediation—

I repeat: five vacant sites—

> ... the assessment and remediation of the Albert Park site has cost the Government in excess of $1 million.

On the following page, the same report warns that:

> ... a cost of $250 000 to remedy a relatively low level contamination on a small industrial site should not be regarded as unusual.

Largs North has 73 hectares of highly contaminated site; yet, the clean-up cost is estimated at $20 000. How can we be expected to take that seriously? If this is an example of the gross distortion and inaccuracy of estimates, what credibility can we put on any of the figures the Government has placed on record as being the estimated cost of preparing this Gillman site, to which it is so addicted as an MFP proposal—very little.

Experience in the United States has shown the average cost of a clean-up operation for small, contaminated industrial sites is betweeen $8 million and $10 million, while in Victoria a handful of sites have been identified for clean-up at a cost of $3 billion. The Democrats' alternate site proposal would require significantly less expenditure on clean-up because a large part of the contaminated area would be incorporated into the urban national park where heavy metals would remain in deep clay sediments undisturbed by excavation and building works. The 650 hectares east of Port Wakefield Road already has a clean bill of health and is consolidated land with infrastructure and services, such as roads, drainage and power already in place. The cost, if any, of environmental clean-up would be significantly less. Housing and advanced MFP industries could be located with relative ease and costs would be significantly lower. The Democrats support clean-up and rehabilitation of Largs North and Pelican Point, especially given the proximity of the two areas *vis-a-vis* existing residential and commercial areas, while a partial clean-up of the remaining Gillman/Dry Creek area is essential for future recreational land uses and to deal with existing problems association with contamination.

In summary, the Democrats have produced a viable, economically beneficial alternative to the Government's proposed site for MFP-Australia, one that would go a long way towards overcoming Democrat opposition on environmental grounds to the proposed site. I also feel that it is important to emphasise that, as the EIS process is not complete, we feel there is no reason why we should make definite decisions about any part of the Gillman site until that work is done. Mr Bannon introduced the MFP Development Act into State Parliament on 28 November 1991. The Bill aims to establish a development corporation with the express aim of overseeing all aspects of development associated with the future of MFP-Australia.

It is very important to distinguish the analysis and response to all the hyperbole and the profusion of material and proposals that have been floated about from various sources regarding the MFP, in whatever way one has heard them proposed, compared with dealing with the piece of legislation that has come into this place, because we all know that the real nuts and bolts consist of what is contained in the legislation. That is why we have applied ourselves diligently to assessing in precise detail the contents of the Bill and analysing the potential from that for an MFP proposal that would be beneficial to the State and acceptable on a long-term basis to our standards of environmental, economic and social responsibility.

Under the Government's proposal, the board will consist of up to 12 members chosen by the Minister administering the Act (the Premier) and it will have virtually a free hand in making decisions affecting the raising of capital, the choice of industry or development to take place, the location of development areas, the provision of services and the nature of joint partnerships to be entered into. If the Bill were to be implemented without amendment it would not have my support in either the second or third reading stages—the board would also be empowered to delegate any of the above functions to any individual, agent or company, with the State being ultimately responsible for any liabilities incurred.

The Bill states that the objects of the MFP Development Corporation are to secure the establishment of:

(a) a national focus for economic, scientific and technological developments of international significance;

(b) leading centres of innovation in science, technology education and the arts;

(c) a focus for international investment in new and emerging technologies;

(d) a model of productive interaction between industries and research and development, educational, community and other organisations and the use of advanced information and communication systems for that purpose;

(e) an international centre of innovation and excellence in urban development and in the use of advanced science and technology to serve the community;

(f) a model of conservation of the natural environment and resource management and of equitable social and economic development in an urban context.

Generally, I find the stated aims of the Bill acceptable; however, I will move additional objects which emphasise a sustainable, environmentally acceptable approach, and I will outline those in a moment.

I believe the objects of the Bill must include a clear reference to environmentally sustainable technologies and must create a model for conservation of the natural environment and resource management. It is worth noting at this point that the Bill seeks to also repeal the Technology Development Corporation Act 1982, the Act which first established Technology Park. I have for a long time taken an interest in and generally supported the role played by Technology Park in South Australia's development of a high technology future.

It is however very interesting to note that most of the contents of the Technology Development Corporation Act reappear in a slightly reworded form in the MFP Bill. It is apparent that with just a handful of relatively minor amendments to the Technology Development Corporation Act the aims of the Government's MFP could have been achieved without the need of a special Act.

The Hon. M.J. Elliott: It would be nothing new though, would it?

The Hon. I. GILFILLAN: That is right. It has been a wonderful conjurer's trick on stage with a lot of flourishing of black robes and pulling things out of shiny black hats as if we have suddenly got a brand new concept which has hit the South Australian scene. It is not—it is Technology Park revisited, slightly embellished with a new name. It is deceptive to propose this as a brand new, exciting, innovative move for South Australia. We have had for many years the potential for these sorts of development in South Australia and, as I have said many times before, I cannot think why we have to wait for these initiatives to be bundled up in this great presentation of an MFP. Of course, it would not have appeared so grand from a public relations point of view to be selling the Government's vision for a bold new future with South Australia at the cutting edge of a high-tech horizon if just a handful of minor amendments to a 10 year old statute was all that was needed.

In the Government's view, it is much better to create a new corporation ensconced in the top floor of the new Remm Centre with views to MFP land at Gillman and a bevy of newly appointed bureaucrats pontificating publicly about our brave new world in between 'missions' to overseas destinations hoping desperately to secure a really big contract to justify it all. With what could be described as a soap opera approach to the project, the Government has tried to sell Adelaide and the MFP as a new Dallas of the south, a combination of Sophia Antipolis and Silicon Valley rolled into one, but much better. Yet, despite all the cynicism, the uncertainty and the vaudevillian performances by MFP officials, this is the vehicle on which the Bannon Government has pinned all its hopes for economic recovery.

This State is suffering from a recession hangover; youth unemployment is running at more than 40 per cent, the State average is 11.5 per cent, there is little new investment coming into SA and small business, big business and our rural sectors are buckling under the strain. The MFP could, properly crafted and well managed with the right people in charge, contribute well to our future, but it cannot and never could be the total panacea for the well-being of the whole of the State. What a con! It is as if upon one project and the presentation of one Act will hinge the future prosperity, virtually the survival, of South Australia as it has been promoted by the Premier.

Sure, South Australians need jobs and a secure future. They need a Government with good management skills and a proven track record of steering the right course to recovery. It is doubtful if that combination of skills is firmly in place in this State at this time. I now want to run through the amendments that I have on file in general terms, leaving the detail to the Committee stage of the debate.

As I have outlined, I am opposed to the Government's choice of site as included in schedule 1 parts A and B of the Bill. We have been opposed to the Gillman/Dry Creek area since 1990 and that opposition remains firmly in place. Again, I repeat that, at this stage, unless the Government is prepared to review the site in schedule 1, I will not support the second reading of this Bill. I would like the Government to take note in its response to the second reading stage that I would hope to hear quite clearly an undertaking that the Government is prepared to look at and to amend schedule 1.

I am opposed to the establishment of development areas simply by proclamation of the Government, and my amendment seeks that any areas which are to be established as development areas are subject to acceptance by both Houses of Parliaments. I am opposed to a core site concept. I believe that, for the proper implementation and the full potential of the MFP, other areas anywhere in the State should be able to be incorporated as development areas. I have heard today other speakers in the debate indicate support for this vision that the MFP implemented can, and should, be able to be established in locations anywhere in the State. Once again, in those circumstances, on my amendment, before any area could be declared, it would have to be after approval of both Houses of Parliament or subject to disapproval by either House of this Parliament.

My early thinking was that it was more appropriate to deal with this by regulation rather than proclamation (we will discuss it in the Committee stage) mainly because there is a certain dramatic—and I believe emotional—reaction to the word 'proclamation' but, on reflection, I think that the safeguard that it is subject to approval of both Houses of Parliament is about as good as we can get.

As I said before, I believe that the objects of the Act are reasonable, but I am moving for the addition of extra ones. I believe it is absolutely vital that the corporation overseeing the MFP, in whatever final form it takes, has a very clear brief that encapsulates the full potential of a project estimated to cover the next 30 years. I accept those objects spelt out in the Bill, but I believe that the following should be added. The objects of this Act should be to secure the creation or establishment of a model of conservation of the natural environment and resources, a model of development and use of environmentally sustainable technologies, and a model of equitable social and economic development in an urban context.

I seek to amend part of the functions of the corporation, in particular that function dependent on consultation with Commonwealth authorities. In addition, I believe the appointment of the corporation's Chief Executive Officer must be subject to a motion for disapproval by either House of Parliament within 14 sitting days so, again, Parliament will have a direct and very important role to play in the appointment to that position.

I will oppose clause 11, which deals with Crown land and the MFP core site, but will support the compulsory acquisition provisions within the Bill only with approval of both Houses of Parliament to such an acquisition. My amendments, if successful, would require that the corporation

would have to secure the approval of this and the other Chamber for any areas to be accepted as development areas and that, if there is to be compulsory acquisition involved in either of those areas, that, again, would require the consent of both Houses of Parliament.

In dealing with the composition of the corporation, I believe that a minimum number of members must be appointed and I have an amendment on file to set that number at nine. I will move that all appointments to the corporation will be effective only after a notice of motion for resolution of at least 14 sitting days of Parliament; in other words, there will be the right of either House of Parliament to move a motion of disapproval or disallowance of the appointment of any member or members to the corporation.

In the appointment of deputies to the corporation members, I will seek to ensure that all deputies must have expertise in the same area. I am opposed to the Chair of the board having a casting vote as well as a deliberative vote, because I believe that, if a decision taken by the board (which may involve tens of millions of dollars and an element of high risk) is a tied vote, it is too important to leave to a casting vote to decide the outcome of that issue and that, in the case of a tied vote, the motion should be lost and not determined by a casting vote of the chairperson.

In the composition of the advisory panel, I believe it is appropriate for peak bodies to put forward nominees in specialist areas outlined in the Bill, such as the Local Government Association, Conservation Council, the Council of Social Services, the Chamber of Commerce and Industry and the United Trades and Labor Council.

Mr President, in regard to power of borrowing money, I recognise that the corporation should have power to borrow money from the Treasurer or, with the consent of the Treasurer, from any other person. However, as with a common thread through many of these amendments, there must be accountability to the Parliament and the Treasurer must report, through my amendment, the amount, purpose and terms of borrowing to the Economic and Finance Committee of the Parliament, which can, if it sees fit, refer the proposal to Parliament, particularly if it is concerned about such an approach for borrowing and, under those circumstances, the borrowing could not go ahead without the consent of the Parliament.

There must be a more accurate method of accounting to Parliament for the corporation than is included in the current Bill and I believe that the financial statements of the corporation for each financial year must record all assets at their current value determined by a properly qualified valuer within three months preceding the end of the financial year to be balanced against all borrowings. I will seek to include an accountability process dealing with the environment, resources, planning, land use, transportation and development aspects of the corporation's operations by referring them to another standing committee of this Parliament, the Environment, Resources and Development Committee.

The Hon. T.G. Roberts interjecting:

The Hon. I. GILFILLAN: I did not hear the interjection, but I feel sure the honourable member was saying there are some very good people on that standing committee and I can only agree; there are some outstanding people on that committee. The parliamentary committees involved will be required, if the corporation thinks appropriate, to respect confidentiality of any matter recorded in the minutes.

Finally, I believe there must be a full and open recording of the details of remuneration, allowances and expenses payable to each member of the corporation and to the Chief Executive Officer of the corporation, together with details of any benefit of a pecuniary value provided to such a person in connection with that person's office or employment as a member or as Chief Executive Officer of the corporation.

Just briefly, before I conclude, if one looks at the legislation free from the clutter of any previous baggage it may be carrying along with the old hyperbole and the old unreal dreams, and dispenses with the cynicism that it is really a camouflage for a housing development in West Lakes Mark 2, the potential is in this instrument to create a new the enthusiasm that was shown originally for Technology Park and, if properly directed and responsibly managed and financed, it can, indeed, be a trigger for an extra level of economic and social activity—an exciting level of activity for South Australia.

I am not so deceitful as to pretend that anything coming from a single measure is suddenly going to turn the prosperity of South Australia around so that we can all look forward to a Valhalla of untold riches. It is totally irresponsible to propose that that would flow on from any scheme, but I do believe that for measures that we have advocated as being appropriate for South Australia to get its teeth into and with which to actually be brave enough to go forward and be the innovators those potentials are there. They have been there as I have outlined. They have been there even with our Technology Park. We have had the facilities here but we have just not had the will to get into it. If this Bill in its finally amended form as a properly amended Act can trigger off that energy, I believe the financing will come to it. It will not come to it on some vague presentation that we have this dream and, if suddenly a fairy godfather will give us $2 billion, we will start it.

That is totally unrealistic, but there are investors who are prepared to make money available, but it will be only under our terms. That has been the theme in my approach to this legislation. It is accountable to this place—not some little enclave. They will not be able to close the steel clanging doors at the top of the Remm development and say, 'In here is all power and we will control it.'

If properly amended, they will not be able to do that with this Act and, in fact, it will be an open, dynamic vehicle for the people of South Australia to encourage proper development. But, if the amendments to change what I consider to be a dramatically deficient Bill that the Government introduced are not successful, I will not be bothered supporting a half-hearted, deceitful or dangerous piece of legislation through this Parliament, and I will then oppose it at the third reading stage.

Recapitulating my position, I point out that the Government can indicate that it is tolerant of reviewing the first schedule, that which is locked into the totally obnoxious Gillman site. Then I am prepared to support the second reading so that the Bill can be dealt with in Committee. If we can achieve a successful process of amendment through Committee, I will support the Bill at the third reading stage because I believe it has the potential for good for South Australia.

On the other hand, if that process is not satisfactory, I will have no hesitation in opposing it because I see it as being fraught with dangers in its current drafted form. With that reappraisal of my personal position in relation to the Bill, I conclude my second reading contribution.

The Hon. M.J. ELLIOTT secured the adjournment of the debate.

FINANCIAL INSTITUTIONS (APPLICATION OF LAWS) BILL

Adjourned debate on second reading.
(Continued from 18 March. Page 3288.)

The Hon. K.T. GRIFFIN: I indicate the Opposition's support for this Bill. The Bill is the first part of a South Australian package of legislation that is designed to establish across Australia a system of regulation of building societies and credit unions along with other bodies corporate which may at some future time be brought within the ambit of the legislation. It is essentially State-based financial institutions legislation, without the involvement of the Commonwealth, unlike the National Companies and Securities Scheme and now the current Corporations Law, which involved the Commonwealth as well as the States.

Before dealing with the substance of the legislation and the scheme, I want to say that I have had access to some of the legislation and draft legislation. The difficulty has been that, having read one large volume that was about 1½ inches thick, I was later confronted with a further volume of at least the same thickness, representing a revision of the earlier documentation.

That is not a criticism of the Attorney—it is a recognition that the legislation is still being developed, and even now, as I understand it from a letter that I received from the Attorney-General yesterday, there are some proposals for amendment in the Queensland Parliament that will be dealt with before the end of June. Part of the difficulty is that the Premiers agreed last year that this legislation should be in place by 1 July 1992. So, there is some legislation on the run; drafting is still being undertaken, as I understand it, and in other States legislation has, in some cases not been introduced to Parliament and in others it has been passed.

An indication of the development of this is that the volume of the Financial Institutions (Queensland) Bill 1992, which I received only a week or two ago, is noted as version 26. That volume is an inch, or an inch and a half thick. So, one can see that it has not been an easy task to come to grips with the legislation. To some extent, one might ask, 'Why bother? The substantive law is to be enacted in Queensland, and we will not really have a say in this Parliament as to the substantive law that affects credit unions and building societies.' Notwithstanding that possible remark, I believe it is important to give careful consideration to all of the scheme legislation that will be in operation affecting credit unions and building societies across Australia.

There was a hiccup a month or so ago, when the Victorian Attorney-General indicated that unless certain changes were made, Victoria would not support the legislation. I understand that that hiccup has largely been resolved and that the whole scheme is back on track.

The structure of the scheme legislation is much the same as the National Companies and Securities Commission legislation enacted in the early 1980s. Essentially, one Parliament enacts substantive legislation, which is agreed by the participating jurisdictions. The other jurisdictions enact application of laws legislation adopting the substantive law of the first jurisdiction and making it the law of the adopting jurisdiction with such changes as may be necessary to bring it into line with the law of that jurisdiction.

The advantage of that is that the law is then uniform throughout the jurisdictions that have adopted the substantive law. When changes are made in the jurisdiction which enacted the original substantive law, they are adopted automatically in the other jurisdictions that have adopted that substantive law. So, it does not depend upon legislation going through each Parliament with the risk that there will be changes that ultimately detract from the objective of uniformity.

That was the difficulty with the 1961 uniform Companies Act, which started off with a larger measure of uniformity. However, over the years, until the early 1980s, changes were made in various jurisdictions which meant that no longer was that law uniform. So, there is an advantage in that scheme legislation. As I said, it was adopted following the success of the National Companies and Securities Scheme, which was developed because in the 1970s there was a threat by the Commonwealth to take over company law.

The cooperative scheme was designed by the Fraser Government in conjunction with the States and, in particular, with the Hon. Ian Medcalf Q.C. the then Attorney-General for Western Australia, who was very keen to ensure that this was a reflection of cooperative federalism. I believe it was, but the downsides were recognised. Those downsides essentially meant that the Ministerial Council and a minister from each participating jurisdiction meeting together and had control of the legislative agenda, and the State or the jurisdiction in which the substantive law was enacted had no option but to pass the law in its entirety; otherwise that would have been regarded as a breach of a formal agreement between the Governments of the various jurisdictions.

The disadvantage that there would not be full parliamentary participation in the legislative process under that cooperative scheme model was accepted as the lesser of two evils—the greater evil being Canberra's taking over control of the regulation of companies and securities. Regrettably, because of events over the past couple of years, we now see that that control is in the hands of Canberra. I think that there are many in the business community who regret not having listened to the advice that a number of us were giving that when Canberra took control of it that would mean much less consultation with the community, much less involvement of the business sector in the process of reviewing and amending the principal legislation and that, largely, the whole process would be further removed from those who were regulated than it was under the uniform cooperative scheme.

Even the events of the past few weeks, which indicate a headlong rush to further legislative change on the part of the Australian Securities Commission, quite clearly demonstrate that Governments are not in control—the bureaucrats are—and that there is an attitude of regulate or perish. If there is behaviour that some regard as inappropriate, the only way to address the issue is to impose even more regulation and, ultimately, stifle the corporate sector. I think many people are now having second thoughts about the wisdom of giving Canberra control of this Corporations Law. However, that is to digress from the consideration of this legislation.

In some respects I am pleased that this is State-based and that it represents the States taking some initiatives that do not require the involvement of Canberra and the Federal Parliament. To that extent, the scheme is to be welcomed. Notwithstanding the disadvantage that the various State Legislatures and the two Territory Legislatures will have little say in the substantive law, I hope that the Ministerial Council which has been established will closely monitor the operation of the legislation and ensure that if changes are necessary they are made only after proper consultation.

I want to deal with the various elements of the scheme, and I want to raise a number of questions and make some observations, but before I do that, let me outline what I see as the structure. The structure is based upon a formal agreement between the Premiers, made as a result of con-

cern about building societies and credit union difficulties. The Farrow Building Society, the Pyramid collapse and the Teachers Credit Union in Western Australia were all catalysts for a movement towards uniform regulation across Australia. The heads of Government of the States, the Northern Territory and the Australian Capital Territory entered into the financial institutions agreement on 22 November 1991. One can see that from that date not a lot of time has elapsed since the formal execution of that agreement. On the other hand, heads of agreement were entered into between all States, the Northern Territory and the Commonwealth relating to future corporations regulation in 1990, which also precipitated a consideration of building societies and credit unions.

From the formal agreement developed the Ministerial Council, which is to have the oversight of the operation of this scheme. The Australian Financial Institutions Commission, which is the prime regulatory body, is established in Brisbane. It has the responsibility at an administrative level for overseeing the operation of the scheme and, particularly, to set prudential standards. In each jurisdiction there is a State supervisory authority which has the responsibility in each jurisdiction of enforcing prudential standards as well as dealing with registration, mergers and so on. There is an appeals tribunal which is established in Brisbane to hear appeals against decisions made under the scheme legislation, and then there is a right of appeal from decisions of the appeals tribunal. As far as I can see, that appeal is to the Queensland Supreme Court. That is something I want to have a few words to say about when we get to the detailed legislation.

There is also the AFIC (Australian Financial Institutions Commission) code in the Queensland Australian Financial Institutions Commission Act, and that code is adopted by the application of laws legislation as the law of South Australia in the legislation is currently before us. There is also a financial institutions code, which is made under the Financial Institutions (Queensland) Act, and that code is also adopted by the application of laws legislation currently before us. Each jurisdiction will establish its own State supervisory authority. The other Bill which runs in tandem with this Bill and which I will be debating tomorrow establishes the South Australian office of financial supervision. It is not necessary for me in the context of the Financial Institutions (Application of Laws) Bill to debate that other Bill tonight.

The formal agreement does a number of things. As I have indicated, it is an agreement made between the States, the Northern Territory and the Australian Capital Territory. It defines financial institutions as all permanent building societies, credit unions and other State based financial institutions as may from time to time become subject to the financial institutions legislation. It sets a timetable which provides that a State shall cease to be a party to the agreement if, on the State of Queensland having passed the initial legislation by 31 March 1992, it fails by 30 June 1992 or such later date as may be unanimously agreed by the States (and that includes the two territories) to secure the passing and proclamation or, in the case of the Australian Capital Territory, the commencement of the application of laws legislation.

My understanding from correspondence which I received a day or so ago from the Attorney-General is that the legislation in Queensland has been passed, on 18 March 1992, but that there is an amending Bill with some amendments following the concerns expressed by Victoria. There is provision in the agreement that each State other than Queensland will, as soon as practicable after unanimous approval of it by the States, submit to the Parliament of that State its application of laws legislation and its transitional legislation, and that is what we have before us tonight insofar as South Australia is concerned.

The agreement also requires the States to ensure that their application of laws legislation authorises the State supervisory authority to delegate to the State supervisory authority of any other State any powers granted to it under the primary legislation, and also to ensure that its own State supervisory authority is able to accept a delegation of powers from any other State's supervisory authority. Under the agreement it is the prerogative of each State to determine the structure and composition of its supervisory authority, consistent with the objectives of the financial institutions scheme and subject to the overall principle that the authority should have operational independence from industry and Government. I just pause there for a moment and ask whether, when the Attorney-General is replying, he could identify the form of the various jurisdictions' supervisory authorities.

It is provided in the agreement that a State will not submit legislation to its Parliament or take action for the making of regulations that will, upon coming into force, conflict with or negate the operation of financial institutions legislation. That is an understandable obligation. I suppose it leaves open to debate whether particular amendments to the application of laws legislation will contravene that provision, but there is I think some flexibility allowed to the State Parliament in a fairly narrow field, of course, to amend application of laws legislation even though it has been agreed with other jurisdictions.

The Ministerial Council will consist of one member from each State, the Northern Territory and the Australian Capital Territory. The member representing each jurisdiction is to be the Minister for the time being responsible for administering the law relating to the supervision of financial institutions in that jurisdiction. I presume that in South Australia because the Attorney-General has introduced the Bill he is to be the Minister responsible for the legislation and, therefore, the member of the South Australian Government on the Ministerial Council.

According to the agreement, the functions of the Ministerial Council are to approve the legislation and regulations by unanimous vote until 31 December 1992 and thereafter by majority vote. It is to approve any amending legislation bringing other State based financial institutions under the scheme, which is to be done by unanimous vote. The approval of amending legislation, other than that to which I have just referred, is to be done by majority vote. It is to appoint the members of the board of the Australian Financial Institutions Commission (AFIC) and the members of the appeal tribunal by majority vote, and it is to exercise general oversight over AFIC.

It is interesting to note that a majority vote will comprise five of the eight members. Those five votes could comprise the two Territories and three States, so that there would not necessarily be a majority of States within that majority vote. I express some concern about that, particularly where the Australian Capital Territory will have a full vote. I do not raise the same concern in relation to the Northern Territory, but the Australian Capital Territory has a small legislature that is likely to be influenced, I would suggest, by the Commonwealth Parliament, and I therefore question whether it should have the same say as other jurisdictions.

The question of funding is dealt with in the formal agreement. The initial funding clause applies to 31 December 1992 or such other period as the Ministerial Council may determine. The Ministerial Council sets the budget, which

is to be funded by the States according to a formula set out in the agreement. Subsequent funding is to be approved by the Ministerial Council, I presume on a majority basis, although that is not clear. That is something that the Attorney-General might clarify for me. I seek leave to conclude my remarks.

Leave granted; debate adjourned.

GAMING MACHINES BILL

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

CASINO (GAMING MACHINES) AMENDMENT BILL

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

STATUTES REPEAL (EGG INDUSTRY) BILL

The House of Assembly requested a conference, at which it would be represented by five managers, in respect of certain amendments.

The Legislative Council agreed to a conference, to be held in the Legislative Council conference room at 10 a.m. on 2 April, at which it would be represented by the Hons Peter Dunn, M.J. Elliott, J.C. Irwin, G. Weatherill and Barbara Wiese.

FINANCIAL INSTITUTIONS (APPLICATION OF LAWS) BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3772.)

The Hon. K.T. GRIFFIN: The formula agreement also sets out in a schedule the prudential standards and practices that should be embodied in legislation, and they have very largely been reflected in the substantive legislation enacted in Queensland. Following that formal agreement, the substantive legislation was prepared and introduced into the Queensland Parliament. I suppose it is interesting to speculate on why that legislation was introduced in Queensland and not in one of the other States. I suppose that it was because Queensland has only one House of Parliament, so it did not have to run the gauntlet of two Houses. I suppose that in terms of getting the legislation through that is desirable, but I suggest that that is the only valid reason because, although the legislation would have been subject to scrutiny in other States, it probably would not have been amended, although it may have been delayed whilst other issues were examined.

Of course, in the Queensland Parliament, where the Party line, as I understand it, rules fairly strongly, there was more of a guarantee that the Bill would not be delayed and that there would not be so-called undue interference with the provisions of the Bill which had been agreed by the Ministerial Council. However, the Bill, having been introduced there and, as I understand it, passed (although the Attorney-General might like to confirm that in his reply), it would be helpful to examine aspects of those Bills.

The Financial Institutions (Queensland) Bill sets out the substantive law relating to the regulation of building societies and credit unions. There are some preliminary provisions which are similar to the Financial Institutions (Application of Laws) Bill before us, but which deal specifically with the Queensland legislative scene. The Financial Institutions Code is extensive and, as I interpret it, it is drafted in a way which, when adopted by the other jurisdictions, could be read quite easily without a significant number of amendments being made in the various jurisdictions.

However, there are several areas of questioning. The first relates to a reference in the code to 'this State' and that appears in a number of places. By the definition of 'this State' in clause 35, it appears that it may refer to the State which has adopted or applied this code as the law of that jurisdiction. So, in South Australia's case, it would be a reference to South Australia, but I am not clear on that and I would like to have that explained. In addition, there is a reference to 'the court', meaning the Supreme Court or a Supreme Court judge, 'of this State', and I presume that that relates to the Supreme Court of South Australia, presumably for criminal matters and not for civil matters.

It is one area that does concern me, because the Financial Institutions (Application of Laws) Bill before us does confer jurisdiction upon the Supreme Court of Queensland in some respects. I would like the Attorney-General to give some further clarification of what is proposed. It relates essentially to an appeal under the scheme legislation from a decision of the appeals tribunal.

The appeals tribunal is to be based in Queensland and to operate under Queensland law. It is not clear whether all the members are proposed to be from Queensland. The Ministerial Council will appoint the appeals tribunal, but it is not clear whether some members will come from States other than Queensland.

Then there is a provision that an appeal will be heard by the Supreme Court of Queensland. That concerns me because it means that, although the appeals tribunal is authorised to move from State to State and an appeal might be made to the tribunal in South Australia and be decided here, a South Australian party will have to travel to Queensland to appear before the Supreme Court of Queensland in dealing with an appeal from the appeals tribunal. I suspect that, if I am correct in that interpretation, the reason for that is that the various jurisdictions did not want to have the supreme courts of the various States and the two Territories involved in dealing with appeals.

I would not have expected that to be a problem. What I do see as unfortunate is that the parties to an appeal from the decision of an appeals tribunal all have to track up to Queensland if my interpretation is correct. It is not clear to me whether that is the only area in which the Supreme Court of Queensland has the sole jurisdiction. However, in clause 13 (2) of the Bill there is a provision that nothing in subsection (1), that is, relating to appeals to the Queensland Supreme Court, affects any jurisdiction of any court or the operation of the Jurisdiction of Courts (Cross-Vesting) Act 1987. So, it is that area of jurisdiction and of litigation of appeals upon which I would hope the Attorney-General can give some more information.

I note from the definition of a 'residential building' in the Financial Institutions Code in clause 3 that a residential building, which is the basis for determining the minimum requirement for investment building societies in residential buildings of 50 per cent, includes a retirement village and a building declared by regulation to be a residential building for the purposes of the code. I notice that the Victorians are anxious to remove retirement villages from that definition. I understand that that is still to be agreed between

the various jurisdictions and that it might be the subject of amending legislation. It seems not unreasonable to allow a building society to count an investment in a retirement village as part of the minimum 50 per cent but, again, if the Attorney-General when he replies could explore the current status of that, it would be appreciated.

I notice in the code something which we have managed to avoid in South Australia and that is a provision that extrinsic material may be used. As I said, we have been able to resist that in amendments to the Acts Interpretation Act because I, the Liberal Party and the Hon. Mr Gilfillan think that that is totally undesirable, but, in the interpretation of the code, a report of a royal commission, law reform commission, commission, or committee of inquiry, or a similar body that was laid before the Legislative Assembly of Queensland before the provision concerned was enacted may be taken into consideration.

Consideration may also be given to a report of a committee of the Legislative Assembly of Queensland that was made to and before the provision was enacted a treaty or other international agreement that is mentioned in the relevant code, an explanatory note or memorandum relating to the Bill that was laid before or given to the members of the Legislative Assembly of Queensland; a speech made to the Legislative Assembly of Queensland by the member in moving the motion that the Bill be read a second time. Obviously, that is the Minister who was introducing it and not other members who may have something to say about it. To that extent it is a bit more limited than what is proposed here. Consideration may be given to material in the votes and proceedings of the Legislative Assembly of Queensland, and a document that is declared by a relevant code to be a relevant document for the purposes of this section.

So we now have in the substantive law relating to financial institutions an ability to refer to that extrinsic material. In the Application of Laws Bill there is a reference to the Legislative Assembly being the two Houses of the South Australian Parliament, but I am not clear whether that definition is intended to override the reference to the Legislative Assembly of Queensland in that clause 23, dealing with extrinsic material.

That also obviously refers to various committees in the Queensland Parliament and not here, and that ought to be clarified. There is some logic in referring to the Legislative Assembly of Queensland, because it has enacted the code but, when the Application of Laws Bill is passed, this code will become a South Australian law and a South Australian code and, in those circumstances, if the definition of Legislative Assembly in the Application of Laws Bill is not intended to deal with this issue, one has to ask why Queensland is referred to and not South Australia.

In clause 26 of the Financial Institutions Code, dealing with the jurisdiction of courts and tribunals, there is a reference to the situation where a provision of a relevant code authorises a proceeding to be instituted in a particular court or tribunal in relation to a matter, then in those circumstances the provision is taken to confer jurisdiction in the matter on the court or tribunal. I am not quite sure to what that refers, but again the Attorney-General might explore that in his second reading response.

In clause 32—and all of these are dealing with the Financial Institutions Code—there are references to a Minister of the Crown, and I presume that because the Application of Laws Bill adopts this code as a South Australian code, that the reference is to a South Australian Minister and not to a Queensland code. I suppose one can shortcircuit some of that: if the definition of 'this State' is adopted as part of the South Australian code, does that refer to South Australia?

There is a reference in clause 48 to the exercise of powers between enactment and commencement and it refers to a Queensland Act in this way: if a provision of a Queensland Act does not commence on its enactment would, had it commenced, amend a provision of a relevant code so that it would confer a power to make appointment to do other things, then the power may be exercised and other things may be done before the empowering provision commences. I take it that that is intended to address the possibility that another Queensland Act, maybe the Australian Financial Institutions Commission Act, may provide for the appointment of members of that commission before the whole of the legislation is brought into operation and, in that event, there is no difficulty with clause 48 (2). Again, I would like to have that explored.

I note in clause 59 that an offence against the relevant code that is not punishable by imprisonment is punishable summarily and an offence against the relevant code that is punishable by imprisonment is, subject to subsection (3), punishable on indictment. That does change the distinction in the courts restructuring package where last year the legislation sought to establish a clear distinction between summary and indictable offences. Of course, there is nothing to say that another Act of Parliament cannot make something a summary offence if ordinarily it would be indictable and *vice versa*, but this does create some greater differences and I wonder whether, in those circumstances, the Attorney-General is comfortable with the distinction in clause 59 or whether there should be something to bring that in line with the South Australian division.

In clause 65 there is a reference to the applications of the Corporations Law and a regulation may apply to financial institutions with or without modification of provision of the Corporations Law. The code does in some area apply the aspects of the Corporations Law, but I would like to know what, if any, regulation might be in contemplation to apply any other provision of the Corporations Law to institutions covered by this code.

Clause 76 provides that the State Supervising Authority may require a person to attend before an employee of the Supervisory Authority an employee authorised for the purpose to answer certain questions. It may be that this is intended to have only limited application. It does not appear to allow the delegation of that authority to some other person than an employee.

It may not be relevant or appropriate to do so. I note that special investigations are treated differently. However, I wonder whether, in the context of the South Australian Office of Financial Supervision, it is sufficient to confer that power only on the employee and not on someone who may be commissioned by the State office to undertake that particular task. It seems to me to be rather limiting. It may be that there is a good reason for it to be so limited. What I have in contemplation is lawyers and accountants being engaged for a specified task which might require the answering of questions. However, this would rule that out because such a person may not be an employee.

In clause 87 (2), the State Supervisory Authority (SSA) may, on its own initiative, hold an inquiry into affairs, including the working and financial conditions of a body corporate related to a society or a services corporation. I can understand what financial conditions are, but it is not clear what working conditions are, and I would like some clarification of that.

It is intended that the SSA and AFIC be funded by the industry. It is the only area in which both building societies

and credit unions have raised some concern. A levy may be made under this code by the SSA upon financial bodies as a supervision levy. I think that is designed to try to recover the costs of operation of the SSA. However, concern has been expressed to me that this may be fixed without consultation. It is, in a sense, akin to the WorkCover levy, where WorkCover is virtually unaccountable for levies which it imposes; it is not subject to independent review or to any regulation that might be reviewed by the Legislative Review Committee, and, although it may be related to the budget, it may not necessarily be related to efficiency within SSA.

I do not see that there is any way that we can provide for this to be fixed by regulation, which would incorporate, therefore, some measure of review. However, if there could be some indication from the Attorney-General as to how it is intended that that should be fixed—what mechanisms would be followed—that would be helpful. There is a substantial number of clauses in the code which, to some extent, follow the provisions of our own building societies legislation, and I do not wish to make any comment on those issues.

I now refer to clause 407, relating to injunctions, which allows a court, on the application of the SSA or a person whose interests have been or would be affected by particular conduct, to grant an injunction against a person. Again, I presume that that is the Supreme Court of South Australia and not the Supreme Court of Queensland. However, I would appreciate it if that could be confirmed.

The last item on this code relates to standards. In clause 432 standards made before the commencement of this provision under Part IV of the AFIC code, set out in section 20 of that code, are taken to have been made under Part IV of this code. I presume that that is intended to pick up the standards which might be set by AFIC under the Queensland code and to make them part of the law of South Australia by this Application of Laws Bill. However, again, it would be helpful to have some clarification of that.

I turn now to the Australian Financial Institutions Commission Bill which, apart from some earlier provisions, contains the AFIC code. That code deals with the operations of the Australian Financial Institutions Commission, the setting of standards and other matters. I want to raise a question about some of the provisions in the hope that they might be clarified.

Clause 8 of the financial institutions legislation consists of the financial institutions legislation of Queensland, namely, the AFIC Act, the AFIC code, the Financial Institutions (Queensland) Act 1992, the Financial Institutions Code and regulations made under either of those Acts. It extends to the financial institutions legislation of the other participating States and, particularly, the Acts and regulations which give effect to any part of the financial institutions legislation of Queensland and the financial institutions legislation of Queensland as applying in those States. That is part of the code that will be applied by the Application of Laws Bill.

I presume that there is no difficulty in referring specifically to the Queensland Acts and that there is no contradiction in view of the Application of Laws Bill picking up this as the law of South Australia. However, again, that is something to which I draw attention, because it seems to me that that may need to be varied, if only to the extent to put the South Australian codes as the primary codes and referring to Queensland as one of the other participating States.

The code has extra-territorial operation under clause 12. The financial institutions legislation applies throughout Australia and both within and outside Australia. I presume from that that it means that the Queensland legislation, the legislation of all the States, the Northern Territory and the Australian Capital Territory applies outside Australia as well as throughout Australia. I just wonder if in that sense there might be construed to be some conflict in relation to its application outside Australia to a financial institution which might be covered by the legislation and have some sort of operations outside Australia.

It is interesting to note (and I merely make this observation in passing) that clause 16, which sets out the general powers of AFIC, also provides that AFIC may give indemnities to its directors and employees. I only mention this in passing, because it was the subject of debate in the associations incorporation legislation which we considered a few weeks ago and which is presently in the House of Assembly, where the issue of indemnities being given by an association to its board was the subject of a keen debate. Some compromise was reached, but it is interesting to note that, although AFIC is a statutory corporation, nevertheless it is empowered to give indemnities and one must question what sort of indemnities will be given and whether they are the same sort of indemnities that are not permitted to be given by associations under the amending legislation to which I have referred.

Clause 29 sets out the procedures for making standards. There is to be a notice published by the AFIC board not later than 60 days before the passing of a resolution establishing standards, and that notice is to be given in the Queensland *Government Gazette* as well as to each State supervisory authority and in a newspaper circulating generally in each of the participating States. Then, within 30 days after publication of the Queensland *Government Gazette* notice, written suggestions may be made, and written comments must be given to AFIC within 21 days after that period of 30 days, and I wonder whether that is not too tight a time frame. There is a provision for dealing with urgent standards. I would have thought that the time frames set out in this clause are too short and that consideration ought to be given to extending them, although I recognise that that is not something that we can do in this Legislature, but must be undertaken through the Ministerial Council.

I raise a question about subclause (4), namely, that AFIC must make copies of each suggestion and comment given to it available for inspection and purchase at its principal office and to take reasonable steps to ensure that copies of each suggestion and comment are available for inspection and purchase at all offices of State supervisory authorities. I do not know what those reasonable steps are; I would have thought it should be mandatory for that to occur, keeping in view that the supervisory authority in each State does have close contact with the industry.

I note that in clause 64 the appeals tribunal is recognised and has the responsibility for reviewing decisions under the financial institutions legislation and, as I have indicated, I have raised some questions about the composition of that tribunal. The members of the tribunal are appointed by the Government in Council in Queensland on the recommendation of the Ministerial Council for terms not longer than seven years. The seven years is maximum term. I have always expressed the view that these ought to be for fixed terms, because for less than reasonably long fixed terms one can argue that these bodies and those on them are not as independent of the Executive as they should be. I suppose that is a little less strong where the Ministerial Council is actually making the recommendation, but I still think it is a valid point. What the Attorney-General might care to do for me is indicate what periods of time are in contemplation for the membership of the tribunals.

I want to raise a question about clause 91. A question of law arising in a proceeding before the appeals tribunal is to be decided in accordance with the opinion of the member presiding. I am not clear why that should be so, because as I understand it all the members of an appeals tribunal are to be legally trained and legal practitioners of not less than five years standing. If they are all of such background, it seems to me that a decision on questions of law could appropriately be made by a majority, regardless of whether or not the presiding officer is in that majority. So, again, I would like to have clarified why that, and not the majority, is the provision.

I have already addressed the question of appeals to the Supreme Court of Queensland and why that should be so and not also allowed to the Supreme Courts of other jurisdictions, and that is dealt with in clause 96. I note in clause 99 that each party is to bear the party's own cost of the proceedings unless the appeals tribunal otherwise directs, and I note that that is not the usual practice. There may be some specific policy reason for that provision, and I would like to have that explored.

In clause 116 the 'Legislative Assembly' means the Legislative Assembly of Queensland, and 'The Premier' means the Premier of Queensland. In our Application of Laws Bill, 'Legislative Assembly' is defined to mean both Houses of this State Parliament which, I presume, is meant to override that provision in clause 116 (1), but there is no reference to the Premier, meaning the Premier of South Australia. I should have thought that that would probably also need to be addressed. However, in subclause (5) the Premier must cause a copy of the report and financial statements of the AFIC board, together with a copy of the Auditor-General's Report, to be laid before the Legislative Assembly within 14 days after their receipt by the Ministerial Council, and subclause (6) provides that, if at the time the Premier would otherwise be required to lay a copy of those documents before the Legislative Assembly, and the Legislative Assembly is not sitting, the Premier must give a copy of the documents to the Clerk of the Parliament of Queensland. In that context I believe that some change might need to be made to the application of laws legislation to relate that to the Premier of South Australia, because I think that the report must be tabled in each of the participating jurisdictions and not just in the Queensland Legislative Assembly.

I make the same comments about the administration levy as I made about the levy under the AFIC code. There is concern about the mechanism likely to be followed for the setting of the levy designed to cover the cost of administration of this scheme. The question of consultation is, of course, paramount, but in the end the AFIC board is able to determine the levy without any form of accountability or review.

The only other matter in relation to the AFIC code is contained in section 158. I merely make the observation in passing that a director incurs no liability for an honest act or omission in the performance or purported performance of functions or the exercise of powers under this code, a liability that would but for this section attach to a director attaches to AFIC. That is the usual form of providing immunity for liability by members of statutory corporations in South Australia, but there is an interesting addition in that the section does not apply to wilful misconduct, wilful neglect or wilful failure to comply with the code. I note only in passing that that is a useful amendment, which would be worthy of consideration in South Australia.

I turn now in the final part of my speech on the second reading of this Bill to consideration of the Bill itself. I have already made the observation that there are aspects of the two codes that are adopted by this Bill as laws of South Australia that need addressing. I have particularly asked for clarification of the conferral of jurisdiction on the Queensland Supreme Court. There is the question of the Premier requiring to be defined in clauses 7 and 10 for the purpose of the adoption of the codes as South Australian law.

Clause 16 provides that the section imposes the fees that the Financial Institutions (South Australia) Regulations or the AFIC (South Australia) Regulations prescribe. I relate that provision to the concern that I have expressed about the two systems of levy by AFIC and the SSA. I presume, however, that this clause relates to the particular fees for lodging documents and doing other things rather than to those levies.

I am not clear on what clause 19 of the Bill means. Clause 19 provides that if the Ministerial Council approves a proposed amendment of the AFIC Act or the Financial Institutions Act or regulations and approves proposed regulations to be made under this Act—that is, the Bill before us—in connection with the operation of the proposed amendment, the Governor may make regulations in accordance with that approval, varying the effect in South Australia of that Act or those regulations. Is it intended that those regulations would be made only after various proposed amendments and regulations in paragraph *(a)* have been enacted or is it proposed that they be enacted in advance?

Clause 27 (2) contains a reference to the Act. Proceedings under the Building Societies Act or the Credit Unions Act may be instituted by the SSA in relation to a continuing society. I am not sure whether the reference to the Act should be to 'the Acts' or whether something else is intended. Clause 30 contains miscellaneous transitional provisions. The financial institutions code provides for the establishment of a Credit Unions Contingency Fund and there does not, as I recollect, appear to be any guideline as to the financing of that fund other than by levy, whether it is to be *pro rata* or calculated on some other basis among the various credit unions.

Under paragraph *(n)* of clause 30 the amount standing to the credit of the Credit Union Deposit Insurance Fund under the South Australian Credit Unions Act 1989 is transferred to the Credit Unions Contingency Fund. It is not clear whether that is to be credited to South Australia's required contribution proportionately to other States or credit unions' obligations. In fact, it may be that there is no obligation for the Credit Unions Contingency Fund to be built up by proportionate contributions from other States or from credit unions outside South Australia. I suppose that what I am really driving at is whether by making these funds over to the Credit Unions Contingency Fund, South Australia and its credit unions are being treated fairly.

Finally, with respect to the location and staffing of the SSA in South Australia, I presume it will be with the State Business Centre, but I would like to have from the Attorney-General some indication of where it will operate, what its staffing levels will be and what its likely budget requirements will be for both the first year of operation and the next year. I recognise that that cannot be established beyond that time frame. So, in that context, I indicate support for the Bill. There will undoubtedly be other questions during the course of the second reading debate, but for the moment we support the scheme.

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

The Hon. ANNE LEVY: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

STATUTES AMENDMENT AND REPEAL (PUBLIC OFFENCES) BILL

In Committee.

(Continued from 31 March. Page 3688).

Clauses 1 to 5 passed.

Clause 6—'Substitution of Part VII.'

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

Page 9, after line 5—Insert subclause as follows:

(3) In proceedings for an offence against this section, the court must, in determining whether the accused acted improperly in relation to a benefit, take into account any public disclosure of the benefit made by or with the approval of the accused, or any disclosure of the benefit made to a proper authority by or with the approval of the accused.

This amendment was discussed fully yesterday and it was agreed that it would go some way to meeting the Hon. Mr Griffin's concerns about the offence of bribery or corruption of public officers in relation to members of Parliament and, in particular, the significance that should be given to whether or not a member of Parliament had disclosed any benefit in the pecuniary interests register.

I pointed out yesterday that I did not think disclosure in the register should be a complete defence and I think that is now accepted by the Council but, clearly, disclosure is a factor that ought to be taken into account in determining whether an accused person acted improperly where there is a charge of bribery or a charge of acting improperly by giving, offering, or accepting a benefit or reward.

The Hon. K.T. GRIFFIN: I am happy to support this amendment, which goes some way towards meeting the concern which I expressed and it does mean that, if there is public disclosure by or on behalf of an accused person of a benefit having been received, then that will certainly be taken into consideration. Quite obviously, if it is disclosed before anyone else raises it publicly, it is more likely to go well for the accused than if it is disclosed later. I am happy to support it.

Amendment carried.

The Hon. C.J. SUMNER: I turn now to the proposed section 250 about which there was some debate on the issue of whether an offence is committed by a public officer in securing the appointment of a person to a public office or securing the transfer, retirement, resignation or dismissal of a person from a public office. I have had this matter looked at again and members will recall that yesterday we deleted the proposed section 251, which would leave an offence in relation to appointment to public office in circumstances where there had been a benefit to another in connection with that appointment. However, yesterday we removed the general offence of improperly exercising power or influence by a public officer in relation to the appointment to or removal from public office.

I said I would have another look at this issue. I think that the arguments were fully canvassed yesterday and the Hon. Mr Griffin proposed that new section 251 be deleted and the Government agreed. The Hon. Mr Gilfillan opposed that deletion but, as the Bill currently stands before the Committee, the proposed section 251 has been deleted. I said I would have another look at it and I have done that. It is true that the old offences under the Criminal Law Consolidation Act were confined to activities dealing with benefits, that is, getting a reward, a profit, or a benefit in return for an appointment to a public office. This is the same with respect to the old statutory law on which those offences were based, that is, the statutory law before the Criminal Law Consolidation Act, namely, the United Kingdom Acts, the Sale of Offices Acts of 1551 and 1809.

The same is true of the so-called Griffith codes, that is, the codes which were legislated for in the 1890s in Queensland, Tasmania and Western Australia. So, the principles there again only related to reward or profit in the appointment of public office. Interestingly, the same is also true of the Gibbs Committee recommendations, the Gibbs Committee being the committee established by the Federal Government to review criminal law chaired by Sir Harry Gibbs, the former Chief Justice of the High Court. Apparently, in his consideration of public offences, he also does not have an offence of improperly appointing a person to a public office. So, that is the argument for maintaining the deletion of proposed section 251.

The Hon. I. Gilfillan: Where did the clause come from?

The Hon. C.J. SUMNER: I am not sure; that is a good point. It was put in by Parliamentary Counsel and advisers when they were putting together the clause. They felt that this area ought to be covered. Obviously, I take responsibility for the Bill as introduced, but it is not the first time that a Bill that has been introduced by a Government has been amended, or that the Government, on reflection after hearing debate, felt that a Bill should be amended.

The argument against deleting it is the one that I put yesterday, namely, that the definition of 'improperly', which we have canvassed at some length, is very rigorous and that doubtful cases under this heading would not get through. However, on balance, given that this is not an area that has been legislated on before, unless there is reward, profit or benefit that is obtained, I accept the Hon. Mr Griffin's arguments and I will leave that out.

Obviously, if there are appointments made that people do have questions about and do consider have been improperly made by the Government, it does not mean that there are no remedies. Clearly, there are political remedies.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: The Hon. Mr Gilfillan rolls his eyes.

The Hon. I. Gilfillan: Give me an example of when political remedies work.

The Hon. C.J. SUMNER: I can give the honourable member a very good example. The Hon. Mr Griffin might not thank me for doing it, but there was clearly criticism of the Tonkin Government's appointment of Justice Millhouse to the Supreme Court. The political remedy there was that the seat was not won by the Liberal Party, which I am sure was its expectation at the time that Justice Millhouse was appointed.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: That is correct.

The Hon. I. Gilfillan: You think the only solution is that someone loses their seat. Is that the political solution?

The Hon. C.J. SUMNER: I am saying that that is one example where the issue became a political issue. I am sure that there are others. The thing that really annoys me about this Parliament sometimes is that members are not prepared to rely on the judgment of the people on issues of public controversy. They insist on wanting to have independent people do things; they insist on wanting offences to cover things such as in this case, whereas in a lot of these issues the responsibility for the behaviour of politicians, policies and the appointments they make is really something where it is important that the responsibility be sheeted home by reference to public debate.

I do not see anything wrong with that but we in this Parliament seem not to want to let the people know about

these things. We seem to want to say, 'Let's not leave that to the judgment of the people,' whether it be in an election or just in the general debate in the community as to the performance of the Government. I am saying that, if Governments behave in a way that is unacceptable to the electorate, ultimately the electorate will wreak its revenge on the Government.

It seems to me to be surprising that members of Parliament would pooh-pooh that proposition; I would have thought it was pretty fundamental to democratic Government. As I say, in the final analysis the arguments have been fully put. I think there could be circumstances where legitimate activity is picked up by the sort of thing that we are talking about, that this offence might have covered and I think that, as it was not covered by the law previously, caution demands that we do not include it in the Bill. If it becomes an issue, then obviously Parliament can revisit it at some time in the future.

The Hon. I. GILFILLAN: I am sorry to hear the decision that the Attorney has made. I have two points to make. First, I thought he was joking to really believe that the proper redress of an improper appointment of a person to a public office by someone else in a public office will be made through the ballot box in an election. That is so farcical that it cannot even be taken seriously.

The Hon. C.J. Sumner: Why not?

The Hon. I. GILFILLAN: Anyone who can analyse—

The Hon. C.J. Sumner: You don't believe in democracy.

The Hon. I. GILFILLAN: I really cannot believe that the Attorney is putting this up seriously. Say that there are five allegations of improper appointment in different areas. How is the voting electorate to be informed of those, make a judgment and then vote in a way that punishes the people who made the improper appointment? It is a farce.

The Hon. C.J. Sumner interjecting:

The CHAIRMAN: Order!

The Hon. I. GILFILLAN: It is not even worthwhile discussing this. I will give the Attorney this much credit: he did think somewhat profoundly over whether or not this should stay in and I realise that to treat his response just on the superficial level of his ridiculous answer that it will be answered in the ballot box is demeaning his own position.

The point that I feel is important is that there is a good argument that it is an offence if someone with the power that a public officer has to make an appointment does so improperly, exercising that influence to favour some individual, for whatever reason. It may not necessarily be a financial or a tangible advantage. It may be just the exercise of the power—unjustified discrimination against an individual giving this person the power to appoint someone quite improperly.

I am conscious that there is a difference, as I indicated yesterday, between paragraphs *(a)* and *(b)*. I believe at the very least that we should retain paragraph *(a)* and I recognise that there can be some confusion and probably more confusion about determining the improper exercise of power in paragraph *(b)*, which deals with securing the transfer, retirement, resignation or dismissal of a person from a public office.

Certainly, as a compromise I would have felt at least easy with removing paragraph *(b)* under the circumstances. However, to wipe the whole paragraph out is a retrograde step from the intention of the Government in the original Bill and I am sorry to hear the Attorney make that opinion felt.

The Hon. K.T. GRIFFIN: I appreciate that the Attorney-General has given further consideration to this. It was unfortunate that the example of Mr Justice Millhouse was raised because I do not think—

Members interjecting:

The Hon. K.T. GRIFFIN: Let us not laugh about it. The Attorney-General made an observation about it but, even on the criteria in the Bill, there was no hint of criminality that would have made it improper and the Attorney acknowledged that last night. I do not see much difference between paragraphs *(a)* and *(b)*. The consequence is the same. The real difficulty is that there is the possibility that a person will be put at risk of prosecution and facing a penalty of four years gaol on the basis of what someone says is improper when, in the judgment of many, it may not have been improper. It is more difficult to establish propriety than it is to establish that a benefit was paid.

The Hon. I. Gilfillan: You will have to establish it in subclause (2).

The Hon. K.T. GRIFFIN: One establishes a benefit, that is right—whoever improperly gives a benefit; it is a benefit.

The Hon. I. Gilfillan: It will be difficult to establish that it is improper.

The Hon. K.T. GRIFFIN: That is right. That is the essence of it. I am concerned that we do not make the law so vague and put someone potentially at risk if it is not something that is necessary. As I understand it there has not been an example either in this State or elsewhere in Australia, where the law would have needed to be as in subsection (1) to deal adequately with the problem of preferment to office where a benefit has been involved. So, having raised it, I appreciate that the Attorney-General has reviewed it and I agree with the reasons he has given in support of the view that subsection (1) should not be included in the Bill.

The Hon. C.J. SUMNER: I will not prolong the debate. I find the Hon. Mr Gilfillan's remarks somewhat intemperate. It surprises me that someone who is a member of Parliament—and therefore presumably is engaged in the political process—should deny that if in the judgment of people Governments are making appointments that the people consider to be improper that that does not impact on the reputation of that Government at the polls; clearly it does.

The Hon. I. Gilfillan: Who will tell the public?

The Hon. C.J. SUMNER: Well, the Hon. Mr Gilfillan has never been backward about raising issues in this Parliament since he has been here. We have just had two weeks of issues being raised where, on one interpretation of the events, there is a suggestion of impropriety on the part of people. It has been raised by the Hon. Mr Gilfillan and the Hon. Mr Lucas. I am not suggesting that in this case appointments were being made but there is certainly suggestions of other impropriety.

So, the issue has been raised in the Parliament. That is how the public is told and if in the final analysis the public decides the allegations that have been made against the Minister are unfair then they will make that judgment. If, on the other hand, on the basis of the information that is provided to them either through the Parliament or in whatever reports happen to be done, if any, the public decides that the allegations are correct—what the Opposition is saying is correct or that it is reasonable to raise it—then the public will make a judgement about the Opposition's action or the actions of the Hon. Mr Gilfillan. It is the stuff of politics.

The Hon. I. Gilfillan: There are lots of levels of appointment at layers that will not appear before the Parliament.

The Hon. C.J. SUMNER: That may be so. However, I suggest that if the appointments made are improper so that people are outraged about them then members of Parlia-

ment hear about them. Examples have been raised in this place over the past few years. The Hon. Mr Lucas has raised a number of appointments. I am not necessarily saying he is justified in doing it or that he had any grounds for doing it. All I am saying is that that accusation and rebuttal is part of the process and the public know about it.

The Hon. I. Gilfillan: So, you welcome it.

The Hon. C.J. SUMNER: I certainly don't welcome it.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: Just a minute; you've had your go.

The CHAIRMAN: Order!

The Hon. C.J. SUMNER: The fact is that I do not welcome it unless there is some basis to it. What I am saying is—

The Hon. I. Gilfillan: How do you determine that?

The Hon. C.J. SUMNER: Members of Parliament determine it every day of the week if they are any good at their job. Unfortunately, some members are not very good at their job and they bring furphies into this Parliament, which smear innocent people in an improper manner. However, generally, if one goes back to the common sense of the electors, the people who put us here, in the final analysis, if members of Parliament do that and do it too often, then the public would recognise what they are doing and would decide that the Opposition is not worthy of support.

On the other hand, if the issue brought up in the Parliament has some basis then when election time comes that will be a factor that the public would take into account in judging whether or not the Opposition should be supported. I am not saying that the public makes that decision exactly on that one issue—they might if it is bad enough—but certainly they are factors that the electorate takes into account when making this judgment.

I was merely rebutting the laugh-off proposition the Hon. Mr Gilfillan made to my proposition that political sanctions operate against Governments that abuse power. I would have thought that that ought to be obvious to any member of Parliament who has pretensions to knowing about how the political process works or what their role is in this Parliament.

The Hon. I. GILFILLAN: The term 'public officer' includes a person appointed to public office, a judicial officer, a member of Parliament, a person employed in the Public Service of the State, a member of the Police Force, any other officer or employee of the Crown, a member of a State instrumentality, or of the governing body of a State instrumentality, or an officer or employee of a State instrumentality, or a member of a local government body, or an officer or employee of a local government body. It may be that in a local government body one of the staff of that local government authority is improperly appointing or has improperly appointed to a position someone of his or her family or a person for some reason close to that person. It is totally without logic that I can see that the redress of raising the matter in Parliament and then expecting the electorate at the next election to correct that offence has any effect at all. If that has any effect, it may have the effect on some particular political representative. I would assume that it would be by either very remote control or by some sensational publicity. However, the person who actually commits the offence will go scot-free.

I do not believe that that is the way we should deal with that offence in statute. I do not believe it works as a deterrent and I do not believe it recognises that we as a community do not accept that the improper appointment to public office by public officer is to be tolerated in our society. I am very sorry that we have moved to delete this clause from the Bill.

The Hon. C.J. SUMNER: In the example given by the Hon. Mr Gilfillan obviously that would be a matter that would be dealt with at the local government level. In any event, it would probably be covered by provisions in the Local Government Act relating to conflict of interest. Of course, there are provisions—very general ones, at least—that are being considered at the moment in relation to issues of conflict of interest that can arise with respect to Ministers and members of Parliament as well.

I refer to the question of the repeal of section 249 of the Criminal Law Consolidation Act, defamation and reports of parliamentary proceedings. I have had that checked and, with the exception of one word that I think makes no difference at all, section 12 of the Wrongs Act is identical to the repeal of section 249 of the Criminal Law Consolidation Act. Therefore, there is no need to have section 24 of the Criminal Law Consolidation Act.

Clause as amended passed.

Clauses 7 to 18 passed.

Clause 19—'Substitution of s.18.'

The Hon. C.J. SUMNER: This clause deals with the issue of forcible entry or retention of land or premises. The Hon. Mr Griffin raised some concerns about the forcible entry provisions proposed to be added as section 17d of the Summary Offences Act. His specific question was whether the offence of forcibly retaking possession should apply in relation to persons unlawfully on land. The answer is as follows. The focus of the offence is on the forcible or intimidatory behaviour of the accused and not on the status of the person who is the subject of it. In that, the offence re-enacts common law and received statutory law, as well as the old section 243 of the Criminal Law Consolidation Act. So, we are not enacting a completely new provision.

The Mitchell committee recommended that the offence be repealed and replaced. The Committee added:

> The question arises in connection with forcible entry whether offences of this description should extend to a person who is attempting to enter his own property, having a legal right to do so . . . we need only repeat that the criminal law should not impair the right of an owner to enter his own property, although it should not give him the right to commit an assault.

That is what this section provides for. The provision is also consistent with existing legislation contained in the Summary Offences Act. For example, section 17a provides the landowner with the power to require a trespasser to leave, and the new section contains an offence committed by the trespasser which, upon commission, would enable police intervention on behalf of the land owner.

There is no inconsistency with the Self-Defence Bill. That legislation empowers a person to use such force, without intending to kill or being reckless as to death, as he or she genuinely believes to be reasonable to remove a person who is committing a criminal trespass. A criminal trespasser is one who is on land with the intention of committing a criminal offence or whose trespass is a criminal offence. The self defence law would be a defence to a charge under proposed section 17d.

So a landowner can use force to expel a trespasser if: *(a)* the trespasser is present with the intention of committing another criminal offence [Self Defence Act]; *(b)* the trespasser has been asked to leave by an authorised person and fails to do so section 17a Summary Offences Act; Self Defence Act]; *(c)* the trespasser uses offensive language or behaves in an offensive manner [section 17a Summary Offences Act; Self Defence Act]; *(d)* the trespasser interferes with farm animals [section 17c Summary Offences Act; Self Defence Act]; and *(e)* the trespasser has entered land unlaw-

fully and holds it by force or in a way that force is the only reasonable practicable means of recovering lawful possession [new section 17d (2), Self Defence Act].

Otherwise, unless those situations apply, new section 17d (1) which, as I said, does to some extent re-enact existing law, provides that the landowner has to get a court order or employ some other lawful process. So, 17d has limited work to do, but we believe that it is an important provision to emphasise that, unless the circumstances I have outlined have occurred, people cannot take the law into their own hands and use force, threats or intimidation to enter land or premises to expel people. I hope that explanation is satisfactory to the honourable member.

Clause passed.

Remaining clauses (20 to 23), schedule and title passed.

Bill read a third time and passed.

UNIVERSITY OF SOUTH AUSTRALIA (COUNCIL MEMBERSHIP) AMENDMENT BILL

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

ADJOURNMENT

At 10.25 p.m. the Council adjourned until Thursday 2 April at 2.15 p.m.