LEGISLATIVE COUNCIL

Friday 7 April 1995

The PRESIDENT (Hon. Peter Dunn) took the Chair at 11 a.m. and read prayers.

PUBLIC SECTOR MANAGEMENT BILL

Schedule of the amendments made by the House of Assembly to the amendments of the Legislative Council.

Legislative Council's Amendment:

No. 16 Page 5 (clause 7)—After line 21 insert new subclause as follows:

'(5a) Before a recommendation is made to the Governor as to a matter referred to in subsection (3) that will affect a significant number of the members of a recognised organisation, the Minister must, so far as is practicable—

(a) notify the organisation of the proposed recommendation; and

(b) hear any representations or argument that the organisation may wish to present in relation to the proposed recommendation.'

House of Assembly's Amendments thereto:

Leave out from proposed subclause (5a) 'the members of a recognised organisation' and insert 'employees'.

Leave out paragraph *(a)* of proposed subclause (5a) and insert—

'*(a)* give notice of the proposed recommendation—

(i) to the employees; and

(ii) if a significant number of the members of a recognised organisation will be affected by the proposed recommendation—to the organisation; and.'

After 'argument that' in proposed subclause (5a) insert 'representatives of the employees or'.

Legislative Council's Amendment:

No. 19 Page 8—After line 25 insert new clause as follows:

15A. *'Right of recognised organisations to make representations to Chief Executives*

(1) Before making a decision, or taking action, that will affect a significant number of the members of a recognised organisation, a Chief Executive must, so far as is practicable—

(a) notify the organisation of the proposed decision or action; and

(b) hear any representations or argument that the organisation may wish to present in relation to the proposed decision or action.

(2) Nothing in this section limits or restricts the carrying out of a function or exercise of a power by a Chief Executive under this Act.'

House of Assembly's Amendments thereto:

Leave out from proposed clause 15A(1) 'the members of a recognised organisation' and insert 'employees'.

Leave out paragraph *(a)* of proposed clause 15A(1) and insert—

'*(a)* give notice of the proposed decision or action—

(i) to the employees; and

(ii) if a significant number of the members of a recognised organisation will be affected by the proposed decision or action—to the organisation; and.'

After 'argument that' in proposed clause 15A(1) insert 'representatives of the employees or'.

Legislative Council's Amendment:

No. 23 Page 11, line 17 (clause 21)—Leave out 'personnel management' and insert 'directions and or'.

House of Assembly's Amendment thereto:

Leave out from the words to be inserted 'or'.

Legislative Council's Amendment:

No. 28 Page 12—Before line 1 insert new clause as follows:

22A 'Recognised organisations and right to make representations to Commissioner—

(1) If the Commissioner is of the opinion that an association registered under the *Industrial and Employee Relations Act 1994* or under the *Industrial Relations Act 1988* of the Commonwealth represents the interests of a significant number of employees, the Commissioner must, by notice published in the *Gazette*, declare the association to be a recognised organisation for the purposes of this Act.

(2) If the Commissioner is of the opinion that a recognised organisation has ceased to represent the interests of a significant number of employees, the Commissioner must, by notice published in the *Gazette*, revoke a declaration under subsection (1).

(3) Before making a decision or determination, or taking action, that will affect a significant number of the members of a recognised organisation, the Commissioner must, so far as is practicable—

(a) notify the organisation of the proposed decision, determination or action; and

(b) hear any representations or argument that the organisation may wish to present in relation to the proposed decision, determination or action.

(4) Nothing in this section limits or restricts the carrying out of a function or exercise of a power by the Commissioner under this Act.'

House of Assembly's Amendments thereto:

Leave out from proposed clause 22A(3) 'the members of a recognised organisation' and insert 'employees'.

Leave out paragraph *(a)* of proposed clause 22A(3) and insert—

'*(a)* give notice of the proposed decision, determination or action—

(i) to the employees; and

(ii) if a significant number of the members of a recognised organisation will be affected by the proposed decision, determination or action—to the organisation; and.'

After 'argument that' in proposed clause 22A(3) insert 'representatives of the employees or'.

Legislative Council's Amendment:

No. 36 Page 13, lines 28 to 32 (clause 26)—Leave out paragraphs *(a)* and *(b)* and insert new paragraph as follows:-

'*(a)* describe the extent of observance within the Public Service of—

(i) the personnel management standards contained in Part 2; and

(ii) the personnel management guidelines and directions issued by the Commissioner; and

(iii) the provisions governing the use of contracts relating to employment in non-executive positions under Division 2 of Part 7,

and measures taken to ensure observance of those standards, guidelines, directions and provisions;'.

House of Assembly's Amendment thereto:

Leave out subparagraph (iii) of proposed paragraph *(a)*.

Legislative Council's Amendment:

No. 38. Page 14—After line 9 insert new clause as follows:

26A *Special reports*

(1) The Commissioner may at any time submit a special report to the Minister on matters relating to personnel management or industrial relations in the Public Service or a part of the Public Service.

(2) If the Commissioner becomes aware that significant breaches or evasions of—

(a) the personnel management standards contained in Part 2; or

(b) the personnel management guidelines or directions issued by the Commissioner; or

(c) the provisions governing the use of contracts relating to employment in non-executive positions under Division 2 of Part 7,

have occurred in an administrative unit, the Commissioner must make a special report to the Minister describing the breaches or evasions.

(3) On receipt of a special report under subsection (2), the Minister must obtain a report from the Minister responsible for the administrative unit dealing with the matters raised by the Commissioner and describing any corrective measures taken by the Chief Executive of the administrative unit.

(4) The Minister must, within 12 sitting days after receipt of a special report under this section, cause copies of the report (together with any further report obtained under subsection (3)) to be laid before each House of Parliament.'

House of Assembly's Amendment thereto:

Leave out paragraph *(c)* of proposed clause 26A(2).

Legislative Council's Amendment:

No. 45. Page 16 (clause 30)—After line 34 insert new subclauses as follow:

'(5a) If—

(a) the executive is not reappointed to the position at the end of a term of employment; and

(b) the contract does not provide that he or she is entitled to some other specified appointment in that event; and

(c) immediately before the commencement of his or her first term of employment in the position, the executive occupied another position in the Public Service (the employee's 'former position'),

the executive is entitled to be appointed (without any requirement for selection processes to be conducted) to a position in the Public Service with a remuneration level the same as, or at least equivalent to, that of his or her former position.

(5b) If an employee is appointed as required by subsection (5a) to a position that is an executive position, the conditions of his or her employment will not be required to be subject to a contract under this section (except in the event that he or she is appointed to another executive position).'

House of Assembly's Amendments thereto:

Leave out paragraph *(c)* of proposed subclause (5a) and insert—

'*(c)* immediately before the executive was first appointed to any executive position under this Act, he or she was employed in the Public Service (but not under a contract for a fixed term with no entitlement to employment in another position at the end of the fixed term); and

(d) the contract does not exclude the operation of this subsection,.'

Leave out from proposed subclause (5a) 'that of his or her former position' and insert 'that of the position he or she occupied immediately before the commencement of his or her first term of employment in the position to which he or she is not being reappointed'.

Legislative Council's Amendment:

No. 47 Page 17, lines 7 to 24 (clause 32)—Leave out the clause.

House of Assembly's Amendment thereto:

After the words in the Amendment 'Leave out the clause' insert 'and insert new clause as follows:

32. Termination of executive's employment by notice

This section applies only to an executive whose conditions of employment are subject to a contract under this Division.

(2) The Chief Executive of the administrative unit in which an executive is employed may, with the approval of the Commissioner, terminate the executive's employment by not less than three months notice in writing to the executive.

(3) If an executive's employment is terminated by the Chief Executive by notice under this section, the following provisions apply:

(a) if—

(i) the contract relating to the executive's employment does not provide that he or she is entitled to some other specified appointment in the event of such termination; and

(ii) immediately before the executive was first appointed to any executive position under this Act, he or she was employed in the Public Service (but not under a contract for a fixed term containing provision for termination of his or her employment by notice in writing of a specified period); and

(iii) the contract does not exclude the operation of this paragraph,

the executive is entitled to be appointed (without any requirement for selection processes to be conducted) to a position in the Public Service with a remuneration level the same as, or at least equivalent to, that of the position he or she occupied immediately before the commencement of his or her first term of employment in the position occupied at the time of termination;

(b) in any other case—the executive is, subject to any provision in the contract, entitled to a termination payment of an amount equal to three months remuneration (as determined for the purposes of this subsection under the contract) for each uncompleted year of the term of employment (with a *pro rate* adjustment in relation to part of a year) up to a maximum of 12 months remuneration (as so determined).

(4) If an employee is appointed as required by subsection (3)*(a)* to a position that is an executive position, the conditions of his or her employment will not be required to be subject to a contract under this Division (except in the event that he or she is appointed to another executive position).

(5) Nothing in this section prevents termination of an executive's employment by a shorter period of notice than three months provided that a payment is made to the executive in lieu of notice of an amount equal to the salary and allowances (if any) that the executive would have been entitled to receive during the balance of the period of three months less, in the case of an executive appointed to another position under subsection (3)*(a)*, the salary and allowances (if any) payable in respect of employment in that position during the balance of the period of three months.

(6) The provisions of Part 8 relating to termination of an employee's employment apply to an executive in addition to this section but subject to any provision in the contract relating to the executive's employment.

Legislative Council's Amendment:

No. 52. Page 18 (clause 36)—After line 28 insert new subclause as follows:

'(4) Conditions of employment may not be made subject to a contract under this section except—

(a) in the case of a temporary or casual position; or

(b) with the Commissioner's approval—

(i) in the case of a position required for the carrying out of a project of limited duration; or

(ii) where special conditions need to be offered in respect of a position to secure or retain the services of a suitable person; or

(iii) in other cases of a special or exceptional kind prescribed by regulation.'

House of Assembly's Amendments thereto:

Leave out from the Amendment the words 'new subclause' and insert 'new subclauses'.

Leave out from proposed subclause (4)*(b)*(i) 'limited duration' and insert 'a duration not exceeding five years'.

After proposed subclause (4) insert—

(5) The term of an employee's employment in a temporary position may be extended from time to time and an employee may be reappointed to a temporary position, but the aggregate period for which an employee continues in a temporary position may not exceed two years.

(6) The Commissioner may give a general approval that will be sufficient for the purposes of subsection (4)*(b)* in relation to a class of positions that the Commissioner is satisfied are required for the carrying out of projects of a duration not exceeding five years.

Schedule of amendments made by the Legislative Council to which the House of Assembly has disagreed

No. 40 Page 15 (clause 27)—After line 13 insert new subclause as follows:

'(1a) The Commissioner may not make a determination relating to the classes of positions that are to be executive positions if the determination would result in more than two per cent of all positions in the Public Service becoming executive positions.'

No. 115 Page 41, line 10 (Schedule 2)—After 'employees' insert 'so as to authorise the establishment of a pool of sick leave credits for the benefit of any member of the group who has a longer term absence due to sickness or injury'.

Schedule of the alternative amendment made by the House of Assembly in lieu of amendment No. 115 disagreed to by the House of Assembly

No. 115 Page 41, lines 9 and 10 (Schedule 2)—Leave out paragraph (d) and insert—

(d) the Commissioner may approve a scheme in relation to a class of employees under which this clause will apply in a modified way in relation to employees of that class who individually apply to come under the scheme.

Schedule of the consequential amendments made by the House of Assembly

Page 15, after clause 28—Insert new clause as follows:

28A. Review of remuneration level of position

(1) The Commissioner may establish review panels for the purposes of this section.

(2) A review panel is to consist of—

(a) the Commissioner or a delegate of the Commissioner; and
(b) an employee selected by the Commissioner from a panel of employees nominated by recognised organisations; and
(c) an employee selected by the Commissioner from a panel of employees nominated by the Commissioner.

(3) The Minister may from time to time invite the recognised organisations to nominate employees to constitute the panel referred to in subsection (2)*(b)*.

(4) If a recognised organisation fails to make a nomination in response to an invitation under subsection (3) within the time allowed in the invitation, the Minister may choose employees instead of nominees of the recognised organisation and any employees so chosen are to be taken to have been nominated to the relevant panel.

(5) A person ceases to be a member of a panel if the person—
(a) ceases to be an employee; or
(b) resigns by notice in writing addressed to the Minister; or
(c) is removed from the panel by the Minister on the ground of misconduct, neglect of duty, incompetence or mental or physical incapacity to carry out official duties; or
(d) has completed a period of two years as a member of the panel since being nominated, or last renominated, as a member of the panel, and is not renominated to the panel.

(6) Subject to subsection (7), an employee who—
(a) has made an application under this Part for variation of the remuneration level of the employee's position; and
(b) is dissatisfied with the decision on the application,
may, within 30 days after receiving notice of the decision, apply to the Commissioner for a review of the remuneration level of the employee's position.

(7) An application for review may not be made—
(a) by an executive or any employee whose employment is subject to a contract under Part 7; or
(b) in a case of a kind excluded by the regulations.

(8) On an application for review, the Commissioner must refer the application to a review panel.

(9) A review panel to which an application for review is referred must afford—
(a) the applicant; and
(b) the Chief Executive, or a nominee of the Chief Executive of the administrative unit in which the applicant is employed,
a reasonable opportunity to make submissions orally or in writing to the panel on the questions raised by the application.

(10) If an applicant wishes to make oral submissions, the applicant may appear before the panel personally or by a representative (who may not be a legal practitioner).

(11) On completion of a review, the review panel may—
(a) confirm the existing remuneration level of the applicant's position; or
(b) determine that the remuneration level of the position should be varied with effect from a date determined by the panel (which may not be earlier than the date of the application for review nor later than three months from the date of that application).

(13) A decision in which any two or more members of a review panel concur is a decision of the panel.

(14) If a review panel determines that the remuneration level of a position should be varied, the Chief Executive must vary the remuneration level of the position in accordance with the determination.

Page 45, line 22 (Schedule 3)—Leave out 'Minister' and insert 'Commissioner'.

New Schedule

After Schedule 3—Insert new schedule as follows:

SCHEDULE 4

Amendment of Industrial and Employee Relations Act 1994

The *Industrial and Employee Relations Act 1994* is amended by striking out paragraph *(a)* of the definition of 'employer' in section 4(1) and substituting the following paragraph:
(a) for public employees—the body or person (not being a Minister) declared by regulation to be the employer of the employees;.

Long title, page 1, line 8—After 'Act 1985;' insert 'to amend the Industrial and Employee Relations Act 1994;'.

INDUSTRIAL AND EMPLOYEE RELATIONS (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That the sitting of the Council be not suspended during the continuation of the conference on the Bill.

Motion carried.

MINING (NATIVE TITLE) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That the sitting of the Council be not suspended during the continuation of the conference on the Bill.

Motion carried.

PLUMBERS, GAS FITTERS AND ELECTRICIANS BILL

In Committee.

Progress reported; Committee to sit again.

CATCHMENT WATER MANAGEMENT BILL

Adjourned debate on second reading.

(Continued from 22 March. Page 1638.)

The Hon. T.G. ROBERTS: Although I have not been able to table them, amendments are being prepared that should be here shortly. They are not major: they are amendments that have been recommended by local government. They do not change the intention of the Bill. I will be indicating support for the Bill but with some minor changes and, although I indicate that there may have been another way or other formulas for presenting the Bill to the Council, the work that the Government has done in putting together a solution is commendable. I think it is a timely Bill to present to Parliament at this stage, to try to get a management program where people take responsibility for prevention, clean-up and disposal of any litter waste or contaminants into our water streams.

The correspondence and discussions I have had on this Bill have been immense and I take note that the nature of the consultation processes, particularly the determination of setting up a management board system separate from the local government system, has presented much food for argument, particularly in the local government area. To some extent, members of the public have been spectators rather than participants. There has been much constructive criticism and comment from the public at this time. The media played a role in presenting a patchwork quilt view of the Government's intentions, and that may have caused some of the public interest and the direction that the public interest took in some of the questions and issues being raised through my office.

The questions raised by local government in relation to the setting of the rate, which seems to be one of the major issues

in its mind, has been to some extent dealt with by the amendment that the Government has on file, which allows for a variation of an application of a formula for the rate. No matter what method is set for the collection of revenue, there will always be arguments about it because of the various views that are formed at local government level.

The uniformity of the rate has been a major problem for people in some council areas. The fall of the rate is not uniform in all catchment areas. People in some local government areas will pay the levy while others will not. However, that is not a huge concern in relation to the equity and fairness of the levy. It is an illustration of the formula which has been set and the ease and readiness of the board's ability to manage, collect and administer the rate after the programs have been determined, how the programs are run and the problems associated with the programs in the various catchment areas.

To some extent, local government has other concerns about having a board separate from total local government control. It is probably an indicator that there is concern that local government would not be in complete control of the management boards or the administrative body that was perhaps to be administered by the LGA. There have been a number of suggested alternatives to setting up the management structure for the administration of finance and the identification of the relevant programs which are needed to clean up the catchment areas. One alternative suggestion was that an umbrella body be set up which, whilst administered by local government, would reduce some of the concerns held by local government bodies.

Another concern flowing through part of the negotiation process was the transfer of assets and the way in which they would be administered. I think that the Government, through the negotiation process, has come to terms with many of the objections that were raised by local government. Although there are still some outstanding items in relation to infrastructure, easements and other matters, I think that the Government has done a pretty good job in putting to rest the concerns of local government in relation to the management of those assets.

The reason for the introduction of the Bill is clear and obvious. Major concerns were being expressed about not only water quality in the waterways but the damage that is being done by the outflows, particularly at the Patawalonga. The outflows from the Hills and through the plains, because of the pollutants that have accumulated in the streams and systems, have caused major damage to our coastal areas, and particularly to our seagrass mattings.

The Bill should have been introduced some 20 years ago when the problem was starting to emerge and, rather than putting remediation programs in place, we may have been able to prevent a lot of the damage to our coastal areas. Unfortunately, that was not the case and we now have to try to put in place a catchment management system with the cooperation of all the participating local government areas. We will need to make sure that community structures and input are adequate to influence outcomes and that the solutions that are being determined by the catchment management boards are agreed to by as broad a range of people as possible.

I turn now to the make up of the catchment management boards in relation to community participation. Although there is representation from elected bodies in local government areas, it has been suggested to me that perhaps a couple of places could have been made available on the boards for representatives of local conservation groups and community action groups that have been associated with environmental programs over a number of years. The advice I have been given by the Government is that it is prepared to listen to advisory bodies which are made up of local representatives. The recommendations that come from those local groups that are concerned with outcomes will be taken into consideration by the board, and they can also feed their concerns into the board through local government.

I see a number of areas where conflict may occur, and I will refer to those later. I will read into *Hansard* some of the letters from local government that perhaps sum up the concerns that it had during the negotiating process. As I said, the amendments take into account most of the issues that have been raised by local government. The City of Burnside, the City of St Peters and the City of Unley all expressed their concerns in relation to some of the matters during the progress of the Bill. The Government met with local government representatives and other bodies and eliminated many of the concerns but, as I said, the way in which the levy has been structured is still an outstanding matter for local government.

It is not an outstanding matter for the Opposition. The Opposition supports the proposal of a progressive tax or levy and prefers that position to a flat rate or tax. If it had been structured in another, way we may have made a different determination in respect of the way in which the finance is to be raised rather than a levy. The Opposition's position would have been for the finance to be raised through general revenue collection and to not strike a specific levy for water catchment management problems. Now that it has been struck by the Government, and given the way in which it has been described in preference to a flat rate, we prefer the progressive rate based on capital value.

Everyone will be watching very closely how the management program works, and I am sure that the Government itself will try to eliminate any of the problems at a local level that may appear between catchment management boards, particularly in relation to the possibility of a differential in moneys raised for various programs in different catchment areas. There is some potential for conflict in that there may be a variation in the amounts payable within local government areas and in the levy being applied in different geographical areas, with residents in some areas paying more or less than others. However, I am sure the Government will have an education program and policy ready to go as soon as the Bill has been passed so that residents understand exactly what is their position in relation to the geographical determinations and the application of levies.

The climate is right for people to understand why the work is being done, and there is a commitment and understanding by the general population of the metropolitan area—perhaps not so much in the country regions—that there is an urgency for the work to be performed, and I would hope that there will be a general acceptance of the programs that will be put together in relation to engineering solutions or natural solutions involving more wetlands, stormwater retention and stormwater management programs. I hope that communities will work together as units rather than be separated into various geographical zones, competing for favours in relation to their preferred solution. The challenge will be to explain the whole of the catchment management programs and the reasons for the engineering solutions and to get a commitment from the general population as to the solutions determined by the various boards and local government areas.

We already have a good example in the northern suburbs where those sorts of programs have been put together. The northern councils have gained the confidence of their constituents and have explained why flood mitigation, stormwater retention and wetlands programs are to be initiated and maintained; they have cooperated with Federal Governments, State Governments and the MFP boards and they have coordinated their own local government activities; and they have achieved general community acceptance. Those who have been to see that program can attest to the benefits from the foothills to Barkers Inlet.

That sort of management strategy needs to be transferred via the mechanisms and the processes set in train by the Government to bring about cooperation and to minimise the conflict and competition which may emerge from changed management systems. In many cases, local government tends to be very conservative about the way in which it looks at any cooperative programs with other councils and in relation to this Bill there would be a potential for conflict between management boards and local governments as to how to proceed. I am sure that, given the northern suburbs model, local government will have to take a whole of catchment and a whole of river system view on this and not look at just the impacts and effects on the local government area.

Hopefully, through that broader vision there may even emerge from the strategy a plan for future amalgamations based on water catchment management and the use of environmental boundaries as a way in which to proceed. There certainly needs to be some sort of a trigger for future amalgamations as they slowly occur. As I said, the Catchment Water Management Bill could be a facilitator to encourage future amalgamations based on the ability of councils to cooperate on a single issue.

I would not like to see the Victorian model of amalgamation of local government boundaries apply where determinations were made without consultation and boundaries imposed on individual councils. The trauma is still being managed. While I have some sympathy for some sections of local government in Victoria, others dug in their heels and were not prepared to amalgamate or change their boundaries: they were living in the past. However, there are ways in which Governments can encourage local government to broaden its horizons and start to progress these discussions, and I hope that the Bill will do that. The experience with the Murray-Darling Basin Commission has taught us that rivers must be managed on an entire catchment basis and that authorities managing the catchment must be able to overcome vested interests, particularly those of separated local government areas. If water problems are to be addressed properly, all those issues need to be tied together. The Murray-Darling Basin Commission has worked effectively. It had to overcome not only local competitive use programs but also State boundaries.

I believe that the Patawalonga clean-up program accelerated the Government's program to some extent, and the progress in negotiations that is being made gives some hope to this side of the Council that those programs can work cooperatively and will be able to continue. Programs are also running in the southern and northern regions, and it is a matter of coordinating them and making sure that they work. Some solutions have been applied, such as the Patawalonga program. I have raised the issue in the Council during Question Time and at other times of where a solution to one catchment management problem impacts on other council areas and programs. Regarding the preferred management program for the Glenelg-Patawalonga clean-up, although it has not been stated, there is a certain amount of concern by the Henley and Grange council further north as to what the solution for the Patawalonga program will be.

So, the potential for conflict is there if the intentions of one catchment management program are not discussed, highlighted or considered by other management programs around it. Not only must there be coordination of the single catchment programs but they must be integrated into other programs to make sure that the solutions that are applied in one geographical area do not impose a solution downstream or in another geographical area with which the ratepayers or the people who live in those areas do not agree.

A number of meetings have been held in the Glenelg area, and there is a general consensus to proceed with the development using Federal and State moneys to achieve that but, as I said, further up the coast at Henley and Grange there is potential for the Glenelg program to impact on the area. The major claims from the conservation groups and organisations are that the Patawalonga development will adversely impact on a number of environmental concerns in the Henley and Grange area.

A recent public meeting was attended by about 400 people, and concerns were expressed that, if one of the indicated solutions for the Patawalonga were applied, the impact on the sand dunes and the environment in the Henley and Grange council area would be impacted on adversely. It would be incumbent on the Government to make sure that the programs being put together are overseen and administered as a total management plan rather than as just a separate stream management plan. That is where the solution may have been: to have the Local Government Association as the overall administrative body that could perhaps have been responsible for integrating those various programs, rather than separating the management boards out. We would then have total responsibility under one umbrella and the LGA would perhaps be able to oversee the separate management programs that were being administered and provided.

The MFP Board has indicated its willingness to be more involved in those sorts of programs, and it may be that the Government is looking at an overall management strategy using a single management board or body. I do not know; I have not been told, but perhaps the Minister could say in his second reading response.

The other Government body that needs to play a leading role is the Environment Protection Authority (EPA). It needs to be involved to ensure that the potential for industrial pollution to reach streams is minimised or eliminated. I have concerns that the EPA's management structure and its ability to involve itself in anything more than its responsibilities at the moment may be restricted by potential cuts to its management programs through budgetary restraints. I hope that is not the case, because certainly the EPA needs to be involved in the process so that it can bring its expertise and experience into a combined operation where we have State Government authorities with those of local government bringing to bear the abilities they have to assist and manage the elimination of potential pollutants from streams and assist in those managements.

As I said, I have concerns that the EPA's ability is already under stress: it appears to be stretched to the limit now in being able to play the management and policing role that it was set up to play. When the Environment Bill is finally proclaimed, I hope the EPA will play a leading role in the management of these programs.

The future management of environmental problems associated with catchment rest with the State Government's ability to manage the integration of Federal Government support programs and assistance with State Government moneys, support and assistance and the management boards cooperating with local government support and assistance. So, it will be a test for the three tiers and of the ability of the community organisations to feed into these management programs so that people have confidence that the engineering or natural solutions that are being suggested do work and do not impact unfairly on ratepayers and people in those catchment areas. That is the challenge.

I suspect that the Government will try to ensure that these challenges are met, that the programs are up and running and that the management plans are in place in the first 12 months so that people see that some work is being done in a reasonably short time. It would be a tragedy if the administration of the programs held them up so that it was 12 months or 2 years down the track before any work was seen to be put on the ground. I would think that would make community groups and organisations very nervous.

The preparation of the plans enables community participation and consultation, and the challenge for the Government will be to link in with, or at least measure, the community acceptance levels of those plans. If the plans are drawn up with community participation and meet community approval I cannot see that there will be too many problems, but the overall administration of integrated plans is where the potential for conflict lies.

I have indicated that I have some amendments. One of my amendments is for a sunset clause for the Bill to be imposed for a two year period and that, if any problems emerge in the first two years of the administration, the Government can hold a review and, if the Government supports the imposition of a sunset clause, the changes that may be required could be dealt with. It will allow for a review process to take place to determine whether there are any administrative problems or indeed whether any problems are emerging from the community in relation to aspects of the levy and raising the funds and finance.

If the Government's confidence is matched by the content of the Bill, the sunset clause will not be necessary. However, it does give people out in the water catchment areas or the areas that will be levied an avenue for changing the way in which the programs are administered. With those cautioning comments and the support that I hope will come from local government and the management boards, I support the second reading.

The Hon. M.J. ELLIOTT: I support the second reading. Whilst I strongly support the sentiments that surround the Bill's being drawn up, it has a couple of severe deficiencies that need to be rectified in Committee. The deficiencies are obvious once you read through it. The reason for our legislating in this area is that many of the streams, particularly in Adelaide but elsewhere in South Australia also, are an absolute disgrace, both in terms of contamination and in terms of what the engineers have done to them. The Sturt Creek has been turned into a concrete drain, which is moving the polluted water more quickly to the Patawalonga. That is the reason we are doing it, yet when one reads the Bill one has to wait until clause 42 before seeing the title 'Preservation and enhancement of natural resources'. It is the first time in the entire Bill that the reason South Australians would support such legislation is mentioned, namely, the reason most people are prepared to pay levies to ensure that the waterways are cleaned up. I find that amazing.

By contrast, clause 27 talks about the power to sell water from these catchments. Somewhere along the line the engineers and other forward thinkers have taken control of the agenda and are more interested in pumping water into aquifers and using it for other purposes than they are in cleaning up the streams. That is not to say that recharging of aquifers is not worthwhile, because it is a damn good idea. It is not to say that the use of that water for industrial and other purposes is not a good idea because I think it is. But, to wait until we get to one four-line clause referring to the preservation and enhancement of natural resources—and I think it may be the only mention in the whole Bill: how did that happen? What sort of guidance are we giving to the catchment management committees that will be established when that is the sole mention in the Bill?

The catchments, particularly in the Adelaide area, are in a very bad state. The one that has been most in the public eye recently has been the Patawalonga, but the Torrens and Onkaparinga catchments are not much different. A number of other creeks and drains in the Adelaide area are sadly polluted and are having a significant impact in a number of ways. There is, first, the impact within the streams themselves. In many cases they are nothing more than channels for the carrying of water to get it out of the way. We can compare it with what is happening in other cities: I had an opportunity to look at what is being done in Portland, Oregon, where streams are a major feature of the city, where the beautification of those streams and the reinstatement of natural values is a major feature of that city, with walkways along the streams. It is marvellous, something of which the city is proud, and it is of great value to that city. Instead we have so far in South Australia gone in the exact opposite direction where our streams have been increasingly confined to concrete channels and it is simply a way of moving water along.

The Patawalonga suffers from contamination from a variety of sources. The most obvious ones on a first look sometimes are the plastic bags and those sorts of things, yet in many ways, except when those plastic bags go into the marine environment and, for instance, kill a dolphin which thinks the bag is a fish and attempts to swallow it, they are perhaps rather trivial when compared with other contamination that is getting into that stream. We have contamination that comes from the motor car, which is a significant contributor, with high levels of lead from petrol and zinc from the tyres, and other heavy metals are finding their way into that catchment.

The Government has now determined that it will clean up the Patawalonga. As an engineering solution, they will dig the mud from the bottom and dump it on land adjacent to the airport. I do not think we can really call that remediation. It is just a relocation of the contamination at this stage. Nevertheless, the Patawalonga will itself be clean. We are not quite sure what will happen next. It appears there are some plans for wetlands. The wetlands would either then flow back into the Patawalonga or be diverted straight into the sea, creating a new mouth. That seems a rather strange idea, but I will not explore that at this stage. Engineers always go for the engineering solution. I do hope these committees do not have too many engineers on them. Not that I do not hold engineering in high regard, but it is just that engineering is only one way of offering solutions and sometimes those solutions create new problems.

The most significant source of contamination of the Patawalonga I am told is organic contamination. I am told that, as much as anything, it is coming from things such as lawn clippings that are getting dumped into creek lines further up in the hills, where I live. People rake up their leaves and put them out of the way, but they find their way into the creeks. The very high organic load is coming from people in their everyday activities, quite unaware of what they are doing. They must think that these things just break down and go away. Well, they are breaking down—in the creek—and they are going away—downstream—ending up in the Patawalonga. Some of these proposed trash racks will remove the plastic bags, dead dogs and those sorts of things, but the finer organic material will continue to go down there unless we change the activities of the ordinary residents of Adelaide.

Of course, there are some other significant causes. There is certainly evidence around of illegal industrial contamination with some factories allowing releases of material, often at night, into some of these drains. One would hope a very real effort will be made to track them down. The Hon. Mr Roberts referred earlier to the EPA. The authority is understaffed. It really should be its job, but perhaps these water management catchment committees may pick up some of the load at least in the detection of these sorts of activities.

There is little doubt that the long term solution will be made up of a number of components. One of the major causes of our problems is the fact that increasing urbanisation is leading to more hard surfaces, and more hard surfaces lead to more run off. As the city becomes more intensively inhabited, for which urban consolidation is pushing, then the ratio of sealed to unsealed surface will continue to change. That will continue to escalate the amount of water run-off. That will create a number of problems. It does create the pressure to convert the creeks into those drains because they want to move the water through rapidly. There are other solutions and, having had my bit to say about engineers, some of those will be engineering solutions. There is no doubt that we will have to use methods of retention and detention of water, with both retention and detention dams probably associated with wetlands. They can also be linked to wells, which might be used to recharge the aquifers.

Prior to settlement, a good deal of the rainfall would have naturally percolated through the soil to the aquifers. Having created a hard surface, we have accelerated the run off. All we are really doing is seeking to put water down to the aquifer which, in other circumstances, would have gone there anyway. We might see a change in the method of road construction, particularly the verges of roads. For instance, I know that Mount Barker council has used swales instead of kerbing. By doing this the water spreads out over quite wide areas; it runs along the side of the road and a good deal of it soaks into the soil. There is not much we can do about the hard surface of roads.

We might also have to put new rules in place in relation to new housing. We could look at things such as a requirement that new houses have a design capacity to retain more water on site. There are other reasons why we would want to do that. The return of the rainwater tank is an obvious thing. There might even be on site some attempt to trap the water and allow it to percolate downwards. Some on-site wells might be relatively easily installed, but in some areas they will not work. I know that when I lived in Hazelwood Park during winter one had to go down only about 30 centimetres to find that the soil was already saturated. We might also look at encouraging people not to install solid concrete driveways but to go for some forms of ribbed paving available actually containing soil. In that way, the driveway does not act as the solid surface that leads to water run off, but encourages the penetration to the soil again. We could see changes in development plans that looked at housing and associated development in that way.

The biggest single hope is education of the people who live in the catchment areas. I have flowing along my back fence a very small creek, which probably runs only about five hours a year with any real flow of water. However, it is the beginning of one of those very small creeks that joins a bigger one and then an even bigger one, eventually finding its way into the Patawalonga. Potentially the contamination of the Patawalonga could start in my backyard if I did not employ appropriate practices. If I tip my lawn clippings up against my back fence then they are sitting in a creek line. If my dog decides to do his work at the back of the yard, which dogs are prone to do, then again that is a potential contributor to contamination. While I mention dogs, I challenge anyone to do their sums on how much dog food is sold each week. One does not have to be too bright to work out that that is a major source of contamination for our creeks. It is not a trivial matter. In fact, I have seen a figure and it runs into the tens of tonnes every day.

Members interjecting:

The Hon. M.J. ELLIOTT: I am talking about how much dog food is being sold, but the by-product would not be that much less in actual quantity. A certain amount is converted to carbon dioxide after respiration, but quite a significant percentage does not achieve that goal and is simply a by-product. It will be very hard to police; I do not think we will have people searching backyards to see whether or not people are doing the right or wrong thing in relation to their dog. However, I think there will be education programs just to get people to think about that sort of issue. Certainly, in countries such as England they at least have laws providing that if your dog defecates on the footpath you will clean it up there and then.

The Hon. Diana Laidlaw: And fined heavily.

The Hon. M.J. ELLIOTT: Yes.

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: I have not seen them enforced in relation to the dog that walks along my footpath every day. I was trying to make the point that we want to involve people. I attended a meeting a couple of months back and talked with people who live along the Minnow Creek, one of the larger creeks running through the Blackwood area, eventually flowing into the Sturt Creek and then the Patawalonga. The people concerned had lived in that area for some 40 or 50 years and could recall a time when the creek lines were home to five or six species of frogs. That creek, they said, now has an extra two metres of silt in the bottom of it and the frogs have disappeared.

They had made an effort to encourage the return of the frogs and had built a small pond adjacent to the creek line. I foresee the opportunity that we might actively encourage the whole community to look at creeks and their ownership. When I say 'ownership', I do not mean that they would own the title so much as they would take some responsibility for the creek in question. If we look at communities adopting sections of creek, the psychology of that could also encourage them to think about their own backyards and the impact their activities might be having. People have a habit of hosing down their driveway to clean it rather than using a broom,

which increases the amount of run-off without good justification. I do not think there is anywhere near enough provision in the legislation to encourage the involvement of the general public.

I will quickly touch upon a couple of the amendments I will be moving to this Bill. The first amendment is to insert five objects of the Bill: first, to improve the quality of catchment water and to improve the natural resources of the State, including the land and its soil, native vegetation and native animals; secondly, to prevent or reduce the flooding of catchment water; thirdly, where appropriate, to make catchment water available for primary production or for industrial, commercial, domestic, recreational or other purposes.

I hate to think that it is an absolute requirement that water be made available, or that perhaps we will be damning these little suburban streams and trying to drag every last bit of water out of them. I am saying that where appropriate it should be done. The fourth object is to encourage members of the community to take an active part in improving the quality of catchment water; and, finally, to educate members of the public in relation to the management of catchment water and of catchments. I have some concern about clause 14 of the Bill, referring to the people to be appointed to the boards of the water management catchment areas. At this stage, clause 14(1) provides:

> At least one of the persons nominated by the Minister (other than the presiding member) must be a person who has knowledge of, or experience in, catchment water drainage or flood control, preserving or improving water quality or any other area of catchment water management or in the management of catchments or natural resources.

My amendment is to split that up so that two people are appointed: one person who has knowledge or experience in the management of natural resources (there should always be at least one person on these committees with that knowledge); and one person with all of the other qualifications referred to in clause 14(1). The Minister should always have a number of nominees and, rather than just specifying the qualifications or knowledge of one person, we should be doing that in relation to at least two of the people. It is important that at least one of those people have knowledge and experience in the area of natural resources. After all, that is why the vast majority of people in South Australia will support this legislation, and what they are hoping and expecting to get from it. Clause 19 talks about meetings to be held in public subject to certain exceptions. I do not believe that three days notice is sufficient for a matter in which I think we should encourage the public to take an active interest. Without public interest and involvement this Act will not be very effective, so my proposal is that there be 14 days notice of such meetings.

In relation to clause 25, which relates to the functions of the boards, I will move an amendment that says that the functions of the board are to prepare a catchment water management plan for its catchment area in accordance with the objects and other provisions of this Act. So, having put in an objects clause, I am saying that when the board is drawing up its management plan it must be taking the objects of the Act into account. It worries me greatly that the powers of the board are all very much about diverting water, excavating land, constructing embankments and installing pipes. All those things are necessary, but the powers all relate to the physical sorts of things you might want to do to a creek line or water course.

The Hon. T.G. Roberts interjecting:

The Hon. M.J. ELLIOTT: That is right; and it is necessary. The very next clause is talking about sale of water, then diversion of water, underground aquifers, and the responsibility for infrastructure. As I have said, after you have gone past entry and occupation, by-laws, staff of the board, exclusion powers etc., you finally find your way to the clause that talks about preservation and enhancement of natural resources. In fact, it is not even in the same part: it is in the next part of the Bill, and it seems to me that is a fairly major oversight. In relation to clause 37, which talks about the preparation of plans, I have been trying to persuade the Parliamentary Draftsman to draft something according to the words I want, and I am not sure that he has it right yet, and it is the major holdup at this stage and why my amendments are not on file.

What I seek to do immediately before clause 37(2)(a) is insert a subclause that sets out that one of the functions to be taken into account is in relation to the natural environment. That is ignored as one of the potential functions under the plan and, again, it seems rather strange to me that it should be ignored, since it is the principal reason for the legislation. Clause 39(1)(e) provides that the board must consult with members of the public in relation to the draft management plan. I do not think that is adequate, arguing that the role of the public is crucial; recognising that, after the draft management plan is in place, there are enormous powers. It has powers that also relate to the Development Act, I think, under another clause and, recognising that and the fact that they can make by-laws and these by-laws can override local government; recognising all that, it seems to me imperative that some process of consultation should be clearly prescribed.

I will move an amendment that reflects the sort of public consultation process you have with the EIS process, where a draft management plan is circulated, the public has a chance to respond to that and then you come up with a final catchment management plan. These will be very powerful documents: a lot of power under the law is being given to these groups. The cooperation of the public is also very important and so, for all those reasons, I think that the public must have a real involvement. That real involvement can be offered through that process.

I shall have a consequential amendment to clause 40. On clause 50 I shall be moving an amendment for a sunset clause in relation to subclause (3). I do not want to impede the progress of the legislation, but I have had a good deal of lobbying on this clause. My response has been that there may be some legitimate issues involved, but that it is fairly complex, that it is important to get the legislation and that we do not lose another 12 months. On that basis I am prepared to support the Government's proposals on the levy, but I am also prepared to say that it is worth another look.

In principle, I do not have any problems with rating against property value or with progressive taxation. However, some interesting arguments have been advanced as to whether we should take into account the sorts of activities taking place on the land or the efforts being made by individuals to minimise contamination of water run-off from their properties. Those legitimate questions deserve attention. At the end of the day we may find that the simplest method, which has been adopted by the Government, might be the best, but I think that the other matters deserve attention.

I again indicate my understanding of the reasons why the Bill has been introduced and concern that they are not incorporated within it. They are capable of rectification with

some relatively simple amendments, and I hope that members will concur with them.

The Hon. A.J. REDFORD secured the adjournment of the debate.

DAIRY INDUSTRY (EQUALISATION SCHEMES) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 March. Page 1663.)

The Hon. R.R. ROBERTS: Essentially, this Bill formalises the arrangements of the voluntary price equalisation scheme which has been in place in South Australia over the past few years. There is some danger of an accusation that the scheme may contravene the Commonwealth Trades Practices Act. This Bill includes a provision to overcome that risk and, therefore, protect the scheme which has been agreed to and is working reasonably well for all the parties.

The second aspect embraces an adjustment to the legislation to avoid a possible although, I am advised, technical breach of section 25 of the Dairy Act dealing with payments to dairy farmers in respect of farm gate prices and notional transport cost additions. The Opposition understands that the provisions in this Bill will adequately address all of these matters. I thank the Minister for the briefing that I received on this Bill. I am convinced that the Bill will do what it seeks to do and, with the benefit of the briefing, I indicate that the Opposition will support this Bill without amendment.

The Hon. K.T. GRIFFIN (Attorney-General): I appreciate the indication of support by the honourable member for the second reading of this Bill and also his indication that he has no amendments.

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

FISHERIES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 23 March. Page 1666.)

The Hon. R.R. ROBERTS: The Opposition will be supporting this Bill—again without amendment—but I do need to make some statements in respect of this matter and elaborate on the situation in relation to aquaculture. I thank the Minister for giving me the opportunity to be briefed by the department in respect of all these matters. This Bill deals with the registration of fish processors and the requirement that they must keep records. It goes some way towards addressing the continuing problem of the sale of black market fish in the industry. This Bill clearly defines the powers of fishing inspectors investigating breaches of the Fisheries Act.

Some of the breaches of the Act have been difficult to prosecute in the past, and people who have been in obvious breach of the Act have been able to slip through due to these loopholes. It addresses the question and introduces a new clause for proof of identity. Members will be appalled to know that, when tackled, people sometimes give false names and, in the past, that has resulted in very little penalty being imposed on offenders. However, this Bill does address that matter. It also introduces greater penalties for breaches and additional penalties for all parties who are involved in the industry. If a fisherman takes fish illegally, he receives a fine for that offence as well as additional fines depending on the number of fish or abalone found in his possession. That has not occurred necessarily to licence holders or people who receive fish, and they have been able to get away with just the penalty for the breach without the other imposts. This Bill will redress that problem. It also talks about management of the abalone industry, and the Opposition is happy with that.

The Bill also addresses the question of aquaculture. The developing aquaculture industry in South Australia has been very well supported by the State Government, but a problem is emerging within the industry. I was contacted recently by the Hon. John Trainer, who has had some association with the Chinese community in South Australia, and he has gained their confidence. He has drawn to my attention several concerns which a Mr King-To Chang has expressed to him in relation to not only the recent mysterious losses and inefficiencies which in recent times have allegedly become associated with the Port Lincoln tuna farming project but also to a disagreement in respect of the financial terms under which Mr Chang was to be paid at the conclusion of his contract to develop the fish farm and to the almost discriminatory lack of progress in his licence application despite his unquestioned expertise.

A major recent development in fisheries in South Australia has been the farming of tuna at Port Lincoln in an enterprise which last year exported more than $60 million worth of fish and which next year is expected to generate $80 million in exports, according to the figures accompanying a report which appeared in the *Advertiser* of 28 March. Sadly, that report informed the public that there had been overnight thefts of about one third of the fish in holding pens, representing losses of $40 000 a night. Strangely enough, a report of 6 April in the *Port Lincoln Times* contradicts that claim and quotes the Fisheries Unit Compliance Officer as saying that his extensive investigation could find no proof of any theft on such a grand scale.

Nevertheless, it is interesting to note that what has been happening within the tuna farming industry was described by the President of the Tuna Boat Owners Association of Australia, Mr Brian Jeffriess, in the earlier *Advertiser* report as grand larceny being carried out by very organised groups. Such has been the success of this new industry, and such is the amount of wealth generated by it, that an element of criminality in one form or another is apparently present in the industry. Presumably the Government is fully aware of the contribution made to the successful development of southern bluefin tuna farming in Australia by Mr King-To Chang, an Australian citizen who was born in Hong Kong and who made a conscious decision to assist the economic progress of the fishing industry in his adopted nation by applying the considerable professional expertise he has brought to this country from Asia and America.

Mr Chang was engaged as a consultant for a two year term from 1991 to 1993 by the Tuna Boat Owners Association in relation to tuna farming, being contracted on a retainer plus a 20 per cent commission on the gross selling price of the fish harvested during the term. Mr Chang has a glowing *curriculum vitae*, and a reference was provided to him by Mr Brian Jeffriess, the elected Chairman of the National Fishing Industry Council, which represents all fishermen, processors and aquacultural interests in Australia. Mr Jeffriess also is the President and Director of the Tuna Boat Owners Association of Australia. Mr Jeffriess states:

. . . ..I have known Mr King Chang for six years:

(1) Firstly, as someone who came to Australia to assist some pioneer aquaculture work and obtain Australian residency.
(2) Secondly, as a full-time contractor to the ATBOA to manage the southern bluefin tuna farm (SBT) for the ATBOA.

3. King Chang came to Australia with an international reputation, not only as a shrimp expert but as someone very capable of handling live fish. It was this reputation and Mr Chang's systematic approach to projects which persuaded us to contract his company.

4. The SBT farming project has been an unqualified success, and is looked upon as one of the major successes of the last decade of fisheries research in Australia. King Chang has been the major reason for its success.

5. The project was the world's first attempt to farm SBT. Northern bluefin tuna is farmed in Japan and some areas of North America, Europe and Africa, but under an entirely different system from SBT. The SBT concept has been to capture 12.25 kilogram fish live, transport them to farms and fatten them for four to 24 months before marketing them.

6. In three years the research project has led to a large commercial SBT farming industry.

7. The reasons for Mr Chang's success in the project have been:
(1) A capacity to manage, train and motivate an international team of Japanese and Australians. We find this a rare and important capacity in Australia.
(2) A thoughtful approach to issues, including the ability to identify where improvements can be constantly made. This reflects his philosophy that 'there is always a better way of doing things'.
(3) A mixture of strong research skills and a 'hands-on' approach to the project. These research skills include an appreciation of the need to record all data and the ability to put it into perspective.
(4) A critical appreciation of quality control.
(5) The capacity to see the 'wider picture' and not just the narrow focus of monthly or isolated developments.
(6) A very strong 'work ethic', reflected in an overriding sense of responsibility and commitment to the project on which he is working.
(7) The ability to handle live fish of any size—Mr Chang's experience had largely been in small fish, but he adapted very quickly to large tuna.
(8) A very good understanding of the biology and behaviour of fish including their feed requirements.

8. Overall, Mr Chang has exceptional technical and managerial skills. I would be very pleased to recommend him for any projects which requires the capabilities he has shown to us.

I also have an extensive list of qualifications and experience that Mr Chang has against his name. He has almost an international reputation in this field and is probably one of the best qualified people in aquaculture in Australia. It is not just my humble view that Mr Chang's choosing to become an Australian and to bring his expertise to South Australia has been of immense benefit to us all. In his capacity as Chairman of the National Fishing Industry Council, Mr Jeffriess made reference to Mr Chang.

It is most strange, however, how Mr Chang was then gradually eased aside at the end of his two year contract once the tuna farm seemed to have become a well established and successful project, particularly in relation to the financial terms of his contract, which included, as I pointed out a few moments ago, a 20 per cent commission on all the fish harvested from the project. It may be significant that in early 1992 he had applied for a licence to establish a tuna farm of his own.

In the first year of his acting as a consultant to the Tuna Boat Owners Association of Australia, a harvest of $750 000 meant a $150 000 commission for Mr Chang's aquaculture company. The second year produced an even more bountiful response for the project except that harvesting came to a halt shortly before the two year contract was due for renewal and as soon as an equivalent amount of fish had been taken from the pens as had been gathered the previous year.

As soon as $750 000 worth had been harvested by the Tuna Boat Owners' Association, representing a commission of $150 000 to the contracted consultant, harvesting ceased and the contract was terminated. Strangely, harvesting recommenced a week or two later (I am advised that it was more like seven days) and an estimated $2.5 million worth of farm reared tuna in the pens was harvested but Mr Chang's company received no commission whatsoever because his contract with the association conveniently was not renewed. I will not deal with that matter now, because I understand it will become the subject of legal action on the part of Mr Chang against the association.

However, there is another inexplicable matter—the invisible barrier that seems to be preventing Mr Chang, the best qualified person in this field, from obtaining a licence to operate a tuna farm of the type he helped develop. Apparently, it is being made difficult for him to get any other aquaculture licence. In March 1992 Mr Chang applied for a tuna farming licence to set up his own farm. In January 1993 a person acting on behalf of the association asked him to withdraw his application because the association members were not in favour of his entering the industry as a participant instead of a consultant; he would not be able to get the necessary quota for tuna to stock the farm pens; and, without a quota, he would be labelled as a speculator who was just getting a licence in order to sell it at a profit to someone who did not have a tuna quota.

Under great pressure—and there were subsequent threats regarding his safety in addition to earlier threats about his livelihood—Mr Chang withdrew his tuna farming application, yet eight other subsequent applications by association members have been successful. Seeking to apply his expertise with aquaculture species other than tuna, Mr Chang made the following licence applications in 1993-94: a non-tuna aquaculture licence on the same Port Lincoln site as the one originally applied for in regard to tuna in August 1993; an abalone aquaculture research application for Boston Bay, lodged in September 1993; and a licence for a whiting, snapper and barramundi hatchery at West Beach, adjacent to the Fish Protech sheds, in August 1994.

Mr Chang has received no official written response. How can the South Australian fishing industry expand to its full potential if full use is not made of the skills brought to Australia by a person so highly qualified? How is it that a leading expert in aquaculture apparently cannot get a licence? If the Government is aware of Mr Chang's considerable expertise, will the Minister explain why Mr Chang has not been successful with his application for a licence to operate his own tuna farm lodged in March 1992, well ahead of eight other successful applications lodged by others associated with the Tuna Boat Operators' Association? This is a worrying development in the tuna farming industry and it is something I intend to pursue elsewhere.

I am happy with the rest of the provisions in the Bill and indicate that the Opposition will be supporting its passage through the remaining stages without amendment.

The Hon. K.T. GRIFFIN (Attorney-General): I thank the honourable member for his indication of support for the second reading of this Bill. He raised a number of issues which will require a response, but I will have the issues raised by him examined by officers of the Minister for Primary Industries. Whilst we will not be able to provide a reply for the purposes of concluding this debate, I will endeavour to ensure that it is returned to him by letter.

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

TRUSTEE (INVESTMENT POWERS) AMENDMENT BILL

In Committee.

Clauses 1 to 3 passed.

Clause 4—'Substitution of part 1.'

The Hon. T.G. CAMERON: I move:

(New section 8), page 2, after line 22—Insert paragraph as follows:

(aa) a duty to invest trust funds in investments that are not speculative or hazardous;.

We are seeking to insert this new subsection into the Bill to make quite clear that the rules and principles of law and equity, imposing a duty on trustees to invest trust home investments which are not speculative or hazardous, continue to apply. We support the Government's moves here to do away with the scheduled list, and we had concerns about certain types of investments which trustees might be disposed to look at and which would be speculative or hazardous as far as a beneficiary was concerned. We believe that this amendment will make quite clear that the rules and principles of law that relate to speculative or hazardous investments will apply. We hope that if it is spelt out in the Act people will be aware of it. At the end of the day, no amount of legislation that we introduce will stop those people who want to act in a crooked manner from going off and doing whatever they like with trust funds; we cannot legislate to stop that. Hopefully, this will act as some kind of brake on those who might be tempted in that direction.

The Hon. K.T. GRIFFIN: As I indicated in my second reading reply, the Hon. Mr Cameron raised the issues with me and with one of my legal officers, and as a result of those discussions these amendments have arisen. I have been consulted with respect to them. The Hon. Mr Cameron raised the issue, so it is appropriate that he move the amendments. I indicated the responses to the issues that he raised during my second reading reply. The background to this amendment has been adequately explained by the Hon. Mr Cameron and therefore I am happy to support it.

Amendment carried.

The Hon. T.G. CAMERON: I move:

Page 3, after line 18—Insert subsection as follows:

(2) A trustee may—

(a) obtain and consider independent and impartial advice reasonably required for the investment of trust funds or the management of the investment from a person whom the trustee reasonably believes to be competent to give the advice; and

(b) pay out of trust funds the reasonable costs of obtaining the advice.

This new subsection addresses the need of trustees, particularly lay trustees, to obtain independent advice on investment matters. The old Act set out the responsibilities and obligations of trustees in relation to the taking of independent advice and from whom they should take that advice. A section of the Act defined that. However, the old Act was far more mandatory than the section that I am seeking to put into the Act. This new subsection does not make the obtaining of advice mandatory, nor does it require trustees necessarily to follow the advice they are given. The old Act did not do that, either, as I understand it. The trustee may obtain and consider the advice given, but the investment decisions must be those of the trustee, himself or herself.

This subsection will make it possible for trustees to obtain and consider independent and impartial advice, reasonably required, for the investment of trust funds, or the management of the investment. The cost of such advice is to come from the trust funds. We would like that spelt out in the Act, and I understand that the Attorney-General is comfortable with it. Lay trustees in particular will go to the Act, when they discover they are trustees, to ascertain their rights, duties and obligations. It needs to be clearly spelt out in the Act that they can take investment advice and are not bound by it, but if they do they are entitled to be reimbursed from trust funds for any reasonable cost incurred in obtaining that advice.

The Hon. K.T. GRIFFIN: I am happy to support the amendment. It is an issue which can be put beyond doubt: the trustee does have this discretion and, when exercised, trust funds will be available for reasonable costs of obtaining the advice. It is a reasonable proposition and I indicate my support.

Amendment carried.

The Hon. T.G. CAMERON: I move:

Page 6, after line 20—Insert paragraph as follows:

(d) the extent the trustee acted on the independent and impartial advice of a person competent (or apparently competent) to give the advice.

This new paragraph follows on from previous amendments and provides that, when considering an action for breach of trust, the court may also, in addition to the factors already set out, take into account the extent to which the trustee acted on independent and impartial advice. Quite clearly, if a trustee has acted in accordance with independent financial advice, and that advice turns out to be bad advice and the trustee finds himself being sued for a breach of trust, this subsection will enable that person to point to that advice and obtain a defence or some relief from any action that may be taken against him. I understand that the Attorney-General is happy with this amendment.

I refer briefly to the concerns we expressed in relation to clause 13D. I had a discussion with the Attorney-General and legal counsel in relation to that. Not being a solicitor myself, sometimes when one has concerns about some of the statutory legislation, when one ascertains the law in relation to the matter or the custom and practice of the courts, one finds that the problems one was experiencing were not really problems at all. It would appear that, in relation to section 13D, there is no Australian law on this matter but there is law on the matter in the US. I am satisfied that, when considering applications for a breach of trust, the law on this matter will take care of the concerns that I previously outlined.

The Hon. K.T. GRIFFIN: To some extent, the amendment is a natural follow-on from the earlier amendment we made to clause 4, but it also stands alone in its own right. As the Hon. Mr Cameron has indicated, I have been consulted about it and I am happy to support the amendment.

With respect to the new section 13D, I did make some observations about this when I replied at the second reading stage, but I think it is important to realise that there are a variety of circumstances in which a breach of trust may occur. They may occur in circumstances which are perhaps beyond the control of the trustee. They may occur in circumstances where subsequently the trustee has made reasonable efforts to remedy the breach of trust. There may be occasions where the breach of trust is purely technical and should be excused. So, there are a variety of circumstances in which breaches of trust may occur.

Proposed section 13D allows the court to take into consideration what that breach of trust may be and to set off losses against other parts of the trust estate. It is not mandatory; it is discretionary. I think it empowers the court to adopt this course if in all the circumstances it is appropriate to do so. In the area of the law of trust, courts are reluctant to take action which will prejudice a trust. They are very strict in their regard for proper performance of trustees' duties. I do not think they would set off losses against profits lightly, but I think it is important, nevertheless, that there be a discretion to deal with all the potential circumstances in which a breach of trust may occur. I think that power in here, without the limitation, will not be a power which is abused but will be used in the best interests of the trust but also having regard to the circumstances in which the breach of trust occurs.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

[Sitting suspended from 12.45 to 2.15 p.m.]

JENNINGS, MR J.J., DEATH

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I move:

That the Legislative Council expresses its deep regret at the recent death of Mr John Joseph Jennings, former member of the House of Assembly for the seats of Prospect, Enfield and Ross Smith, and places on record its appreciation of his distinguished public service.

In speaking to the motion I note that Mr Jennings entered Parliament in the year of my birth, 1953—many years ago—together with another distinguished Labor member of Parliament, Don Dunstan, who, of course, went on to be a long-serving Premier of South Australia. Mr Jennings left Parliament as a result of long-standing health problems in 1977, after almost 24 years of service to the South Australian Parliament and, of course, to the South Australian community.

He served on a good number of committees within the parliamentary system, the most notable of which was his long service on the Public Works Committee. I understand that he served as chairman of that committee for a number of years. He was also active, as I am sure his colleagues, both past and present, will be able enunciate in greater detail than I, with a number of community groups, both in his own area and in the broader community as well.

I did not know Mr Jennings that well, I must say. However, I do recall that during that period when he was very ill, in the mid 1970s, I served a brief period in Parliament House—about 12 to 18 months—as a research officer to the then Leader of the Opposition, David Tonkin. Basically, the only conversation I had with Mr Jennings, who seemed to be a much older person than I—and he certainly was at that stage—was his saying 'G'day' in the corridors as I walked by. He never failed to acknowledge anyone's presence, no matter how relatively insignificant they might have been, and there was no-one more insignificant than the research officer to the Leader of the Opposition in those times. I was certainly very young at that stage. He never failed to acknowledge and was always very pleasant to anyone who engaged him in conversation.

The older members of Parliament, a number of the members of the Legislative Council and others to whom I spoke during that period and during the early 1980s remember—and I think the morning *Advertiser* picked this up—the fact that certainly in his early days Mr Jennings was very much touted by his colleagues and independent observers as a potential high flyer within the Labor Party. Many people are given that particular label in all Parties. I have been told about his early speeches and his wit and contributions to the Parliament. In particular, I am told that if one looks back through his speeches and contributions of the 1950s and early 1960s, when compared with the early contributions by Don Dunstan, one sees that he was touted to be a high flyer within the Party.

Sadly, from his Party's viewpoint, and I am sure his own, his health problems meant that he was unable to reach the heights that he might have intended or wished through the early stages of his political and parliamentary career. I am told also that in his time Mr Jennings was very active in terms of activating private members' legislation. A check of the records and press clippings within the Parliamentary Library indicates his very keen interest in a number of areas but, in particular, the introduction of Bills banning live hare coursing. I was not able to ascertain exactly how many Bills he introduced; perhaps the Leader of the Opposition is in a better position than I to give the Chamber that information, but he certainly made two or three attempts.

We had a discussion last night that, in terms of legislation, sometimes it takes two or three attempts, and someone gave an example of seven attempts to actually achieve something. Persistence is required, as well as a belief in a cause and being prepared to continue to fight for it irrespective of the early response one might get from colleagues, the Parliament or the community.

I am sure Mr Jennings was very proud of the achievements of his family, in particular, I am told, his son, Mr Barry Jennings, who this year was appointed by the new Government to a position on the District Court bench. On behalf of Liberal members in this Chamber, I would like to pass on my condolences to the remaining members of Mr Jennings' family on the occasion of his passing.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I second the motion. Jack Jennings was not a member who was very well known to me, but I did meet him on many occasions within the Labor Party and when he attended the luncheons for retired members. He certainly seemed to still enjoy coming into Parliament and meeting with some of his old colleagues. As the Minister has indicated, Jack entered Parliament in 1953 with Don Dunstan. I would like to relate a little story that was told in another place by the Hon. Mr Rann about the dress sense of those two young men, as they were then, and to suggest who it was that may have put Mr Dunstan on the right path for his rather famous dress sense.

When Jack Jennings and Don Dunstan were preselected, they were taken aside by Clyde Cameron—known to all of us here as a former Minister in the Whitlam Government—who told them that they needed to smarten themselves up a bit. He suggested that they visit a particular Italian tailor in the city. Judging from the photograph I have in front of me, at the time Jack and Don entered Parliament, I think Mr Dunstan probably took Mr Cameron's advice but I am not sure about Mr Jennings. Members might like to see this photograph of the famous spotted shirt. Certainly Jack was a very lively member of Parliament and he had a distinguished parliamentary career.

He was a Government Whip, a member of the Joint Committee on Subordinate Legislation, and a member of the Land Settlement Committee. He was also a member of the Public Works Committee for over 19 years, including chairing the committee from 1973 until his retirement in 1977. I understand that his lively wit was very evident when he was on that committee. He was a very assiduous local member. No task was too hard or too small and, as the Minister has indicated, his legislation with respect to live hare coursing was something that brought him into great prominence. Today we would condemn this practice universally, but 20 years ago I understand it raised a great deal of ire when Jack Jennings proposed that it should be banned.

He also created controversy when he announced that Question Time had become a 'shocking waste and a crashing bore'. At the time, Question Time lasted for two hours (one shakes in one's shoes at the thought of it) except on Tuesdays, when it was even longer. I think we can thank Jack for helping to provide the catalyst for making the workings of Parliament less insular, focusing instead upon the issues of concern to the public of South Australia.

He was certainly a man of his time, and some had singled him out for leadership of the Labor Party but, of course, we know that history overtook those events. Indeed, he was always a very strong supporter of Don Dunstan, when he became Premier. The passing of Jack Jennings is very sad for those of us more modern members of the Labor Party, although I am beginning to think that some of us are getting to that stage where, as the Hon. Mr Lucas has indicated, the years are catching up on us. When I first met Mr Jennings I was a very young and keen member of the Labor Party. I am a bit older now but just as keen. So, it has been very interesting for me to reminisce and, in reading the history of Mr Jennings, to look back on his maiden speech, which he gave on 23 July 1953.

Someone told me when I entered Parliament that you have to be very careful about what you say in your maiden speech because you have to live up to those ideals, as sooner or later someone will throw them back in your face. In 1953 Jack said this:

> Every thinking person who appreciates the electoral arrangement which allows this Government to maintain office—and the number of such people is growing daily—realises that when members opposite speak pious platitudes about democracy they are speaking hypocritically and paying lip service to something in which they do not believe. To members of the Labor Party, all of whom genuinely believe in democracy, it is nauseating to have to take part in the traditions and procedure of the Parliament, knowing that this Parliament is only a masquerade of representative Parliament and that the traditions and procedure which were born with the origin of representative Parliament are here in South Australia only a facade to hide the suppression of democratic representation.

Of course, in Mr Jennings' time we changed the system and had a much more representative Parliament, particularly in this Chamber. I know that his passing will be a loss to the Labor Party and Labor movement, and I extend my sympathies and those of the Opposition to the surviving members of his family.

The Hon. ANNE LEVY: I would like very briefly to pay tribute to Jack Jennings. When I was a very young and green member of Parliament he was serving his last two years as a member and we had many conversations: not only in the refreshment room. At that time he was Chair of the Public Works Standing Committee, which was then accommodated, for some reason, on the Legislative Council side of this building on the first floor. Jack's room as Chair of Public Works was next to my room, so we had many conversations. I concur in the remarks that he was a real gentleman, unfailingly courteous, polite, considerate and a very pleasant person with whom to have a discussion—and discussions we certainly had, covering a very wide range of topics.

It was during his time as Chair of Public Works that he insisted that a car be provided for the holder of that office. I am sure that many people since then have thanked Jack for the fight he undertook to obtain that car. I extend my sympathies to his family and will always remember him with great fondness.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.30 to 2.40 p.m.]

QUESTION TIME

CHILD CARE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the child-care regulations.

Leave granted.

The Hon. CAROLYN PICKLES: Last September the Minister said that he hoped to have the review of the child-care regulations completed by the end of the year—that was last year—and he indicated that not everyone would be happy with the results and the prospect of increased costs. When does the Minister expect to introduce the regulations; what were the main changes to be made; and by how much will the cost of child-care increase?

The Hon. R.I. LUCAS: I am delighted to hear that I said at the end of the year and did not specify which year. The child-care regulations revision in South Australia is a bit like *Blue Hills*. I think I might have mentioned in the Estimates Committee that I remember writing two Education and Children's Services policies for the Liberal Party in Opposition—I think it was in 1989 and 1993, and I suspect 1985 as well—and I promised to finalise the review of child-care regulations in South Australia. Having arrived in the ministerial seat, I can say that we have not resolved them yet. My intention, as I said in the Estimates Committee, was to try to finish them by the end of last year.

I took the decision, I think in about December, that we had so many conflicting claims about the effects of the child-care regulations and the affordability of child-care that we needed more time. Most of that information was from consultants' and accountants' reports based on the Eastern States. It is important to know that there are some national standards, in particular relating to staffing and child-care centres, which have been considered by the various State administrations. A number of other States have commissioned consultants' reports, basically by firms of chartered accountants, on the effect of the regulations on the cost of child-care, a number of which have been quoted in the debate in South Australia.

The Children's Services Office had a view on what the cost might be. In the end, faced with all that conflicting evidence, I have asked the Children's Services Office to commission our own sample survey of both community-based and private child-care centres on the cost effect of the child-care regulations on the affordability of child-care in

South Australia. The most recent advice I had was that that report should have been with me some time at the end of March or the early part of April. I have not yet seen it. As a result of the honourable member's question, I will chase it up. Hopefully by then we will have some information on the potential effect of the child-care regulations on affordability.

The only other comment I can make about affordability is that the thinking within the Department for Education and Children's Services has been that those new standards, if they are to be implemented in South Australia as part of a national standard change, might have to be phased in to try to lessen the effect on affordability for families in relation to access to child-care. In relation to the staffing, for example, there may well be a phasing in of those particular arrangements if the Government proceeds down that path.

In relation to the area requirements, which basically takes it from 2.8 square metres per child to 3.2 square metres per child, again there may well have to be a grandparent clause and a phase in arrangement so that those existing centres that might not comply with the 3.2 square metres of space per child might be allowed to continue in a grandparent clause type arrangement, and that new centres which are built—and continuing to be built—are built to the new standard. It is fair to say that most private operators are building their centres according to the 3.2 square metre standard, anyway, on the basis that sooner rather than later that new area standard will be implemented. I will take the honourable member's question on notice and see whether there is anything further that I can provide in the short term, but certainly I can indicate that we have not yet resolved the question on what final decisions have been taken in those key areas of the child-care regulations.

TUNA FARMS

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about the application for a tuna farming licence by Mr King-To Chang.

Leave granted.

The Hon. R.R. ROBERTS: Members would remember that in a contribution on another Bill today I did raise some matters in respect of these issues, however I need to make an explanation before asking some specific questions that I would like the Minister for Primary Industries to address as a matter of some urgency. A former member of the House of Assembly, the Hon. John Trainer, has brought to my attention a series of disturbing developments in relation to the farming of tuna at Port Lincoln. The farming of tuna at Port Lincoln is a reasonably recent fishing industry development which last year generated approximately $60 million in exports and, according to newspaper reports, is expected to generate $80 million in exports in the coming year.

The initial success of this new industry can, in no small way, be attributed to the expertise and the work of Mr King-To Chang, an Australian citizen born in Hong Kong. King-To Chang was engaged in January 1991 by the Tuna Boat Owners Association as a project manager for the first Southern Bluefin farm in Port Lincoln; a project which he successfully and profitably established. King-To Chang is a person with extensive fish farming experience in the United States, Hong Kong and China and his work in the establishment of the tuna farming operation at Port Lincoln led to the Executive Director of the Tuna Boat Owners of Australia and Chairman of the National Fishing Industry Council, Mr Brian Jeffriess, to provide him with a written reference which states in part:

> King Chang came to Australia with an international reputation. . . It was this reputation, and Mr Chang's systematic approach to projects, which persuaded us to contract his company.

The reference goes on:

> The SBT [Southern Bluefin Tuna] farming project has been an unqualified success, and is looked upon as one of the major successes of the last decade of fisheries research in Australia. King Chang has been the major reason for the success.

With such glowing references it would be assumed that King-To Chang would have had his contract extended at its conclusion, however Mr Chang was gradually eased aside. King-To Chang attempted to establish a tuna farming operation for his own company at Port Lincoln in March 1992 and applied for a tuna farming licence. Pressure was applied to King-To Chang by people associated with the Tuna Boat Owners Association to withdraw his application as they did not want him entering the industry as a competitor. King-To Chang claims that threats were made to his livelihood if he continued his application.

Approximately eight licences were issued at or after the date when King-To Chang applied for his, and all of those licences were apparently issued to people with close connections to members of the Tuna Boat Owners Association and most of these applications were lodged after King-To Chang's. Not knowing about these other applications, King-To Chang withdrew his application, under pressure, and instead applied in August 1993 for a non-tuna aquaculture licence, in September 1993 for an abalone aquaculture research licence, and in August 1994 a licence to establish a snapper, whiting and barramundi hatchery.

Until recently Mr Chang had received no direct official response to any of these applications other than the acknowledgment of receipt of his abalone application. It is apparent that King-To Chang is a person with a great deal to offer South Australia's aquaculture industry, which could provide many millions of dollars of export income to our State; yet his skills are being ignored by the industry, and his attempts to obtain appropriate licensing and support are being stymied by State Government regulatory authorities. My questions are:

1. Will the Minister investigate whether King-To Chang has been dealt with in a fair and reasonable manner by the primary industries licensing authorities?

2. Why was King-To Chang's application for a tuna farming licence so unsuccessful while others who had applied after him were granted licences?

3. Why have his applications for other forms of aquaculture licensing been responded to with such a lack of interest?

4. Who were the successful applicants for tuna farming licences, and did they all hold tuna quotas?

The Hon. K.T. GRIFFIN: I will refer those questions to the Minister for Primary Industries in another place and bring back some replies.

CURRICULUM DEVELOPMENT

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about curriculum development.

Leave granted.

The Hon. T.G. ROBERTS: As I understand it, the space race did not deliver a lot of benefits to Australia in terms of

direct results, but when the astronauts walked on the moon the photographs that were sent back to Australia showed just how small and fragile our planet is in relation to the rest of the universe. At that time, and from 1968 onwards, people began to take more notice of the environment, and that event was probably as important as those first trips around the world when the explorers proved that you could not sale off the edge of the earth but that you could sale around it. Certainly it was as important as that in terms of environmental education generally. Since then we have continued to expand our horizons in relation to how education can change people's attitudes to the environment.

The education process is vital in being able to maintain that understanding through curriculum development and through children's education programs at school, and hopefully we even can educate adults who have left school. I am being educated continually on environmental matters, and the amount of information that generally is available never ceases to amaze me. Once you start looking at new things you realise that you have been operating in ignorance for a long time. I commend the—

An honourable member interjecting:

The Hon. T.G. ROBERTS: I understand the dilemma raised in the interjection that Governments have to provide a balance between industrial development and protection of the environment, and it is my view that the Federal Government made the wrong decision in relation to environmental protection versus industrial development. I think a better balance could have been provided and a better time frame adopted. This State probably has more environmental problems than most other mainland States, so it is important that the education program started by the previous Government continue. My questions are:

1. Is it true that no further funds will be made available for environmental education through environmental curriculum development and trained teachers in the South Australian education system?

2. If so, will the Minister support the reinstatement of these funds under the old standard and, if not, why not?

The Hon. R.I. LUCAS: It is certainly not true that there will no more funding for environmental education within South Australian schools. In terms of curriculum development, to their credit the previous Government and the new Government as well have acknowledged that of the eight key areas of learning one of the most important is the curriculum in respect of society and the environment. The new curriculum statements and profiles provide a detailed outline of the sorts of programs, practices and outcomes that we expect of students in our schools in the important area of environmental education. If the honourable member's question is a bit more subtle than that and if he has more detail about, say, a particular program which the department is looking at not continuing to fund, I would be happy to pursue that matter. However, in the broad and more important terms of the overall importance of environmental education in our schools, it is one of the eight key learning areas, it is a compulsory area of the school curriculum, and it will remain so over the coming years.

ROAD SIGNS

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister for Transport a question about road signs.

Leave granted.

The Hon. G. WEATHERILL: Recently, I had a discussion with some tourists who were visiting South Australia. They told me that the State of South Australia has the least number of road signs. My first reaction was that that was rubbish, because I have lived here for quite a number of years and I know my way around without looking for road signs. However, if, for instance, you travel down Burbridge Road looking for Adelaide Airport, you would have a good chance of finding it, but if you relied on road signs you would have no chance of finding it. The same situation applies right around this State. In other States, there are signs to tell you what to expect within the next 100 metres or so, but in South Australia that is not the case. Will the Minister and her department look into this matter?

The Hon. DIANA LAIDLAW: The department is looking at this matter because it, like me, the honourable member and the RAA, agrees that the road sign situation in South Australia is pretty hopeless. Unless you know where you are going, it is not easy to get around Adelaide. If you are going to a new area with which you are unfamiliar, it is difficult to get there without being equipped with a street directory—indeed, it is very difficult, because even the signs that are available are not well lit at night. They are small and neat and probably one could claim aesthetically pleasing, but they are situated only some metres from the main roads. If you are in the wrong lane and you need to turn right or left, you can cause considerable danger to yourself and others by seeking to manoeuvre across lanes.

We have taken action in this respect on Main South Road in the new work that has been undertaken at Darlington. If members travel that way, they will see huge signs which look as though they could withstand a hurricane as far as the supports for these new directional signs are concerned. They are large green and white signs situated about 100 metres from the main road, and they indicate in which lane drivers should position themselves. There are similar signs at the roundabout at the intersection of Dequetteville Terrace, Fullarton Road and Kensington Road, but they are about the only two areas in Adelaide that are decently sign posted. We will see more and more of the larger directional signs in the future when more road works are undertaken and also as part of a systematic approach with local government to improve signage on our roads.

PATIENTS' COMPLAINTS AUTHORITY

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question about a patients' complaints authority.

Leave granted.

The Hon. SANDRA KANCK: The Patients' Rights Task Force was assembled under the previous Government to look at the issue of setting up an independent patients' complaints authority for registering complaints about all aspects of health in South Australia. The group met from 1987 to 1993. The task force was chaired by Dr Neville Hicks and had representation from groups such as the AMA, the Medical Consumers' Association and SACOSS. It ultimately produced a draft public discussion paper which has never been released. Amongst the major issues which the committee examined were those regarding the two competing methods to receive patient complaints: a special patients' complaints authority or the use of the Ombudsman. I understand that the Minister prefers the Ombudsman option.

However, studies have shown that the Ombudsman option has very limited outcomes. The complaints authority is more universal and, because it is a central body, it allows trends to be picked up. For instance, I have been informed that, because there is no centralised register of complaints, repeated unethical behaviour of a medical practitioner can go virtually undetected. I have been made aware of an example of a doctor who has sexually assaulted a number of patients, and this is known by word of mouth, but as has been shown elsewhere a centralised register of such complaints would soon show up behaviour patterns, whether it be simply over-servicing or more serious criminal matters.

Research has shown that another advantage of a patients' complaints authority over the use of the Ombudsman is that an authority would improve health outcomes. A study undertaken at Harvard University has subsequently been trialled at the Queen Elizabeth Hospital and demonstrated that such a system would improve health outcomes. It should also be noted that under the Medicare agreement South Australia is actually obliged to have such an authority and, furthermore, that South Australia and Tasmania are the only two States not fulfilling this requirement. My questions to the Minister are:

1. Is the Minister's preferred position that patient complaints should be received and managed by the Ombudsman? If this is the case, is this why the task force discussion paper has not been publicly released? If not, what is the reason?

2. Does the Minister believe that members of the public might have an interest in this issue and that, therefore, the discussion paper should be released for public comment? If so, when will the Minister release the discussion paper?

The Hon. DIANA LAIDLAW: I will refer the honourable member's questions to the Minister and bring back a reply.

INTRODUCTION AGENCIES

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about introduction agencies.

Leave granted.

The Hon. A.J. REDFORD: Members may recall that I asked a question about introduction agencies on 23 March 1995 and that the Attorney advised the Council that he would bring back a detailed reply. Since asking that question, I had brought to my attention an article in the *Age* of 25 March 1995 entitled 'Code for lonely hearts'. The article indicates that the Victorian State Government is moving to control introduction agencies after a huge increase in complaints about them over the past year. The article states that the Attorney-General, Mrs Jan Wade, is contemplating a three day cooling off period for so-called friendship contracts and limiting to $1 500 the pre-payment demanded by agencies.

The recommendations are contained in a voluntary code of conduct prepared by the Office of Fair Trading and delivered to Mrs Wade's office last month. A report was prepared and tabled in Parliament in May 1994 outlining alarming practices in the largely unsupervised industry. The article suggests that the Government expects the industry to observe the code or risk a more rigorous regulatory approach. It details the consequences that, if there is a breach of the code ultimately leading to further breaches, fines under the Fair Trading Act from $10 000 to $50 000 may apply. The report further indicates that in Victoria there were 325 complaints against introduction agencies. The report noted that there were more complaints made against companies known as Sincerity and Premier Partners than any other agencies. In the light of that, my questions to the Attorney are as follows:

1. Is the Attorney, or his department, aware of any activities either in the past or currently involving Sincerity or Premier Partners; and have any consumer complaints been made in respect of those two agencies?

2. Is the Attorney aware of the Victorian moves; if so, what if anything can be learnt from them?

3. Is the Attorney considering a similar approach to that which has been adopted by the Victorian Government?

The Hon. K.T. GRIFFIN: I will have to take those questions on notice. I will certainly refer the first to the Office of the Commissioner for Consumer Affairs. In relation to the moves in Victoria, I remember hearing something about the matter; I do not recollect the detail, but I will make some inquiries. In respect of the last question, at this stage we do not have any intention to provide for codes of conduct. There may be some basis upon which that could be reconsidered, but for the moment I will make inquiries of the Office of the Commissioner and bring back a reply.

KANGAROO ISLAND FREIGHT

The Hon. BARBARA WIESE: I seek leave to make a brief explanation before asking the Attorney-General in his capacity as Minister for Consumer Affairs a question about Kangaroo Island freight costs.

Leave granted.

The Hon. BARBARA WIESE: On 15 September 1994 in Estimates Committee B, in outlining the Government's intention to scrap the *Island Seaway* service, the Minister for Transport said:

> We have had a lot of discussions with KI Sealink in recent weeks. It has agreed—and this was essential to these new arrangements—to be subjected to price control through the Prices Commissioner and the Prices Act.

As the *Island Seaway* has now ceased operating, has the Prices Commissioner been asked to set prices for freight for KI Sealink for future operations? If so, what criteria were used for the assessment, what freight rates have been determined, how do they vary from previous rates and for what period do they apply?

The Hon. K.T. GRIFFIN: I understand that the Prices Commissioner has been requested to give some advice in respect of this and that at least in some respects there will be price rises no greater than the CPI. In respect of the exact detail, I will refer the matter to the Commissioner as well as to my colleague the Minister for Transport and bring back a reply.

SEXUAL HARASSMENT

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Attorney-General a question about sexual harassment.

Leave granted.

The Hon. ANNE LEVY: Last August the Attorney set up a legislative review of the Equal Opportunity Act, and one of the nine terms of reference was to give particular attention to the effectiveness of the sexual harassment provisions of the Act and whether any changes should be considered. Mr Brian Martin, QC provided his report, dated October 1994, although it was not publicly released until December last year—four

months ago. With regard to the terms of reference on sexual harassment, Mr Martin recommended that the provisions of the Act should be extended to provide coverage in a number of relationships which are not currently covered in the sexual harassment provisions in the Equal Opportunity Act.

In fact, he listed 16 different relationships where he felt that sexual harassment provisions should apply. Amongst these, it is interesting to note, he felt that there should be protection of parliamentary and other staff from members of Parliament and, in particular, of employees of local government corporations by elected members of local government. Does the Attorney agree with the extensions which have been recommended so strongly by Mr Martin, in particular the one relating to local government, and, if so, when does he expect to legislate to put into effect Mr Martin's recommendations?

The Hon. K.T. GRIFFIN: I thought I had provided some information to the Council earlier this year about the approach we were taking in relation to the Martin report, but I can repeat what I recollect saying on that occasion, that is, that a number of issues were raised by the Martin report. There were some definite recommendations and some matters on which he was not able to reach a conclusion. There were some issues on which he suggested, in deciding whether or not his recommendations should be implemented, there should be further wide consultation to examine the consequences of enacting legislation to adopt the recommendations.

The Government has taken the view on my recommendation that we ought, if there are to be amendments to the Equal Opportunity Act, to deal with them as a package rather than in isolation, and that includes equally the issues relating to sexual harassment. I indicated earlier this year that a working group exists under the chairmanship of Ms Julie Selth, who is a legal officer in my office who has only recently returned from maternity leave and who has the specific responsibility of following up all issues in the Martin report which have not been the subject of recommendation or others that require further consultation. That group includes: Ms Margaret Heylen; as I recollect, Ms Carmel O'Loughlin from the Office of the Status of Women; and two other persons from the private sector (whose names I shall get for the honourable member and let her know).

So, we have a good blend of Government and non-government experience being brought to bear on the recommendations. So far as a time frame is concerned, I would like to put recommendations for legislation to the Government later this year. It will not be in the budget session because of the rather limited time available, but I would hope that before the end of the year some proposals will have been considered and addressed by the Government with a view to addressing legislative change.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. Griffin: Your Government did not do much about it.

The PRESIDENT: Order!

CLEO MAGAZINE

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Attorney-General, and the Minister for Health in another place, a question about *Cleo* magazine.

Leave granted.

The Hon. J.C. IRWIN: I refer to an article printed in the December 1994 issue of *Cleo* magazine, widely circulated in South Australia. The article to which I refer is entitled 'The only safe sex guide you will ever need'. This article was produced in collaboration with the Commonwealth Department of Human Service and Health and endorsed prominently by the Federal Minister for Health, Dr Carmen Lawrence. The article is 60 pages long and cost the Federal Government, I understand, $250 000 of taxpayers' money.

My concerns refer to a portion of the article entitled, 'The agony and the ecstasy and making anal sex safe and enjoyable'. To prevent embarrassment I will not allude to the finer details of the article, except to say that the contents are aimed at women and describe in minimal detail anal sex between heterosexual partners. An article in the Perth *Sunday Times* of 5 March this year entitled, 'Anal sex—Lawrence wrong, say experts' states:

> Doctors were unanimous in their view that there is no such thing as safe anal sex.

The article further reports a statement by Senator Herron, a colo-rectal surgeon and a member of the AIDS committee, saying that anal sex is still unsafe, even using condoms. He suggested that the Federal Minister for Health must know something that the National Council of AIDS does not. 'You can talk about safer anal sex but not safe anal sex, as the guide does,' he said.

I have a number of concerns about this guide within the Cleo magazine. First, Dr Carmen Lawrence is seen to be promoting unsafe sexual practices by spending taxpayers' money in producing this sort of guide. The very practice which has been a proven cause of AIDS in turn is further costing the taxpayer in promoting educational awareness and prevention programs, not to forget the cost to the health system both in treatment and research, following this advice from Dr Lawrence. My questions on this topic are:

1. Is the promotion of this material consistent with the State Government's HIV prevention strategy?

2. Has the State Minister for Health protested to his Commonwealth colleague, Dr Lawrence, that her attempt to promote safe anal sex is wrong and not helpful to the State's AIDS program?

My further concern lies in the free availability of this sort of magazine insert which is aimed at the 18 to 35 year olds. This magazine is found on the shelves of most newsagents where it is freely available to members of the public, some of whom are schoolchildren. Given that some of the material contained in this article is—

The Hon. Carolyn Pickles interjecting:

The Hon. J.C. IRWIN: I am sorry, I can't hear you. I will talk to you later.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.C. IRWIN: Well, we are trying to stop it, aren't we? Don't you want to stop the spread of AIDS? Given that some of the material contained in the article was pornographic, to say the least, will the Attorney-General advise if this material is being properly scrutinised before circulation in this State?

The Hon. K.T. GRIFFIN: The honourable member is correct in saying that there are really two aspects to this matter. One is the health issue, and I will ensure that that emphasis of the question is referred to the Minister for Health with a view to bringing back a reply. So far as the classification of publications aspect is concerned, I am not aware of what classification has been given to it, if it has been classified at the Federal level, at which most of the classifica-

tion of publications for the States these days is generally done, although some are still addressed at a State level. I will have some inquiries made about that and bring back a reply in respect of that particular emphasis of the question.

I can say that, in relation to classification guidelines, there is a provision to enable those publications which are for genuine medical and educational purposes to be exempt from classification. I have not seen this magazine. I am not in a position to know whether or not it falls within that category but, as I say, I will refer the questions to the appropriate Minister for Health and agency within my department and bring back replies.

TAXIS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport a question about taxis.

Leave granted.

The Hon. T.G. CAMERON: I refer to the January edition of the Passenger Transport Board newsletter regarding the issue of taxi licences. Apparently this publication goes out to the industry and it outlines some of the reasons behind proposals that the Passenger Transport Board is putting to the industry and invites comment from its members. I also understand that the proposals have been forwarded to the Taxi Advisory Panel. The newsletter states:

> The following represent the reasons for the attached proposal:
>
> 1. Data available to the board suggests that demand for taxis has increased by almost 9 per cent since the end of 1991. Measured as a percentage of the fleet, that represents 80 new cabs. However, 45 have already been issued leaving 35 just to catch up.
>
> 2. The 45 licences previously issued had no effect on goodwill values, which in fact rose steeply, now standing at approximately $140 000 to $150 000 per licence.
>
> 3. The fact that there had been no previous licence issue for 15 years has meant that the Adelaide cab/population ratio has fallen behind other Australian cities.

The newsletter then gives the following figures:

> Adelaide has an existing ratio of one cab per 1 173 people whereas Sydney has one per 888, Brisbane has one per 877 and Melbourne has one per 1 000.

The report also goes on to state that the Passenger Transport Board has received complaints that there has been an increase in delays for customers trying to obtain taxis. This has lead some organisations to switch to the use of hire cars and minibuses in lieu of cabs. I have quoted from the newsletter because, had I stated it, I am sure the Hon. Angus Redford would have had me up for expressing an opinion. The newsletter also states:

> The board proposes that 20 new licences be issued for each of the next five years. This is to catch up on past growth and to accommodate most of the anticipated growth over the next three years. The board also proposes that half of any new licences should be issued for monthly periodical payments (similar to leasing). These would be non-transferable and would be handed back when no longer required (thus having a minimal effect on goodwill values).

That is an interesting comment. The newsletter continues:

> The other 10 licences would be issued in the normal way. The Passenger Transport Board is opposed to dumping large numbers of licences on the market in any one year as happened in other States. It is much better to issue small numbers of licences regularly and at the same time keep the issue under constant review. It is very difficult for the board to argue for the existing protection of the industry against the inroads of other small passenger vehicles when taxi licences are not issued regularly, causing delays in servicing the public.

Quite an interesting comment from the Passenger Transport Board when it is supposed to be looking after the public interest. My questions to the Minister are as follows:

1. In spite of 45 new licences being released over the past three years, the average growth in licence values has risen over the same period by $20 000 per annum. Is this excessive? Does this indicate a severe shortage of licences and does it indicate a very high level of protection with guarantees to licence holders?

2. Now that licence values have reached $145 000 each the travelling public is ultimately paying $14.6 million per annum to service the cost of capital tied up in taxi licences. Can the Minister explain how this can be rationalised as being in the public interest?

3. If the $14 million annual cost of the capital and the $7.6 million in artificial cost caused by leasing and the obviously excessive regulated tariffs being charged by the other half of the industry are totalled, the people who use taxis are paying approximately $30 million per annum more than they really should. Is the protection policy and its administration *ultra vires* the Act and open to challenge in the courts? How does the Minister justify her role in this when her own Act requires that the interests of the public are served and her obligation is to see that the Act is carried out without fear or favour by those responsible for its implementation?

The Hon. DIANA LAIDLAW: The honourable member has asked a complex series of questions and, to some of them, I will need to spend a little time preparing more detailed answers than I can give off the cuff at present. I indicated to the honourable member yesterday that the Hilmer report, presented to the Federal Government about a year and a half ago, recommended deregulation and competition in all fields, including transport, and that involved taxis. However, every State Government and the Federal Government have agreed that we would not open up taxis to deregulation and take off the limits of control on the number of licences issued.

In part that is not because of the lobbying pressure of taxi drivers, about which some may wish to argue, but based on experiences in other countries where there has been total deregulation, such as New Zealand. One would have to argue very definitely that in New Zealand deregulation has not been in the public interest. Certainly services are provided on popular routes, for example, from the airport to the city. Those popular routes are generally the longer routes but, because there are so many taxis in New Zealand, one cannot find a taxi driver prepared to take a shorter trip. Many taxi drivers in New Zealand are not well briefed about the layout of the city, and certainly not prepared to provide the service in the public interest.

It is because of the definition in the Act which we passed in this place and which indicates that the Passenger Transport Board is required to work in the public interest, that we would not be looking at deregulation of the taxi industry in this State. However, I do not accept that the current number of licences is adequate, and that is why I asked the Passenger Transport Board to prepare a paper for public release containing recommendations for discussion. That period for public comment finished on 24 March, and I anticipate receiving recommendations from the board early next week. My own view is that the board's suggestion of non-transferable licences leased from the board is unacceptable, but I await the opinion of the board itself. I believe that the board should not be in the business of operating taxis, and that is what that system would amount to.

In terms of whether or not I believe the amount of money paid for a taxi licence is excessive, I certainly believe that it is extraordinarily high which must influence the price of taxi trips in South Australia. For taxi drivers to complain to me, as they do every time I catch a taxi from this place or anywhere else, that they do not want to see any more taxi licenses issued is an argument I find pretty unacceptable. Any industry can find more work if it looks for it.

I have been suggesting to taxi drivers that they should approach business houses and propose multiple hiring of services, so that the taxi companies could act as a car pooling scheme. The taxi industry could undertake a whole range of initiatives to generate more work, and with more work we would not hear complaints that taxi drivers do not earn enough income. Certainly we would not need to see the incessant lobbying for higher prices. There will be, of course, more work for the taxi industry if it has the initiative to get behind the competitive tendering of public transport services and look at subcontracting arrangements, particularly at night, for the operation of licensed routes.

My concern is that the taxi industry complains so much that it forgets to look at the initiatives available in the community to generate new work, and that is what I am urging it to do. I believe that the progressive issue of more licences is a healthy start in encouraging others to look for new work opportunities in this industry.

I believe that the Parliament as a whole would hold the view that, in a protected industry where there is only a limited number of licences, we should be requiring the industry to do a little more to help itself, rather than just relying on further protection from the Government. The honourable member asked a number of other detailed questions and they deserve a considered reply, which I will provide.

GREENHOUSE GASES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister for the Environment and Natural Resources a question about greenhouse strategy.

Leave granted.

The Hon. M.J. ELLIOTT: The continuing scientific evidence at this stage still supports that the greenhouse effect is very real. It is already on record that Australia is the highest *per capita* producer of carbon dioxide in the world. At present, the Federal Government is represented in a conference in Berlin, which is looking at the greenhouse effect and following up the Rio conference, where Australia committed itself to a target whereby in the year 2000 it would be producing no more greenhouse gases than it was in 1990.

The evidence so far is that consumption of energy has continued to rise quite significantly as has the production of greenhouse gases, and that that year 2000 target will not be met. Here in South Australia, whilst there are some limitations on what we can do and much needs to be done at Federal level, people point to the Government's recent decision to build a new freeway to the southern suburbs instead of using public transport, and to the closure of some stations, indicating increasing pressure on and, indeed, encouragement for people to use cars rather than public transport.

An article in the *Advertiser* only about a week ago made the point that the production of greenhouse gases from domestic transport is currently rising by a little over 1 per cent a year. So, this transport issue is an important component. The Government, on coming to office, said that new technology will be the direction for South Australia and has strongly encouraged the MFP in its pursuit of new technologies. My questions to the Minister are:

1. How do freeways fit into such a strategy of new technology? How do they fit into a strategy of trying to reduce greenhouse gases?

2. Is there a Government policy at State level in relation to greenhouse, or is it being left entirely up to someone else? If there is a strategy, will the Minister please table it in this place?

3. Does the State Government agree with the aims set at national level of achieving 1990 level productions of greenhouse gases by the year 2000?

The Hon. DIANA LAIDLAW: Because of his interest in the environment the honourable member would be well aware that the continuous movement of traffic is much healthier for the environment than when vehicles, particularly heavy vehicles, stop and start. That was an important consideration when addressing the need for the southern expressway. We know that it will save 10 minutes each way on a journey from Noarlunga to Darlington, and we know also that from there to the city currently there are about 27 sets of traffic lights. Each stop and start amounts to a cost to the environment and also a cost to transport operators. I understand that $15 is the assessment for transport operators going to the south, because currently they have to stop and start due to congestion on the road and to the traffic lights. That was an important consideration by the Government.

The honourable member will be aware that for this same road a linear park concept is to be incorporated similar to the one from Tea Tree Gully to the sea. There will be encouragement for cycling, walking and a lot of vegetation to absorb fuel emissions. In addition, there is a commitment for public transport to the south using this fast track reversible southern expressway. I will get further information for the honourable member on the strategy and other details he has sought from the Minister for the Environment and Natural Resources.

FACTOR VIII

The Hon. T. CROTHERS: I seek leave to make a brief statement before asking the Minister for Transport, representing the Minister for Health, a question on the blood clotting agent Factor VIII.

Leave granted.

The Hon. T. CROTHERS: Recent reports indicate that this State, along with the rest of Australia, is suffering from a shortage of blood clotting agents. As I understand it, this has led to the cancellation of surgery and the keeping away from school of some haemophiliac children. Both of these events have occurred not only around Australia but specifically in South Australia as well. I understand that Factor VIII, the blood clotting agent in question, is manufactured in the United States and, unlike other clotting agents which are made from human blood, there is no risk of getting diseases such as hepatitis C and AIDS when utilising Factor VIII.

It is said that the shortage of this blood clotting agent could be overcome if the State Government accepted an offer from the Federal Government to buy synthetic Factor VIII from the United States. This offer has currently only been accepted by the State of Victoria. Meanwhile, a spokesman for this State's Health Minister has said that the matter had been handed to the Australian Health Ministers Advisory Council some time late last year.

Under the proposal of the Federal Government, the State Government would buy synthetic Factor VIII from the United States at a cost of $500 000, and this purchase would allow about 20 South Australians to continue in the medical programs with which they are currently being treated. I further understand that, since the initial report came to hand in respect of Factor VIII, the State Health Minister has taken action to put in train the purchase of Factor VIII. In light of the foregoing, I now direct the following questions to the Minister:

1. If he had acted as quickly as his Victorian counterpart, would there now be the long time lag in securing a supply of the blood clotting agent in question?

2. Has he given any instructions to his departmental heads and officers to endeavour to adopt interim measures to protect those South Australians whose lives may be at risk because of the unavailability of the blood clotting agent in question; and, if not, why not?

The Hon. DIANA LAIDLAW: I shall be pleased to refer the honourable member's questions to the Minister and bring back a reply.

PLUMBERS, GAS FITTERS AND ELECTRICIANS BILL

In Committee (resumed on motion).

(Continued from page 1829.)

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. ANNE LEVY: I realise that before this Act can come into operation there are very detailed and complex regulations which must be drawn up and that this will take some time. Has the Minister any indication of how long it is likely to take to draw up the regulations and, consequently, how long it will be before the Act can be proclaimed?

The Hon. K.T. GRIFFIN: It is hoped that we will be able to get it into operation by 1 July. There is some sense of urgency in doing it because of ETSA and EWS restructuring and we want to move away from them continuing to have responsibility for the regulation of certain of these trades. A series of discussions have been held with industry. There has been a commitment to meet with them before Easter with a view to at least beginning the process of consultation on a number of areas, depending on how the Bill goes. But there are a number of areas on which I have given a commitment through my officers that there will be consultation, particularly what areas might be regulated in and what might be regulated out. It is intended that there be a period of quite intensive consultation with a view to meeting that goal of 1 July.

Clause 2 passed.

Clause 3—'Interpretation.'

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

Page 3, line 2—After 'stormwater drains' insert ', and includes work of a class prescribed by regulation'.

I will give the Committee some background to the approach which the Government has taken in relation to some definitions within the Bill. What we have looked at in relation to stormwater drains and other public infrastructure in relation to engineering and water supply functions—stormwater drain, sanitary drain and plumbing activities—is to put to one side the issue of the public infrastructure. The Hon. Anne Levy has an amendment which addresses that issue as well, and it may be worthwhile having the discussion on that issue whilst we are dealing with this first amendment. What we are seeking to do is to focus upon the requirement for both registration and licensing in respect of those parts of the sanitary drainage system, stormwater drainage system and the water supply system which are not part of the public infrastructure.

Also in that context we are seeking to provide for some continuing consultation upon which I have given a commitment in relation to what should be regulated in, provided this amendment is carried. The main reason for the amendment is to make it consistent with the definition of water plumbing for the purpose to which I have referred.

The Hon. Anne Levy interjecting:

The Hon. K.T. GRIFFIN: That is right, but I am tackling them as a whole because the amendment which I am now moving has a relevance to that broader issue. We can then put the debate to one side for a moment until we get to the later amendments if the honourable member prefers.

The Hon. Anne Levy: I am happy to support you on this one.

The Hon. K.T. GRIFFIN: Well, I will leave the substantive debate until we get to the one that the honourable member has more doubt about. This provision enables us, by regulation, to include a work of a class prescribed by regulation. If there is no disagreement on that we will deal with the substantive debate on another clause.

Amendment carried.

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

Page 2, line 10—After 'installation' insert ',and includes work of a class prescribed by regulation'.

I presume again that there is no opposition to this, on the basis of the previous amendment.

The Hon. ANNE LEVY: I certainly support this amendment. It means that the different classes of work can be added by regulation and this amendment, like the one we have just adopted, has the complete support of both the employers and the unions involved in the industry.

Amendment carried.

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

Page 2, line 16—After 'equipment)' insert the following:
downstream of—
(a) the outlet of a meter installed for measuring consumption of reticulated gas supplied by a licensed gas supplier under the Gas Act 1988; or
(b) the outlet of any gas storage tank or cylinder,
and includes work of a class prescribed by regulation.

This amends the definition of 'gas fitting'. It provides some limitations to the scope of the work covered to ensure that the focus is on work downstream of the consumer meter and includes work on gas tanks and cylinders used by the consumer. The definition in the existing Bill is so broad that it includes all work upstream of the consumer gas meter, including gas processing facilities to the north and south of the State. The amendment provides a practical starting point to define the scope of the work requiring registration. It will be possible to either include or exclude specific classes of work by regulation, as necessary.

The Hon. ANNE LEVY: I support this amendment. As the Minister indicated, without this limitation 'gas fitting' would apply to work being done at Moomba, which obvious-

ly is not intended. So it is a very desirable amendment which, again, is completely supported by everyone in the industry.

Amendment carried.

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

Page 2, lines 11 and 12—Leave out 'as a trade or occupation'.

The Government seeks to delete the words 'as a trade or occupation' from each of the definitions of 'electrical worker', 'gas fitting worker' and 'plumbing worker'. This change was requested by industry and clarifies that every person who carries out work within the scope of the Bill will require registration. The change should be read in conjunction with the amendments to clauses 6 and 13 to see their full effect. Together they reflect a scope and coverage similar to the existing Electrical Workers and Contractors Licensing Act.

The Hon. ANNE LEVY: I support this amendment. It provides that an 'electrical worker' is anyone who carries out electrical work regardless of whether it is as a trade or an occupation. However, taken in conjunction with the later clauses, there will be regulations which will provide that certain classes of work will not have to be performed by a registered electrical worker. In other words, there is no intention whatsoever that people will not be able to change the plug on their ironing cord without being a registered electrical worker or, for that matter, change a light globe. The regulations will provide not who may do electrical work of a particular type but the types of electrical work for which one does not have to be a registered electrical worker. Sensible things such as changing your own light globes or plugs will not need to be carried out by a licensed electrical worker—people will be able to do it themselves.

A similar amendment is proposed in respect of a 'plumbing worker'. It will provide that no-one can carry out plumbing work unless they are a registered plumbing worker, but the regulations will set out the types of plumbing work for which one will not need to be a registered plumbing worker. In other words, there is no intention whatsoever to prevent people from changing the washers on their taps or the shower rose.

The regulations will provide that one does not need to be registered to undertake this work. However, it is better in the regulation to indicate types of work that can be done by non-registered people rather than specifying that the work must be carried out by someone who is a professional plumbing or electrical worker. This has the complete support of everyone in the industry.

Amendment carried.

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

Page 2—
Lines 19 and 20—Leave out 'as a trade or occupation'.
Lines 30 and 31—Leave out 'as a trade or occupation'.

Amendments carried.

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

Page 3, line 5—Leave out paragraph (b).

This relates to the issue of public infrastructure. The definition provides:

'sanitary drain' means—
pipes and equipment to collect and convey waste water from a sanitary plumbing installation to an on site waste water treatment facility or a public sewerage or effluent disposal system.

It is quite reasonable that the people who work in this area are appropriately registered or licensed. The definition also provides:

pipes and equipment comprised in a public sewerage or effluent disposal system.

I want to delete that for the following reasons. With public infrastructure the EWS Department presently accepts the ongoing responsibility for water and sewer mains and associated connections. They are public assets that are constructed to specifications developed by the authority and inspected in accordance with normal civil construction contract procedures.

The on-property services are carried out by plumbers to specified codes. The registration processes are designed to ensure that the work is carried out only by competent people, who must accept responsibility for their work, on which the customer depends. There is little if any recourse to effective corrective measures once the installation is completed, say, beneath a slab-on-ground foundation or in a plasterboard or even a solid brick wall. As is currently the case, civil construction contractors and their work force would not be required to be registered to work on the public infrastructure. That is the position at the present time. This requirement would arise only if the public infrastructure were to be included in the definition, which is in paragraph (b) and from which the Government wishes to withdraw. Under the proposed amendments, specific classes of work could be examined in terms of the need for registration requirements and, if necessary, included in the regulations as a specific class of work.

In the consultations with all industry groups the preference was expressed that all the public infrastructure should be included and that we should regulate them out, notwithstanding that the waste water system, the water supply system and the sanitary drains are not presently subject to the regulation that would otherwise apply, so presently they are not subject to that sort of regulation. The industry parties have being consulted this morning, following some further discussions I have had. They maintain their preference to have the public infrastructure included and to regulate out those areas which are not to be the subject of regulation, but they have indicated that they would accept what the Parliament finally decided and that they would work with the—

The Hon. Anne Levy: Big of them.

The Hon. K.T. GRIFFIN: To be fair, they have a point of view. I have indicated what the Government would prefer to see (and I will talk a little more about that in a moment) and they have indicated their preference, but they will be happy to work with the Government if the public infrastructure is not specifically included on the basis that there may be areas of that which ought to be the subject of regulation, that is, that workers who work on aspects of that public infrastructure should be licensed or registered, as the case may be, under this legislation. So, it is a matter of regulating in, and that is the Government's preference.

Many other aspects of plumbing, whether on the public infrastructure or on the non-public infrastructure, are carried out by non-registered tradespeople. Some examples of generic plumbing activities that may be involved in water plumbing installations, extensions or modifications include roof plumbers, fire sprinkler installers, sheet metal workers, air conditioning duct fixers, tank makers, irrigation system installers and mechanical services plumbers. These tradespeople are not required to be registered as plumbers. In a number of instances the training of these groups covers basic skills in cold water supply. A bridging course is available to such people to enable them to gain the requisite knowledge

and competency to undertake hot water plumbing work, particularly in the case of mechanical services plumbers.

For the purposes of this Bill, the amendment will appropriately identify the scope of the primary work to be covered whilst providing the opportunity for other specific classes of work to be considered for registration purposes during the development of the regulations. This will allow the opportunity for full consultation with the relevant parties and appropriate analysis of the impact of any increases in the scope of the registration requirements. Assurances on my behalf have been given to the industry working group that we will consult with it fully, as demonstrated by the consultation processes which have been involved in the development of this Bill in reaching an agreed position in relation to what should be regulated in.

One also has to recognise that there are areas of plumbing work which, if they were to be regulated in under the Government's proposal, would have to be the subject of consultation with a number of other interest groups including engineers, architects and the other groups of persons to whom I have referred. It is not a simple matter of saying that the industry working party has a particular preference and that that is what we ought to accept, because other groups are interested in the outcome.

It is important to recognise that the public infrastructure in relation to water supply, sanitary drains and stormwater disposal presently is not subject to regulation; that is, those who work on it do not have to be registered or licensed. I have wrestled with this—and it was one of the reasons why the amendments did not come on file until yesterday—because I wanted to try to balance the concerns of the industry working party with the broader concerns which I have expressed in relation to work on the public infrastructure.

If one thinks about it, regarding the mains laid under roadways to provide water supply to buildings and other properties, that work is not in any way similar to what we normally regard as plumbing work—the connection of a water supply to a dwelling, putting pipes over an oval or some other work. It is a much less complex area than dealing with the huge water valves we occasionally see down the holes in roads when a water main has burst and it is being repaired. That is specialist engineering work, which more properly falls within the responsibilities of the civil construction group in the community. I do not think it would be appropriate to seek to require each of the persons who work on those sort of areas to be regulated—either registered or licensed. If it does apply across the Engineering and Water Supply Department, there is a significant additional cost in any event: about $4 million a year is the quick initial reaction to the possibility that this will be a requirement, excluding the possibility that some will be regulated out if my amendment is not carried.

It seems not unreasonable to distinguish between the public infrastructure and that point at which a supply connects into that public infrastructure—what we generally regard as the downstream end, which has a much more significant consumer, customer protection or public safety aspect to it. It should, in respect of water and sanitary and stormwater disposal, be the subject of registration and licensing, as the case may be, for workers who do that sort of work.

I ask members to support the amendment on that basis. It is an appropriate way to go and maintains the *status quo* in relation to the public infrastructure in so far as the water and sanitary disposal system is concerned. It is an appropriate way in which to go, particularly in light of the undertakings which have been given to the working group but which do not encompass all the trades likely to be involved, that there will be full and adequate consultation.

The Hon. ANNE LEVY: This is the one major matter on which I disagree with the Minister. I do not support this amendment. It is one of three amendments, this one dealing with sanitary drains and whether or not the public infrastructure should be included. There is another amendment from the Minister on stormwater drains where he does not want the public infrastructure included, and I have one for water plumbing to include the public infrastructure where the Bill does not, and I am sure he would agree with me that it is logical that all three be similar. Either all three include the public infrastructure or all three do not, so we need not have this argument every time.

I think it is a little disingenuous for the Minister to say that it would cost $4 million if his amendment is not carried in that EWS would then have to employ registered plumbers to do a lot of work which is currently done by people who are not registered or would not be registrable under the new Act. That is disingenuous. There is no suggestion and never has been from the industry that the type of work currently being done by non-registered plumbers would have to have registered plumbers doing it. It is similar to the definition of the worker where the definition is all-inclusive but then the regulations will include the exemptions. We have agreed that that is the way to proceed for the definition of an electrical worker, a gas fitter and a plumbing worker.

Likewise here, by opposing this amendment, the definition will be all-inclusive but then the regulations will make the exemptions as to what is not included. It seems to me that that is a logical way to proceed. We have done it for the workers, and we should do it for the definition of the work as well—the sanitary drains, the stormwater drains and the water plumbing. We should make the definition all inclusive and the regulations make the exemptions. Nobody has suggested that the regulations would not exempt the person who digs the hole to get to the mains drain when there is a burst water main. The people who are dealing with it now will continue to be able to deal with it. The regulations will make the exceptions, as they will for changing the tap washer and changing the plug on the iron. It is more logical to have the public infrastructure included.

Also, we must remember that the Government is talking about privatisation of much of our public infrastructure, including ETSA and EWS—the electricity and the water. If that occurs, we can no longer call these public infrastructure; they will be private infrastructure. It seems to me that the rules relating to the people working for a private company should be as close as possible the same, whether they are working in my house or out on the road. We must remember, from what the Government has said to us, that this may well not be public infrastructure for much longer. It will still be infrastructure, but it may not be public, and we will be making rules not for a Government agency but for a private company.

My main reason for opposing this amendment is that, as the Minister quite candidly agreed, the industry concerned—and I refer to both the employers and the unions—would prefer his amendment not to be carried. It is not a question of anyone indulging in boss bashing or union bashing in this case; the industry is united on this matter. The industry certainly prefers that the definition be all inclusive, as is the

case with the definition of workers and facilities. We make them all inclusive and then the regulations provide the outs by way of exemptions.

Apart from the logic point of view, I feel that the Parliament would be wise to be guided by the industry. Members from both sides of the industry have got together and have come up in a very responsible way with what they feel from their knowledge of working in the industry is the safest thing to do for the sake of the public interest. We must remember that where electricity and water are concerned very important matters of public safety and public health are involved. The members of the industry have very responsibly got together to deal with these public interest matters, and they prefer the all-inclusive definition with exemptions in the regulations. They assure me that it will be cost neutral—that it need not cost anyone a cent more than it does at the moment.

The Hon. K.T. GRIFFIN: In relation to the $4 million, I said that if the Act applied to all of the public infrastructure without having regard to the regulating out, then the estimate so far, on the run, is—

The Hon. Anne Levy: That is a straw man.

The Hon. K.T. GRIFFIN: It's not. It is reasonable; it is about $4 million. However, that is not the substance of my argument. The fact of the matter is that those who work on the public infrastructure are not required to be licensed or regulated. That is a fact. We are saying that that should be maintained, but we will provide a mechanism by which, if there are particular parts of that where workers should be registered or contractors licensed, we will be able to do that by regulation.

Even though the industry working party has said that it would prefer to have it the other way around, as I said, it does not represent the whole of the plumbing industry. There are others to be consulted about that. In any event, I am not doing anything other than making an observation that they have a vested interest in having everything in and then negotiating what can be taken out. They have been good in the way in which they have approached it. However, they have not had all their own way in respect of this legislation. They have had to make compromises, as the Government has made compromises.

The honourable member has talked about the definition of the particular sort of worker, saying that there will be exemptions. I do not think that is an appropriate analogy to draw with those who work on the public infrastructure. The fact of the matter is that we are talking about a defined group of people undertaking particular work. It is appropriate to require that they all be registered or licensed because they are much more easily identified and then you can exempt out. I agree it would be foolish to say that they are not registered unless regulations say that they should be.

We are starting on the basis of saying, 'There is a regulatory requirement which is imposed in relation to this particular group of workers or contractors within the community. It may be too broad ranging, such as those who want to change the water tap washer, or do other minor work such as that around the home, and so we will exempt them out,' and that is the appropriate way to do that. But when we talk about the public infrastructure, in my view it is not an appropriate analogy to draw, because at the moment the public infrastructure is not regulated in that way. It is my very strong argument that, whether one works for a public or private corporation on the public infrastructure, if the work relates to civil engineering work then the same rules will apply.

It does not matter whether EWS outsources or brings in private contractors to do work on a contracting or subcontracting basis, the same rules will apply. Whether one is employed by a statutory or a public corporation or by a private company, there will be no distinction. If people in the Engineering and Water Supply Department, or people who are contracting to the Engineering and Water Supply Department to do work on a building within the ownership of a Government corporation, Government department, or, in fact, the EWS, they will have to be licensed or registered, as the case may be, in the same way as someone from the private sector who comes in and does work on that building where it is plumbing work. It is as simple as that.

The rules will be the same and if, for example, some work for the EWS is outsourced, standards must be met. Australian standards and engineering standards will all continue to apply, and that is the appropriate way to set the standards for the public infrastructure and the work that is being done. In my argument and submission to the Committee there is no basis upon which one can say that there will be a distinction, depending on who one works for, or that there will be a deterioration or improvement in standards in relation to the public infrastructure because the same standards will apply whoever has the responsibility for doing it.

Members will know that, in the consumer affairs area in particular, the previous Government moved and this Government is moving to codes of conduct and setting standards. They are set either as a mandatory code or a voluntary code and they apply. If they are mandatory they bind everyone. I would suggest that that is an appropriate analogy to apply to the public infrastructure—

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: That is not the argument. The argument is that if you are doing plumbing work within a building then you will be required to be registered or licensed.

The Hon. Anne Levy: If that person is downstream of the meter.

The Hon. K.T. GRIFFIN: Yes, downstream of the meter. My information from the Engineering and Water Supply Department is that almost all domestic, commercial and industrial water services in South Australia are metered. There may be a few that service council premises in the Adelaide and Port Adelaide areas in particular that do not have a water meter, but this number is diminishing as they are located and corrective action is taken. There is no reference in relation to water to downstream of the meter: that relates to gas. In water we talk about connection to the public infrastructure, and if there is public infrastructure, and one can generally tell there is a connection point at the fence, the boundary, or wherever, then one can generally distinguish what is public infrastructure and what is not.

The definitions relating to water and sewerage do not talk about downstream of the meter. That relates to gas, and that is different. We talk about connections to the public infrastructure and, if there are areas of doubt, the regulations can deal with them in the way in which we are proposing.

The Hon. SANDRA KANCK: This is really the test case in terms of what happens with other amendments, and I have to make a choice between two principles. One is an exclusionary principle and one is an inclusionary principle. With the exclusionary one, we exclude and then come back with regulations and include afterwards. With the inclusionary principle, we include everyone and then come back afterwards and exclude. I would like to hear from both the

Attorney and the Hon. Ms Levy whether, in their opinion, at the end we will have the same outcome.

The Hon. K.T. GRIFFIN: At the end we may not. Let us talk about the public infrastructure. If the public infrastructure is not by law included with a power to regulate out, then you are maintaining the *status quo*, and you are providing a mechanism for Government to promulgate regulations that come in here for consideration and are subject to disallowance. There is no uncertainty about that. If you bring in all the public infrastructure and then regulate out, you introduce a measure of uncertainty, because the disallowance of the regulation can bring you back to what is not presently the *status quo* but everything is included. That, I think, is an essential risk. The Government prefers what is the *status quo*. It has given a commitment that it will negotiate in good faith and consult in good faith with a view to bringing in the grey areas by regulation, and then the Parliament can disallow if it does not want them included. On the other hand, our view is that it is a much more uncertain mechanism to say that we will bring everything in now and we will allow you to regulate it out, because of the uncertainty that that can bring, by the fact that it can be disallowed.

The Hon. ANNE LEVY: I do not agree at all with what the Attorney has said. I think it is a bit odd to presume that the regulations will be disallowed, since the regulations have now been drawn up with complete consultation with the industry. We have already agreed that, where it comes to the definition of the worker, we make it all-inclusive and the regulations will provide the exemptions. We have agreed that in relation to the definition of an electrical worker, of a gasfitter and of a plumbing worker. I would say that this is analogous; that we should likewise have the definition all-inclusive and then the regulations will do the exclusions. It is the same principle as we have adopted for the definition of the particular type of worker. You make it all-inclusive and then your regulations give the exemptions.

The Attorney obviously feels that it will lead to differences. My guess is that in practice there will be very little difference. What convinces me is that the industry is united in preferring this approach of all-inclusive and regulating out. That is not coming from just the employers or just the unions, who might be regarded as self interested one way or the other; it is a joint industry view that, as with the definition of workers, we make it all-inclusive and then the regulations provide the out.

The Hon. K.T. GRIFFIN: Picking up on that last point, not everybody who works on the public infrastructure has been involved in that decision. We have a group of people on an industry working party, who very largely are not involved in installing and maintaining the public infrastructure, saying, 'It would be great to have it all included; let's do it; we are agreed on it.'

The Hon. Anne Levy: It's going to be private soon, anyway.

The Hon. K.T. GRIFFIN: It is not. Who knows what is going to happen with it?

The Hon. Anne Levy: That's what Olsen keeps saying: it will all be private.

The Hon. K.T. GRIFFIN: It should not make any difference whether it is public or private; it is infrastructure. At the moment we have engineers who have not been involved in the discussions and we have architects and others involved in the civil construction industry who do all this work, but they are not regulated as workers or contractors under the existing law. It is all very well for a small group, who cover those who generally deal with domestic matters away from the public infrastructure, to say, 'Let's do it in this other way,' when they have no responsibility for that at present. My very strong view is that we ought to maintain the *status quo* in relation to the public infrastructure. I have given a commitment that there will be negotiations in good faith not just with the industry working party but with all the others who are involved in doing that work.

The private sector presently does a substantial amount of contracting for the laying of drains and pipes and all the work on the Bolivar sewage treatment plant, the pumping stations, filtration plants and everything else. None of that is regulated under the law at present, except in relation to standards. The standard of work is set by Australian standards or, in some instances, higher. With our water supply, higher standards are required for the provision of certain connections than, say, in Melbourne or Sydney where the water quality is much purer and not so corrosive.

In my view, there can be no basis upon which we can put them all in and regulate out. With respect to the definition of 'worker', which is intended to be all-encompassing—and we regulate out—it is not an analogy. We cannot put them in the same category, because we are saying that these workers—and we have to categorise them somehow—are being registered or required to be licensed, and then we regulate them out. If we did not do it that way, we would not have anybody to regulate, which may not be a bad thing. However, when classifying the sort of work that is being done, it is appropriate to say that plumbing, sanitary and other work which is connected into the public infrastructure needs to be undertaken by registered or licensed persons. As regards the public infrastructure, civil engineers and contractors work to standards which have to be met, and quite different work is required for that purpose.

The Hon. SANDRA KANCK: The Hon. Ms Levy has commented, and the Attorney has agreed, that the industry has said that it wants the inclusionary process. The Attorney also said that the industry has a vested interest in that process. Will he explain what that vested interest is?

The Hon. K.T. GRIFFIN: Whether they are persons who represent an association of employers or an association of employees, if it is broadly defined and there is a broad coverage, I suggest there is a better prospect that they will be able to exercise more influence and gain more membership on both sides of the fence if the work required to be done is done by a registered plumber, for example. That is the issue. They do have a conflict, in the sense that there is a potential for increased influence, and ultimately membership, if the field is broadly defined rather than narrowly defined. I am saying that we should retain the *status quo*. I have undertaken to have consultations and negotiations with the industry working group plus all the other professionals and workers who are not represented on that body.

The Hon. T. CROTHERS: I take some issue with the Attorney. I speak as a person who formerly was employed as a carpenter in the building industry and therefore, hopefully, in so doing, I can shed some more light on the matter. The Attorney refers to the vested interest, and that is true; I have no axe to grind with that. But he makes that statement in such a manner that some people may think that that is to the bad. I would argue in relation to those bodies that he referred to—the peak employer bodies and the peak employee bodies—that the more people they have involved in their ranks, the better.

In my dealings with peak employer bodies I have always found that the people who were the most difficult to deal with were the people who were not members of the peak body. They are the sort of people who would put washers in parking meters. They would get out of any cost whatsoever that they could avoid. Whilst I recognise what the Attorney is saying—I understand where he is coming from—I take issue in respect of that. His argument runs contrary to that and in fact would support, from my point of view, the amendment moved by the Hon. Ms Levy. The more people in those bodies, the better. Whatever regulation you put in place, it is only as good as the people who operate under it. The more people involved in those bodies with which the Minister holds discussions, the better the prospect of those people and those bodies reinforcing the Government's efforts to make the regulation work.

The Hon. SANDRA KANCK: Can the Attorney clarify something else that he said earlier on, that is, that the inclusionary process created uncertainty.

The Hon. K.T. GRIFFIN: The uncertainty is that—and the Hon. Anne Levy alluded to it to some extent in one of her comments—if it is decided to exclude, then even though this industry working party might agree, there might be others who do not. On the day this Bill comes into operation we promulgate a regulation which says that regarding X, Y and Z areas of work the workers will not be required to be registered or licensed where they work on the public infrastructure. It has then got to run the gauntlet of potential disallowance. They do not have to be registered, and then it is maybe disallowed. What do we do then? They all have to be registered. We might bring in another regulation. That is the uncertainty of it, whereas if you start off from the point which is the *status quo* and say, 'They don't have to be registered unless they are brought in,' it is less likely that there will be a disallowance of a regulation bringing some in than the other way around. That is the issue, and it seems to me much tidier to do it on the basis of maintaining what is the *status quo* and then moving forward in terms of bringing in others.

The Hon. SANDRA KANCK: On balance, after having listened to the arguments I have not really heard a case that convinces me either way, that either one or the other will provide more or less certainty or for that matter that the final outcome is going to be any different. So under those circumstances I will support the Attorney with his amendment because the *status quo* is working; I have heard no evidence that it is not.

Amendment carried.

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

Page 3, line 8—After 'equipment)' insert ',and includes work of a class prescribed by regulation'.

This is similar to earlier amendments and it is to allow work to be included by regulation.

Amendment carried.

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

Page 3, line 12—Leave out paragraph (b).

This is similar to the earlier amendment, which was the subject of extensive debate.

Amendment carried.

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

Page 3, line 15—After 'system' insert ', and includes work of a class prescribed by regulation'.

This amendment allows work to be included by regulation.

Amendment carried; clause as amended passed.

Clauses 4 and 5 passed.

Clause 6—'Obligation of contractors to be licensed.'

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

Page 4, lines 4 to 6—Leave out all words in these lines and insert the following:

A person must not—

(a) carry on business as a plumbing contractor, a gas fitting contractor or an electrical contractor except as authorised by a licence under this Part; or

(b) advertise or otherwise hold himself or herself out as being entitled to carry on business as a plumbing contractor, a gas fitting contractor or an electrical contractor unless authorised to carry on business as such a contractor by a licence under this Part.

This amendment has been agreed by the industry working group.

The Hon. ANNE LEVY: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 7 to 12 passed.

Clause 13—'Obligation of workers to be registered.'

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

Page 8, lines 4 and 5—Leave out all words in these lines and insert—

A person must not—

(a) act as a plumbing worker, a gas fitting worker or an electrical worker except as authorised by registration under this Part; or

(b) advertise or otherwise hold himself or herself out as being legally entitled, or qualified or competent, to carry out personally plumbing, gas fitting or electrical work unless authorised to carry out that work by registration under this Part.

This is similar to the amendment to clause 6.

The Hon. ANNE LEVY: The Opposition supports this amendment.

Amendment carried; clause as amended passed.

Clauses 14 to 23 passed.

Clause 24—'Disciplinary action.'

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

Page 12—

Line 26—Leave out 'or'.

Line 28—Leave out 'or'.

Essentially, these are drafting amendments to ensure that the courts may impose one or more of the penalties listed.

Amendments carried; clause as amended passed.

Clause 25 passed.

Clause 26—'Advisory panels.'

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

Page 14—

After line 10—Insert:

(ab) to advise and assist the Commissioner with respect to competency within the plumbing or gas fitting industries and the assessment of plumbing or gas fitting work;

Lines 11 and 12—Leave out this paragraph and insert—

(b) to inquire into and report to the Minister or the Commissioner on any other matter referred to it by the Minister or Commissioner relating to plumbing or gas fitting work or the administration of this Act;

(ba) any function that the panel is requested or required to perform by an authority responsible for regulation of technical or safety aspects of the plumbing or gas fitting industries;

After line 16—Insert:

(ab) to advise and assist the Commissioner with respect to competency within the electrical industry and the assessment of electrical work;

Lines 17 and 18—Leave out this paragraph and insert:

(b) to inquire into and report to the Minister or the Commissioner on any other matter referred to it by the Minister or Commis-

sioner relating to electrical work or the administration of this Act;

(ba) any function that the panel is requested or required to perform by an authority responsible for regulation of technical or safety aspects of the electrical industry;

All these amendments relate to changes to the advisory panels. They were agreed after extensive consultation with industry parties about the role of the new advisory panels.

The Hon. ANNE LEVY: The Opposition supports these amendments.

Amendments carried; clause as amended passed.

Remaining clauses (27 to 44), schedules and title passed.

Bill read a third time and passed.

CATCHMENT WATER MANAGEMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1835.)

The Hon. DIANA LAIDLAW (Minister for Transport): I thank all members who have contributed to this debate. I take this opportunity to answer a couple of questions asked by members during their second reading speech. The Hon. Terry Roberts stated that this legislation should have been passed 20 years ago—the Government and I agree with that contention. No-one would disagree with the fact that the urban streams of the Adelaide and Hills catchments are in such a poor condition that pollution is now evident right down to our beaches.

Understandably, councils have been concerned with this Bill. From the moment that the Premier and Mr John Dyer, the President of the Local Government Association, jointly announced this initiative on 21 November last year, the Minister and his officers have undertaken extensive consultation with the Patawalonga and Torrens steering committees and their constituent councils. The outcome of this consultation is that numerous amendments were moved in the House of Assembly, most of which originated from local government. Councils will continue to be closely involved in the catchment water management initiative, first, through developing the catchment management plans and then through the implementation of the works and measures described in those plans.

In respect of consultation and community education, matters raised by both members, I am able to advise that even before the boards are formed in July this year there will be a coordinated publicity program including television advertisements sponsored by the Environmental Protection Agency (EPA) and letterbox leaflets sponsored by the Patawalonga steering committee. In addition, I am advised that a leaflet will be especially prepared to accompany the first rate notices which will contain the levy and which will go out in July. Ratepayers will want to be assured that revenue raised from the levy is spent wholly in their catchment. They will want to be able to contribute to the development of catchment plans, and the legislation provides for this. It will also be a duty of the board actively to go out and foster interest in the community. Because as the Hon. Mr Elliott stated the most effective single solution to the problems of catchment pollution is to involve individuals in changing their behaviour, we will encourage communities to reclaim the creeks and waterways of their catchments. I agree with the honourable member, and I look forward to the reintroduction of frogs to replace the silt in Minnow Creek at Blackwood.

Regarding the existing programs, the Hon. Terry Roberts noted the efforts of the northern councils in jointly managing the problems of the Little Para and Dry Creeks. I also congratulate those councils which have done a great job in managing flooding and pollution with the use of retention basins, wetlands and the like. As long as councils are working together to achieve satisfactory solutions, there will be no need to impose catchment management boards upon those areas. However, once the working benefits of this legislation become obvious, it is more likely that catchments and catchment boards will be created at the request of constituent councils. Certainly, the Bill provides for such an extension of these boards.

The honourable member also mentioned the importance of coordinating catchment management programs between boards and with other existing council programs. This is essential and, for example, broad community education programs may often be best managed across the whole metropolitan area rather than simply within a single catchment. Such coordination is achievable with the requirement for central ministerial approval of the management plans.

Both members who addressed this Bill proposed a number of amendments covering qualifications of board members, objects of the legislation, notice of meetings, public consultation processes and the need for legislative review in the future. These matters can be productively discussed in Committee, but I indicate that the Government has no disagreement with the amendments being moved by either Party, and I hope that that facilitates debate in the Committee stage.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

The Hon. DIANA LAIDLAW: I move:

Page 1—
Line 19—Leave out the definition of 'annual value'.
Line 21—Leave out the definition of 'capital value'.
Page 3, line 3—Leave out the definition of 'site value'.

The amendments leave out definitions in relation to annual value, capital value and site value and are essentially consequential upon amendments that will be moved to part 5 regarding the financial provision.

The Hon. M.J. ELLIOTT: As this is the first clause that relates to levies, it is appropriate that I make a brief comment.

The Hon. Caroline Schaefer interjecting:

The Hon. M.J. ELLIOTT: Absolutely. I support what the Government is doing at this stage. There may be a need for further change in the future and I made reference to that in the second reading debate, particularly when we go into rural areas and involve rural catchments because the current model will struggle and there will be a need for change. Both the Hon. Terry Roberts and I have indicated a proposal for some form of sunset clause—the Hon. Mr Roberts providing for two years and my amendment providing for one year. The Government will be forced to come back if rural catchments are to become involved and for other reasons to which I referred during the second reading debate. To ensure that the legislation is up and running as quickly as possible, I will support the amendment.

The Hon. T.G. ROBERTS: I support the amendments and refer members to my second reading speech.

Amendments carried; clause as amended passed.

Clause 4 passed.

New clause 4A—'Objects of the Act.'

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

Page 3, after line 26—Insert new part as follows:

PART 1A
OBJECTS

Objects of the Act

4A. The objects of this Act are—

(a) to improve the quality of catchment water with resulting benefits to other natural resources of the State including the land and its soil, native vegetation and native animals; and

(b) to protect watercourses, channels and lakes and their ecosystems from degradation and to reverse degradation of watercourses, channels and lakes that has already occurred; and

(c) where appropriate, to make catchment water available for primary production or for industrial, commercial, domestic, recreational or other purposes; and

(d) to encourage members of the community to take an active part in improving the quality of catchment water; and

(e) to educate members of the public in relation to the management of catchment water and of catchments.

During the second reading debate I expressed some concern that the reasons for establishing this legislation were not really obvious on reading it. The question of natural resources, for instance, occurs in one clause covering about four lines. I thought it was important that there was an object to the legislation and also that, when catchment plans were drawn up, they should be consistent with those objects to give some guidance to the catchment management committees. From discussions with Government advisers I understand that the initial drafting instructions included an objects clause, but that did not emerge in the Bill, so I think we might have some consensus on this one. I was pleased to hear that, because it was of concern to me that such a clause was not included.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

New clause inserted.

Clauses 5 to 13 passed.

Clause 14—'Nomination.'

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

Page 8, lines 6 to 9—Leave out subclause (1) and insert subclauses as follow:

(1) At least one of the persons nominated by the Minister (other than the presiding officer) must be a person who has knowledge of, or experience in, the management of natural resources.

(1a) At least one of the other persons nominated by the Minister (other than the presiding officer) must be a person who has knowledge of, or experience in, catchment water drainage or flood control, preserving or improving water quality or any other area of catchment water management or in the management of catchments.

I am seeking to ensure a broader spread of experience than the current drafting guarantees, so effectively I have taken clause 14(1) and split it to provide two positions: one for a person with expertise in the management of natural resources and one for a person with all the other types of knowledge that are listed in the clause. I would expect that a number of local government people have some of the experience that is referred to particularly in proposed subclause (1a), but there may not necessarily be anyone with natural resources experience. Given that that is one of the principal goals of this legislation, we should have a person with that relevant experience on the board. The Minister will be appointing a minimum of three people, so there is still a great deal of flexibility as to whom the Minister appoints.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried; clause as amended passed.

Clauses 15 to 18 passed.

Clause 19—'Meetings to be held in public subject to certain exceptions.'

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

Page 9, lines 26 and 27—Leave out subclause (2) and insert subclause as follows:

(2) A board must, by notice in a newspaper circulating generally throughout the State and in a newspaper or newspapers circulating in the catchment area, give at least fourteen days notice of its intention to hold a meeting that will be open to the public.

This is one of several amendments where I am seeking to guarantee that the public can have a true involvement. Most people agree that that is necessary in this legislation. I seek to ensure that notice is given to the public not just three days before, which is short notice, but 14 days before and that it should be done in a newspaper circulating in the catchment area and generally throughout the State.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

The Hon. T.G. ROBERTS: The Opposition supports the amendment.

Amendment carried.

The Hon. T.G. ROBERTS: I move:

Page 9, after line 28—Insert subclause as follows:

(3a) Fourteen days notice is not required if a meeting needs to be held to deal with an emergency but, in that event, the board must give as much notice under subsection (2) as is practicable or, if no notice can be given before the meeting is held, the board must give notice under subsection (2) of the date on which the meeting was held and of the emergency that it dealt with.

Emergency meetings may have to be called, and this amendment provides that 14 days notice may be bypassed, allowing for a meeting to be called if a flood or some other natural disaster occurs.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried; clause as amended passed.

Clause 20—'Agenda and minutes of meeting to be provided to Minister and councils.'

The Hon. DIANA LAIDLAW: I move:

Page 10, line 24—Leave out this line and insert the following:

20. (1) A board must provide—

(a) the Minister; and

(b) the member or members of the House of Assembly whose electoral district or districts include the whole or part of the board's catchment area; and

(c) each constituent council,

with a copy of the

This amendment is to require the board to provide its agenda and minutes to every member of Parliament who has a seat within the catchment area as well as to councils and the Minister.

The Hon. M.J. ELLIOTT: The Democrats support the amendment.

The Hon. T.G. ROBERTS: The Opposition supports the amendment.

Amendment carried.

The Hon. T.G. ROBERTS: I move:

Page 10, line 28—After 'is held' insert 'except where the meeting is held to deal with an emergency'.

It is consequential.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

Amendment carried; clause as amended passed.

Clauses 21 to 24 passed.

Clause 25—'Functions of boards.'

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

Page 14, line 6—Leave out 'this Act' and insert 'the objects and the other provisions of this Act'.

The effect is to ensure that, when a board prepares a catchment water management plan, it is consistent and in accordance with the objects of the Act.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

The Hon. T.G. ROBERTS: The Opposition supports the amendment.

Amendment carried; clause as amended passed.

Clauses 26 to 28 passed.

Clause 29—'Board's responsibility for infrastructure.'

The Hon. DIANA LAIDLAW: I move:

Page 15, line 33—Leave out 'the embankments, walls, channels, lakes' and insert 'the lakes, the embankments, walls, channels'.

It arises from amendments made in the House of Assembly which replaced all the 'lake' related phrases with slightly different wording. This one was missed at the time.

Amendment carried; clause as amended passed.

Clause 30 passed.

Clause 31—'By-laws.'

The Hon. DIANA LAIDLAW: I move:

Page 17, line 24—Leave out 'a watercourse, channel or lake or works' and insert 'a watercourse or lake, an embankment, wall, channel or other works'.

This amendment is consequential upon amendments made in the House of Assembly which replace all those 'lake' related phrases with slightly different wording. Again, this one was missed at the time.

Amendment carried; clause as amended passed.

Clauses 32 to 36 passed.

Clause 37—'Preparation of plans.'

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

Page 19, lines 7 to 12—Leave out paragraphs (a) and (b) and insert paragraphs as follows:

(a) removal of solid or dissolved impurities from catchment water in a specified watercourse, channel or lake or in a specified system of watercourses, channels or lakes in its catchment area;

(b) protection of specified watercourses, channels and lakes and their ecosystems from degradation by pollutants and exotic plants and animals and reversal of such degradation where it has occurred;

(ba) control of the flow of catchment water and management of catchment water in a specified watercourse or channel or in a specified system of watercourses or channels in its catchment area to prevent or reduce flooding.

The potential functions under subclause (2) do not cover the removal of exotic plants or animals, the reversal of degradation, the protection of ecosystems and those sorts of things. To be consistent with the agreed objects of the legislation, this must be one of the things that is a potential function of the plan.

The Hon. DIANA LAIDLAW: The Government supports the amendment. We note the addition of the new provision and also the rearrangement of other paragraphs.

The Hon. T.G. ROBERTS: We support the amendment.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 20, line 18—Leave out 'works, buildings, structures, pipes, machinery and other equipment' and insert 'infrastructure'.

This is a drafting amendment that replaces a phrase with the word 'infrastructure', which has already been defined.

The Hon. T.G. ROBERTS: We support it.

Amendment carried.

The Hon. DIANA LAIDLAW: I move:

Page 20, line 24—Leave out 'each constituent council' and insert 'the constituent councils'.

The effect is that a board will not be required to estimate how much money it needs from each council but only the total sum of money needed. The Minister will then set out how much is to be contributed by each council and advise the council accordingly.

Amendment carried; clause as amended passed.

Clause 38 passed.

Clause 39—'Consultation.'

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

Page 21, line 32—Leave out subclause (3) and insert subclauses as follows:

(3) A board must consult the public under subsections (1) and (2) by inviting the public to make written submissions to the board and to attend a public meeting to be held in relation to the preparation of the plan and another meeting to be held in relation to the draft plan.

(4) An invitation under subsection (3) must be by advertisement in—

(a) a newspaper circulating generally throughout the State; and

(b) a newspaper or newspapers circulating in the catchment area; and

(c) in such other manner (if any) as the board thinks fit.

(5) An advertisement must—

(a) identify the relevant catchment area; and

(b) in the case of an invitation for submissions—state the name and address of the person to whom submissions must be sent and the time by which submissions must be received; and

(c) in the case of an invitation to attend a public meeting—state the time and place at which the meeting will be held; and

(d) in the case of an invitation relating to a plan that has been drafted—include an address at which copies of the plan can be inspected and purchased.

(6) An invitation for submissions in relation to the preparation of a plan must provide a period of at least one month after the advertisement was last published in a newspaper as the period during which submissions must be received.

(7) An invitation for submissions in relation to a plan that has been drafted must provide a period of at least two months after the advertisement was last published in a newspaper as the period during which submissions must be received.

(8) A public meeting must be held—

(a) at least 14 days but not more than 28 days after the advertisement inviting attendance at the meeting was last published in a newspaper; and

(b) at a time and place that will, in the opinion of the board, be convenient for a majority of those persons who are likely to attend the meeting.

(9) The board must appoint a member or employee of the board or some other suitable person to conduct the meeting.

(10) A person who has conducted a meeting must, as soon as practicable after the meeting has concluded, submit a written report to the board summarising the comments made at the meeting by members of the public in relation to the plan.

The essence of this amendment is to ensure that consultation with the public has a set form, that is, that there be a draft plan, which would be made available to the public for comment before a final plan emerged. It is not dissimilar to the EIS process; in fact, it was modelled on that. As I have already argued, it is important that the public feels some ownership of this and that some of these plans have quite significant impact later. Accordingly, the public input is vital.

The Hon. DIANA LAIDLAW: The Government supports the amendment. We note that what the honourable member is seeking to achieve in this amendment mirrors the proposed regulations, which have not yet been drafted.

However, it was the Government's intention to move in this manner.

The Hon. T.G. ROBERTS: The Opposition supports this amendment. It will take into account many of the problems being experienced in the weighing up of the progress of various management plans and it falls into line with the general consultation processes that we support.

Amendment carried; clause as amended passed.

Clause 40—'Approval of plan by the Minister.'

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

Page 22, lines 10 to 13—Leave out subclause (3) and insert subclause as follows:

(3) The Minister must, before approving a plan, have regard to the submissions (if any) received from members of the public and to the reports of the person or persons who conducted the public meetings.

This is consequential on the previous amendment.

The Hon. DIANA LAIDLAW: The Government supports the amendment.

The Hon. T.G. ROBERTS: The Opposition supports the amendment.

Amendment carried; clause as amended.

Clauses 41 and 42 passed.

Clause 43—'Annual review of plans.'

The Hon. DIANA LAIDLAW: I move:

Page 23, line 8—Leave out 'each constituent council' and insert 'the constituent councils'.

This is a drafting amendment. As with the amendment to clause 37, the effect is that a board will not be required to estimate how much money it needs from each council, but only the total need. Again, the Minister will set out how much is to be contributed by each council.

Amendment carried; clause as amended passed.

Clauses 44 to 47 passed.

Clauses 48 to 50.

The Hon. DIANA LAIDLAW: I move:

Clauses 48, 49 and 50—Leave out divisions 1 and 2 and insert new divisions as follows:

DIVISION 1—CONTRIBUTIONS BY COUNCILS

Contributions

48.(1) The constituent councils of a catchment area must contribute to the cost of implementing the management plan for that area in accordance with this division.

(2) The amount to be contributed by the councils in respect of a financial year is an amount determined by the Minister in accordance with this division and approved by the Governor.

(3) The amount is the estimated expenditure of the board in that year less the amount of any other funds available to the board, or that are expected to be available to the board, to meet that expenditure.

(4) The board must submit to the Minister and to each constituent council a statement of its estimate of the required expenditure and the amount of any other funds available to it or that are expected to be available to it.

(5) The board must comply with subsection (4) in sufficient time to allow the procedures ending in the Governor's approval to be completed on or before 16 June preceding the financial year in respect of which the contribution is to be made.

(6) When determining the amount the Minister may increase it by his or her estimate of the rebates and remissions that will be deducted from the share to be paid by each council.

(7) The amount to be contributed must be determined by the Minister after consultation with the board and the constituent councils and must be submitted to the Governor for approval.

(8) Liability for the amount will be shared between the constituent councils in the same proportions as the capital value of the rateable land situated in the catchment area is distributed between the areas of the councils.

(9) The share of each council must be determined by the Minister under subsection (8) after consultation with the constituent councils and must be submitted to the Governor for approval.

(10) A council must, at the request of the Minister, supply the Minister with information in the possession of the council to enable the Minister to make a determination under subsection (9).

(11) The Minister must cause notice of—

(a) the amount to be contributed by the constituent councils approved by the Governor under subsection (7); and

(b) the shares in which the councils must pay that amount determined by the Minister under subsection (9),

to be given to each of the constituent councils and to be published in the *Gazette*.

(12) In this section—

'capital value' has the same meaning as in part 10 of the Local Government Act 1934;

'rateable land' has the same meaning as in part 10 of the Local Government Act 1934.

Reduction of council's shares

49.(1) Subject to subsection (2), a council's share of the amount to be contributed by the constituent councils is reduced by the amount by which the rate imposed by the council under division 2 (the 'division 2 rate') is rebated or remitted under the Local Government Act 1934.

(2) If—

(a) a rebate or remission of the division 2 rate in respect of particular land is more generous or is subject to less onerous conditions than the rebate or remission of general rates in respect of that land; or

(b) there is no equivalent rebate or remission of general rates in respect of that land,

the rebate or remission of the division 2 rate in respect of that land will not be taken into account when determining the amount by which the council's share will be reduced under subsection (1).

Payment of contributions

50.(1) Subject to subsection (2), a council's share of the amount to be contributed by the constituent councils is payable by the council in approximately equal instalments on 30 September, 31 December, 31 March and 30 June in the year to which the contribution relates and interest accrues on any amount unpaid at the rate and in the manner prescribed by regulation.

(2) If the accounts for the rate declared by a council under division 2 in respect of a financial year could not be included in the accounts for general rates for that year because the amount to be contributed by the constituent councils was not approved by the Governor on or before 16 June preceding that year, the council may pay its share in approximately equal instalments on 31 December, 31 March and 30 June in that year.

(3) An amount payable by a council to the board under this section and any interest that accrues in respect of that amount is recoverable by the board as a debt.

(4) If an amount paid by a council is not spent by the board in the financial year in respect of which it was paid, it may be spent by the board in a subsequent financial year.

This division relating to contributions by councils previously provided for a scheme of funding whereby each council would be obliged to raise a share of the board's financial requirements by a separate rate on capital value in an amount determined by the Minister. However, it has been discovered that this method would cause great difficulty for councils such as the Adelaide City Council, which uses annual assessed value and also to a small number of councils that use site value as their computer systems are not geared to raise a rate on capital value. Accordingly, I have moved these amendments.

Amendments carried; clauses 48, 49 and 50 as amended passed.

New clause 50A inserted.

Clauses 51 to 55 passed.

Clause 56—'Interference with work.'

The Hon. DIANA LAIDLAW: I move:

Page 30, line 11—After 'any' insert 'lakes or any embankments, walls, channels or other'.

This amendment extends the provision to include all things, such as lakes and embankments, under a board's control.

Amendment carried; clause as amended passed.

Clauses 57 and 58 passed.

Clause 59—'Regulations.'

The Hon. DIANA LAIDLAW: I move:

Page 30, after line 36—Insert paragraph as follows:

(ba) empower the Minister to fix the maximum fee that may be charged by a board on sale of copies of its draft or approved management plan or on sale of copies of draft or approved amendments to its management plan;.

This amendment provides that the regulations may empower the Minister to set the price to be paid to obtain a copy of the board's management plan. This is to enable the price to vary between catchments and from year to year to reflect differences in size and therefore cost of production of catchment plans.

Amendment carried; clause as amended passed.

New clause 60—'Expiry of divisions 1 and 2 of part 5.'

The Hon. T.G. ROBERTS: I move:

Page 30, after line 38—Insert new clause as follows:

60. Divisions 1 and 2 of part 5 will expire on the second anniversary of the commencement of this Act.

I indicate that we have included this so that a review process can take place in relation to division 1, covering contributions by councils; division 2, covering imposition of levy by councils; and division 5, which will expire on the second anniversary of the commencement of this Act. We looked at a 12 month sunset clause, as did the Democrats, but agreed, after further consultation, that 12 months may not be enough. Two years is probably a better time for those matters to be reviewed, as this will give Government, councils and the public time to look at the application of these levies and other matters referring to the divisions and, if necessary, a review for change can be implemented in that two year time frame.

The Hon. DIANA LAIDLAW: The Government supports the amendment, and I take the opportunity to take the Hons Terry Roberts and Mike Elliott for their cooperation in responding to the Bill, and also the Minister's officers, including Crown Law officers, for their assistance.

New clause inserted.

Schedule 1 passed.

Schedule 2—'Consequential amendments to other Acts.'

The Hon. M.J. ELLIOTT: I do not have the relevant clause in front of me, but I note that under this Act a bylaw will be able to override council bylaws. One thing I want on the record is whether or not those bylaws are subject to disallowance in the same way as local government bylaws are. I have been told off the record outside this place that that is the case, but I want to see it on the record, because a bylaw making power that overrides local government is a very strong power. I have some concern about that, because it is not explicit within the Bill.

The Hon. DIANA LAIDLAW: I have been advised that, for the purposes of this Act, the bylaw is like any other bylaw. It will go through the subordinate legislation process and be subject to the scrutiny of this place.

The Hon. M.J. ELLIOTT: I do not doubt the word of the Minister and I had that advice unofficially but, before it clears the Lower House, I would like to know that the Minister in charge is absolutely confident of that. If he is, well and good.

The Hon. DIANA LAIDLAW: I would not want you to think that my word could not be relied on and that you needed the word of the Minister in charge of the other place, but this is covered under the Subordinate Legislation Act. You can rely on that advice.

Schedule passed.

Title passed.

Bill read a third time and passed.

ADJOURNMENT

At 5.25 p.m. the Council adjourned until Tuesday 11 April at 2.15 p.m.