LEGISLATIVE COUNCIL

Wednesday 22 November 1995

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

QUESTION ON NOTICE

The PRESIDENT: I direct that the following written answer to question on notice No. 15 be distributed and printed in *Hansard*:

GOVERNMENT OFFICES

The Hon. R.R. ROBERTS:

1. How many branch offices of Departments or Statutory Authorities which are the responsibility of the Minister for Transport, Minister for the Arts and Minister for the Status of Women are located outside of the Adelaide Statistical Division?
2. What is the location of each office?
3. What is the role of the office?
4. How many full-time equivalent positions are employed in each office?

The Hon. DIANA LAIDLAW:

1.	2.	3.	4.
Department of Transport			
Thirteen	Crystal Brook	Regional and site offices for management and preservation of the rural road network	28.0
	Murray Bridge	”	34.0
	Naracoorte	”	9.0
	Port Augusta	”	34.4
	Port Lincoln	”	8.0
	Berri	Motor vehicle registration and driver licensing branch offices providing full facilities to rural communities	5.4
	Kadina	”	3.6
	Mt Gambier	”	7.8
	Murray Bridge	”	5.0
	Port Augusta	”	4.5
	Port Lincoln	”	3.5
	Port Pirie	”	2.5
	Whyalla	”	4.0

Notes:
(1) Information as at 1 September 1995.
(2) The Department does not have full time equivalent ‘positions’, as such, hence the figures are given in the number of employees.
(3) With respect to the answer to question IV, by virtue of the nature of the question the figures do not include a further 366.4 full time equivalent employees stationed outside of those offices.

1.	2.	3.	4.	
TransAdelaide				
Nil	Not applicable	Not applicable	Not applicable	
Passenger Transport Board				
Nil	Not applicable	Not applicable	Not applicable	
Ports Corp South Australia				
			GME	PSE
Six	Thevenard	Port Management	2.0	19.0
	Port Lincoln	Port Management	4.0	8.0
	Whyalla/Port Bonython	Port Management	1.0	2.0
	Port Pirie	Port Management	4.0	12.0
	Wallaroo/Port Giles	Port Management	3.0	9.0
	Kangaroo Island (Kingscote)	Harbor Management	0.0	0.4
Transport Policy Unit				
Nil	Not applicable	Not applicable	Not applicable	

Office for the Status of Women			
Nil	Not applicable	Not applicable	Not applicable
Department for the Arts and Cultural Development			
Two arts statutory authorities have office/locations outside the Adelaide Statistical Division. They are: SA Country Arts Trust—18 branch offices, 4 Theatres, 1 Art Gallery, 1 Youth Theatre Company History Trust of SA—1		SA Country Arts Trust Branch Offices: These offices provide a 'shop front' for the Trust and enable the Trust's Arts Officers to meet community groups and discuss arts development programs and activities.	
	Ceduna	Western Eyre Peninsula Serves the areas covered by the District Councils of Murat Bay and Streaky Bay, and the Counties of Hopetoun and Kintore.	1
	Port Lincoln	Southern Eyre Peninsula Serves the areas covered by the District Councils of Tumby Bay, Lower Eyre Peninsula and the City of Port Lincoln. It is also envisaged that this Officer will manage the Arteyrea Gallery and workshop space.	1
	Wudinna	Central Eyre Peninsula Serves the areas covered by the District Councils of LeHunte, Elliston, Kimba, Cleve and Franklin Harbor. In addition, it is also anticipated that this Arts Officer would assist the Arts Officer working in Whyalla, Port Augusta and the Far North West.	1
	Whyalla and Port Augusta	Eastern Eyre Peninsula and Far North West. Serves the City of Whyalla, the City of Port Augusta and the Far North West of South Australia. In recognition of the special needs of the communities living in the Far North West of South Australia additional support is provided to ensure that the Far North communities are able to access arts and cultural development programs.	1 FTE officer works part-time from each office
	Kadina and Port Pirie	Yorke Peninsula and Mid North Serves the areas covered on the Yorke Peninsula and the areas covered by the District Councils of Bute, Port Broughton, Crystal Brooke-Redhill, Rocky River, Port Pirie, Jamestown, Mount Remarkable, Orroroo, Carrieton, Kanyaka-Quorn and Hawker and the Cities of Port Pirie and Wallaroo.	1 FTE officer works part-time from each office
	Tanunda and Riverton	Lower North and Barossa Valley Serves the areas covered by the cities of Gawler and Peterborough and the District Councils of Mallala, Light, Barossa, Tanunda, Angaston, Ridley/Truro, Wakefield Plains, Riverton, Kapunda, Eudunda, Robertstown, Saddleworth and Auburn, Blyth-Snowtown, Clare, Burra Burra, Spalding, Hallett and Peterborough.	1 FTE works part-time from each office

Wudinna	Central Eyre Peninsula Serves the areas covered by the District Councils of LeHunte, Elliston, Kimba, Cleve and Franklin Harbor. In addition, it is also anticipated that this Arts Officer would assist the Arts Officer working in Whyalla, Port Augusta and the Far North West.	1
Whyalla and Port Augusta	Eastern Eyre Peninsula and Far North West. Serves the City of Whyalla, the City of Port Augusta and the Far North West of South Australia. In recognition of the special needs of the communities living in the Far North West of South Australia additional support is provided to ensure that the Far North communities are able to access arts and cultural development programs.	1 FTE officer works part-time from each office
Penneshaw and Victor Harbor	Southern Fleurieu Peninsula and Kangaroo Island Serves the areas covered by the District Councils of Kingscote, Dudley, Yankalilla, Victor Harbor, Port Elliot and Goolwa and Willunga.	1 FTE officer works part-time from each office
Mount Barker and Murray Bridge	Adelaide Hills and Murraylands Serves the areas covered by the District Councils of Gumeracha, Mount Pleasant, Mannum, Onkaparinga, Mount Barker, Murray Bridge, Strathalbyn, Meningie and that portion of the District Council of East Torrens within the hundred of Onkaparinga.	1 FTE officer works part-time from each office
Bordertown and Naracoorte	Upper South East Serves the areas covered by the District Councils of Coonalpyn Downs, Tatiara, Lucindale, Penola and Naracoorte and the City of Naracoorte Corporation.	1 FTE officer works part-time from each office
Beachport	Mid South East Serves the areas covered by the District Councils of Lacepede, Robe and Beachport.	.5
Mount Gambier	Lower South East Serves the areas covered by the District Councils of Millicent, Mount Gambier, Port MacDonnell and the City of Mount Gambier.	1
Berri	Riverland and Far North East Serves the areas covered by the District Councils of Morgan, Waikerie, Barmera and Berri and the City of Renmark and the Far North East of South Australia.	1
Loxton	Mallee Serves the area covered by the District Councils of Paringa, Loxton, Browns Well, Karoonda-East Murray, Peake, Lameroo and Pinnaroo.	1

Mount Gambier	Riddoch Art Gallery The role is to provide high quality visual arts programs to the local community. This is achieved by the on-going development and management of the Riddoch collection; the on-going display of touring exhibitions and the showcasing of the work of local artists. Gallery staff also provide advice on the development of visual arts initiatives across the South East region.	1.5
Mount Gambier	Sir Robert Helpmann Theatre	4.5
Whyalla	Middleback Theatre	4.0
Port Pirie	Keith Michell Theatre	4.5
Renmark	Chaffey Theatre Provide entertainment opportunities for local communities through film screenings and live performances entrepreneured by the Trust. Provide local communities with the opportunity to hire theatre and technical equipment and access theatre expertise from Trust staff. Provide a box office facility for theatre hirers or other groups wanting to sell tickets for performances/activities within the community.	3.6
Renmark	Riverland Youth Theatre To create innovative and dynamic theatre which reflects and is relevant to young rural Australians. To provide access to the network of Youth Theatres and Professionals in the Performing Arts. To use the Performing Arts as a tool to express issues and concerns relevant to the Riverland and Mallee Communities.	1.5
Birdwood	History Trust of SA—National Motor Museum The museum run a range of exhibitions including a significant collection of motor cycles, cars and commercial vehicles.	16.12

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Transport (Hon. Diana Laidlaw)—

Board of the Botanic Gardens Adelaide—Report, 1994-95

Statutory Authorities Review Committee—Review of the Electricity Trust of South Australia—Response to Report by the Minister for Transport, the Minister for the Arts and the Status of Women

Corporation By-law—Mitcham—No. 7—Cats

District Council By-law—Eudunda—No. 1—Permits and Penalties

By the Minister for the Arts (Hon. Diana Laidlaw)—

South Australian Film Corporation—Report, 1994-95.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the twelfth report 1994-95 of the committee and move:

That the report be read.

Motion carried.

The Hon. R.D. LAWSON: I bring up the thirteenth report 1994-95 of the committee.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. L.H. DAVIS: I bring up the interim report of the committee on a review of the Electricity Trust of South Australia (Occupational Health and Safety Issues at Leigh Creek Mine), and I move:

That the report be printed.

Motion carried.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The Hon. T.G. ROBERTS: On behalf of the Hon. Caroline Schaefer, I bring up the report of the committee concerning the Sellicks Hill quarry cave.

SA WATER EMPLOYEES

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made today by the Minister for Infrastructure on the subject of the industrial dispute and SA Water.

Leave granted.

QUESTION TIME

MENTAL HEALTH

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 a mental health study.

Leave granted.

The Hon. CAROLYN PICKLES: Dr Graham Martin, Director of the Southern Child and Adolescent Mental Health Service, has conducted a survey of more than 2 000 year 8 students from 16 high schools in Adelaide's southern suburbs. The survey data apparently indicates that as many as one in eight children have significant personal problems. I have requested a copy of the report from Dr Martin, but my office has been informed that a report has not yet been prepared. Dr Martin and the Department of Education and Children's Services are to be commended for taking seriously the issue of young people's mental health.

However, there is one matter in relation to which I seek reassurance from the Minister. In an *Advertiser* article of 6 November, Dr Martin was reported as saying that his researchers did not know the names of the students who were surveyed but that they did have access to the initials and date of birth of the students concerned. From what I understand of the newspaper report—and I am happy to supply a copy to the Minister—school counsellors from the high schools concerned were given data which identify problems experienced by individual students. These problems include drug and alcohol abuse, suicidal thoughts and other personal problems. My questions are:

1. Were details of the personal problems of students made available to student counsellors at the schools attended by these students?

2. If so, were the students, parents and principals made aware that the survey data would be put to this use prior to the survey being conducted?

The Hon. R.I. LUCAS: I will check that for the honourable member and bring back a reply.

INDOCHINESE AUSTRALIAN WOMEN'S ASSOCIATION

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister for Education and Children's Services, representing the Premier and Minister for Multicultural and Ethnic Affairs, a question in relation to the Indochinese Australian Women's Association.

Leave granted.

The Hon. R.R. ROBERTS: Yesterday in this place the Hon. Sandra Kanck tabled four statutory declarations from women who had written a letter of complaint to the Premier in relation to the behaviour of his Parliamentary Secretary (Hon. Julian Stefani) at the Indochinese Australian Women's Association annual general meeting held in November. I seek leave to table a fifth statutory declaration from the fifth signatory to that original letter of complaint.

Leave granted.

The Hon. R.R. ROBERTS: These five women have all signed under oath that they are not now nor have they ever been members of the Australian Labor Party. They were forced to do this following the Premier's attempt last week to undermine their credibility under parliamentary privilege. The statement made by the Premier, and read in this place by the Minister for Education and Children's Services, said, 'the five signatories to this letter were unsuccessful candidates for election to the management committee at the annual general meeting of the association on 2 November 1995'. The Premier went on to say, 'As I am advised, this election in fact represented an attempt by the Labor Party to gain control of the Indochinese Australian Women's Association for Federal election purposes.'

The deliberate implication in the quote was that any claim of inappropriate behaviour made against the Hon. Mr Stefani by these five women could be ignored because it was generated by people who were involved with the Labor Party in an attempt to take control of the organisation for Federal election purposes. The following day, the *Advertiser* picked up on this implication and reported that the Stefani row had been 'politically motivated'.

The five women involved in the original letter of complaint have provided statutory declarations in which they state that they are not now, nor have they ever been, members of the Australian Labor Party. The five women have informed me that they are disturbed by the Premier's claims that they were seeking to the use the Indochinese Australian Women's Association for Federal election purposes, and they cannot understand why they have been targeted by the Premier because they have the courage to complain about what they believe was inappropriate behaviour by his parliamentary secretary. My questions to the Minister representing the Premier and the Minister for Multicultural and Ethnic Affairs are:

1. Now that the Premier is aware that the advice received about the political motivation of the women involved in making a complaint about the Hon. Julian Stefani's behaviour was incorrect, will the Premier now conduct an immediate and independent investigation into the complaints made in writing by the nine women about the Hon. Mr Julian Stefani's behaviour at the Indochinese Australian Women's Association annual general meeting on 2 November 1995? If he will not, why not?

2. Will the Premier instruct the Hon. Mr Stefani to step down as parliamentary secretary to the Minister for Multicultural and Ethnic Affairs while a proper investigation takes place into the allegations made by nine different women—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: —under statutory declaration and the penalties thereof?

3. Will the Premier now apologise to the signatories of the original letter of complaint for wrongly accusing them of being politically motivated in raising their complaints with him? If he will not, why not?

The Hon. R.I. LUCAS: As my colleagues have interjected, obviously the Hon. Ron Roberts is not going to use the Carmen Lawrence defence. I will refer the honourable member's questions to the Premier, but if I am any judge of the Premier's response I expect the answer—and I cannot remember how many questions were asked—in relation to

establishing an inquiry will unequivocally be 'No'; in relation to asking the Hon. Mr Stefani to stand down it will be 'No'; and in relation to apologising it will 'No' as well. However, I certainly will not be putting words into the Premier's mouth. I will refer the honourable member's questions to the Premier and bring back a reply. As I said, if I am any judge, that would be my betting; the honourable member would get a shade of odds with me in relation to the nature of the responses, which will be short, sharp and unequivocal.

I do not know where the Hon. Mr Roberts has been for the past 10 years or so, but obviously he has not been involved in the Labor Party's work in the electorate and community organisations. If one looks at the Premier's statement—and the member referred to it—one sees that the Premier did not say that these women were members of the Labor Party: he does not say that they were card carrying members of the Labor Party. I do not know where the Hon. Mr Roberts has been for the past 10 years or so, but I suggest that he speak to the Hon. Mr Holloway and a number of others tied up with the Labor Unity faction of the Party, including the Hon. Mr Terry Roberts, who is tied up with the left faction, and find out how those groups—

An honourable member interjecting:

The Hon. R.I. LUCAS: I am in the left right out faction; I am way out by myself somewhere. I ask the Hon. Mr Roberts to speak to some of his colleagues to establish how they maintain control of community organisations. If they do not want to do so, they do not have to put card carrying members of the Labor Party into organisations. That is not what the Premier has suggested in his ministerial statement. He did not say that these people were members of the Labor Party, and I challenge the Deputy Leader of the Opposition to indicate where the Premier suggested that these people were card carrying members of the Labor Party.

The Hon. T.G. Cameron: Why don't you read the statement?

The Hon. R.I. LUCAS: I have read the statement and you have just read it back again. There is no suggestion there that they were actually members of the Labor Party. I do not know what the latest numbers are, but there are probably only about 5 000 or 10 000 members left in the Labor Party in South Australia. The Hon. Mr Cameron could help us with the number, but I am sure it is probably of that order.

Members interjecting:

The Hon. R.I. LUCAS: I'm not sure, but there are certainly not many more than that.

The Hon. T.G. Cameron: It would be somewhere between those two figures.

The Hon. R.I. LUCAS: 'Somewhere between those two,' says the Hon. Mr Cameron. I suspect, given that answer, that it is probably closer to 5 000 than to 10 000.

The Hon. T.G. Cameron: We release our figures every year, as you know.

The Hon. R.I. LUCAS: Well, what are they?

Members interjecting:

The PRESIDENT: Order! I suggest that the Minister take his seat. We are not in for a debate. This is Question Time. I suggest that the Minister stick to the point and not debate the subject.

The Hon. R.I. LUCAS: Thank you, Sir. If we have 5 000 Labor Party members in South Australia then, although I cannot remember what the numbers are, there must be at least a couple of hundred thousand Labor Party supporters and sympathisers still left out there in the community—not many more than that.

The Hon. T.G. Cameron: It is growing daily.

The Hon. R.I. LUCAS: Is it? It is moving from a low base. All I can say to the Deputy Leader of the Opposition is that there is nothing inconsistent between what the Premier said in his ministerial statement and the statutory declarations made by four or five individuals. The Premier did not indicate that these persons were members of the Labor Party: he made a number of other quite specific statements, with words very carefully chosen, and I am sure that the Premier will stand by the words in his statement. Again, I will not put words in the Premier's mouth: I will let him respond in due course.

RADIATION GAS CLOUD

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister representing the Minister for the Environment and Natural Resources a question about environmental degradation.

Leave granted.

The Hon. T.G. ROBERTS: In the *Australian* of Tuesday 21 November is an article headed 'Radiation gas cloud drifts over two towns', by the science and technology writer, Julian Cribb. I will read it for the benefit of members. It states:

> Scientists have discovered clouds of radioactive gas drifting over the NSW towns of Wagga Wagga and Ladysmith in what they believe to be a serious and previously unknown consequence of land degradation. The invisible clouds of radon gas, some several kilometres across, were detected earlier this year by researchers from the Australian Geological Survey Organisation (AGSO) engaged in an aerial survey. CSIRO and AGSO scientists yesterday said the radon was almost certainly produced by rising saline ground water tables, caused by extensive land clearing. Radon is the second most common cause of lung cancer after smoking, but researchers emphasised yesterday that not enough was known about the phenomenon to say whether it posed a health risk. They said emission of radioactive gas probably occurred in other parts of Australia where saline ground water was close to the surface and soils were high in uranium and radium. . . .Dr Bierwirth said that as ground water became more saline it dissolved radium out of the soil, which decayed to form radon gas.

My questions relate to the possibility of the same circumstances and mix operating in South Australia, as we have a lot of degraded land that is very saline, particularly in the Upper South-East. Saline areas are starting to occur on the West Coast and through some sections of the North and Mid North. My questions are:

1. Will the Minister call for a report on the situation and the circumstances that exist in New South Wales?

2. Given that the soil composition may be different in South Australia, will his department conduct tests to ensure that the same circumstances do not exist in this State that have caused the build-up of radon gases in New South Wales?

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

MURRAY RIVER CATCHMENT BOARD

In reply to **Hon. M.J. ELLIOTT** (11 October).

The Hon. DIANA LAIDLAW: The Minister for the Environment and Natural Resources has provided the following information.

1. Yes. The Government will not only take the concerns and views of existing soil boards into account in the consideration of the establishment of a River Murray Catchment Water Management Board, it will also seek the views of the broadest possible cross-section of the community dependent on the River Murray basin in South Australia.

A local government based group called the River Murray Catchment Management Board Steering Committee has been formed

to facilitate community comment on the proposed establishment of a River Murray Board.

This steering committee has already:

- sought written comment from a wide range of stakeholders;
- arranged a joint meeting of the River Murray, Mallee and Angas Bremer Water Resource Committees on 6 September 1995;
- met with the Riverland Local Government Association on 21 September 1995;
- met with the Murraylands Local Government Association on 26 September 1995;
- held a public meeting in the Riverland at Loxton on 21 September 1995;
- held a public meeting in the Lower Murray at Murray Bridge on 26 September 1995; and
- met with the South Australian Community Action for the Rural Environment Committee on 12 October 1995.

In addition, key stakeholder groups have been further targeted for more focussed discussions.

2. Yes. The River Murray not only has a wide range of resource management issues to be addressed, but also has a variety of users and beneficiaries, both within and outside the catchment. Clearly any management structure must be tailored to reflect this diversity.

3. The Government is currently in the process of inviting community comment on the establishment and operation of a catchment board. Although the concept of the catchment water management boards already established in Adelaide is directly applicable to the River Murray, the board structure must be tailored to reflect the diversity of the catchment. Proposals for board structures will only be developed once the current phase of the community consultation program is completed.

4. Again, funding options will only be developed once the current phase of the community consultation program is completed. Community comment to date suggests that the necessary funds could be raised from a variety of direct and indirect users and beneficiaries with the contribution reflecting their associated level of impact.

5. The Government will be working closely with the existing resource management committees throughout the catchment to ensure that the structure of the board enhances the programs and management frameworks already in place.

SOUTHERN EXPRESSWAY

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

Leave granted.

The Hon. T.G. CAMERON: I thank the Minister for providing me with copies of *The Expressway* issue No. 2 and the Environmental Report—Executive Summary. In order to avoid any confusion as to our Party's position on the Southern Expressway, I make our position crystal clear: we support the building of the Southern Expressway. My questions to the Minister are:

1. The Southern Expressway in the various documents is estimated to cost $112 million. Is this figure correct and is the Minister confident that the project will be completed within budget?

2. The documents also state that for every $1 spent on the expressway the community will receive a benefit of about $3. My arithmetic would suggest that the forecast savings for the southern community will be in excess of $300 million. Are these figures accurate and how were they calculated?

3. The report also goes on to outline that the environmental report states that the road will be sympathetic to the environment and have no significant adverse environmental, social or economic impact. Does the Minister agree with this statement and can she assure people down south that she will not compromise this statement by agreeing to variations to the proposed expressway based on cost considerations?

The Hon. DIANA LAIDLAW: The answers to questions 1 and 3 are 'Yes' and 'Yes'. In terms of the process of proceeding with the Southern Expressway, the environmental impact assessment report, as the honourable member noted, is now available for public comment, which will last for about one month, from some time last week. By March it should all be cleared and contracts should be called and let by May. By that stage we would have accurate costings with contingency budgets for the first stage from Darlington to Reynella. My understanding is that there is active interest amongst the earthmoving and contracting sector within South Australia and nationally. Certainly we are doing a lot of work in South Australia to encourage companies to come together so that they are of sufficient size to bid for the first phase of the work, valued at about $56 million.

On all the information available to me at the moment, I can say with confidence that the project will come in on budget, which is $112 million. There would always be a qualification in that respect because the tenders have not been called or contracts let. The more interest we can generate in contracts the better the price taxpayers will pay for this project. The economic benefits referred to in questions 1 and 3 were calculated on the same basis that engineers and economists used throughout Australia in the transport sector for calculating benefit. We did not deviate in that sense—it is a standard format for the calculation of such matters.

METROPOLITAN OPEN SPACE

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for the Arts, representing the Minister for Environment and Natural Resources, a question about metropolitan open space.

Leave granted.

The Hon. M.J. ELLIOTT: Yesterday the Hon. Terry Roberts asked a question about metropolitan open space and mentioned the Blackwood Forest Reserve. I want to take that a little further with the Minister today. The State Government has made a decision on the future of the Blackwood Forest Reserve which is a significant track of open space in the Mitcham Hills. I have been informed that two options were raised regarding the use of land. The first was to offer the Mitcham council most of the land for $2 million which I am advised is well above the value of the land as it is currently zoned.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: You look after your mate Iain Evans any time you like. Not only would—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: Not only would this price make it almost impossible for the council to buy but the concern expressed to me is that it is simply transferring a debt from State Government to local government. The Government is basically saying that if the community wants it, the community can buy it. In this case the community already owns it via the State Government and is being asked to buy what it already owns. If the council is not able to buy it, and it will struggle to find the money I am advised, the State Government will do what it always intended to do and that is sell off almost all the flatter parts of the land.

About 1.5 hectares of the land has already been earmarked for sale to the Lutheran Church for a primary school of 250 students regardless of the council's ability to buy the land. The Government says there are possibilities that the land required could be greater. I have been told that this offer is conditional on there being no cost implications for the

Government in relation to the need to upgrade the Turners Road-Main Road intersection. Independent traffic analyses show that major upgrading of the intersection is needed for a school of that size. The rest of the land is to be used for aged accommodation and 44 housing sites as well. The only remaining open space will be a ribbon running through the middle of the site, with limited access and little visible amenity. The area will include a creek, steep forest land and some contaminated land which requires further examination.

The implications of the increased road traffic due to the road will put enormous strain on the intersection. Another possible ramification of a new primary school is that the nearby Hawthorndene Primary School, which is relatively small, may lose sufficient students that it will have implications on its own viability. Members of the Belair school community are concerned, having had enough trauma over the collocation of their own school campuses, that should Hawthorndene close, the Belair school would then have a significant influx of students. The State Government has apparently announced that, as a consequence of the sale of the Blackwood Forest land, an extra $2 million will be given to the Coromandel Valley Primary School as part of its building program.

The State Government has given the Mitcham council until 31 December to respond to the plan, after the council asked for three months to allow proper community consultation. There have been a number of occasions when school land has been sold and the Government justified the sale by saying that money was going back into education spending. However, this is the first occasion I am aware of where non-Education Department land has been linked to the provision of money for a school.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: This is clearly seen by the community—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: You look after your mate Iain as much as you like. This is seen by the community members as a direct attempt to divide the community, a community which has already made it quite clear that it wanted the whole of the area retained as open space.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: By linking the sale to the upgrading of the primary school it was hoped to dilute the community opposition. It is not the local government's responsibility to subsidise the Education Department, even though this is the second time in the past six weeks that the Mitcham council in particular has been asked to do this, the other request being in relation to Westbourne Park land. These, along with similar sales of land at Brighton, are all examples of how the State Government is attempting to transfer its debt to local government, all supposedly to subsidise the Education Department. My questions to the Minister are:

1. Were the off-site effects of the proposal considered by the Government, in particular the implications of the building of a school and therefore the impact on traffic flows and who will bear the cost of that, and the potential implications on the Hawthorndene Primary School and therefore the Belair Primary School?

2. Will the Government extend the local council's 31 December deadline, a deadline which ends right in the middle of the Christmas-New Year silly season, for a response to a plan to ensure proper community consultation and financial analysis of their options?

The Hon. DIANA LAIDLAW: I can certainly comment on the first question before referring all the other questions to the Minister for a reply. Some months ago I visited the site in question because the Department of Transport was involved in determining traffic flows and in looking at what would be involved in terms of entry and exit to the main road and in relation to the creek and bridge. The department has done some work and costings. In respect of who would bear the cost, no cost would be borne by the Department of Transport for any upgrade that is required at the site.

I was interested to hear the honourable member talk generally about dividing the community. Certainly some voices have been raised, and that is predictable in such an area with such an important development, but the majority of voices are in support of it. In fact, I know that the chair of the school council has been enthusiastic—

The Hon. R.I. Lucas: The Coromandel Valley Primary School think the local member, Mr Evans, is a hero.

The Hon. DIANA LAIDLAW: I know.

The Hon. R.I. Lucas: And Mr Elliott is opposing extra money for education.

The Hon. DIANA LAIDLAW: You are quite right. The Minister for Education and Children's Services has expressed surprise that the Hon. Mr Elliott would work so hard to oppose extra money for education. The upgrading of schools generally is on the agenda of every other member of Parliament, but not on the agenda of Mr Elliott. As I say, the President of the school council is absolutely ecstatic with regard to what has been achieved and the cooperation of the various Government departments and the local community in terms of addressing a variety of needs—

Members interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —within the community from aged care to primary school education. To see the departments work so constructively in the public and community interest is a matter for celebration. I congratulate the member for Davenport for his constructive role in brokering many of the initiatives here. I am disappointed but not necessarily surprised that Mr Elliott has not been able to handle this creative initiative.

OVERSEAS VISITORS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister for Transport a question about overseas visitors to Adelaide.

Leave granted.

The Hon. BERNICE PFITZNER: Last week during the Grand Prix weekend the Government, in conjunction with the Australian Malaysian Business Council, promoted a trade delegation to Kuala Lumpur, Malaysia. The State Government was represented most admirably by the Minister for Education and Children's Services and three other MPs. There were approximately 30 South Australian businesses involved, and the three day event was most productive.

As evidence of this, some of the connections made resulted in three to four Malaysian businesses competing for the franchise of Vili's halal pies (which means that the meat would be prepared in the Muslim manner); real estate

connections will target buyers in Kuala Lumpur to the more affordable Adelaide properties; and our Wirrina stand was inundated with numerous inquiries, possibly leading to potential buyers.

The area of education services is a partially tapped source in that a certain private college has 1 000 to 2 000 students and a significant number of these students are being taught according to the South Australian matriculation curriculum. These matriculation students are potential paying students at our tertiary education institutions.

Health services is another area of great potential, where Australian nursing services could possibly be in increasing demand in Kuala Lumpur, Malaysia. However, it was the tourism area that excited some of the most interest, because of the attractions of Adelaide, with its clean air, wide open spaces, fresh fruit and other foods, accessible golf courses and unique flora and fauna.

An honourable member: And wines.

The Hon. BERNICE PFITZNER: The honourable member opposite mentions wines. However, that was not a matter of great emphasis because, as all of us know, Malaysia is a Muslim country, so wines did not have a high profile.

Members interjecting:

The PRESIDENT: Order!

The Hon. BERNICE PFITZNER: The presenter asked the Kuala Lumpur audience when they last clearly saw the stars in their sky. There was a long pause and then the presenter made what was to them an astounding statement that we in Adelaide see the stars clearly every night. I understand that the Malaysian guests were all suitably impressed not only by the presentation but also by our State support in the form of our MPs because, as you know, in that country, politicians are indeed held in high regard.

The Hon. A.J. Redford: It's a well-known fact.

The Hon. BERNICE PFITZNER: As the Hon. Mr Redford said, it is a fact that politicians have tremendous status in Malaysia. After arousing such interest, I understand that direct air flights from Kuala Lumpur and Singapore to Adelaide Airport are now fully booked from now until 14 February 1996. Therefore, my questions to the Minister are:

1. Given this situation of direct flights to Adelaide being fully booked for that length of time, is it not possible to put on more flights for the holiday period?

2. Will the Minister inquire of the Federal Government whether this is possible and, if not, why not?

The Hon. DIANA LAIDLAW: For many years, flights have been booked not only to Malaysia, Singapore and Hong Kong but to other places around the world from Adelaide and Australia over the Christmas period. It is a time when many Australians seek to travel. There are a lot of people who also seek to come here to see friends, and traditionally it has been an extraordinarily difficult time. Both the Tourism Minister and I have been working with officers at the State and Federal level and with the Federal Minister of Transport, Mr Brereton, to encourage the Federal Government to negotiate more passenger and freight flights to Adelaide from a number of countries. These initiatives have to be negotiated at national Government level; that is the practice within the airline industry. Nevertheless, it is our role at the State level to encourage Federal officers and the Federal Minister of Transport to push South Australia's case in negotiations with airlines.

We have done so, and it was excellent when on behalf of the Australian Government Mr Brereton met with Malaysian Government officials about five weeks ago in Canberra and it was agreed then that an extra freighter flight would come into Adelaide, Adelaide being the only airport in the whole of Australia where the Federal Government granted such rights. However, at that time, notwithstanding earlier encouragement to the South Australian Government to push for this, Malaysia decided that it did not want to proceed. Since then, many representations to Malaysia Airlines have been made by me, the Premier and Ministers for Industry and Tourism. Officers have met with Malaysia Airline officials in Kuala Lumpur on various occasions over the past month or so.

Last week it was fantastic that, when Mr Brereton was in Kuala Lumpur, he signed contracts which will ensure that there are not only extra freight flights but now also extra passenger flights, I believe on a weekly basis, between Kuala Lumpur and Adelaide. They may not necessarily be direct; they may come through Melbourne. This matter is in the final stages of negotiation and I believe that I will be in a position to make a formal announcement about these matters early next week, after Malaysia Airlines has confirmed various details with the Federal Government. It is brilliant that we will be getting further flights, both freight and passenger, with Malaysia Airlines in the near future. I hope that the announcement next week will confirm that in terms of passenger services there will be a further flight to ease some of the problems that the honourable member highlighted in her question.

OMBUDSMAN

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General questions about the Ombudsman's functions.

Leave granted.

The Hon. P. HOLLOWAY: The Medicare agreement between the Commonwealth and South Australia which was signed in 1993 requires South Australia to establish an independent complaints body to investigate, conciliate and adjudicate complaints made to it about public hospital services and to recommend improvements to hospital services. A report presented to the former Government just before the last election examined the best ways in which an independent health complaints body should be set up. This report—the Hicks report—has not been released. In his latest report, the Ombudsman referred to his office taking over that role. I quote from the Ombudsman's annual report at page 81 in relation to hospitals, where he states:

> When my office adopts a more focused role as 'Health Complaints Ombudsman', the number of complaints and investigations is expected to rise, as it will absorb most of the work relating to complaints against public hospitals that has been carried out by the Health Advice and Complaints Office. This matter has been the subject of detailed discussions involving the Minister of Health, the Attorney-General and further detailed discussions involving officers of the South Australian Health Commission, the Ombudsman and Deputy Ombudsman. As further provision must be made for at least three extra staff, who are competent to carry out the work for the purposes of the Ombudsman Act and this be timed to coincide with the relocation of the Ombudsman Office, it is generally anticipated that the new focused jurisdiction and work will commence on 1 January 1996.

My questions to the Attorney are:

1. Will at least three additional staff be provided to the Ombudsman for his new role; and will all staff currently working for the Health Advice and Complaints Office of the Health Commission be transferred to the Ombudsman's office?

2. Will any publicity campaign be instigated to make the public aware of the Ombudsman's new role?

3. Given that most other States in Australia have health complaint commissions or other health mechanisms whose jurisdiction covers private as well as public health providers, does he believe that the South Australian Ombudsman could or should be extended to perform this role, that is, looking at private hospital matters?

The Hon. K.T. GRIFFIN: I had some informal discussions last week with the shadow Minister for Health who is a member in another place and who raised the issue with me. There have been discussions among the Health Commission, the Minister for Health, the Ombudsman and the Attorney-General's department in relation to the transfer of some functions to the Ombudsman. The Ombudsman has indicated that he believes that without any amendments to his Act he can satisfactorily deal with the issues that arise in respect of the Health Commission.

The staff of the Ombudsman's office is provided by the Attorney-General's Department, and that department has had discussions with the Health Commission in relation to the transfer of resources to enable the Ombudsman to undertake some functions similar to those referred to by the honourable member. I do not know the final outcome of those discussions but, as far as I am aware, it is intended that there will be a transfer of resources to the Attorney-General's Department to enable the Ombudsman to properly service the function that will be transferred.

In the same context, there will continue to be a responsibility within the Health Commission for resolving complaints and dealing with disputes before they are referred to the Ombudsman. One of the concerns that I have had in relation to any body that ultimately has responsibility for dealing with complaints with respect to Government agencies is that, when those sorts of complaints arise, they can be handballed to that official. That was the problem with the Police Complaints Authority: whenever a complaint was made about police, even relating to matters that might be more management or communication than anything else, they were always handballed off to the Police Complaints Authority. It was quite a convenient way of dealing with them, and it meant that the police did not have to face up to the management and communication issues that might have been the basis for the complaints that had been made.

I have the same concern about the transfer of jurisdiction to the Ombudsman from the Health Commission. Therefore, it has been agreed that the Health Commission will continue to maintain a complaints and dispute resolution area and will have responsibility for that so that only the most difficult matters and those which are incapable of resolution might be dealt with by the Ombudsman. As I said at the beginning, under his Act, the Ombudsman has more than adequate power to deal with the matters that are likely to be subject of review requested of him. Provided that the appropriate level of resources is transferred from the Health Commission to the Attorney-General's Department, I have no problem with the Ombudsman's undertaking that function.

WATER FILTRATION

The Hon. T. CROTHERS: I seek leave to make a statement before asking the Minister for Education and Children's Services, representing the Minister for Infrastructure, a question on the quality of water in certain areas of South Australia.

Leave granted.

The Hon. T. CROTHERS: Recently complaints were aired on a South Australian television station from a resident of Williamstown concerning the turbid and smelly nature of her tap water. So bad was this water (and according to her it had been like it for some time) that clothes which were washed in it and which were white in colour dried out light brown in colour. A resident of the Nairne area supported the position of the residents of Williamstown. In fact, it is estimated that some 100 000 or more South Australians do not have filtered water attached to their general supply. It was indicated further on that program that, according to official reports, it would be several years before the areas in question would have filtration systems installed.

Over the ensuing couple of days, all hell broke loose in the public domain about the awful predicament of these disadvantaged people, to such an extent that, two nights after these events were first shown on television, a Mr Norman from the EWS Department appeared on the same television program and said that work would be brought forward by several years on 11 new water filtration plants. The estimated cost of this new work is be $100 million. In the light of the foregoing, I direct the following questions to the Minister:

1. How much of the $100 million has come by way of Federal Government grant money?

2. How much Federal grant money has already been given to South Australia and expended on already completed water filtration systems?

The Hon. R.I. LUCAS: I suspect that the answer to the first question is not much, or nil, but I am happy to refer the honourable member's questions to the Minister and bring back a reply.

LEGAL PRACTITIONERS ACT

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of the Legal Practitioners Act.

Leave granted.

The Hon. R.D. LAWSON: The annual report of the Legal Practitioners Complaints Committee for the year ended 30 June 1995 was tabled in this Council yesterday. In the overview section of its report, the committee stated that the process of administratively separating the committee's financial and office resources from the Law Society is now almost complete. The committee comments that this process has sparked a major structural change in the way in which it will administer its affairs in the future. The committee says that the Attorney has prepared draft legislation which, if promulgated, will result in the committee's becoming a separate legal entity. The report goes on to say that this legislation:

> . . . will enable the committee to operate in a way which will remove the unacceptable confusion that it is a committee of the Law Society. This confusion has prevailed for too long. Not only will the committee be independent but it will be seen to be independent.

The committee also notes that, during the year under review, prolonged discussions took place with the Law Society and the Attorney-General as to the relocation of the committee away from Law Society House. The committee reports that the Attorney-General is presently preparing further amendments to the Act and it concludes:

> Whilst the proposed Bill will help to address some present difficulties, it is the committee's view that serious and urgent consideration should be given to a complete overhaul of the Legal

Practitioners Act following full consultation with all interested groups. A comprehensive review of the Act is overdue.

My questions are:

1. Does the Attorney-General agree with the view of the committee that it should be independent of the Law Society?

2. Is the Attorney able to report on the relocation of the committee to premises away from Law Society House?

3. Does the Attorney agree that a complete overhaul of the Legal Practitioners Act is required at this stage and, if so, can he report progress on that matter?

The Hon. K.T. GRIFFIN: The Legal Practitioners Complaints Committee is by statute independent of the Law Society, but it did share premises with the Law Society, even though it operated separately. There was a perception that it was part of the Law Society. That was not acceptable to some Law Society members, nor was it acceptable to the Legal Practitioners Complaints Committee. As a result of some negotiations during the earlier part of this year, the Law Society agreed that part of its premises would no longer be available to the Legal Practitioners Complaints Committee, which agreed that it would move to alternative premises, and that is occurring.

The Legal Practitioners Complaints Committee also depended to some extent upon the Law Society for its computing facilities. It now has an independent computing facility, and it is proposed that legislation will be brought into Parliament that will ensure not only that the Legal Practitioners Complaints Committee is shown in law to be independent but also that it is seen to be independent of the Law Society. It is proposed to give the Legal Practitioners Complaints Committee a separate corporate status and allow it to manage its own affairs within budgets that will have to be approved by me as Attorney-General.

In terms of the general structure of the complaint resolution processes within the Legal Practitioners Act, they have not been overhauled since I introduced the legislation in 1981, I think it was, to establish the current structure under the Legal Practitioners Act. Whilst there may need to be some fine tuning, I am happy to give some further consideration to whether there ought to be any major changes to the structure that presently exists in the current Act. Certainly, there are pressures now on the Legal Practitioners Complaints Committee and the tribunal which did not exist in 1981. The volume of work is particularly onerous, and we are looking at ways by which that workload can be streamlined to facilitate the work of the committee and the tribunal.

I expect that in the early part of 1996 some further work will be done by my office in conjunction with the Law Society and the Legal Practitioners Complaints Committee to determine whether or not there needs to be a major change to the structure of the complaints resolution and investigation process. I can do no more than indicate that it is certainly on the agenda, although it should not be taken from that observation that it is a foregone conclusion that that will occur.

WOMEN'S INFORMATION SWITCHBOARD

The Hon. ANNE LEVY: I seek leave to make an explanation before asking the Minister for Transport a question about reports.

Leave granted.

The Hon. ANNE LEVY: It is many moons ago—or in deference to the Hon. Mr Lucas I should say many star gazing times ago—that the Office for the Status of Women organised a review of the Women's Information Switchboard. A draft report was produced, circulated for information and comment, and submissions thereon were invited. The Minister made quite clear that the final report would be released and would take into account the many submissions received on the draft report. Furthermore, the report was expected to be available to the many interested people during October. It is now the third week of November and no report has been made public.

Likewise, I understand that Peter Alexander has produced his final report on the relationship between the State Opera and the Adelaide Symphony Orchestra, and this has been in the Minister's possession for a couple of months. Again, there has been no announcement and no release of the report. These reports are commissioned with taxpayers' money, and it can be argued that the ordinary taxpayer has the right to know the contents of the reports. When will the Minister be releasing the final report into the Women's Information Switchboard? Will she also table in the House copies of the many submissions that were made on the draft report? Will she also table the final report on the relationship between the Symphony Orchestra and the State Opera of South Australia?

The Hon. DIANA LAIDLAW: I have no idea whether any of the people who made submissions on the draft report, which was prepared to review the role of the Women's Information Switchboard, were aware that the submissions would be released. I suspect not, so that matter would have to be taken into account. Initially, it was considered that a final report would be available in October. However, that has been delayed because the period for making submissions on the draft report was extended by several weeks—if not a month—which would help to explain the delay. In the meantime, various officers have been away, and I have encouraged further discussions with the State Library and other areas of the Government. Upon reflection, in terms of the reports and with the benefit of various submissions received, it was considered that more work should be done to discuss information needs in terms of a wider cross-section of Government in order to gain maximum benefit for women from any change that might be made to current service delivery.

I am aware that the honourable member has been speaking to various people around town and has been suggesting that this is a cost-cutting exercise in relation to the Women's Information Switchboard. I firmly place on record that it has never been approached from that perspective, and it is not now being approached from that perspective. In terms of information needs, we are seeking to ensure that women throughout the whole community receive the most up-to-date relevant information, and I should have thought that the honourable member would applaud such goals.

In relation to Peter Alexander's report, there has not been, and there will not be, an announcement or release until negotiations between various parties have proceeded. That is being undertaken by an officer from the Department for Arts and Cultural Development at the present time—

The PRESIDENT: Order! Is the Minister winding up?

The Hon. DIANA LAIDLAW: —with very clear guidelines in terms of discussions with the ABC and the like.

MATTERS OF INTEREST

CITY MESSENGER ARTICLE

The Hon. P. NOCELLA: The *City Messenger* of 24 October carried an article in connection with the establishment of a city-State committee which has a specific brief to deal with planning matters concerning the City of Adelaide. The title of the article was 'Yet More City Vision'. In describing the functions of the committee, the journalist names the proposed members of this committee. When referring to two proposed nominees—Mr Henry Ninio, the Lord Mayor of the City of Adelaide, and Mr Ilan Hershman, the Chief Executive Officer—the reference was 'the square city council bagel boys'.

I do not think it is difficult for members of the Council to realise that this kind of reference is less than flattering: it is based on the religious beliefs of the two gentlemen in question and, in certain countries, it is considered offensive and akin to names such as 'nigger' in the United States. One wonders why this particular reference was made, as no similar reference about religious or ethnic background was raised in conjunction with other people named in the article. It is understandable that the two gentlemen are very upset, offended and humiliated by the article.

The media has a great responsibility: we all recognise ourselves as members of the community by the way in which we are portrayed in the media. It is known that if a particular group—an aged group, those with an ethnic background, or those of particular extraction—is not represented it becomes invisible: those people disappear and are no longer capable of recognising themselves in the representation of the community that appears in the various forms of media.

Some people may find 'Con the fruiterer' amusing, but that sort of representation is (and is recognised as) offensive to members of the Greek community. The Editor-in-chief of the Messenger Press, Mr Des Ryan, who is I believe the author of this article, is not an unreasonable man. In my previous capacity I had many dealings with him. I remember one particular occasion in similar circumstances when he had stereotyped, and grossly, a particular community, that he was prepared to admit the error. He said that the subeditor had not checked the text, had allowed it to be printed unchecked, and he regretted having caused offence to the particular community. In exchange, almost, he suggested that I should address the 35 or so journalists who worked at the time for the Messenger Press, which I did, with considerable positive outcomes in future dealings.

But on this occasion I cannot imagine what justification there could be for offending not only the two people in question but also a whole community by gratuitous and inappropriate reference to their religious background. People can be criticised, of course, on the basis of their professional ability or of their competence, if they are unable to do the job they are elected to do or contracted to do, but to resort to this sort of reference seems to me totally inappropriate. Unfortunately, the *City Messenger* from time to time does fall into this trap, although its public statements would seem to suggest that as a policy it does not subscribe to this kind of vilification. It is important that this Council is aware that stereotyping by media still occurs and sends a message not only to the *City Messenger* but also to other media that fair reporting and unbiased representation of all members of the community is the appropriate way, and one that would help to create a harmonious society, one where all members can feel comfortable and proud.

PORT ADELAIDE FLOWER FARM

The Hon. L.H. DAVIS: On 5 April 1995 (about 7½ months ago) I made my first speech about the Port Adelaide Flower Farm. The farm was the brainchild of Port Adelaide council CEO Keith Beamish, who was the CEO for the Flower Farm from its establishment in 1988. The farm has never matched the early optimistic profit forecast that projected an accumulated profit of nearly $1 million by the end of year 5. In my April speech I revealed that the losses in the first six years were $2.5 million. The Port Adelaide council recently tabled financial statements for the Flower Farm for 1994-95: these figures totally confirm the accuracy of my claims. The Flower Farm budgeted to break even in 1994-95. In fact, it lost $553 000. The budgeted income was $985 000, but the actual income from the sale of flowers and commissions as an agent for other growers amounted to only $347 000, little more than one third of budgeted income.

The Port Adelaide council is also paying interest on debt of over $2 million owed on the Flower Farm and, if the interest payments on this debt are included as they properly should be, the trading loss for 1994-95 balloons to a staggering $804 000 dollars. I seek leave to have inserted in *Hansard* two tables of a statistical nature that set out, first, the losses incurred by the Port Adelaide Flower Farm since 1988 and, secondly, the deteriorating asset position and increasing amount owed to creditors.

Leave granted.

The financial facts on Port Adelaide Flower Farm—From go to woe—Table 1

	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95
INCOME Comprising:	$118	$426 000 budgeted $72 000 actual	$1.2m budgeted $337 000 actual	$1.114m budgeted $1.074m actual	$1.12m budgeted $630 000 actual	$926 000 budgeted $671 000 actual	$985 000 budgeted $347 000 actual
Sales			$770 000 budgeted	comprising $840 000	comprising $400 000	No	No
Consultancy fees			$40 000 budgeted	$51 000	$45 000		
Contract processing			$228 000 budgeted	$71 000	$35 000	Breakdown	Breakdown
Commissions			$162 000 budgeted	$72 000	$91 000		
Grants		$50 000*			$250 000*	Provided	Provided

Other				$40 000	$59 000		
Total Income		$72 000	$337 000	$1 047 000	$630 000	$671 000	$347 000
Expenditure Comprising		$570 000 budgeted	$1.16m budgeted	$1.02 budgeted	$1.12m budgeted	$926 000 budgeted	$985 000 budgeted
Expenses	$146 000	$194 000	$429 000	$1.074m	$737 000	$739 000	$702 000
Depreciation	$69 000	$90 000	$71 000	$181 000	$266 000	$122 000	$198 000
Interest	$17 000	$155 000	$208 000	$254 000†	$251 000†	$251 000†	$251 000†
Total Expenditure	$232 000	$439 000	$708 000	$1.509m	$1.254m	$1.112m	$1 151 000
Loss:	($232 000)	($367 000)	($372 000)	($434 000)	($624 000)	($441 000)	($804 000)
Extraordinary Item							($778 000)
Total Loss:							($1 582 000)

Total Losses—1988-95 (including interest payments and excluding grants=$4.052m.
*=Excluded to measure PAFF as a commercial enterprise.
†=Included to measure cost to ratepayers—Council in 1991-92 took over $2.2m farm debt burden.

Port Adelaide Flower Farm—The Balance Sheet—Table 2

Year	Net Assets	Comment	
1989-90	$346,501 deficiency		
1990-91	$718,605 deficiency	Loans and overdraft exceed $2.2m *Creditors $2,295	
1991-92	$980,289	Farm debt taken over by Port Adelaide Council and stock revaluation assists $1.7m improvement in net assets. Port Adelaide Council investment in farm at 30 June 1992—$250,000 equity plus $1.88m debt=$2.13m *Creditors $310,000	
1992-93	$856,521	Assets include farm plants and grow bags (depreciated value) Plant and equipment Land and buildings (leasehold improvements) Office equipment *Creditors	$716,000 $145,000 $333,158 $92,910 $1,203,124 $630,845
1993-94	$666,000	Assets include: Other† Plant and equipment Land and buildings Office equipment *Creditors	$720,000 $112,000 $272,000 $5,000 $1,109,000 $758,000
1994-95	($665,000)	Assets include: Plant and equipment Land and buildings Office equipment *Creditors and provisions	 $145,000 $19,000 $1,000 $165,000 $1,109,000

†Other is not defined—presumably farm plants and grow bags.

The Hon. L.H. DAVIS: Table 1 reveals that total losses for the farm, including interest payments and excluding Government grants, are a monstrous $4.052 million for the period 1988-95. In addition to the 1994-95 trading loss of $804 000, there was a write-down of assets of $778 000, a loss of over $1.6 million in the last financial year. The decision of the council to close the Flower Farm led to this write-down of $778 000, and this has resulted in a net deficiency in the Port Adelaide Flower Farm balance sheet of $665 000. The Flower Farm at that point was technically bankrupt. If the farm was such a good commercial operation, why did the council elect to close it down rather than sell it as a going concern? Advertisements placed interstate in May not surprisingly attracted no buyers.

Following the trading loss of $553 000 in 1994-95, the Flower Farm assets, which had been valued at $666 000 on 30 June 1994 were nearly extinguished. But investors were going to be asked to put up nearly $5 million for Flower Farm assets worth little more than $100 000 plus an interest in the Perce Harrison Environmental Centre, a nursery which has never recorded a profit and a fledgling flower farm at Penola. This was a scam, and there were no bouquets for the investors. The only winners were the Port Adelaide Council, IHM and BCG Rural. The council, according to the prospectus, was to rent to Flowers of Australia the plant, stock and irrigation equipment for a laughable $579 000 in year 1 and $729 000 in year 2, if you could believe it.

The second table reveals an alarming growth in creditors. Money owed by the Flower Farm as at 30 June 1994 were $758 000, and at 30 June 1995 creditors had blown out to $1.1 million. But what are these debts? Another matter of serious concern is that the Flowers of Australia prospectus of March 1995 sought to raise a minimum of $4.8 million but offered in exchange assets valued at less than $1 million. At that time the huge trading losses of $553 000 for 1994-95 would already have been known, because the flower season is effectively over by late December or early January. However, the Port Adelaide council was only advised that there would be a loss for 1994-95 at a meeting on 16 May 1995. The council was then told that the Flower Farm figure income was $213 000 under budget. But it was much more than this in reality.

On 12 December 1994 Mr Beamish advised a council meeting that 'present indications are that budgets will be met.' However, at that point it was already clear that the Flower Farm had been a disaster. Therefore, the Flower Farm was dead in the water in early 1995. However, I did not make my first speech on the subject until 5 April 1995. Talking of water, I saw the Flower Farm for the first time a few months ago, and most of it was under water. Photographs reveal the extent of this fiasco. Mr Beamish has claimed that my speeches forced the Flower Farm to be abandoned.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: The facts reveal that the Flower Farm was finished well before I spoke out.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! If you want to have your say, you can in a minute.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order!

WORLD BANK

The Hon. SANDRA KANCK: To date the debate on water privatisation in this State has centred on the local impact, and not much has been said about the effect that this new private corporation will have on our neighbouring countries—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order!

The Hon. SANDRA KANCK: —which the new company hopes to exploit. A few months ago the local press and the Minister referred to the World Bank's backing of the Government's plan to privatise our water as a major political boost and proof that South Australia was going the right way. For those of us interested in third world politics, the World Bank blessing rang warning bells. The World Bank was established 50 years ago following the Second World War to finance post-war reconstruction. Of course, it also had a political agenda to promote capitalism and overseas markets. The aim of the World Bank is to create economic growth on the basis that this will eliminate world poverty. It has not happened.

Over the past 20 years the bank has centred its attention on third world economies, resulting in some disastrous consequences for these countries. It is well documented that the World Bank has a reputation of encouraging third world Governments to go into debt by approving loans that cannot possibly be repaid. The interest that has accrued on these unrepayable loans has worsened their initial debt burden. In an effort to repay the outstanding monies, social cohesion of these countries, together with their environment, have been destroyed by over-clearance of land for cash crops. The end result has been hunger and debilitating poverty for these people.

Where the World Bank has been involved in water projects, the picture has been the same. For instance, the World Bank has been overseeing a series of flood control projects in Bangladesh. The project has threatened to deprive the landless poor of vital access to communal and food resources and, to top it off, engineering experts have argued that the project could actually increase the danger of catastrophic flooding in future. That project has not been properly thought through, but has World Bank backing.

In Nepal a hydro-power scheme is being developed. One of Nepal's leading hydro-engineers, who was formerly in Nepal's Ministry of Water Resources, is highly critical of the water planners because the World Bank has ignored social issues associated with this project. The poorest people have again been displaced from their land and given no other support. It is this same bank—the World Bank—that has highly praised the South Australian Government for proposing to sell off control of our water system and to join with a larger consortium to exploit our northern neighbours. The World Bank has not taken into consideration the political consequences of the poor. Indeed, the fact that the World Bank endorses the sale of SA Water, despite evidence from the UK experience that water privatisation creates water poverty, illustrates this point.

In the third world the situation is even more serious because the economies are poorer and generally less stable, thereby making their situation much more precarious. The pragmatic response of the South Australian Government is that, should Asian Governments decide to invite foreign companies to develop their water infrastructure, then a South Australian company might as well invest in such a project as anyone else, particularly given that the promised profits are worth billions of dollars. That, of course, is the argument of the drug runner.

Although it is widely held that Asia is made up of a number of booming economies, the fact is that almost two thirds of the world's 1.1 billion poor live in Asia. On a global scale the top 20 per cent of income earners receive 83 per cent of world income, while the bottom 20 per cent receive only 1.5 per cent of the world's total income. Yet the first world, including the South Australian Government, want to exploit our poor neighbours even further to the tune of some $800 billion. It has been well established for many years that poverty and hunger are not so much to do with famine or floods but with the economic system.

Mr Olsen, together with the Brown Government and other supporters of the newly privatised SA Water, must be fully accountable to the calamitous impact the aggressive behaviour of this new company will have on people's lives. The South Australian Government cannot hide behind callous financial deals and World Bank approval. It must make a moral assessment on the impact of our actions on our neighbours' social and environmental predicament.

CHILD ABUSE

The Hon. BERNICE PFITZNER: In this matters of importance debate I would like to speak on child abuse. This issue is a blight on our society and a concern that I hope we can address much more stringently. Some statistics on the notification of child abuse and neglect are as follows: in 1992-93 the national incidence of child abuse rose by 26 per cent; in 1993-94 the national incidence of child abuse rose by 11 per cent; and all States reported an increase in the period from 1992-93 to 1993-94, ranging from an increase of 2.6 per cent in Tasmania to 53 per cent in Victoria. Victoria's high rate of increase is due to the recent introduction of mandatory reporting in that State. All States have in place a compulsory reporting system except for Western Australia and the ACT. I believe that mandatory reporting is essential as part of the process of stamping out this community illness of child abuse.

It is also of interest to note that recently in New Zealand legislation for the introduction of compulsory reporting was defeated. Nationally, in 1993-94 there was a reported total of 74 436 cases and the assessment of 87 per cent of these cases

was finalised. In Australia the prevalence of substantiated cases of child abuse is 5.7 per 1 000. In 72 per cent of cases a natural parent was responsible; in 6 per cent of cases a step-parent was responsible; and, in 5 per cent of cases a *de facto* parent was responsible.

Of the professions that reported the highest substantiation rate, social workers were top of the list at 58 per cent; next, the police at 57 per cent; next, hospital and health staff at 54 per cent; and, general practitioners at 49 per cent. Males and females were equally represented in cases of neglect and physical and emotional abuse. However, 74 per cent of sexual abuse cases involved females.

Of substantiated cases of child abuse and neglect 8 per cent involved Aboriginal and Torres Strait Islander children. Here in South Australia over the past 10 or more years under the Labor Government, and in line with economic mismanagement, child abuse cases rose from under 1 000 to 6 000 cases—a 600 per cent increase. South Australian figures for 1994-95 show that there were 6 948 notifications and 2 518 cases were substantiated. That is a rate of substantiation of 36 per cent. Of these cases 700 families were assisted and protection measures taken. Family and Community Services did not need to continue its involvement in those 700 families. In 300 cases (or 5 per cent) it was necessary for court action to be taken to protect the children concerned.

There is now the allegation that a proportion of child abuse cases are reported but not investigated. Because of these concerns two working groups have been established by FACS and they are, first, a working group to investigate the rise in child abuse and, secondly, a working group to investigate the practice of writing letters and to determine how consistent child protection practices can be maintained across the department. I hope that we will be able to obtain some productive information from these working groups that we might be able to use it to combat and endeavour to stop this totally unacceptable and harmful practice.

MEMBERS' CONDUCT

The Hon. R.R. ROBERTS: I rise on this occasion to make a contribution about the responsibility of members of Parliament acting in public. During the last election campaign correspondence was presented to the public by the Liberal Party of South Australia talking about a code of conduct and how Ministers, members or officers representing the Government ought to act in public and how they ought to treat members of the public with absolute respect. This week we have had unfortunate reports brought to the attention of the Parliament about the actions of a representative of the Government, commissioned by none other than the Premier himself, with respect to the IndoChinese Australian Women's Association and the conduct of that member at the annual general meeting of that organisation. The local paper documented what was alleged to have happened. We received correspondence and saw letters to the Premier from the women involved expressing their concern. This was dismissed out of hand by the Government when I put the question in this Parliament in the light of those serious allegations, made by women not used to being involved in these types of activities who took courage in their hands and raised the matter with the Premier in order to seek some relief.

All members in this place, having read that document, would say, 'Let us look at it. Does it represent the sort of activity we are used to? Is this the sort of thing we see from time to time?' In my view, those allegations are a classic illustration of the way the Hon. Mr Julian Stefani acts. As to his threats of legal action, we have seen it in this place. When asking questions about Garibaldi, we can see from the *Hansard* that the honourable member used the same lines. I have no doubt about the assertions made by those women who had the courage to write to the Premier seeking some relief and an apology. When that matter was raised, I asked whether the honourable member would apologise and stop intimidating those women, and he answered (page 387 of the *Hansard)*, 'No.' He would not desist from intimidating those women.

Members opposite representing the Government dismissed these accusations by these honourable women. However, the following day we saw four other people, completely different people, also write to the Premier, and sign the letter. We raised those matters as a matter of public concern in this place, and we were dismissed. During the contribution, the Leader of the Government in this Chamber wanted to name those women on the record. I was not prepared to do that, because I thought they had the courage to write the letter. But what happened, at the end of the day, when we in the Opposition—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: —were trying to protect these people's public reputations? The Minister for the Status of Women could not wait to jump up and attempt to protect her colleague who was facing these allegations, when all he was asked to do was apologise. She could not get to her feet quickly enough to table the document and out these people.

The Hon. J.F. Stefani interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: Then the Premier made it very clear that it was politically motivated.

The Hon. R.I. Lucas interjecting:

The Hon. R.R. ROBERTS: The Leader says he did not specifically say that. But quite clearly the implication was—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: —that it was designed to have that effect.

The Hon. T.G. CAMERON: I rise on a point of order, Mr President. I am desperately trying to hear what the Hon. Mr Roberts is saying, but it is being lost in the noise coming from the other side.

The PRESIDENT: I think it is a relevant point of order. I call for a bit of quiet on my right.

The Hon. R.R. ROBERTS: The clear implication was to try to smear these women with political innuendo. It is clear from the article by political writer Carol Altmann in the *Advertiser* when she said, 'The community functions were politically motivated, the Premier Mr Brown has claimed.' It is very clear to any open minded person that what we have seen here is a character assassination attempt by the Premier and his members opposite on people who ask only one thing, that they be treated fairly in this country. I think it is disgraceful that these word games are played in an effort to denigrate these women.

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

MUSIC INDUSTRY AWARDS

The Hon. A.J. REDFORD: After the last contribution and the one from the Hon. Sandra Kanck, is it any wonder that the standing of this place is diminishing? I want to talk today about the South Australian music industry awards held last night. Last night I attended, with the Minister for the Arts, the fourth annual SAMI awards at the Thebarton Town Hall, with some 550 other guests. The success of the night is further testimony to the buoyancy of this thriving and productive industry, and some credit for that should go to the Minister for the Arts and the State Liberal Government.

For some time now this Government has recognised the importance of this industry to the economy of South Australia, and the awards night was the culmination of a lot of hard work. In fact, I go on record as congratulating Mr Eric Erickson and Warwick Cheatle of the South Australian Music Association for the work they put in, not only in the organisation of last night but also for the work they are doing for the South Australian music industry in general. Some of the highlights from last evening include the presentation of some 23 industry and public voted awards to performers and practitioners from a broad cross-section of the local music industry. Four local bands performed their own music on the night. Mr President, you may be interested to know that one of those was Jodi Martin, a country music artist from Ceduna, who I am told is seen as an emerging star in her field. I also understand she is a serious contender for many awards at the major Tamworth country music festival held early next year.

Nominees, winners and attendees came from as far away as Ceduna and Whyalla, and the attendance of 550 was sold out on Thursday 16 November. Both the industry and public voting figures were significantly higher than in previous years, and in some cases had more than doubled. Since mid-1995 the South Australian Music Industry Association's membership has increased by some 30 per cent, and with almost 400 members the association has cemented itself as a true representative body and spokesbody for a very dynamic industry.

The SAMI awards, I am told, run on a shoe-string budget. It is pleasing to see that the State Government provided a contribution to the conduct of the award night. This year there were also a number of sponsors including major radio stations, local street music press, major record companies and retailers. It is important to note that the State Government's contribution is also continuing in relation to the announcement by the Minister for the Arts of triennial funding from the Department for the Arts and Cultural Development for SAMI and the music coordinator. In that regard, in these difficult times following recent State financial disasters, this Government is to be commended for the support it is giving the music industry.

The Hon. Terry Cameron is sitting over there grinning, giggling and laughing. I point out to him that this is a very significant industry and one that has the capacity to rival the wine industry.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: The Hon. Terry Cameron is showing his age a bit. Indeed, I sat with a former Labor member of Parliament, Mr Peter Steedman, an executive director of Ausmusic. His contribution to the Australian music industry has been outstanding, and I think it would be remiss if I did not acknowledge in some small way the contribution made by the Federal Government in this area. It was pleasing to see that Peter Steedman did say to me that the music industry in this State was in a very healthy situation. Indeed, it is in the best state he has seen in the last four years. The only one that can be congratulated for that is the State Government.

The Hon. T.G. Cameron: Yes, the good work we did in office.

The Hon. A.J. REDFORD: I will give you until February to answer: 'What did you do?' You did not even have a representative there last night.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: It is only with the critical mass of core ongoing industry, community, corporate and other support that the dynamic local industry can achieve its rightful place in the national and international music industry. South Australia is recognised for its major contribution.

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

YOUTH EMPLOYMENT

The Hon. T.G. CAMERON: In recent weeks the *Advertiser* has been running a number of stories focusing on the crisis facing the young unemployed in South Australia. Mr Lindsay Thompson, Chief Executive of the South Australian Employers Chamber, recently said the disturbing unemployment figures demanded Government action. He went on to say, 'We do not know what has caused this so we need to find out. The worry is that there is every indication that it will not get better next year when we have early school leavers.' I never thought I would be congratulating the *Advertiser* and the Chief Executive of the chamber in the one sentence, but I am. The *Advertiser* and Mr Thompson were responding to the recent unemployment statistics for South Australia. Our overall unemployment rate in South Australia fell by .1 per cent to 9.7 per cent and this trend was welcome, particularly considering the rate for Australia rose by .2 per cent to 8.7 per cent. However, these were not figures the *Advertiser* and Mr Thompson were referring to. They were correctly focusing on youth unemployment.

In South Australia over 10 000 teenagers are looking for full-time work—a huge 21.9 per cent increase on the 8 200 who were looking for work in September. The unemployment rate for South Australian teenagers, that is, 15 to 19 year olds, is 40.2 per cent, compared to the national average of 25.6 per cent. Figures range from 19.3 per cent in Western Australia to 29.6 per cent in Queensland and 40 per cent here in South Australia. The Hon. Legh Davis keeps trying to interject. I remind him that youth unemployment is a serious problem: even his own Government responded to the *Advertiser's* articles by setting up an inquiry. So, it is not a laughing matter: it is a serious problem.

The Hon. L.H. Davis interjecting:

The Hon. T.G. CAMERON: If you had teenage children you would consider it a serious problem as well. In Western Australia, one in five—

The Hon. L.H. Davis interjecting:

The Hon. T.G. CAMERON: Be patient: I will come to that. In Western Australia, one in five young teenagers is out of work: in South Australia it is double that figure. If that is correct, here in South Australia two out of five teenagers are unemployed. If you take into account those who are staying at school—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: —because they cannot get a job and those who are on general Government schemes, the real figures are probably much higher than 40.2 per cent. These figures are a disgrace. The disparity between South Australia and the other worst State, Queensland, which is on 29.6 per cent, raises the question, 'Why?'. Mr Thompson correctly called for an inquiry when he said, 'We don't know what has caused this so we need to find out why.' It took him to prompt the Government into taking some action.

The South Australian Government immediately established an inquiry into youth unemployment, and I welcome this. However, the crisis of youth unemployment in Australia, and particularly South Australia, is a very real one. Youth unemployment of the magnitude we have here in South Australia is an indictment of our governments and our society. Here we are telling two out of every five young kids that we cannot provide them with work. I find the situation disgusting and disgraceful. No wonder young teenagers feel so alienated and cut off from society.

In raising this subject, one is often confronted with statements such as 'teenagers are dole bludgers', 'the kids of today will not work like we used to', 'employers will not give young kids a go', 'young people are too interested in drugs and alcohol', 'the education system is failing' and so on. People always put forward some excuse, but there is no real excuse for this problem. Whilst there may be some truth in some of these statements for a minority of teenagers, these are not the reasons.

Unemployment is a problem in Australia, and South Australian youth unemployment is a blight on our society for which we must all accept responsibility. Both the Federal and State Governments must accept their share of the blame. Both Governments need to be doing much more. If, as a society, we can offer jobs to only three out of five teenagers leaving school, then it is time for new approaches. What we need is more real jobs and not more unemployment relief schemes of one kind or another. These schemes provide only temporary relief. Is it any wonder, with two out of five teenagers out of work, that we have one of the highest suicide rates for teenagers anywhere in the world? Is it any wonder that drugs, youth alcoholism, graffiti, vandalism, youth crime and a range of other social ills are on the increase?

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

REFERENDUM (WATER SUPPLY AND SEWERAGE SYSTEMS) BILL

The Hon. SANDRA KANCK obtained leave and introduced a Bill for an Act to provide for the holding of a referendum of electors relating to management of the State's water supply and sewerage systems. Read a first time.

The Hon. SANDRA KANCK: I move:

That this Bill be now read a second time.

This Bill contains identical wording to a Bill which I introduced during the last session of Parliament and which dropped off the Notice Paper before we got round to voting on it. At that time I had a response from the Government but none from the Opposition, although I was interested to see a few days later when I caught up with some newspaper clippings from the Australian *Financial Review* (of all papers) that the Opposition was quoted as saying that it would support it. The article states:

> Mr Rann said, 'While the Democrat move was unusual, Labor members would support it.'

I am not quite sure what is unusual about asking the electors of South Australia what they think of something. I believe that I will be getting Labor support this time, which will be very pleasing to see.

The Hon. R.R. Roberts interjecting:

The Hon. SANDRA KANCK: I was never told about it: I found out a couple of days after Parliament had finished. At that time the Government's response was patronising, to say the least. The response implied that I did not understand that the South Australian Government would retain ownership of the pipes, dams and that sort of thing. I very clearly understand those things, but I still have great reservations about the process of privatising the management of our water supply.

At that time the Government's response was that it would cost $3 million to have a standalone referendum. It would appear, from the Government's point of view, that $3 million is too much to pay to allow for democracy. I wonder just how low one has to go before the Government is prepared to let us have democracy. At that time the Government said that John Olsen, the Minister for Infrastructure, who had promoted and abetted the privatisation scheme, was no fool, and for that reason we should trust him. Well, John Bannon told us that about the State Bank. I am not prepared to trust politicians, Ministers or Premiers when they say, 'We know it better than you.'

The Hon. J.F. Stefani: Does that include you?

The Hon. SANDRA KANCK: Yes, it does. I believe that everyone should question what their politicians are saying and make sure that they are properly researched. Definitely: it includes all politicians. The Government, in its response at that time, failed to address the issue of how a publicly listed company must consult with its shareholders, because that is at the heart of this move to have a referendum. The public of South Australia are the shareholders in what was the Engineering and Water Supply Department and now is SA Water. We have a right to have a say in the future of our water company and what happens to it.

I draw the analogy with what a private company would have to do if it wanted to divest itself of part of its core business. First, it would have to disclose all the details of what it proposed and what it said, both expressly and implied, to prospective contractors, which is certainly not happening in this case. There would need to be a statement of the benefits and risks to its shareholders. Again, this Government is saying, 'Trust us.' The Government has not fulfilled the very basic requirement that applies to a company or corporation that wants to divest itself of part of its business.

Next, there would be a requirement to certify all the claims and statements made by the company—in this case, the Government—to make certain that everything it is saying is correct. If we compare that to a company, we have the Chairman, who compares to the Premier; we have the equivalent of the Managing Director in the form of the Minister; we have the equivalent of senior company officers in the form of senior public servants; and we have all the advisers, who would be the consultants. We would need to check on things such as legal liability in the event of contracts falling through; and what happens in relation to damages or, for that matter imprisonment, if there has been misrepresenta-

tion. None of these things, which would apply to any normal company divesting part of its core business, is being applied to this water management contract. If it is good enough for a company, it is good enough for the Government of South Australia.

Since the introduction of the Bill and its falling off the Notice Paper last time, a group called the Community Water Action Coalition has been formed to oppose the privatisation of our water system. At a rally last Saturday the Leader of the Opposition and I were presented with petitions with 21 000 signatories, opposing the privatisation of water management. At a public meeting to launch the Community Water Action Coalition, a motion was carried, which I will read in part, as follows:

> This meeting notes that the proposals by the S.A. Government to privatise the management and operation of our water supply and sewerage systems have been undertaken with:
> - no mandate whatsoever from the people of S.A.,
> - no consultation whatsoever with the S.A. Community,
> - no participation whatsoever in the process by the people of S.A.,
> - no public scrutiny of the contract available to the people of S.A.

Professor Bob Walker, who is Professor of Accounting at the University of New South Wales, makes the contention that the BOO and BOOT schemes (which are the build-own-operate and build-own-operate-transfer schemes) that are to be part of our privatised water system in South Australia are designed to keep borrowings off balance sheets and to get around the Loans Council. I will quote a little from an article written by Professor Bob Walker. I am not sure where the article has come from, but it is entitled 'Off budget financing schemes'. He states:

> . . . the ways in which Governments are entering into these schemes is bypassing arrangements for parliamentary accountability. Traditionally, Governments are required to place 'budgets' for the spending of moneys before Parliament for scrutiny and approval. But a key feature of BOOT schemes is that they involve the alienation of revenue streams to private firms, and those revenue streams have been derived from the use of public assets. . . .Hence these schemes do not get considered by Parliament, except to the extent that they involve Government spending (and even that may be treated as expenditure for general programs). Contractual arrangements have been undertaken without the knowledge of Parliament.

That is almost the case with our water system here in South Australia. He further states:

> Of course, mere disclosure of contract summaries *after* deals have been completed is inadequate to ensure appropriate scrutiny and accountability. In particular, contract summaries will only tell part of the story about the way in which the risks and rewards of such projects are shared. For a start, they will not reveal all of the Government's past and projected expenditure in providing ancillary services to a major project: new roadworks, and the moving of wires, pipes and drains.

Later in the article he states:

> Finally, it is difficult to resist the conclusion that BOOT schemes and other financial arrangements for private sector involvement in infrastructure financing have changed the way priorities are being set for new capital works. The NSW Auditor-General has expressed concern at the lack of 'auditable controls or guidelines' for these financing schemes. In other words, the process is largely deal driven.

You might be aware, Mr President, that in today's *City Messenger* there is an article by Alex Kennedy about revelations from last Friday's select committee into EWS outsourcing.

An honourable member interjecting:

The Hon. SANDRA KANCK: I am a member of that committee. Unfortunately, I wasn't there, so I can only refer to Alex Kennedy. This is what she has to say about what took place:

> According to what the select committee was told, Adelaide's water is NOT going to be operated and managed by an SA-controlled company—not even a company with any SA shareholding at all. It will be operated and managed by United Water Services, which will continue to be owned 50 per cent by French company CGE and 50 per cent by UK water company Thames. The present shelf company, which will be a 'real' company and 5 per cent Australian owned (with a $150 000 stake by Adelaide company Kinhill), by the time the contract is signed, is, we heard, a different company altogether: one called United Water International. This is being set up to chase water contracts in Asia, and to bring economic development to SA—

I question that one, but that is what she says—

> but NOT to operate and manage SA's water. If you're confused, then get even more confused, because it it's only weeks since there was amazing emphasis by the Government on the fact there was local input to the company to be operating our water. Yet, the company's own Chairman, and senior executives, gave a very different story. They repeated that the company which would handle the water was, and would remain, 50 per cent French, 50 per cent British.

It gets even more interesting. None of us can surely have forgotten the headlines and the Minister's insistence that the winning company—and by the new evidence it seems he must have meant United Water International—would be more than 50 per cent Australian within 12 to 18 months. Wrong again. United executives said, again and again to the committee, that they were not legally bound by the terms of the contract that this [would] happen.

To add confusion to this, I will refer to a few odd sentences from the statement made by the Minister for Infrastructure in the other place this afternoon, as follows:

An honourable member: Very odd.

The Hon. SANDRA KANCK: Very odd. He said:

> The contract will require that United Water International become a majority Australian owned company. United Water International will subcontract to United Water Services some of the work. The extent of that work is still subject to contract negotiation.

Later, he said:

> These works must continue to be subcontracted to companies independent of United Water, but United Water Services will Act as project manager.

Later again he said:

> The extent to which Thames and CGE may be involved in subcontracting of operation and maintenance services is still to be determined and is an issue being addressed in the contract negotiations.

To me, it is all as clear as mud, which might be what our water will turn into, anyway. I return to what Alex Kennedy states in her article. She talks about the great media hoo-ha when the Minister announced the contract. She states:

> . . . the media probably wouldn't have been so good if it had been known there are two company structures involved and that majority Australian ownership was more pipe dream than reality, especially in the time frame proposed. But, if the Government was sure it had got itself a good deal, surely it was worth being honest about.

I would emphasise the word 'honest'. The article continues:

> Given the number of large contracts this Government seems prepared to sign, just how do we judge their fine print if this is an example of how they operate?

The revelations about the company structures that have occurred this last week give no reason for faith in this Government. There is no reason to believe what the Minister says. This Parliament was lied to last year about the Water Corporation Act. We have now been lied to about the company structures. It is clear that there is no accountability in this, yet we are being told to trust the Minister. It is for this

reason that so many people in South Australia are concerned about this contract and are demanding a referendum. I believe that this Bill should gain the support of everyone in this Council who believes in democracy.

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

SELECT COMMITTEE ON ALTERING THE TIME ZONE FOR SOUTH AUSTRALIA

The Hon. CAROLINE SCHAEFER: I move:

That the committee's report be noted.

I should like to place on record my appreciation of the excellent work done by the committee's research officer, Mr Ron Layton, and Mr Paul Tierney, the Secretary of the committee. The select committee was set up on 23 November last year to consider the economic and social viability and long-term implications of altering the time zone for South Australia to either 135° east or 150° east, that is, to one hour instead of the present half an hour from Eastern Standard Time, or to Eastern Standard Time.

When we began our deliberations, several members of the committee were cynical, to say the least. However, in the end a unanimous report was brought down and most of the committee was of the opinion that there was a great deal of logic and common sense to a shift to what we have called true Central Standard Time or 135° east.

The Hon. M.J. Elliott: What is wrong with Lord Howe Island?

The Hon. CAROLINE SCHAEFER: It is all right if you want to live there! We acknowledge that Australia is plagued by an unnecessarily large number of time zones now and, for any such change to be successful, it would have to be in concurrence with the Northern Territory. Hence, our recommendation that the South Australian Government approach the Northern Territory Government to enter into arrangements to (a) adopt the standard meridian of 135° east, and (b) adopt daylight saving for the same period as normally prevails in South Australia for a trial period of not less than two years commencing at the beginning of a daylight saving period.

The history of South Australia's time zone is interesting. In 1883, when Greenwich Mean Time was adopted throughout the world by international convention, South Australia adopted 138°35′ east as its standard time meridian. It was changed in 1895 to allow for a full one hour time zone situated in the longitudinal centre of the State. However, this lasted for only four years until April 1899, when it was shifted to its present position of 140° 30′ east, purely to appease the merchants of the day who were concerned that they received cablegrams one hour later than their Eastern States competitors. As an aside, I must say that hardly seemed an adequate reason for retaining the practice in today's technological age, but some things and some attitudes do not change much. It would seem that the attitude of our merchants is still the same. Our current standard time meridian runs to the east of Warrnambool in Victoria through western New South Wales and central Queensland. In effect, we are on approximately 30 minutes daylight saving all year round, which expands to 1½ hours during the daylight saving period.

A few territories, including South Australia, the Northern Territory, France, Spain and Argentina, some of the States of America and provinces of Canada, do not have their time meridian passing through their land mass. However, much more of an anachronism is our half hour time zone. As far as we can ascertain, we share this oddity with the Northern Territory, India, Myanmar, Iran, Afghanistan and Newfoundland and, even then, three of these adopted a half hour time zone for religious reasons. Anecdotally, for overseas visitors who are used to adapting to one hour changes or greater, the half hour time zone is a matter of some confusion.

It is worthy of note that, with advanced communication, Europe has moved to only one time zone across a land mass only slightly smaller than Australia. If that is to be the way of things to come in this country, surely no-one would suggest that our time zone should be perched off the eastern extremity of Victoria. The only logical time meridian would be the one in the centre, 135° east, although I must admit that if that issue is debated in this place I hope that I am not here to participate.

During its deliberations, the committee received 193 submissions. Of these, 108 were in favour of a shift to true Central Standard Time (including six who suggested either 135° east or the *status quo*); 20 who favoured the *status quo*, which is 142°30′ east or CST (and that included two who suggested the *status quo* or EST); and 15 who favoured a shift to EST. Given that a select committee must react to the evidence that it is given or is able to glean via research, it is easy to see why we have brought down our recommendations.

It is worthy of note that, despite considerable effort on our part, the committee was disappointed that it received very little comment from the business fraternity. Perhaps this apathy suggests that it is a non-issue with many businesses. A couple of major exceptions were Qantas and the Australian Broadcasting Corporation. Qantas submitted that there would be a disadvantage to passengers from a shift to a one hour time zone due to curfew regulations in South Australia. However, the committee saw this as more of a matter of dealing with the curfew system than a consequence of time zones. The ABC informed the committee that it needed to use time delay mechanisms at slightly increased costs to deliver some programs, for example, the 7 o'clock news, and that these difficulties could be overcome by a shift to EST. However, if that was not practicable, it considered that a shift to true Central Standard Time and the conventional one hour difference would be preferable to the current half hour difference.

Concern was expressed within our committee that any shift to Eastern Standard Time might result in even less local content, as it would be all too easy to centre all broadcasting in either Sydney or Melbourne—a move we are witnessing already with current affairs programs such as the *7.30 Report*.

A number of rural submissions spoke of the difficulty of delivering grain to silos that are shut at a time of the day when many hours of good reaping weather remain. However, while acknowledging this difficulty, the committee believed that this could be best dealt with by industrial agreements rather than time zone shifts.

Telstra submitted to the committee that a shift to EST would be likely to increase the amount of South Australian business conducted and managed in the Eastern States. It was asserted that this could result in cost reductions for companies. However, as a committee, we were concerned at the corresponding shift of jobs, which could take place from South Australia, and the possible loss of our identity. We could be seen as merely a satellite to the more populous Eastern States.

It was agreed by all of us, and confirmed by many submissions, that any economic gains or losses from a shift either way were obscure. However, a number of points were raised that put into context a shift to true Central Standard Time. They were as follows: much of the contact between the States and overseas is now conducted by fax and computer, with time differences mattering far less. Work patterns are much more flexible and well able to be adapted to the nature of businesses. Increased globalisation has meant that more firms have had to adjust to the 24 hour time clock. Modern technology has allowed far greater flexibility in communication patterns and made it much easier for commerce to adjust to its varied needs. Also, much depends on the advantages that the economy wishes to reap from any change. For example, a shift to EST could be seen as a 30 minute movement away from Asia, whereas a shift to true Central Standard Time could be promoted as being 30 minutes closer to Asia or the centre of Australia. The same notion could be packaged for tourism, communication, transport, and so on.

South Australia, being in the central time zone, is well positioned to communicate with the whole of Australia. It already has a slight advantage over the Eastern States in communicating with Asia, Africa, Europe and America and this would be marginally increased with a shift. Time differences, providing they are not gross ones, are largely inconsequential. For every possible gain in shifting to Eastern Standard Time there are equally intangible losses. In the end, the committee found that we were able to prove more social significance than measurable economic outcomes. However, in my opinion that does not trivialise the report or the opinions of those who are significantly affected by the oddities of our time zone as it is now.

When we began researching social implications it became impossible for us not to address daylight saving. We acknowledge that the majority of the population enjoy daylight saving and, indeed, voted overwhelmingly for it in the 1982 referendum. However, the difficulties suffered, including adverse effects on health, family—particularly children—and community, are real. They are not just a figment of the imagination and the report points out just how real these disadvantages are. The sun does not rise until 8 a.m. on the Far West Coast in March and the children do leave for school in the darkness. The huge response from people in that area proved to us just how important this issue is for country people. On the other hand, few urban dwellers have any real regard for sun time because their employment binds them to the clock. Obviously, a compromise must be sought and we considered this 30 minute shift would be just that—a commonsense compromise.

There is considerable derision being bandied around about West Coast farmers being the driving force behind this report. Certainly, they comprised the bulk of numbers but were by no means alone in their support for a time shift. I, and I am sure most others on the committee, have been lobbied from all over the State. Interestingly, there were seven formal submissions received from the South East—and I point out that seven does not indicate a high degree of interest. But of those seven, two were in favour of a shift to true Central Standard Time, and one of those two was the Mount Gambier Chamber.

Certainly, much has been said during the past few days about the opposition of South Australian business to this proposal, but this puzzles me. After all, is not farming a business? Does this State not depend on primary industries for approximately 40 per cent of its export earnings? Are farmers and rural businesses suddenly not employers? I am a great supporter of business in this State, and the Employers Chamber in particular, which is why I am disappointed that they have chosen to react so strongly to an inaccurate leak instead of waiting for the printed document. In fact, I have been told that the Chamber's stand on this matter is far from truly representative of their membership.

I was also disappointed at Mr Lindsay Thompson's allegation that this was always going to be a biased report because I live on Eyre Peninsula. I have never made any secret of my views; indeed, most select committees arise from a personal interest of a member. However, I did not intend for this inquiry to turn into another mindless and petty political game and I believe that I took extra care to be scrupulously fair in my position as Chair.

May I say in closing that this was a tripartisan committee of five Legislative Councillors, which brought down a unanimous recommendation. It was a compromise recommendation which was too soft for some and too extreme for others, but surely that is the way a good committee system works. I find it a shame, then, that one of the five chose to leak part of the findings just before the report was to be tabled and debated in proper fashion.

It is a fair report. We have acknowledged that no logical change can take place without the concurrence of the Northern Territory. It is an innovative report requiring some broad thinking, with some suggestions which may be of real benefit to South Australia. It is a short manuscript and I hope that a large number of people will read it and assess it with an open mind.

The Hon. SANDRA KANCK secured the adjournment of the debate.

STATUTORY AUTHORITIES REVIEW COMMITTEE: ETSA

The Hon. L.H. DAVIS: I move:

That the interim report of the Statutory Authorities Review Committee on a Review of the Electricity Trust of South Australia (Occupational Health and Safety Issues at Leigh Creek Mine) be noted.

The Statutory Authorities Review Committee for the past 15 months has been inquiring into the Electricity Trust of South Australia, along with other statutory authorities. We have several heads of inquiry in relation to the Electricity Trust of South Australia, and this interim report deals with occupational health and safety issues at the Leigh Creek mine. In particular, the term of reference for the Statutory Authorities Review Committee was to investigate occupational health and safety issues at the Leigh Creek mine which had been the subject of recent publicity. As I said, this was established some 15 or 16 months ago. The committee resolved to look at the matter, cognisant of a number of newspaper reports from 1993 and 1994 in relation to this issue.

On 18 February 1994, Inspector Wilson of the Mining and Petroleum Branch of the South Australian Department for Industrial Affairs had served four improvement notices on ETSA, pursuant to section 19 of the Occupational Health, Safety and Welfare Act. This brought to a head some of the controversy which had surrounded the health and safety issue at Leigh Creek.

It is worth noting that Leigh Creek coal bearing shale was discovered over 100 years ago, in fact in 1888, and it was developed under the leadership of Sir Thomas Playford, then

Premier of South Australia, from 1941 onwards and ETSA gained control of the coalfield in 1948 and used that source of power for the Port Augusta Power Station, which burns Leigh Creek coal exclusively. Leigh Creek has a dedicated rail link to Port Augusta for that purpose operated by Australian National.

The coal deposits at Leigh Creek are regarded as mediocre by world coal standards. It has a large number of impurities and, with the shale content, obviously has some special properties which are not to be found in better quality coals, particularly those in Queensland and northern New South Wales. It is an important source of fuel for South Australia because Leigh Creek coal produces approximately 40 per cent of South Australia's electricity. The Leigh Creek township was re-established in 1980 at a new site to allow the mine to be developed on the old town site.

The four improvement notices served on the Electricity Trust by Inspector Wilson led to ETSA applying to the President of the Industrial Court of South Australia for the appointment of a committee to review the actions of the inspector. At this time, the committee was actively pursuing the subject. In fact, we had planned a site visit to the Leigh Creek mine and township for mid August 1994. We had planned a public hearing that was advertised both locally and in *The Transcontinental* newspaper located at Port Augusta. Understandably, ETSA was somewhat concerned about the delicate stage that inquiries had reached at the Industrial Court hearing in relation to the improvement notices. The committee was advised by ETSA that it would prefer the committee not to proceed. ETSA suggested that that would be a wise course of action.

In responding to this, the committee agreed that there were sensitivities associated with the health and safety issue at Leigh Creek and we advised that the committee would take evidence *in camera* in any situation where the matter was deemed to be *sub judice*. The committee resolved to inspect Leigh Creek. We took some evidence *in camera*, but the committee has agreed that that evidence should not be tabled at this stage. The committee was also aware that, concurrently with the inquiry in the Industrial Court regarding health and safety issues and the disputation between ETSA and Inspector Wilson, a firm of solicitors in Adelaide, Corsers, had indicated publicly that it would be preparing a class action against ETSA for both past and present Leigh Creek workers with respect to health issues associated with the Leigh Creek mine.

In correspondence to the committee dated 9 August 1994, it advised that it was acting for 100 people with health claims arising from having worked or lived in the locality of Leigh Creek. Indeed, an advertisement was placed by Corsers in the *Advertiser* in November 1994 soliciting employees or former employees who had worked at Leigh Creek and who may have health claims that they believed could relate to their employment with ETSA at Leigh Creek. The Department for Industrial Affairs, in reacting to these four improvement notices from Inspector Wilson, commissioned a report by WorkSafe Australia, which is a national occupational health and safety commission.

It is a body established by the Commonwealth Government which has as its aim the development, facilitation and implementation of a national occupational health and safety strategy. It is made up of representatives from both peak employer and employee groups. Dr Emmett, the Chief Executive of WorkSafe Australia and a man of some repute, particularly in health related issues, looked specifically at the issues arising from the improvement notices served on ETSA by Inspector Wilson. The WorkSafe report on the improvement notices was made public and, in particular, with respect to improvement 2382 the report noted:

> We believe that there is justification for certain medical surveillance of employees. . . The medical surveillance should at least include medical and occupational history, physical examination with particular attention to the skin and pulmonary function testing done in a systematic, standardised manner, as well as audiometry presently being performed. . . We further believe that any medical surveillance instituted in a compulsory manner should meet certain criteria. . . There should be appropriate protocols/quality control to ensure that high quality, comparable results are obtained from any testing or examinations.

With respect to improvement notice 2384, the WorkSafe report noted:

> So as to enable an assessment of the potential level of risk due to skin contamination on the work force and to general contamination of the township it will be necessary to carry out specific analytical investigations. . . [which] would involve an assessment of the problem by measurement of the degree of contamination and, if necessary, the hazards posed by the contaminant. . . Discussions should be held with the relevant parties as to the acceptability of the risk from the contamination and, if necessary, the development and implementation of corrective procedures.

The report addressed a number of other areas including cancers, respiratory diseases and asthma. Importantly, the report noted that Leigh Creek had a very mobile population; that workers, once they had retired from the work force or moved to another job, did not live in the township. It was not possible for Leigh Creek to be a retirement town. So, the mobile population at Leigh Creek made it difficult to draw firm conclusions about the links between cancer and Leigh Creek township or mine exposures. The report highlighted the fact that it was quite possible that people developing cancer as a result of such exposures could have done so after leaving Leigh Creek, either for work or for health reasons. To determine the ultimate link between exposures and cancers, the report recommended a cohort study to track a sample of exposed people over time. On the basis of available data the report was unable to determine whether the prevalence of asthma, cancers or respiratory illnesses related to living in the Leigh Creek township or working in the Leigh Creek mine.

That was the WorkSafe report with respect to the four improvement notices. In the meantime, ETSA had applied to the Industrial Court to review the four improvement notices and an industrial magistrate, Mr Thompson, was appointed to the review committee pursuant to the powers under section 47 of the Act. The review committee hearings took place in October and November 1994 with a report being handed down on 15 December 1994. Mr Thompson made a number of points. I do not want to go into the full detail of the report, but the review committee, in summary, cancelled three of the four notices and, with respect to the fourth, noted that notice 2384, dealing with the exposure of the residents of Leigh Creek South township to contaminants from the mine, had been withdrawn.

Shortly after that finding had been made by Magistrate Thompson, on 16 February 1995, the Hon. John Olsen MP, who was the responsible Minister in this subject area, announced that he had instructed the Crown Solicitor to advise him about health and safety matters at Leigh Creek. The Minister believed that it was appropriate to commission an independent assessment of the Leigh Creek work environment and, again, WorkSafe Australia was commissioned to undertake this independent assessment. As I noted before and stress again, WorkSafe had previously been involved with

Leigh Creek but only with respect to the four improvement notices. On this occasion, it was given a wider brief. The Minister instructed the Crown Solicitor to engage WorkSafe to carry out a consultancy on the following basis:

> The purpose of the consultancy is to determine the extent and potential for harmful skin contamination from both oil shale and shale oil in the overburden at the Leigh Creek coal mine. I [the Crown Solicitor] ask you [WorkSafe] to note that recent media reports suggest that various persons are intending to institute legal proceedings against ETSA for alleged harm caused to them from the operations at Leigh Creek. The purpose of the consultancy is to enable me [the Crown Solicitor] to advise the Government of the potential for liability in ETSA and of the steps necessary to reduce that potential.

The consultancy consisted of reviewing all the literature internationally with respect to exposures and outcomes associated in particular with contaminant oil shales and their breakdown products; a review of the monitoring and other data available on exposures and possible outcomes at Leigh Creek; to assess surface contamination, skin contamination and airborne exposures and the likely risk associated with those areas with contaminant oil shale; and to provide a preliminary report to the Crown Solicitor in respect of those matters and, in particular, the nature and magnitude of the risk of harmful skin contamination from both oil shale and shale oil which was contained in the overburden at the Leigh Creek coal mine.

At this point it is probably appropriate to stress that the overburden at the Leigh Creek coal mine is of a considerable volume. The overburden needs to be stripped to access the coal. That leads to quantities of oil shale being exposed and leading to fires breaking out, fumes and smoke associated with the oil shale in the material that has been removed.

The report initiated by Minister Olsen in February 1995 was concluded some eight months later in August 1995, when WorkSafe Australia reported to the State Government. The WorkSafe team involving six people with various skills made no specific recommendations. However, the committee has examined those findings and included a summary of its findings in the interim report which has been laid on the table today.

It is important to recognise the various phases of the Leigh Creek township operation. As I mentioned earlier, through until 1980 Leigh Creek township had been located at one site. At that point the mining operations, through until 1980, were some three to six kilometres from the township. Going back into the 1950s, 1960s and 1970s clearly the air conditioning and safety standards in mining at Leigh Creek, no doubt in common with other mining around Australia, was not what we would regard as being of an acceptable standard in 1995 terms. There was a lack of written procedures for the bulldozing or hauling away of fires and during this period through to 1980 WorkSafe reported that there was no data on work force exposure levels.

The second phase from 1980 to 1992 involved the mining operation following the relocation of the township in the period 1976 to 1980, which was a major operation. In that period the WorkSafe report noted that there were, not surprisingly, improvements in air conditioning, improved but incomplete fire suppression policy and procedures and again limited exposure data. From 1992, the third phase, there were well-maintained air conditioned cabs, improved fire suppression policy and procedures, protective equipment supplied to workers for use in fire suppression, a sunlight policy and the availability of reasonable exposure data.

In addition to examining the history at the mine, WorkSafe also carried out two field investigations—one with respect to occupational hygiene, another a directed medical survey of volunteer workers. The occupational hygiene evaluation concluded that the results of the air monitoring did not exceed applicable standards and it found that the skin contamination by polynuclear aromatic hydrocarbons 'was either very low or, in most cases, undetectable in operators at Leigh Creek'. The directed medical survey by WorkSafe noted that overseas there had been links between oil shale mining and various medical conditions. There had been an excess of skin cancer, including scrotal cancer, in the Scottish oil shale industry, for example. WorkSafe in this directed medical survey sampled 26 volunteers from the maintenance and production areas at Leigh Creek and that survey found:

> Overall, the examination of the workers who volunteered to take part did not detect health conditions clearly attributable to oil shale or its pyrolysis products, other than symptoms in some individuals associated with perceived intensive exposures to coal/oil shale fire fumes more than eighteen months ago.

Again, in looking at skin cancers, the investigators 'could not produce estimates of skin cancer developments based on measures of exposure'. With respect to lung cancer risks at Leigh Creek, again WorkSafe reported that it was hampered by the absence of available 'directly comparable data'. Furthermore, the predicted lung cancer risk from the present operations was found to be so low that any epidemiological study of workers exposed to the present levels in the Leigh Creek mine operation would not be able to detect any increased risk.

The committee noted these findings from WorkSafe and wrote to WorkSafe Australia on 25 October 1995. We asked two questions, namely:

> 1. Did WorkSafe Australia inquire as to whether or not ETSA provided safe systems of work for the periods 1975-79, 1980-84, 1985-89, and 1990-95, or any other period? If WorkSafe did inquire, was a conclusion formed as to whether ETSA adhered to or departed from prevailing standards in relation to the management of occupational health and safety and environment issues for the Leigh Creek mine?
>
> 2. Did WorkSafe determine if (and, if so, what) epidemiological studies have been carried out at Leigh Creek on the joint effect of oil shale fire/pyrolysis fume and dust, and over what period of time at Leigh Creek?

WorkSafe provided the following response, in a letter dated 6 November 1995, in answer to the committee's questions:

> We did explore whether there might have been safe exposure levels to oil shale and its pyrolysis products prior to 1994. However, we were not able to find any exposure data or epidemiologic data which allowed us to make risk estimates for the period prior to 1994. Accordingly, we were not able to form any conclusion based on scientific data as to whether ETSA adhered to or departed from prevailing standards in relation to these issues for the Leigh Creek mine.

The committee noted WorkSafe's response concerning the lack of both exposure and epidemiologic data prior to 1994. That must be a matter of some concern. It obviously presents the Crown with a difficult task in determining the potential for liability in ETSA and of the steps necessary to reduce that potential which, of course, was one of the briefs which the Crown Solicitor had given WorkSafe on behalf of the Minister.

The committee further noted that the proposed class action against ETSA had changed its nature in the sense that Corsers had withdrawn from being active in that field and that another firm of Adelaide solicitors was considering acting for a number of residents who were employees or former employ-

ees of ETSA. The committee was advised by that firm that it was unable to confirm that legal proceedings at some stage might not be issued.

In conclusion, the committee believed, following all of the discussion which had taken place in the media after the commissioning of report from WorkSafe with respect to the four industrial notices and with respect to the commissioning of an independent report from WorkSafe into work practices and health and safety issues at Leigh Creek by WorkSafe Australia, that it was not appropriate in this report to provide an in-depth assessment of occupational health and safety issues at Leigh Creek. This report is more a historical record and pulls together, probably for the first time, the history of this important subject.

The Hon. ANNE LEVY: I support the motion moved by the Hon. Mr Davis who, in his contribution, has summarised the entire report, thereby saving any readers of *Hansard* the trouble of reading the report. In great detail he has presented the material in a fairly slight interim report from the Statutory Authorities Review Committee. The term of reference given to the select committee regarding the occupational health and safety matters at Leigh Creek was, on reflection, not a very appropriate one to give to the select committee, given that inquires were occurring and other investigations being done on this topic by bodies which have far more resources at their disposal, can commission accurate scientific research and investigate the matter far more thoroughly than our committee would ever have been able to do. Nevertheless, it was obviously a matter of great concern and the committee certainly started off with the intention of doing its best in this regard.

As time passed, it became obvious that WorkSafe was involved, and that proper Ministerial responsibility was being exercised in terms of looking at epidemiological studies and commissioning accurate scientific studies as to the situation at Leigh Creek, and obviously this can be done far better by these expert bodies than by our committee. In consequence, it is not appropriate for our committee to come down with any findings on this matter.

Furthermore, the question of potential court cases was in our minds. Given the fact that we had not investigated the matter in great detail ourselves, we did not want our report to give comfort to either side in any court case which may or may not take place. Hence the report which was tabled today. It does not really say very much. The one thing which we are pleased about, which is mentioned in the report and which I would like to emphasise is that the Government is obviously aware of the potential for liability of ETSA, and it is taking the appropriate steps in terms of scientific and legal advice. Doubtless ETSA will take note of the legal advice it receives on this matter, take appropriate action and provide appropriately in its reports and financial accounts for anything which may or may not eventuate. As far as our committee is concerned, the fact that the statutory authority of ETSA is aware of this problem and that it and the Government are taking the appropriate action at the moment is what is of major concern to the committee. We can reassure the Parliament in this respect that this matter is being properly taken care of by the appropriate authorities.

The Hon. J.F. STEFANI secured the adjournment of the debate.

PARLIAMENTARY COMMITTEES

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

The Legislative Council notes that—

1. Under the Parliamentary Committees Act 1991—
   (a) that meetings are usually open to the public; and
   (b) that members of committees are not precluded from comment on subject matter which is raised during public hearings.
2. The practice of the Council for a number of years has been, in the establishment of select committees, to permit them to hold public inquiries and to disclose evidence and documents presented to committees and for the committees to resolve to take up this authority given to them by the Council.

Therefore, the Council resolves that members are permitted to make fair and accurate comment on evidence given at public inquiries of select committees.

The reason I am moving this motion at this time is that there have been a number of arguments within various committees and outside this Chamber as to precisely what members of committees can and cannot do in relation to material which is raised during public hearings of both the standing committees and select committees. I think it is important that this Chamber has a debate among its members so there is a clear understanding as to what both the Parliamentary Committees Act says and what its implications are, and also the way in which our select committees are supposed to be operating.

In the standing committee of which I have been a member, there has been a significant difference of opinion as to what the Parliamentary Committees Act means. I think it is important that the House that appoints three of the members of that committee makes quite plain its understanding as to what should be the behaviour of its representatives on that committee. I will relate briefly a matter in which I was involved which I suppose ultimately led to my moving this motion.

As a member of the Environment, Resources and Development Committee which was taking evidence—I cannot put a date on it but let us say several months ago—in a full public hearing with at least 20 people sitting in the audience and at least five members of the media present at the time evidence was being given, I left the committee room for an interview with another member of the media who was not present in the committee. Having completed the interview on the subject matter, I was asked, 'What is happening in the Environment, Resources and Development Committee today?' I then said, 'Well, it has been quite interesting. We have just had a witness who claimed the following. . . ' I put no colour or opinion in relation to what the witness had said, but I think gave quite a fair and accurate summary of the substance of the evidence that that person gave.

As it turned out, my comment was used by the media and it later became the subject of debate within the committee as to whether or not I had in fact breached the Parliamentary Committees Act in divulging what had been discussed within the committee. I fail to see how one can be accused of divulging something which is heard in a full public forum, where five members of the media and some 15 other members of the public all sat there and heard it, and one has given a fair and accurate summary of what was said. How that could be seen to be divulging something is an interesting argument in itself.

That aside, even if the hearing had been open and no-one had been present, had there in fact been any breach of the Parliamentary Committees Act? I believe not. Section 26 of the Parliamentary Committees Act, which set up the Environment, Resources and Development Committee, provides:

> Except where the committee otherwise determines, members of the public may be present at meetings of a committee while the committee is examining witnesses but may not be present while the committee is deliberating.

Other than that provision, the Act is totally silent about the proceedings in relation to the public.

It is clear from section 26 of the Act that it is an assumption from the beginning that the standing committee is a public committee, that is, a committee which meets in public and which has its information accessible to the public except where the committee otherwise determines. In other words, there will certainly be times when the committee will determine that it wants to take evidence *in camera*. Members of the public are then excluded, and clearly one is talking then about information which is not public information until the committee determines otherwise, and one would assume that that is when the committee reports and when the evidence which has been brought before it is tabled.

So, the committee certainly is a public committee from the beginning. That is the way the Act was set up, and no restrictions are placed in the Act itself. The only area in which some people might want to argue that a restriction has been placed is section 24(5), which provides:

> . . . the committee is to conduct its business—
> (a) to the extent that the Standing Orders of its appointing House or Joint Standing Orders (as the case may be) apply—in accordance with those orders;

The important words are 'to the extent that [they] apply'. Clearly, Standing Orders were brought into the Act—and they were brought into the Act after the Act was first established—because standing committees had no Standing Orders at all: there were no rules of operation *per se.* I do not think that the words 'to the extent that [they] apply' can be used to argue that Standing Orders overrule the clear understanding under section 26 of the Act that we have a fully public committee, that is, a committee which normally has public hearings and which has its information available to the public.

In the 10 years I have been in this place and have been on select committees, there seems to have been some variation in interpretation of the way our select committees are supposed to operate. Quite commonly, when a select committee is set up, Standing Order 396 is suspended. The motion that is often moved is as follows:

> That Standing Order 396 be suspended to enable strangers to be admitted when the select committee is examining witnesses unless the committee otherwise resolves, but they shall be excluded when the committee is deliberating.

In other words, we have tended to suspend Standing Order 396 so that our select committees can operate in a fashion similar to the way in which standing committees have been established under the Act. Also, when setting up select committees, we have tended to address the question of public hearings and Standing Order 398, which provides:

> The evidence taken by any committee and documents presented to such committee, which have not been reported to the Council, shall not be disclosed or published by any member of such committee or by any other person, without the permission of the Council.

I think that Standing Order was established with two goals: a recognition that, in days long gone, committees tended not necessarily to be public meetings (public hearings were more the exception, as I understand it); and that section 398 would have aimed to make sure that evidence taken was not divulged until deliberations had been completed. In any event, in more recent times, when our select committees have been established, provision has been made as follows:

> That this Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to any such evidence being reported to the Council.

As a matter of course, select committees have allowed evidence coming before them to be made available publicly. The select committee of which I am presently a member and which is looking into shop trading hours has agreed that all evidence taken should be available to interested parties so that they can examine it and respond to it.

The very notion that we would want to keep the evidence of one person or group secret from another is, as a general rule, an absurdity. How is it possible for us fully to explore issues if we are getting information put to us which may be inaccurate, whereas those who know it to be inaccurate are not in a position to know that those inaccuracies have been made to us and, therefore, they cannot correct them? It would be a bit like trying to run a court case with neither the prosecution nor the defence having the vaguest idea what the other one has been arguing. In a similar way, I would argue that, for a select committee to function properly, all interested parties—and that includes the public generally—need to know what is being discussed so that, if there is a contrary view—and when I say 'contrary view', it may also be a contradiction of what is claimed to be fact—any argument can be made thereon. That is the way in which our select committees have functioned over recent years.

It is worth while looking at what has happened in other places in relation to committees, the openness of those committees and the divulging of information. Erskine May's *Parliamentary Practice*, Twenty-first Edition, states (page 124):

> The 1837 resolution . . . was usually not enforced when the public were admitted to select committee meetings, and more recently this exception, together with others, has been put on a more substantial footing. Standing Order No. 117 permits all select committees having power to send for persons, papers and records, to authorise the publication by their witnesses or otherwise of memoranda of evidence submitted by them, and Standing Order No. 118 adds that the House will not entertain any complaint of contempt or breach of privilege in respect of publication of evidence given at public sittings of select committees before such evidence has been reported to the House. The publication or disclosure of debates or proceedings of committees conducted with closed doors or in private, or when publication is expressly forbidden by the House, or of draft reports of committees before they have been reported to the House, will, however, constitute a breach of privilege or a contempt.

Clearly, as we see in May's *Parliamentary Practice*, a distinction is made between evidence given in public and evidence given behind closed doors or deliberations. Members will note that in the arguments I am putting forward I am not suggesting that information given in private should be divulged. I am not arguing that the deliberations of the committee should be disclosed; I am arguing simply that, where a meeting is in public, no wrong is committed by a person discussing what was said in public with anybody else, be it the media or another member of the public. On page 606, the *House of Representatives Practice* (second edition) states:

> The confidentiality made possible by a committee's power to meet in private is bolstered by the provision in the Standing Orders that no member of the committee nor any other person, unless authorised by the House, may disclose or publish proceedings of the committee. This provision covers private committee deliberations, the minutes which record them and committee files. Any unauthor-

ised breach of this confidentiality may be dealt with by the House as a breach of privilege or a contempt.

I understand that is also true in the Senate.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: There are a couple of arguments here. I am first differentiating between what is said *in camera* and the deliberations of the committee, and I am not arguing for any ability to discuss that at all. I am arguing, both in relation to the standing committees, where the law is already clear, and to select committees, where there seems to be some differences in interpretation, that, if something is said in a public forum, making a fair and accurate comment about it is not unreasonable. I must say as a matter of course that it is very exceptional to see a member expressing opinions early on. The reason is that, once one person goes into the trenches in a committee, the committee does not work.

Most committees work very well, because people try very hard to keep out of the trenches. They may have gone in with a particular view, but they realise at the end of the day that it is counterproductive. Particularly with standing committees, one knows that one will have an ongoing relationship with the other members of the committee, and if one is sensible one does not set out deliberately or with intent to show a prejudice in issues that come before the committee. But, I believe that simply to repeat the evidence that was given is actually a good thing. I argue that for members of the public to be aware that certain claims are being made is a positive thing, because if they know those claims to be wrong they can then come forward; whereas, if we stop the public from being aware of what claims are being made (as I also argued), it is a bit like the defence counsel not knowing what the prosecution is arguing in a court case. Will we get to the bottom of the matter at the end of the day?

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: I am arguing that we should make all our transcripts freely available, and I think that generally happens. However, I do not think that by simply repeating the evidence a member is doing a harm; I would argue that the member is doing a good thing. I do not think that members are doing a wrong in a legal sense by expressing opinion, but they are probably not helping the working of the committee, and I would advise members not to do it.

The Hon. A.J. Redford: It might give the appearance of an opinion, and that is a risk the member takes, too.

The Hon. M.J. ELLIOTT: That is a risk that members take individually, and members would be advised to be very careful. After 10 years in this place, I can say that I have been very careful about the comments I make, because I do believe that the committees must be given a chance to work. That is the general thing that happens in this place. There have been odd exceptions. I found it quite interesting that I was getting a rather torrid time for repeating what was an accurate summary of evidence that a person gave to one member of the media when five other members of the media were sitting in there listening to it, whilst I know for a fact that other people in this place have divulged deliberations of meetings at quite sensitive times.

In one committee of which I was a member, I made a submission for the inclusion in the committee's report of its deliberations and, less than 48 hours after I had done so we received a submission from a person who responded almost exactly to the very things that I sought to include. I have not identified the committee, nor have I identified the person who responded. However, it was quite outrageous that this person had been given information about what was happening in this committee and was making a submission. We were writing the final report at that stage. That is quite a different thing from the sort of situation in defence of which I am arguing. I suppose another differentiation that is to be made in terms of what our Standing Orders say is that, whilst I believe that, with the suspension of Standing Orders as usually happens in this place, members are free to discuss the public proceedings of a committee, that does not apply to the inside of this Chamber. As regards the matter of speech in the Legislative Council, Standing Order 190 of the Legislative Council provides:

> No reference shall be made to any proceedings of the Committee of the whole Council or of a select committee until such proceedings have been reported.

We have not as a matter of course suspended that Standing Order, so it still applies. I am not sure whether that Standing Order should apply, but I simply note that at this stage indeed it does, and my motion does not seek to address that. In summary, the purpose of this motion is to ensure that we have a clarification within this Chamber as to its understanding of the Parliamentary Committees Act and our understanding as to the way in which our select committees should behave so that people who are appointed have a clear understanding of their obligations in relation to the discussion of matters that are raised during public hearings. I urge all members in this place to support the motion.

The Hon. T.G. ROBERTS: I rise to support the motion and endorse the comments made by the honourable member in relation to the frustrations that he has felt in bringing the motion before the Council. When as a member of a committee I was confronted with a difficult circumstance in relation to an interpretation of committee members' ability to divulge information that had come before them as evidence to the committee, I looked at how we could solve that dilemma of receiving information that becomes public in the public arena. The interpretation under which we were operating was that as a member of that committee one could not then take that information into the public arena and discuss it without giving the impression that one's loyalty to that committee was somehow being tested. One of the things about a bicameral system with joint and individual committees of each House—

The Hon. A.J. Redford: Do you support the bicameral system?

The Hon. T.G. ROBERTS: Certainly. The one empowering aspect of the democratic process, with the bicameral system and the committee system, is that, if there is a strong committee system in conjunction with a Legislative Council that has time to deliberate and is consulted broadly by the other place in relation to the progress of Bills and or committees, it allows for a broader consultation process to occur with the community. The process is often played upon in a calculating way by individual members, in some cases, rather than looking at it as a way of making contact with the community at large to show that democracy is alive and well in this State. I guess that goes for all other State Parliaments and the Federal Parliament, as well.

If the committee process allows for broad contact with the community *in situ*, that is, meetings out in the community as well as in the confines of the committee's rooms, which are open to the public, people can come into direct contact with their elected representatives. It allows more people to sit in

on meetings where evidence is being supplied directly to committees and it allows individuals in the community to gauge and assess the value, worth and abilities of their local, elected representative. It also permits Legislative Councillors to come into contact with a broad range of community groups and individuals, who should make our job a lot easier by our being able to represent their opinions in those forums.

This process has evolved over a long time and, if the system is to work properly, the community has to have confidence in us that we can take on board the information that they supply and that the committees will assess that information, include their deliberations in the report and make some reference to the fact that these people actually took the time, energy and effort to appear before the committees to provide that information. If any one of those ingredients is bypassed or used unfairly for political purposes, the community could be forgiven for thinking that the time, energy and effort with which they placed information before the committees was wasted. If they think that the information is not being used properly, they may adopt a cynical attitude to their representatives. That is also true if they think that the outcomes are not being deliberated upon in what they think is the most appropriate light.

There is a fair responsibility on us as individual members of the Council and as members of standing committees, select committees of the separate Chambers and joint committees to make sure that the people who come before us are confident that we will maintain confidentiality where that is required and to publicise freely the information that individuals, groups or organisations believe should be advertised in the community if it is in the public interest. The difficulty facing individual members of the Environment, Resources and Development Committee, which comprises members of both Houses, and which is faced by members of other committees, is that, if the committee has a brief on which it has been asked to deliberate, and about which evidence has been taken, and people or places will be affected by the outcome of the committee, there is an obligation on members of the committee to hold that confidence where required but also to advertise that information if it is of community interest. That is the dilemma.

The time frame between the commencement of a brief and the final report could be in the vicinity of 12 months. There may be other committee reports that are delivered in a shorter time frame but, on average, ERD Committee reports take between six and 12 months. We have had very few briefs that have been shorter than that. The dilemma arises if the interpretation of the Parliamentary Committees Act is so tight that individual members cannot comment on evidence that is placed before a committee in the public arena. Lower House members are particularly affected by this problem, because they may sit on a committee that is discussing a matter of importance to their electorate. That member may be taking an interest in the issue at a local level, and they may have been on a local committee that recommended that the issue be taken to that parliamentary committee, such as ERD.

Although those members are aware of the information that is before the standing committee, they are not able to take it back out into the community. I feel that is too restrictive on their being able to carry out their duties as local members so that the public can have full and complete confidence in them to act in a fair, honest, open and just way in relation to that brief. Perhaps a good example is the expressway to the southern suburbs. I will use it as an illustration only, and for no particular reason. There will be a lot of aspects to the proposal to build an expressway to the southern suburbs. It will have an environmental aspect, there will be one of economic importance and one of public works. So, three committees might be interested in looking at that project, and as many as three local members might be concerned with the outcome of the deliberations of those three committees.

For instance, the matter of the alignment of the expressway might be brought before the Environment, Resources and Development Committee, and that might raise the question of the removal of remnant vegetation. The expressway might go through forests or it might disturb river and creek beds, so there will be particular interest in environmental rehabilitation and the assessments of those issues. As I said, the expressway might go through the electorate of one member of that committee. How do we stop individuals on that committee who have a direct interest through their electorate or through their shadow portfolio from commenting directly on the evidence that has come before the committee, and given the evidence that might already be in their office in folders because the information was carried to them in some other form or in some other way?

How do we differentiate between commenting on information that a member receives in a committee and information that that member receives from direct contact with people who have an interest in the outcome? It is very difficult to differentiate between evidence that one receives as a private member of Parliament as a Legislative Councillor or a member of the Lower House and/or as a member of a committee. I can understand the nervousness that the Chairs of select committees and standing committees might have if the deliberations of the committee were being speculated upon or people were making assessments of other people's positions on such a committee publicly or privately to the detriment of those individuals or to the committee's process itself.

The previous speaker said that during the whole time he has been in the Council he has tried to ensure that that dilemma has been handled with some confidence, that he has not breached the privilege and rules of the committee. I have now been in this place for almost 10 years. I have tried to act in the same way where I have received direct evidence that has not been given in any other form, or evidence that is new information. If my divulgence of that information as an individual committee member may be directed back to those people who have given me that evidence, I would be reluctant to release that to anybody, even though it may not have been given *in camera*. If the information was given *in camera*, then all members are obligated to hold that confidence. It would be a breach of the privilege and trust of those people who appear before committees to give evidence *in camera* if a member broke that confidence and released that information which might be able to be identified back to a single individual, group or organisation. There are separate obligations in relation to the use of such information.

We now face the dilemma of how to overcome the problems that emerge from the motion that was noted in both the Lower House and in this House in relation to the ERD Committee. The information to be deliberated upon by the committee should not be speculated upon in any other forum and I think everybody understands that. There needs to be a clarification of how to use evidence and information in the most constructive way to ensure that the confidence of individual members of the committees is maintained and that the bipartisan faith of individuals on that committee is not tested regularly by any breach of that faith. Standing commit-

tees and select committees can only function properly if there is confidence in coming to an outcome in a bipartisan way, with information being placed before the committee in a way that does not have political bias built into the outcome. The community can thus have faith that the deliberations—which may be right or wrong in the public's eyes—have been made in an open, honest way on the information placed before the committee and that we have not made a decision that has been of a political nature and outcome, if that information is placed before us in good faith.

There are ways in which information before a committee can be loaded to achieve a particular outcome. I have certainly been on committees where vested interests have placed information before a committee to try to get the committee to adopt a certain position. But, again, I rely on the general trust and judgment of those people sitting around the committee tables to recognise a vested interest when it appears. Of course, having a vested interest is not a bad thing when coming before a committee and in most cases one expects the organisations, groups and individuals that come before the committee to provide information that directly affects them in a way that the committee would adjudge as involving a singular vested interest, but as long as it is presented in good faith so that the judgment that the committee makes is weighted and balanced against all other evidence provided.

The reason that the motion is before the Chamber at the moment is that there is now an obligation that is weighing on members of the ERD Committee in particular—because we have discussed it at length—which may be an inhibiting factor to achieving the good outcomes that I have indicated, namely, a bipartisan approach to overcoming problems on behalf of the State or individuals and organisations within the State. We need discussion, debate and guidance on how we overcome that. The dilemma is: how do we approach the matter? We now have a motion before us which will at least bring the matter into focus.

It may only be the start for broader deliberations in other forums to achieve outcomes but at least it is before the Legislative Council for us to make a decision on. If it needs to go to a joint committee of the elected officers of the committees, and/or the Standing Orders Committee, I have no problem with the matter being deliberated in other forums in order to achieve an outcome. However, that has not yet happened. We did go through a process which did not bring about a resolution at all, where we had one interpretation by the Speaker and another by the President, which added to the dilemma that the committee faced. So I think the motion is timely. It still may not ultimately fix the dilemma because the way in which a committees acts in terms of the interpretation of the Act is in the hands of the committee, as long as it does not step outside and breach the understanding of the committee. However, where there is a dilemma of interpretation then that needs to be fixed, possibly by a joint meeting of leaders of both Houses and representatives of the committees, but I will leave that for others to decide.

At the moment we are looking at a motion which I think clearly indicates the dilemma that we have and, hopefully, the motion will be supported. I would hope that there is a certain amount of tolerance and goodwill by all committee members in all committees while the deliberations on this motion are under way. Until a final outcome can be determined, to which all parties can agree, I would hope that the committee system can continue to operate and work with the good faith that the committees have operated under since the committee changes were brought in in 1992. I commend the motion to the House.

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

WORKERS REHABILITATION AND COMPENSATION (MENTAL INCAPACITY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 25 October. Page 323.)

The Hon. R.R. ROBERTS: I rise to conclude my remarks. During my opening remarks on this matter I noted that I had information about a victim of the anomaly that was created when the legislation was changed some years ago, legislation introduced by the Hon. Norm Peterson in respect of the WorkCover legislation. These matters were well canvassed when this Bill was before this Chamber earlier in the year, and I point out to members that this legislation was passed by a majority vote of this Chamber, sent to the Lower House and fell off the agenda at the conclusion of the session. It was my intention to outline incidents in respect of a sufferer. However, there are ongoing legal actions in respect of that matter and it would be unfair to my constituent to raise those matters.

Other workers rehabilitation and compensation legislation has been introduced into the Lower House this week, and I hoped that the Minister would see fit to include these provisions within that legislation. He has not, although it is essential for the well-being and peace of mind of sufferers of this complaint (that is, those people who suffer the effects of post-traumatic stress syndrome and have an ongoing measurable mental injury because of that). I remind members also that this legislation has been supported by the Law Society, by psychiatrists and psychologists, by the Plaintiff Lawyers Association and, indeed, by medical practitioners generally. It is an anomaly that a mental or psychiatric disability which can be measured, as I just pointed out, can be exempt from the Act, whereby a physical injury to the brain which leaves the patient with the same measured degree of mental incapacity can be assessed.

I would ask particularly the Hon. Mr Elliott, again, to join with the Opposition if we cannot persuade members opposite of the worth of this, despite the public outrage and the letters and cards that are still coming in. Only yesterday I received a letter from people working in the area of discrimination against the disabled, who claimed to have legal opinion that these provisions were against the Disability Discrimination Act. It would seem a bit puerile if we had to go through the exercise of legal action to prove these matters, and there are time constraints in the early part of next year before that action can take place. It seems puerile that we would have to do that when it is within the bounds of this Parliament to introduce this reasonable and warranted amendment to the legislation to provide relief for these people suffering from this illness.

It provides an opportunity for many of these sufferers to have their case assessed under section 43 of the Act, I understand, which then provides a facility for a determination for some of the long-term sufferers of this disability to use section 42 of the Act and have themselves taken out of the system by taking commutation of their entitlements and allowing those people to get off the rehabilitation and

specialist hurdy-gurdy they find themselves on from time to time. And it goes on for years. It provides them the opportunity to seek relief through commutation to go and pursue other forms of activity whereby they may earn a living and get themselves out of the WorkCover system once and for all.

This is very worthwhile legislation and I commend it to the Chamber for recommittal to the Lower House, to have this matter considered by the Lower House and passed, so that this welcome relief can be obtained by sufferers of these injuries. I commend this Bill to the Council.

The Hon. BERNICE PFITZNER secured the adjournment of the debate.

REFUGEES

Adjourned debate on motion of Hon. Bernice Pfitzner:

That in view of persistent and long-standing claims that the screening process for determining the refugee status of Vietnamese boat people is seriously flawed, and that these claims have been substantiated by documented evidence produced by the boat people and supported by the Australian Vietnamese community and prominent Australians, the Legislative Council of the South Australian Parliament calls on the Federal Government to investigate these claims and to report back to the Australian community, as a matter of urgency.

To which the Hon. Sandra Kanck had moved the following amendments:

1. Insert 'I.' before the commencement of the motion.
2. After the words 'screening process' insert 'in the first country of asylum other than Australia'.
3. At the conclusion of the motion, insert new paragraph II as follows:

II. The Legislative Council directs the President to convey this resolution to the Prime Minister and the Minister for Immigration and Ethnic Affairs.

(Continued from 15 November. Page 437.)

The Hon. A.J. REDFORD: I move:

Paragraph 2. Leave out the words 'other than Australia'.

I support the motion and congratulate the Hon. Bernice Pfitzner for raising the very important issues pertaining to the screening process for determining the refugee status of Vietnamese boat people. As the Hon. Bernice Pfitzner stated, the United Nations High Commissioner for Refugees promotes three solutions regarding the resettlement of refugees. The first of those is the voluntary return to the country of origin; the second is the local integration into the country of first refuge; and the third is the resettlement into a third country. The issue that the Hon. Bernice Pfitzner has raised relates to the issue of resettlement into a third country. The problems cannot be just left to the intermediate country.

Australia has a responsibility to ensure that its representatives and the representatives of the United Nations conduct their duties and responsibilities properly and without reproach. They must not be allowed to play Pontius Pilate in supervising and acknowledging the role of various officers of the United Nations overseas. I am not sure that the Hon. Sandra Kanck's amendment actually prevents an investigation into the role of local people, and by that I mean bureaucrats and others in Canberra and other places, and their responsibility in the proper supervision of the activities of people in other countries, but it may be construed that way if the Hon. Sandra Kanck's amendment as stated is passed. It is my view that the investigation should not be confined just to the activity of the bureaucrats and the people responsible for determining refugee status in Indonesia. It is also the responsibility of the bureaucrats and ultimately the politicians in this country. I am not sure that that is the intent of the Hon. Sandra Kanck. However, my suggested amendment clarifies the issue and I invite the Hon. Sandra Kanck to consider it carefully.

Refugee status is very important to those people involved. Indeed the very definition of 'refugee status' shows the unfortunate plight of the Vietnamese boat people as refugees. As I understand it (and I glean this from the Hon. Bernice Pfitzner's contribution) a refugee is defined as a person who is outside their country of nationality, who is unable or unwilling to return because of a well-founded fear of persecution for reasons of race, religion, nationality, membership of a social group or because of a political opinion. As outlined, the allegations made by the Hon. Bernice Pfitzner, which have not been disputed by any previous contributors to this debate, are insidious, serious and warrant immediate and thorough investigation.

The complaints come from more than one source and indeed come from sources which one could describe as unimpeachable. They can be summarised as follows: first, the issue of language difficulties involving particularly translations from Vietnamese to Indonesian; secondly, inappropriate questions being asked of people in relation to refugee status; thirdly, aggressive interviewing techniques; fourthly, and very seriously, the issue of corruption where money or sexual favours are sought in exchange for a favourable declaration for refugee status; fifthly, arbitrary and unfair decision making; and, sixthly (and this allegation has been made on a number of occasions), poor investigation of complaints by the United Nations officials.

In some cases these complaints cause people who have had the strength and courage to live in oppressive regimes under oppressive circumstances, people who have had the strength and courage to brave treacherous waters in flimsy boats, to take their own lives. That is an indictment on all those involved including, in my respectful view, those responsible for supervising the conduct of the people overseas who make these determinations. As carefully outlined by the Hon. Bernice Pfitzner, the United States Congress has already investigated the matter and I will touch on the result of that later.

I read with some interest the contribution made by the Hon. Paolo Nocella. I note and certainly agree that the Labor Party supports the motion as moved and I am pleased to see that it has done so. However, I am a little perplexed as it seems that a political game is being played, when I see the Hon. Mr Paolo Nocella say, at page 437 of *Hansard*:

It would seem that, in order to have a proper case to reopen investigation, one would need to gather additional evidence and possibly new cases of corruption, if there are any.

I suggest that, when one analyses that in the context of the support of this motion, they are really having their cake and eating it. I appreciate the honourable member's embarrassment at the way in which the Federal Government is handling this important issue and appreciate some of the political constraints that may well have been placed on him in relation to his contribution. I view with concern the special assistance category. With this Federal assistance category I understand that people must voluntarily return to their original place of residence—in the case and context of this debate, Vietnam—and then apply for this special assistance category. I understand that some 600 places are available for Vietnamese people under that category. I have some real concerns about that sort of program in this context: what are these Vietnamese refugees or people seeking refugee status

supposed to do? Are they supposed to sit around in their camp, count each other off and say, 'This 600 will go back to Vietnam and the rest of us will take our chances here in the refugee camp'?

I do not believe that you can deal with the refugee problem simply on a numbers basis. There is enormous pressure in the political context in relation to immigration policy and to the numbers of people being let into this country. I agree with the comments made by the Hon. Sandra Kanck and have some sympathy.

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: I will come to Mr John Howard in a minute, and deal with the hypocrisy of the Labor Party on this issue. In any event I have some sympathy with the view put by the Hon. Sandra Kanck where she says that she supports the view (and I am sorry if I put this too highly) that business migrants be replaced by refugees. If you are going to limit the numbers of people coming into a country and you have someone with money and someone who has a real need based on the definition of 'refugee status', obviously the person with refugee status should be given priority every time.

The Hon. Sandra Kanck interjecting:

The Hon. A.J. REDFORD: I have interpreted you correctly—thank you.

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: That is the problem and the exact issue. The Leader of the Opposition interjects, 'So long as they do have refugee status.' It concerns me that we have no confidence, based on some of the reports—and I will come to some of the comments of the Vietnamese community—in the process that determines one way or another whether these people have refugee status.

The special assistance category scheme that the Federal Government has promulgated really does not address that issue at all. I will get onto the contribution and response made by Senator Bolkus shortly. I congratulate Senator Sid Spindler on the manner in which he has taken up this issue in the Federal Parliament. At a press conference on 17 November, he said:

> How should Australia respond to the overwhelming evidence at the recent US Congress hearings that refugees have been wrongly rejected by a seriously flawed screening process and to the US Government's current proposal to review all 40 000 asylum seekers to identify refugees among them?

In that context—

The Hon. T.G. Cameron: What about John Howard?

The Hon. A.J. REDFORD: I will get to John Howard in a minute. The Australian Labor Party has misrepresented John Howard's position to its own short- term political advantage for some considerable time, and this issue quite frankly should transcend those sorts of Party political games, and it is a game that was started by the Australian Labor Party.

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

The Hon. A.J. REDFORD: Before the dinner adjournment, I was in the process of praising the approach on this issue by the Australian Democrats and pointing out some of the difficulties that have been created by the current attitude of the Federal Minister for Immigration, Senator Bolkus. At a Vietnamese community leaders conference on human rights and refugee issues, held on Tuesday 17 October—and I might say that is some weeks before the Hon. Mr Nocella made his contribution, when he supported this motion—the Vietnamese community leaders were strongly critical of Senator Bolkus and the attitude and approach he had adopted in dealing with this very important and vexed issue. I would invite—indeed, I would urge—Mr Nocella as a significant member of the Opposition, particularly in the area of multicultural affairs, to consult—

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: The Hon. Mr Cameron interjects and says that he is not here. I am sure he reads the *Hansard*, because he is a very conscientious member. I know that he is non-aligned, but I would urge him to look at what the Vietnamese community leaders did say about this topic and perhaps apply some pressure to one of the factional leaders in the form of Senator Bolkus.

The Vietnamese refugees' release was entitled 'Flawed screening puts refugees at risk of persecution'. It urges Australia to adopt the same attitude and approach that the United States Congress urged the United States Government to adopt in dealing with this issue. There have been a number of public hearings in the US Congress on this topic, and the US Congress concluded, following overwhelming evidence, that the screening process was fatally flawed and also that the monitoring of returnees, that is, those who had refugee status rejected, was not reliable. Indeed, they drew on support from the Lawyers Committee for Human Rights and its report, which concluded that there was a widespread and systematic pattern of bias against refugees in the Hong Kong screening system. They referred to many reports issued by a number of ethnic community groups on this issue, all of which I would invite the Hon. Mr Nocella to read and digest, and then urge Senator Bolkus to adopt a more reasoned and rational approach to this whole issue.

The Vietnamese community leaders on human rights suggested that Australia should take a number of courses and adopt a number of suggestions. They include, first, a support for the need for the review and to participate where possible. In other words, they are urging the Australian Government to have a close look at the screening process and ensure that it is being applied in a proper and appropriate manner. Senator Spindler has outlined that in some detail in the Federal Parliament. They also urge Senator Bolkus—and I know the Hon. Terry Cameron does not have much influence over him—to help stop plans of forcible repatriation by actively and strongly representing to the Governments of first asylum countries. I might say the special assistance category to which the Hon. Mr Nocella referred would seem as a policy to fly in the face of what the Vietnamese community leaders on human rights and refugee issues called for on that issue.

The third request was that the Federal Government provide an advocate for the review of refugee status in existing camps. I believe that would go a long way towards solving some of those problems.

The Hon. T.G. Cameron: This is a bit rich after what your Federal Leader said.

The Hon. A.J. REDFORD: I will get to what my Federal Leader said shortly, because the honourable member is obviously not near as well read as he may think. I know that his contribution on economic matters is listened to with some interest, but in this area he will be found savagely wanting when I get to that topic.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: I am interested in immigration matters because I think some of these communities play a very important and significant role in our society.

The Hon. T.G. Cameron: We know you have different views.

The Hon. A.J. REDFORD: No, I do not have different views, and I will come to what the current Federal Leader of the Opposition, soon to be Prime Minister, says on this issue and the reaction of the Vietnamese community leaders to what he suggests and their reaction to what Senator Bolkus has said.

The fourth suggestion made by the Vietnamese community leaders was that the Government should investigate how its financial contributions to the CPA have been used or misused by the UN High Commissioner for Refugees. That meeting took place on 17 October, and in what I loosely say one might assume was a carefully considered response, the headline on page 9 of the Brisbane *Courier Mail* of 18 October is entitled, 'Bolkus Rejects Asylum Review'. The article referred to the fact that Senator Bolkus offered to consider expanding the special assistance category, as I understand it, but he rejected outright a call for the Government to support a review of the rejected asylum claims. He was reported as saying the Federal Government would not send an Australian parliamentary delegation to visit camps to investigate allegations of corruption in the refugee determination process. He went on and said,'To do so might give people false hope,' a statement that stands to be condemned for obvious reasons, and I will not go into detail.

In any event, the response from the Vietnamese association is interesting. Claiming to represent, I think, 150 000 Vietnamese people in Australia, it stated that the screening process was flawed and riddled with corruption. The President of the Vietnamese Refugee Supporting Organisations was quoted as saying:

> Many refugees were being wrongly screened out of the refugee process.

I would invite the Leader of the Opposition to listen to this, because she was fairly savage in her interjections before the dinner adjournment. The report continues:

> He was encouraged by Opposition Leader John Howard's willingness to consider supporting the push for a review of the screening process. 'In reality, the so-called screening process has been riddled with flaws and corruption, resulting in many genuine refugees being denied status,' the President said.

Over the past few years the Australian Labor Party has tried to isolate John Howard and paint a false picture of him. On occasions I have heard him called a racist. But the fact of the matter is that, on this issue, he has the support of the Vietnamese community, and it is Senator Bolkus, the Leader of the dominant Labor left in this State, who is out of step. It is time that Senator Bolkus came to be in touch with these people and understood precisely how important these breaches of human rights and this flawed screening process are because they affect the rights of ordinary people who have suffered so savagely under various regimes.

In fact, on the following day in the *Canberra Times*, the Opposition Leader, John Howard, was reported as saying that he would undertake to reassess all asylum seekers who had been denied refugee status by Australia. Again, he was reported in the *Herald Sun* as saying that he would consider reexamining the cases of 40 000 Indochinese whose applications for refugee status had been denied.

At the end of the day, the position of the Opposition Leader on this topic is to be commended. I know that she is in the same faction as Senator Bolkus, but I urge the Leader of the Opposition in this place to speak with Senator Bolkus with a view to his having a close and considered look at the contributions of Senator Spindler and others and supporting the calls of the refugee association.

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: I accept that. I am inviting the Leader to speak with Senator Bolkus with a view to reviewing his decision.

The Hon. Carolyn Pickles interjecting:

The Hon. A.J. REDFORD: Yes, with a view to reviewing his decision on this issue. It is very important, not only to the people of Vietnamese extraction here in Australia but also with regard to the fundamental human rights of those who have found themselves in refugee camps throughout South-East Asia.

The Hon. J.C. IRWIN secured the adjournment of the debate.

CONTROLLED SUBSTANCES (CANNABIS DECRIMINALISATION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 October. Page 121.)

The Hon. CAROLYN PICKLES (Leader of the Opposition) : I rise to support the second reading of this Bill. Members would be aware that this is a conscience issue as far as my colleagues in the Labor Party are concerned. It would be fair to say that I have considered the issue of cannabis law reform very closely. I sat on the select committee which examined drug use in South Australia, and I chaired that committee for the period it sat while the Labor Party was in government.

In forming my view on the issues arising out of this Bill, I have closely considered the September 1994 report prepared by the National Task Force on Cannabis. I tend to endorse the content of that report, which I believe points clearly to the regulated availability of cannabis as being the most appropriate model for our society to control and otherwise deal with cannabis production and use.

My experience on the select committee and my consideration of the report of the National Task Force on Cannabis have led me to the view that the current laws in relation to cannabis do not achieve their end. The fact that police have been unable to come anywhere near controlling cannabis production, let alone its use, is not a reason in itself to completely abolish those laws. However, the justification for prohibition in relation to cannabis is dubious. This is particularly so when one compares the regime for controlling marijuana with the laws relating to alcohol and tobacco products.

I do not think it is spurious to compare marijuana regulation with the regulation of other relatively soft drugs, such as alcohol and tobacco. I am not suggesting in any way that marijuana is completely harmless, but the statistics for alcohol related fatalities and tobacco related cancers suggest that, in a very real sense, those drugs are more harmful to the health of our population. This was certainly the view of a number of witnesses who gave evidence to the select committee.

In relation to alcohol, one needs to take into account not only the cases of people who literally drink themselves to death through cirrhosis, and so on, but the thousands of crimes which are committed each year where alcohol is a significant influence on the behaviour of the offender, as well as the dozens of road accidents where alcohol contributes

significantly to the cause of the accident. By way of contrast, for most users cannabis or marijuana seems to have a sedative effect which reduces the likelihood of an aggressive response for the user, and the average user having the average dose of marijuana—perhaps a joint—would be less impaired in terms of driving a vehicle than most alcohol drinkers would be with a blood alcohol reading of .08 or thereabouts.

Our society permits the use of alcohol and tobacco for recreational use, but at the same time we warn users of these drugs in various ways, whether that be a warning on the side of a cigarette packet or a drink driving advertisement on TV indicating that there are harmful effects or health hazards arising from use of those drugs. The Bill before us gives the same scope for health warnings in relation to marijuana. The debate should really not be about whether marijuana use is healthy or unhealthy as such but, rather, how society should deal with a substantial portion of the population, mostly adults, who will persist in trying marijuana and possibly using it on a regular basis, thereby risking criminal convictions, expiation notices or no penalty at all.

Probably the starkest contrast between marijuana use and alcohol and tobacco use is that there are significantly high numbers of people in our society who smoke or drink those legal drugs, whereas it must be conceded that marijuana users are clearly in the minority. Still, especially if one counts past users as well as current users of marijuana as a recreational drug, the number of users is substantial on anybody's estimate.

As far as the health implications of the drug are concerned I think it best to refer members to the report of the select committee into drugs of dependence. There is ample medical evidence there from a number of respected medical authorities and organisations which suggests that low levels of marijuana use are unlikely to lead to serious health problems. Of course, at the other end of the scale there are numerous well established dangers for those who use marijuana over a long period of time, particularly with heavy dosages. Low level usage might be one or two cigarettes per week or smoking marijuana with a pipe or some other device a few times per week. Heavy usage might be considered to be consuming more than an ounce per week.

The point is that, relative to other legally available drugs, marijuana is not a very dangerous drug. In my mind, the evidence quite clearly points to that conclusion. Yet, for a drug that is not particularly dangerous there are two very unfortunate consequences of the current prohibition regime. The first is that organised crime is involved in large scale marijuana production and distribution. The illicit proceeds of large crops which are distributed through an underground network remain free from the scrutiny of the Taxation Office, with big profits available, largely due to the fact that there is never sufficient supply to meet demand. It becomes worthwhile for individuals or groups to arm themselves heavily with a view to protecting their interests ruthlessly and with complete disregard for the law. There are always a few serious assaults or even murders each year in this State which are linked to drugs in the sense that a drug deal has gone wrong or the victim is considered to be an informant in relation to drug production or drug dealing activities. The serious criminal element presently associated with marijuana production and distribution is intended to be minimised by this Bill.

Secondly, there is a very significant economic factor relevant to our response to marijuana. I refer to the use of police resources. The select committee in South Australia found it impossible to get a clear picture of just how much police time and money is spent chasing those who offend against the cannabis laws, whether they be users, distributors or producers. If one includes investigation time, prosecution and court time, it is clear that at least many millions, if not billions, of dollars are spent in this State on policing marijuana use. Surely there are higher priorities in terms of eliminating or reducing crime. We are talking about resources which could be put to the campaign against domestic violence or increasing suburban patrols to focus on burglaries and property offences, if that is what the community is most concerned about.

I am not naive enough to think that there will be no black market in marijuana even if this Bill passes. Unfortunately, there will be those who wish to market and sell marijuana to children. There will be those who wish to produce marijuana outside the licensing system proposed in the Bill. We will still need a drug squad or something like it to pursue these people and inflict the full penalty of the law on any people who continue to peddle drugs to those who are under-aged.

The Hon. M.J. Elliott interjecting:

The Hon. CAROLYN PICKLES: No; there will not be a profit. The aim of the Bill as I see it is to transform the market for marijuana in South Australia to the point where profits are greatly reduced, while the risks remain high for large scale production or distribution. This in itself will be a substantial disincentive for those contemplating producing or dealing in an organised way.

In line with the evidence from overseas countries, some of which has been cited by the Hon. Mr Elliott already, I do not believe that the successful passage of this Bill would lead to a significantly increased use of marijuana. The statistics show that there is a very high proportion of young people using marijuana, but the proportion of the population using the drug drops off rapidly as one gets to the older groups in their 20s and 30s. Perhaps one gets a bit more commonsense as one gets older; if only that would happen with alcohol and cigarettes. There is an indication there that young people experiment with marijuana as they do with alcohol and tobacco, but then most teenage users of drugs give it up. That may be due to cost to some extent, but one would imagine that a preference for other drugs or no drugs at all comes about as people get a little older.

That market for drugs will continue no matter what the regime is, but the experience in Australia and overseas suggests to me that changing penalties to make them more severe or lenient or taking away penalties altogether will not impact greatly on the sorts of decisions young people make about whether or not they try certain drugs. Education programs such as the anti-smoking campaign have far more effect than punitive measures. If I believed that making cigarette smoking illegal would stop people smoking I would urge prohibition, but I do not believe it would change people's habits. The point is that the drugs are available now and they are being used now; and factors such as cost, availability and peer group pressure seem to be far more important than criminality.

I will quote from *Criminology Australia*, where, in an address to the First National Symposium on Crime in Australia, which was convened by the Australian Institute of Criminology, Justice Michael Kirby had this to say:

> I do not imagine that, 20 years from now, our generation will be honoured as having such enlightenment that a like review of our collection of crimes will be seen, with the wisdom of future times, to have required no reform. For example, there are many who

question the current approach of the criminal law to the use of recreational drugs of addition and drugs having damaging physical and psychological effects on their users. Many observers are now challenging the prohibition model. They call for a different strategy of harm minimisation. In some parts of Australia reform has already been introduced in respect of the possession of small quantities of cannabis. In most other jurisdictions minor offences of this kind—like nude bathing with discretion—are not always prosecuted. In this Territory [and he was referring to the ACT], a more radical measure is now under contemplation to consider the feasibility of a controlled provision of heroin, under legal warrant, to established addicts.

I predict that, in 20 years, many of our drug laws will have been radically changed. There will be an increasing emphasis upon looking at adult drug use as an issue of public health rather than one of law and order. Self-evidently, this change would have enormous implications for crime in Australia as it stands today. The public investment in policing and investigating drug offences, the cost in court time, the toll of corruption and the price in terms of civil liberties—as the network of telephonic interception and exceptional powers attests—all show the urgent need to rethink this form of state intrusion into the personal conduct of adults. Whenever I hear of a big drug 'bust'—or see in my court a criminal apprehended with huge quantities of prohibited drugs—I ask the question that every intelligent person must ask: Who are the apparently law abiding citizens: plumbers and merchant bankers, therapists and greengrocers who are using these drugs? The law falls upon them, and those who supply their market, with intermittent effect but ferocious energy. The potential for official corruption and for ever-expanding powers of law enforcement, not to say the fundamental principle involved, are increasingly directing the attention of reformers to the question of an alternative strategy.

In matters of acute pleasure seeking, whether in sexual conduct or drug use, pornography, prostitution or gambling, the criminal law is only ever partially successful. Our recent experience should teach us the wisdom of limiting the function of the state and its criminal law in such matters to the State's proper province: I suggest that this is protecting citizens, their corporations and community from unconsensual wrongs deliberately inflicted; protecting the young and otherwise vulnerable; and upholding public peace from affront causing public disturbance.

Crime is in a constant state of redefinition. It reflects, with a time delay, the changing values of society and its changing needs. Twenty years ago, before the scourge of HIV/AIDS, there were no specific offences relevant to the wilful infection of others. Twenty years ago, in most parts of Australia, attempting suicide was a crime. Now, we are told voluntary euthanasia is probably a human right. Reflection on these changes makes it important to meet in an outlook symposium such as this. It turns our attention to the age-old questions: What is crime? How should it be proved?

Those comments from Justice Michael Kirby contain sentiments that I support strongly. In conclusion, I am saying that marijuana use is here to say. I cannot say that passing this Bill will make it substantially more or less popular. I am concerned about the criminal culture associated with marijuana production and distribution, and the significant cost of law enforcement in this area, when, to my way of thinking, there are far more important and pressing problems in the community. It is not that I have doubts about the quality or tenacity of our police officers in relation to law enforcement in this area, but rather I am saying that, from society's point of view, it is not worth putting in the effort that we presently put in because the Police Force should be focusing on other more important issues. I realise that other members will speak in this debate and, as I indicated earlier, this is a conscience vote for members of my Party. I urge members to read the findings in the select committee report and to ponder upon whether or not we wish to continue with the kind of regime that we have in law enforcement in relation to this issue when it is clearly not working. I support the second reading.

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

VETLAB

Adjourned debate on motion of Hon. M.J. Elliott:

That the Legislative Council:

1. expresses its concern about the State Government's plans to cut its financial support of the South Australian Veterinary Laboratory; and
2. calls on the Government to announce its commitment to retain Vetlab services, including its five specialist sections covering diagnostic needs for bacteria, viruses, parasites, chemicals and pathology, to enable it to undertake its responsibilities, including to—
   (a) maintain a rapid response capability in the case of suspect exotic diseases;
   (b) pursue the cause of new or unusual outbreaks of disease;
   (c) provide laboratory-based accreditation of livestock for export;
   (d) comply with Australian National Quality Assurance Program standards;
   (e) conduct research of vital importance to State and national imperatives; and
   (f) provide the animal health information needed (through diagnostic activities and surveys) to establish Australia's *bona fides* in world markets.

(Continued from 25 October. Page 328.)

The Hon. K.T. GRIFFIN (Attorney-General): The Government does not support the motion of the Hon. Mr Elliott.

The Hon. M.J. Elliott: I thought you would have.

The Hon. K.T. GRIFFIN: No. The statement by the Hon. Mr Elliott is based on information in various documents including some of the previous reviews of Vetlab, the Organisational Development Review response to these recommendations, the May 1995 review, and the addendum to the review prepared by Dr Barton. Many of the statements made by the Hon. Mr Elliott about the importance of the role of a Government veterinary laboratory should be supported, especially the following:

- maintain a rapid response capability for new and unusual outbreaks of disease;
- pursue the cause of new and unusual outbreaks of disease;
- provide laboratory-based accreditation of livestock for export;
- comply with Australian National Quality Assurance Program standards;
- conduct research where that is important to State and national imperatives; and
- provide the animal health information needed to establish Australia's *bona fides* in world markets.

Primary Industries South Australia's decision that the State Veterinary Laboratory should report through the Chief Veterinary Officer is a departmental decision that is entirely consistent with that person's role in maintaining the health of livestock in this State. Government veterinary laboratory services throughout Australia support the State veterinary services. These services are provided by Governments to protect the competitive ability of the States' livestock industries, to trade nationally and internationally. Vetlab is not an independent organisation. It has a multifunction support role as a facility that underpins livestock disease control, surveillance, disease outbreak and investigation and the provision of information to support livestock certification.

Claims made about Vetlab reporting to the OIE are inaccurate. This is the responsibility of the Chief Veterinary Officer. Reports are certainly based on information provided by the laboratory. The May 1995 review identified five

alternative configurations for the structure and management of Vetlab, namely: maintain its current size and service capability; maintain its current size and make it a business entity on full cost recovery; reduce in size to 20 scientific and administrative staff; outsource the bulk of work to a private laboratory; and replace with an epidemiology group.

The statement made that the review team did not invite the laboratory manager to meetings is inaccurate. The manager was a member of the team, and she indicated that she did not agree with all of the review team recommendations. An examination of these alternatives, coupled with a study of arrangements in Victoria and New Zealand, led to the development of another alternative, which involves the leasing of the Vetlab premises to a commercial provider of veterinary laboratory services, which will provide such services to urban and rural clients on a commercial basis and to the Government on a contract basis.

The Chief Executive of Primary Industries South Australia advised Vetlab staff on 6 October that his preferred option was to outsource the activities. It is not intended to close Vetlab. Despite the Hon. Mr Elliott's comments to the contrary, the State will have a State veterinary laboratory that is under significant Government control and that receives the funding necessary to support South Australia's livestock industries. No guarantee can be made about the structure of the laboratory as this should be subject to management and the changing needs of the livestock industries, including the support they may provide for specific research activities.

It could be noted that not all veterinary laboratories operate with the five sections mentioned. This model ensures that, while improving the efficiency of operations and reducing the costs to the South Australian community, those activities that are essential to the health of the State's livestock will continue. However, no decision has been made by the Government on any changes to Vetlab as the options are still the subject of further examination. To that extent, therefore, the motion of the Hon. Mr Elliott is premature.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

BENLATE

Adjourned debate on motion of Hon. M.J. Elliott:

That the Legislative Council draws to the attention of the South Australian Government the emerging scientific and other information in relation to the fungicide, Benlate.

(Continued from 15 November. Page 454.)

The Hon. K.T. GRIFFIN (Attorney-General): It is important that certain matters be put on the record in relation to the issue of Benlate. In the last session of the Parliament this matter was debated extensively. Subsequent to that, the Hon. Mr Elliott has put on the record a number of other matters and it is important that I respond. I indicate in relation to the motion that it is not necessary for the Legislative Council to draw the attention of the South Australian Government to the emerging scientific and other information in relation to the fungicide, Benlate, because the Government is aware of that through Primary Industries South Australia.

In speaking to his motion on 25 October, the Hon. Mr Elliott referred to a number of issues. The following points are relevant to those matters. The registration of agricultural chemicals is now a Federal responsibility of the National Registration Authority for Agricultural and Veterinary Chemicals (NRA) with the States and Territories participating in the review and compliance processes associated with the registration. However, it remains the responsibility of the chemical company seeking registration of a product to provide sufficient evidence to convince the authority that the product is both efficacious and safe to use. Australian requirements for data on chemicals is equivalent to that required by the United States authorities, but it would clearly be impractical for a Government body to generate all of this information for the thousands of chemicals registered in Australia. The NRA can impose severe penalties for a company providing false or misleading information.

The next issue relates to the differences in labelling between the United States of America and Australia. Labelling is very often a reflection of commercial realities in different places. For example, a company may seek registration in one country for the protection of a significant crop and yet it may find that it is not commercially worthwhile supporting the same use for the chemical in another country in which the crop may be of only minor importance. In other words, issues of safety and effectiveness are only some of the factors that a company considers in deciding which uses and chemicals to seek registration for in a particular market.

As I am advised, Du Pont is planning changes to its Australian labels to reflect its decision to withdraw from the ornamental plant industry worldwide. It will also be withdrawing registrations of all its products for use in glasshouses, container plants and hydroponically grown crops. Primary Industries South Australia is well aware of the potential problems of residue effects from sulfonylureas and these problems have been addressed through major extension programs. The department is not aware of any growers who suffered losses this year if they observed the labelled plant-back periods relating to soil pH and rainfall. Primary Industries South Australia personnel are not aware of sulfonylureas being used in established vineyards in the Coonawarra.

It is important to put on the record a number of other matters for the information of members. Du Pont Australia remains convinced that when used according to labelled instructions Benlate is safe and effective. Scientific investigations by the American parent company have not found any problems with Benlate that would account for the alleged damage. Du Pont Australia is adamant that Benlate WP, the formulation still available and widely used in Australia, is not the cause of plant damage as alleged by some growers. According to Du Pont Australia, Florida administrative hearings have dismissed all allegations by the Florida Department of Agriculture and Consumer Services that Benlate was contaminated with a range of contaminants including atrazine, flusilazole londax, a sulfonylurea herbicide and any phytotoxic concentrations of the break-down product dibutylurea.

The Hon. Mr Elliott's address to the Council on 11 October referred to some of the many papers which support the view that Benlate damages plants. However, Du Pont have carried out extensive scientific investigations which they claim support their claims that Benlate is not phytotoxic. Recent scientific papers already examined by Primary Industries South Australia have investigated the phytotoxic effects of the break-down products of Benlate. However, the studies have not demonstrated that these compounds are generated in high enough concentrations under commercial growing conditions to cause damage to crops. In response to the conflicting scientific evidence about the effects of

Benlate, Primary Industries South Australia scientists invited Dr Malcolm Thompson from Flinders University to accompany them to a scientific workshop on Benlate. This meeting was attended by senior Du Pont USA scientists and senior staff of the National Registration Authority for Agriculture and Veterinary Chemicals. Substantial evidence of the trial work undertaken by Du Pont was presented at the meeting, with this evidence supporting the company's view that Benlate is not contaminated and does not cause damage.

The Minister for Primary Industries (Hon. Dale Baker) has sought details from his interstate colleagues of other cases in which damage has allegedly been caused by Benlate. There are only two cases known from other States in which growers are pursuing claims of damage caused by Benlate—one in New South Wales and one in Western Australia.

Recent television and newspaper articles have not added to the scientific or other evidence in relation to Benlate. An article in the *Advertiser* on 29 September stated that Du Pont had admitted contamination of some batches of Benlate with the herbicide atrazine. However, this has been known for some years and those local samples of Benlate tested for atrazine have been shown to be free from this herbicide. Any additional scientific information would be welcomed to add to Primary Industries South Australia's growing knowledge of claims of damage allegedly caused by Benlate.

As I indicated at the beginning of this contribution, it is not necessary for the Legislative Council to pass the motion, but if it is passed, quite obviously, it will merely reflect the Government's position that it is giving attention to emerging scientific and other information in relation to Benlate.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

AQUACULTURE

Adjourned debate on motion of Hon. M.J. Elliott:

That the Legislative Council requests that the Environment, Resources and Development Committee examine and make recommendations on the economic, environmental and planning aspects of South Australia's present aquaculture operations and any potential aquaculture operations.

(Continued from 15 November. Page 452.)

The Hon. K.T. GRIFFIN (Attorney-General): The Government does not support the proposition that this matter should be referred to the Environment, Resources and Development Committee, and there are some good and valid reasons for that. The economic aspects of the aquaculture industry in South Australia were recently addressed by the South Australian Development Council and the findings of the council were presented to Cabinet and subsequently released to the public. The environmental aspects of the aquaculture industry are being addressed either through legislation under the Environment Protection Act, environmental monitoring programs and/or industry codes of practice. The latter is also a requirement of the Environment Protection Authority.

The two major sectors, tuna and oysters, have comprehensive monitoring programs in place. A tuna environmental monitoring program is operational. The oyster program was initiated in 1991 and continued to mid-1994 when it was suspended pending clarifications of funding. However, the program is expected to be reactivated during 1995-96 as funding is forthcoming from industry. The most recent aquaculture sector, mussel farming, which is still in a research and development phase, has initiated an environmental monitoring program in the waters adjacent to Kangaroo Island. Planning for aquaculture development is being undertaken in accordance with the provisions of the Development Act 1993. The preparation of aquaculture management plans is being undertaken in line with the process described in the development regulations.

As new plans are being developed they will be scrutinised by the Development Plan Advisory Committee before being recommended to the Minister for Housing, Urban Development and Local Government Relations for gazettal as prescribed documents pursuant to the development regulations. The industry of aquaculture is certainly an interesting topic, but the Government is of the view, as I have indicated, that there are already in place a number of mechanisms adequate to address some of the issues that have been raised and, for that reason, we do not believe it is necessary for the committee to spend its time and effort on this issue at this time.

The Hon. M.J. ELLIOTT: I must disagree with the Attorney-General when he talks about existing mechanisms and whether or not they are coping. The fact is that they are not. If they were coping, there would be no need for the motion. The fact is that there is significant confrontation already building up and potential for far greater confrontation which, in my view, will be counter-productive. It will be counter-productive for the industry itself, and what is important for any industry is that, very early on, the ground rules are laid down clearly, and that those ground rules suit not only the industry but the general community. On that basis, industry can then go ahead and plan with a great deal of confidence.

That is not the position we have at present. Everyone with whom I have spoken acknowledges the huge potential of aquaculture. There is no doubt that this State is on a potential winner with aquaculture, but if we get it wrong we could pay dearly for years to come—and investors could pay dearly for years to come because of those mistakes. What I hope will happen is that, with this motion passed, the standing committee will treat it in a tripartisan, non-Party political fashion and that we will make a valuable contribution to the future of aquaculture in South Australia. I urge all members in this place to support the motion.

Motion carried.

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: SELLICKS HILL CAVE

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

That the report of the committee concerning Sellicks Hill quarry cave be noted.

The report was tabled today and it was just a matter of oversight that there was not a motion so that the report could be noted, as has happened in the other House. It is important that members have a chance to comment on the report. It is already in the public arena, and I know that electronic media, at least, are already commenting in relation to it. In those circumstances, it is right and proper that this Chamber have an opportunity also to comment on the report. This reference

to the committee was moved by me in this place at least 12 months ago. It has taken some time for us to look at it, simply because a number of issues had banked up within the committee. In fact, this was part of a joint reference along with the Roxby Downs tailings dam, which is still under consideration by the committee.

At the time of moving the motion I certainly had personal concerns as to whether or not the Department of Mines and Energy was paying due regard to issues of environmental significance and whether or not its role as the lead department in relation to mining meant that it was not paying due regard to the environment. We have had the chance to sit through a large number of hearings and take very extensive evidence. I must say that probably the most expert evidence we have had on any subject has come before the committee in relation to this inquiry. Many members of the committee, if they were not troglodytes when they started, had some chance of being troglodytes when they finished, because the issues surrounding caves proved to be extraordinarily interesting.

We certainly learnt a great deal. I am not sure that we learnt as much as we might have liked to learn about precisely why the cave was imploded and we have been left to draw our conclusions from some conflicting evidence. To some extent it might be a matter of whom you are prepared to believe as to what you think led to the final implosion; whether you felt you were prepared to believe the department, the miners or the cavers. If a person had a bias when they went in, that could have affected what they believed when they came out. But the committee did come to a number of conclusions upon which we all agreed. It is quite clear that legislation, regulations, etc. were not adequate at the time of the implosion of the Sellicks Hill cave to handle the issues that arose.

In fact, the Department of Mines and Energy had no direct powers to protect the cave at all. Perhaps if anybody had direct powers it might have been the Heritage Committee, which became involved fairly late in the process and I think after the implosion had actually occurred. In any event, the Department of Mines and Energy had knowledge of the potential implosion but not the power to do anything about it, and perhaps anyone elsewhere who had the power to do anything about it, such as the Heritage Committee, did not know that the cave existed or that it was about to be imploded.

It was of concern to find that a number of experts in this State, including people at the Museum, who would have had a lively interest in the cave for a range of reasons, did not know of the existence of the cave until after it had been imploded. Despite the fact that the department had no power to do anything, it is extremely disappointing that it chose not to do enough that might have been done in other ways. There is no doubt that the advice of the Department of Mines and Energy was still important in relation to the implosion and, if the department had not been accepting and, I suspect, encouraging, I do not believe the implosion would have occurred.

It is perfectly understandable that the owners of the cave would want to remove the cave, because it was in a location which affected their operations and had the potential to be a real cost to them. One underlines why it is so important that we have legislation, because we need legislation not only that has the capacity to protect caves or other important geological or archaeological finds but also that will offer protection to the owners and operators of sites that would be affected. Clearly the owners knew that, as things stood, if there was a move to protect the cave, they were in a position where they might have been financially affected, although there is a dispute as to precisely what extent they would have been affected. We got a wide variation in evidence as to what the exact financial implications would have been. Nobody suggested that there would have been no impact or that the impact would have been minor. In the circumstances it is understandable that the company, which is a commercial operation, would have been concerned and would have liked the cave to go away. Ultimately, I suppose they succeeded in making a good part of the cave go away in one sense.

I understand the commercial realities involved, although I was not personally convinced that one of the reasons claimed—that of safety—was of as much significance as was being claimed. It was adequate for them to claim that they had commercial reasons for wanting to do it, which I could accept, but I was not convinced on the other hand that the safety implications were there.

Even more intriguing, the site where the vast majority of the cave was has not been mined. So far only one end has been mined, where there were some narrow tunnels which led to the main caves and which probably would not have been of any particular significance. The area in which the main parts of the cave are located still have not been quarried. On our evidence it is not likely to be quarried in the foreseeable future. It is doubly sad that a decision was made to implode because commercial loss of material due to the existence of the cave has not occurred, as they have not quarried there. Indeed, the direction of the quarrying operations has shifted and they are not likely to mine there in the foreseeable future. Over part of the area they have their crushing operations, and I understand that will be there for a while longer.

The cavers themselves appear to have got themselves into a dreadful bind when approached to enter the cave. Originally I understand they were approached simply because the company was told by one of its advisers that if cavers went in they would get an idea of the size of the cave, the extent of it, the direction in which it went, and a more detailed knowledge of it. The cavers were asked to go in simply to find out the extent of the cave system. They signed a nondisclosure agreement in relation to going in there, and it became a major bind for them as things progressed because, once they got in—and it took them a few days before getting through the main part—they found a cave.

It was the largest cave of its type, with its particular geological formations, in South Australia. It was not a minor cave, as some people have tried to present it. It was clear from the evidence that this was a cave of considerable significance, simply in terms of its size and the geological formations. How great its significance would be in relation to archaeology we do not know, because no archaeological work has been done in there. How significant it is in relation to biology we do not know, because no biological work has been done in there. We rely upon one video and a couple of still photographs that have been taken to get some idea of the geological formations inside.

Any fair-minded person looking at them would say that, if it were possible to get tourists into it, it would have had real tourist potential. Nevertheless, at this stage we have a large number of unanswered questions. It is highly likely that the main part of the cave—the big room—has been collapsed because of the implosion. However, associated features were still potentially significant, and we do not know anything about their current condition.

Returning to the cavers, having been down there and realising that they had gone into something which they believed was significant, they were bound by the fact that they had signed a nondisclosure agreement. They were not going to win, no matter what they did at that point. If they spoke up they would be told that they could not be trusted and probably would not be asked to go down into caves in similar situations again, and if they shut up there was a risk that the cave could ultimately be damaged. They hung in and continued to try to negotiate. While they still believed that active negotiations were occurring, they were informed that the implosion of the big room had occurred. So, they were put in an impossible position from the beginning. They went in and agreed to the nondisclosure agreement for all the best reasons in the world, and then found themselves unable to move in any direction with any integrity. They thought that the most important thing was to stick by the agreement, which they did and have since been criticised by people for so doing.

It is not my intention to linger upon the past. In summary, the Department of Mines and Energy simply did not do enough, consult widely enough or bring in other expertise, and for that I criticise it. Southern Quarries, quite understandably, had commercial considerations for which I do not criticise it, and legislation at that stage was not adequate to offer it any sort of compensation. The owners overstated the safety issue, but that is a personal view, and other members of the committee may or may not share that view. The cavers were put in an incredibly difficult position, and I admire the way in which they handled the issues in what were very difficult circumstances.

As for the future, the committee has made quite plain that there needs to be amendments to the Mining Act in particular and to the Local Government Act, the Petroleum Act and the Mines and Works Inspection Act. There are a number of recommendations for changes in legislation. We hope that any future find is reported according to the tenement instrument procedures, and that we will then have legislative back-up for those procedures so that any important potential heritage find is reported quickly, assessed quickly and protected if need be, at the same time ensuring that commercial interests are protected. If we had something like that in place, the Sellicks Hill cave incident would not have occurred. I suppose it is true of many cases: we often need something to go wrong before we put in place the sort of legislation which ensures that it does not happen again.

In relation to the cave itself, there is no doubt that significant damage has been done to it. Whether there is anything left of significance at this stage, nobody knows. The committee has recommended that an attempt be made to assess that. It is a question of finding the appropriate means and the appropriate time. We have certainly recommended a down hole study, with the lowering of perhaps a camera, somewhat similar to stump cam, into the cave area to try first for a quick visual assessment of what is still there. If that preliminary investigation suggests that there is still potentially something of interest, obviously we would like to see the cave entered at sometime.

There are certainly questions of safety and appropriate timing. Perhaps it would be best to do this when mining operations are well away from that area and there is no explosion or vibrations of vehicular traffic close by. However, we certainly hope and expect that, if the down hole study is promising, there would be a possibility of people entering the cave to make an assessment. It may be that that assessment will be a very rapid one—a check to see whether or not there is potential archaeological, geological or biological matters of interest there and, if there is not, the cave would be left for quarrying.

It may be, as with other caves and quarries, that a thorough scientific analysis is carried out, with a gathering of whatever is useful, and the cave may still be quarried. I suppose there is still the final possibility that there is sufficient of interest left that we would want to keep it long term. I make the point that they had not completed the exploration of the cave system, and it may go further, so there may still be something of significance there, and we may want to keep that for posterity. At least, with the sorts of changes in legislation that we are recommending, we would then be able to cope with that circumstance should it arise.

I conclude my remarks by saying that I think the exercise has been a valuable one. The committee has pointed to some useful directions for the Government. I hope and expect that the Government will follow up by giving the tenement instrument procedures legislative force, and I hope and expect that a real attempt will be made to assess what may be left of the cave system. I hope that we do not have to face again the sort of situation we faced in this committee.

The Hon. CAROLINE SCHAEFER: As I served on that committee, I feel I should make some brief comment. As I see it, the committee was faced with an inquiry into something which had already happened, so by its very nature the findings of the committee were bound to be retrospective. We can ask many questions. We can ask why the cave was imploded; what if the cave had not been imploded; was it in fact safe, or was it unsafe; what if it had been left intact and a truck had driven over it and someone had been killed; what if the cavers had not signed a disclosure agreement? There are more 'what ifs' than there are answers.

We have made a series of recommendations. We have concurred with the Government's implementation of the tenement procedures. One would hope, therefore, that similar disturbances will not be caused again in similar matters.

We speak of tourism potential, and at the same time we have to look at whether the potential of tourism in fact outweighs the known value of one of the best commercial quarries in this State. In the circumstances, and with the procedures that were available at the time, it is my opinion that very little different could have been done. I would hope that a lesson is learnt for the future rather than dwelling on something that took place two and a half years ago.

The Hon. T.G. ROBERTS: I rise to add a brief contribution. It was a difficult task for the committee to pull together all the varying information that came before it. There was contestable evidence from some of the contributors, and we had to give weight to some of those contradictions. Without being judgmental, because I think it was the view of all members on that committee at that time that it would not pay to dwell on the past as the cave had been imploded, we had to learn some lessons from the act of implosion in order to ascertain whether we could set up a series of protective measures that could prevent it from happening again. Perhaps we could fire some shots across the bows of those who acted irresponsibly in not pursuing a course of action that might have been able to weigh a little more of the scientific evidence that could perhaps have been collected to enable an assessment to be made of the aesthetic values, the land form values, the biological values, the paleoenvironmental values,

the archaeological values, the mineralogical values, and the recreational values, so that we could then weigh up that scientific evidence and do a cross-check against the possibility of protecting it from the ravages of the quarrying.

The best possible position would have been to have the value of the quarry and to have the cave remain intact so that those values and aspects of the cave may have been able to be assessed while working around the cave. Unfortunately, the cave became a bit of a pain and a little too hard to work around. It was too big for the 'whoops' theory to apply, that is, something happened to it accidentally, as happens in other parts of the State, as the Hon. Mr Elliott would know, coming from the South-East, where caves are found on a daily basis, either by accident or design. The 'whoops' theory applies quite often down there. In the case of caves in and around the metropolitan area, they are not common occurrences.

A more responsible way to proceed would have been for the quarry owners, the Department of Mines and Energy and the Department of Environment and Planning to get together and work out a role for the cave, if indeed one was to be claimed for it and if, indeed, the cave proved to have those values to which I referred earlier.

If they could have been assessed, a different course of events may have occurred. With the recommendations of the committee we have been able to signal to all other quarry owners and others who are working the land the first action that should be taken when or if they come across, either accidentally or by design, openings that may be caves of significance. The committee recommends that they inform the bodies that have a vested interest in protecting such a cave, and that they do the investigations first by way of scientific assessments and then work out how that fits into the total environmental package and plan for the area.

I hope that, in the future, the principles of environmental protection and heritage take priority one, with the environment coming first and all other planning and development programs proceeding around it, whether that be caves, commercial-retail development or agricultural or horticultural pursuits. Unfortunately, the feeling within the mining industry is that the environment is a secondary consideration, particularly after valuable assets have either been discovered or perhaps been searched for, and then all other considerations follow from the exploitation value of the potential asset.

In the future I think that there will be a changed attitude, particularly towards sensitive environments that need protection. We hope that the recommendations we have made and perhaps some of the embarrassing calls to the Department for Mines and Energy about the way in which it proceeded might bring about a changed attitude, where there is more consultation with the Department of Environment and Natural Resources, so that the aesthetic and other values of caves can be assessed.

When I was a toddler in the South-East I used to read Enid Blyton's 'Famous Five' books (and I would not have banned them), and my friends and I would try to emulate some of the feats of the 'Famous Five'—which is why I can understand why people have some trepidation about encouraging children to read those books. Because there was no electronic entertainment, nearly every weekend we would jump on our bikes and ride through the caves in the South-East. Those caves were a form of education and entertainment. All sorts of pleasures can be drawn—

The Hon. R.R. Roberts interjecting:

The Hon. T.G. ROBERTS: I smoked pine needles in the caves; I can remember riding bikes, drunk and drugged on pine needles. However, there is a lot of tourist potential in relation to caves. I am sure that people in the South-East have not realised the significance of many of the caves that have been discovered and, in some cases, filled in.

Members interjecting:

The Hon. T.G. ROBERTS: Yes, we did make some discoveries. Some caves were discovered behind the main cavern at Tantanoola which, unfortunately, cannot be opened to the public. It has a huge cavern and lake, which would be of enormous tourist potential. I am sure that in the future some of those caves will be opened up to the public.

The Hon. M.J. Elliott: When the smoke clears!

The Hon. T.G. ROBERTS: There were a lot of green apple cores in there, too, because there was an orchard quite close by. We were never able to judge the value and significance of this cave in relation to its tourist potential—or its ability to hide half a dozen kids on a rainy Saturday afternoon. The tourist potential of this cave was never able to be assessed because of the difficulties of its placement. That is one thing about caves—

The Hon. R.R. Roberts: It's a wonder Dale Baker didn't blow it up!

The Hon. T.G. ROBERTS: No, he wasn't in our gang. The thing about caves is they do not move or alter. If a cave entrance is protected and there is enough overburden on top of the cave they do not move. There will always be time for caves to be opened up and examined as long as their entrances are protected and respect is given to a time frame and a future for the exploration that needs to be done to make sure the aesthetic, land form, biological and other values are protected, so that examination can take place at a later date.

I think the committee has made recommendations to signal that that is the preferred option from now on. I suspect that people in the Department of Mines and Energy will be thinking differently in the future. I think that they underestimated the concerns that the community had, because it was a media event at about the same time as an election, and I think they hoped it would get off the *Advertiser* pages after the Government had changed—but there were good reasons for it to stay on those pages at that time.

The Speleological Society and the cavers felt as though they had been let down because they had signed an agreement with the quarry owners, and they were not going to let go of the principle on the basis that they felt as though they had been duded, if you like, by the signing of the agreement. They had gone through processes which they thought were based on the principles of examination, protection and, hopefully, later, further exploration. But when it was felt that they had been let down they were not going to let go of the issue.

Consequently, they approached members of the Opposition and the Democrats to try to get an inquiry, and this report is the final result of that. I thank all members of the committee who worked assiduously and who dedicated a lot of time, effort and energy to come up with probably one of the most detailed reports that the committee has put through. The research officer, Ray Dennis, and Secretary, Geraldine Sladden, did a very good job in pulling this report together. The Chair did a very good job in keeping us all in check when we used to get excited from time to time about some of the issues that we were debating. With that, I commend the report to the Council.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I would like to make a few brief comments regarding this report. I congratulate the members of the committee for producing an excellent report and recommendations, which I have only had time to flick through briefly, since this report was not tabled to all members of the Council. I think that these recommendations are very sensible and I hope that they will be taken up by the Government. As my colleague the Hon. Terry Roberts has indicated, the implosion of this cave took place during the election campaign in 1993, and following that election I was appointed as the shadow Minister for the environment and it was at that time that the Cave Exploration Group of South Australia and the Australian Speleological Foundation made representations to me in connection with this issue. At the time I put out a press release, as I am sure other members would have done, calling this an act of environmental vandalism, and I think to this day that it was indeed an act of environmental vandalism.

I hope that the recommendations of this very thorough report go some way towards ensuring that this situation does not occur again and that, hopefully, something can be salvaged from the actions of the Department for Mines and Energy for the future. I sincerely hope that, when and if an experimental viewing of the cave is made, they will find that indeed it is worthy of preservation, as I am sure it will be. It certainly is a very great pity that the implosion took place, which I believe, from a video that I viewed at the time, destroyed what would have been a magnificent chamber. In fact, like the Hon. Mr Roberts, although not in quite such a frivolous way, I, too, as a young woman was a member of a speleological society in England. We used to go into caves which were probably fairly dangerous and it was quite an exciting occupation. So, I was particularly interested when these people brought these issues to me, and I was very happy to support the Hon. Mr Elliott's motion at the time that put this matter before the Environment, Resources and Development Committee. With those few words, I again commend the members of the committee and in particular the Hon. Mr Elliott for moving the motion in the first place.

Motion carried.

SUMMARY OFFENCES (OVERCROWDING AT PUBLIC VENUES) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Summary Offences Act 1953. Read a first time.

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

That this Bill be now read a second time.

This Bill seeks to increase the powers of police to control overcrowding in a place of public entertainment where the overcrowding is such that there is a serious risk of injury or damage arising as a result of the overcrowding.

This matter arose with the repeal of the Places of Public Entertainment Act 1913 which made it an offence if the number of persons present exceeded the number permitted by the terms of the licence applicable in that place.

The Commissioner of Police has indicated his concern that certain powers of crowd control, particularly with regard to overcrowding, might be lost with the repeal of the Places of Public Entertainment Act. Even though there have been no prosecutions initiated pursuant to this provision for many years, the Commissioner is of the view that potential does exist for problems to occur in public premises due to overcrowding and requests that similar powers to those contained in the Metropolitan Fire Service Act 1936, (the Act) in relation to overcrowding, be granted to the police.

Overcrowding of public entertainment areas has become a matter for concern of late. A joint task force, comprising authorised officers under the Liquor Licensing Act, members of the Police 'Operation Control', members of the EPA, representatives of the Adelaide City Council and members of the Metropolitan Fire Service (MFS), have regularly conducted evening inspections of licensed premises, with particular emphasis on entertainment venues. This joint task force has proved highly successful and a number of licensees have been cautioned or reported for breaches of the Liquor Licensing Act. The main concerns of the task force are overcrowding, locked exits, breaches of 'meal' provisions and failure to meet satisfactory standards of repair and maintenance. The provisions of the Act have been utilised to deal with the problem of overcrowding.

The Commissioner states that similar powers to control overcrowding as are currently contained in the Act would be useful to the duties of the police in their general role of maintaining law and order and would be particularly pertinent in rural areas where the MFS is not based. The Commissioner notes that this recommendation is not intended to be a derogation of any authority currently exercised by the MFS.

The definition of 'public venue' in the Bill is deliberately wide to ensure that a number of public entertainment venues are included from a disco or club in a public hotel to warehouse parties and open air events. The Bill provides that a member of the Police Force may enter and inspect a public venue to determine whether there is a serious risk of injury or damage due to overcrowding but that a senior police officer may exercise the power to order persons to leave the premises, order the occupier to remove persons or take any other specified action to remedy the situation, or if satisfied that the safety of persons cannot be ensured by other means, to close the place immediately (for a period not exceeding 12 hours) to alleviate the danger. The Bill makes it an offence to refuse or fail to obey the order. The Bill provides that a senior officer may authorise another member of the Police Force to exercise all or any of the above powers if satisfied that urgent action is required.

I commend this Bill to honourable members and I seek leave to have the detailed explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The amendments are to be brought into operation by proclamation.

Clause 3: Amendment of s. 4—Interpretation

This clause removes the current definition of 'place of public entertainment' and replaces it with a wider definition not limited only to places where live entertainments are staged or films, videos, etc., are screened. The new definition of 'public venue' will extend to any place where members of the public are gathered for an entertainment or an event or activity of any kind, whether admission is open, procured by the payment of money or restricted to members of a club or a class of persons with some other qualification or characteristic. The definition does, however, exclude churches and places of public worship.

Clause 4: Amendment of s. 73—Power of police to remove disorderly persons from public venues

Section 73 currently empowers police to remove disorderly persons from places of public entertainment. The clause amends the section so that it relates instead to public venues.

Clause 5: Insertion of s. 83BA

Under the proposed new section a member of the Police Force is empowered to enter and inspect a public venue to determine whether there is overcrowding such that there is serious risk of injury or damage.

If a senior police officer (an officer of or above the rank of inspector) forms the opinion that there is serious risk of injury or damage due to overcrowding at a public venue, the officer is empowered—

- to order persons to leave the place immediately;
- to order the occupier of the place immediately to remove persons from the place;
- to order the occupier of the place to take other specified action to rectify the situation immediately or within a specified period;
- to take action to carry out any such order that is not obeyed;
- if satisfied that the safety of persons cannot reasonably be ensured by other means, to order the occupier of the place to close the place immediately and for such period as the officer considers necessary (but not exceeding 12 hours) for the alleviation of the danger;
- if such a closure order cannot for any reason be given to the occupier, or if a closure order, having been given to the occupier, is not immediately obeyed, to take action to close the place for such period as the officer considers necessary (but not exceeding 12 hours) for the alleviation of the danger.

An order may be given orally or by notice in writing served on the occupier of the place. However, if a closure order is given orally, the officer must as soon as practicable cause a written notice containing the order to be served on the occupier.

It will be an offence punishable by a maximum penalty of a division 7 fine or division 7 imprisonment if a person refuses or fails to obey such an order.

When a senior police officer is satisfied that the danger has been alleviated, he or she may rescind the order.

The proposed new section allows a senior police officer to authorise another member of the Police Force to exercise all or any of the powers referred to above if satisfied (whether on the basis or his or her own observations or the report of another member of the Police Force) that urgent action is required.

Finally, members of the Police Force are authorised to use such force to enter a place, or to take other action under the provision, as is reasonably necessary for the purpose.

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

OPAL MINING BILL

In Committee.

Clause 1—'Short title.'

The Hon. R.R. ROBERTS: I take this opportunity to make a brief comment to clause 1. Since the second reading speeches have been made, a number of issues were identified by the Hon. Ms Kanck and they have been the subject of further consideration as I understand it between my colleague in another place Mr Quirke, who has reconsidered some of the suggestions made by the Hon. Sandra Kanck and been persuaded to some extent of the merit, although in most instances not all the way. With respect to the time that machinery etc. is to be left on properties, where she was suggesting three months, we suggest 28 days.

On behalf of the Opposition I must say that we still support the basic thrust of this legislation and we are pleased with the Bill as amended in the Lower House. The amendments moved by the shadow Minister sought to protect the special position of Coober Pedy and there is another fine adjustment in our amendments here with respect to that. In essence, this Bill will see a legislative framework revamp which should see great opal mining initiatives in South Australia. Although figures are notoriously unreliable for opal production, most estimates indicate a serious decline in the output in recent years. In part this is due to better opportunities in the interstate fields because of legislative changes made in their jurisdictions. The Mintabie field is a clear example of this. In Mintabie the population has declined to one-fifth of that seven years ago. This also implies a decline in output of the same proportion.

The Opposition is committed to more opal mining. This measure at least sets the legislative framework to help this process. The Opposition is also committed to ensuring that Coober Pedy and its special character are preserved, and I am sure that the Hon. Sandra Kanck appreciates that. The shadow Minister made a commitment to protect the major working fields of Coober Pedy, and the Opposition is also committed to the establishment of a select committee to oversee the operation of this legislation in three years. That has been agreed in the other place. I will strengthen that further if the amendments that I will move are accepted.

Since the passage of this legislation through the other place we have had time to fine tune these measures to protect the Coober Pedy region. The amendments that I will move will set a boundary around the major working areas. They will also increase from 14 to 28 days the period of time throughout the Bill for the return of seized equipment. These provisions represent a basic fairness to all involved. The Minister has made a firm commitment to see all interested parties in the consultation process. We welcome that and, consequently, we will not support an amendment that has been proposed by the Democrats to enshrine in the legislation any one organisation. In our view, this is not a proper use of the legislation, but we believe that the organisations of miners in opal fields throughout South Australia must be heard. I commend the amendments that we will move to the Committee and I hope to solicit support from other members of the Committee in passing this very important legislation.

Clause passed.

Clauses 2 to 12 passed.

Clause 13—'Major working areas—Coober Pedy.'

The Hon. SANDRA KANCK: I move:

Page 11, line 23—Leave out 'or areas'.

Before I elaborate on the amendment, I want to respond to what the Hon. Mr Roberts said. This clause is probably one of the most significant clauses in the Bill because it represents an amendment that the Opposition has already been able to secure to this Bill. It has set up Coober Pedy as a unique place. My personal view about opening up our opal fields in the way this Bill does is that it will not be for the benefit of South Australia, and it would have had a very bad impact on Coober Pedy.

Coober Pedy is a unique place, and its uniqueness is based on the individual opal miners who could be described as colourful characters in some cases. Since I became aware of this Bill, I have been concerned that that individuality would disappear from Coober Pedy with the advent of larger corporations in the field. As it is currently worded, this clause is a welcome one. However, as I said in my second reading speech, it is important that if, as the Government says, this Bill represents what the opal miners themselves have asked for, in the Coober Pedy area it should be what they have asked for, and that is what I am attempting to do. They wrote to me on 14 November and said, 'We don't want ODLs within worked areas at all, but would like to see major working areas consolidated into one large area with a buffer zone around all of it.'

Given that I am attempting to make sure that this Bill is what the opal miners have asked for, I have moved this amendment so that we have one working area, rather than, as it currently is, an area or areas within the Coober Pedy

precious stones field. It is there to represent what the miners of Coober Pedy are saying themselves.

The Hon. K.T. GRIFFIN: I oppose the amendment. The area of the Coober Pedy precious stones field is about 5 000 square kilometres. The working area, where Coober Pedy proper is, is about 500 square kilometres. It is a huge area. The Government is of the view that the amendment is not acceptable because it limits us to one major working area. It may be that that is all there will be, but at least we need the flexibility to be able to have more than one if that becomes appropriate, particularly in the context of the huge area that is currently within the precious stones field.

The Hon. R.R. ROBERTS: The Opposition does not support this amendment. We believe that the inclusion of the amendment that I will move covers more precisely what is being achieved. The Attorney-General has pointed out that it is not just the one working area. I am advised that the amendment that I will move after this amendment has been dealt with advantages more miners in Coober Pedy than would otherwise have been the case. Therefore, we will not support this amendment, but we will encourage the Democrats to support the Opposition's amendment, which covers this area.

Amendment negatived.

The Hon. R.R. ROBERTS: I move:

Page 11, after line 24—Insert new subclauses as follows:

(1a) A major working area identified under subsection (1) must include a buffer zone around all extensively worked areas within the major working area (as determined according to circumstances in existence at the time that the regulation establishing the major working area is made).

(1b) The buffer zone under subsection (1a) must (at the time that the buffer zone is established) be at least 500 metres wide at any particular point.

I explained it when addressing clause 1.

The Hon. K.T. GRIFFIN: I understand the principle of the amendment. The Government had intended that this would be addressed in a regulation, which would be more precisely drafted. The difficulty with the amendment is that it lacks some definition, for example, what is a buffer zone? How does one relate that to all extensively worked areas? In subclause (1b) one might also ask how one measures the 500 metres at any particular point. From where is that point measured to what point? There are some major difficulties of definition with this proposal and, while I do not have any disagreement with the spirit of it, it is more appropriate to address the issue in regulations.

The Hon. SANDRA KANCK: The Democrats support this amendment. The amendment that I had on file was identical in almost every way except mine was referring to one area as opposed to the Opposition's 'areas'. I would be interested to know from the Attorney why 500 metres was settled upon by the Government for the buffer zone in the first place? The Coober Pedy Miners Association has indicated that it would like it to be two kilometres. From my briefing, I understand it would be minimally 500 metres, which means in some places it will be more than that. I am curious to know why 500 metres was settled on.

The Hon. K.T. GRIFFIN: From my information, it was because after talking to all of the miners at Coober Pedy, and not just those who are members of the association, 500 metres seemed to be a fair and reasonable provision.

Amendment carried.

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

Page 11, line 35—Leave out 'precious stones claims' and insert 'tenement'.

It is a technical amendment. The use of the word 'tenement' is intended to cover both opal development leases and precious stones claims. I am assured that it is essentially a drafting matter.

Amendment carried; clause as amended passed.

Clauses 14 to 19 passed.

Clause 20—'Registration of tenement.'

The Hon. SANDRA KANCK: I move:

Page 17, lines 8 to 13—Leave out subclause (7).

Since first becoming aware of the Bill's existence, and it was probably in the last two weeks of last session that I did become aware of it, I have been concerned that the Bill is not designed to help the small opal miner. In fact, in the last two weeks of the last session I had an urgent telephone call from the Coober Pedy Opal Miners Association concerned that the Opal Mining Bill would be introduced at that late point in the session. I indicated that I would not be able to deal with it at that time, so I certainly would not have supported its passage then. The concerns that I have that the Bill will not help the small opal miner have been reinforced for me as I have further researched the Bill. I put some of those concerns on record during my second reading speech.

I made a mistake in that speech when I was talking about clause 20(7) because I referred to it as clause 17(7). It is possible that the Attorney-General did not answer my question about whether 'may refuse' means automatic refusal because he did not know which part of the Bill I was talking about. In any event, in summing up, the Attorney-General confirmed my understanding that a company with a mining exploration lease could make an arrangement with a precious stones prospector. It does not seem necessary, as it is in clause 20(7), to prevent the opal miner from prospecting in the same area. Given that BHP already has large leases in the Coober Pedy area, I am concerned that this particular subclause would be used to freeze out the small opal miner. Therefore, I move for its deletion.

The Hon. K.T. GRIFFIN: I do not agree with the amendment. Prior application does have to take precedence. It has to be remembered that an exploration licence within the Coober Pedy precious stones field can be applied for only in an opal development area which has first to be approved by the Minister in consultation with miners' associations. These areas would be only on the outskirts of the precious stones field, well away from the major working area. To remove subclause (7) undermines the general principle of registration or acceptance in accordance with the order of priority in which applications are made or claims are made.

The Hon. R.R. ROBERTS: I understand that my colleague in another place has had discussions with the Coober Pedy Opal Miners Association about this and the Opposition will not support this amendment.

Amendment negatived.

The Hon. SANDRA KANCK: I want to ask a question about subclause (8), which refers to a public undertaking. It provides:

The Mining Registrar cannot register a precious stones tenement if to do so would be inconsistent with a public undertaking by the Minister to the mining industry.

What sort of public undertaking will we be talking about? How would it be recognised as having occurred?

The Hon. K.T. GRIFFIN: It is part of the native title package of amendments. We put those in the native title

legislation earlier this year and it is in exactly the same form. It is all directed towards issues of recognition of native title, protections for those who might otherwise be prejudiced if the public undertaking was not given. It is designed to deal with those issues of native title.

Clause passed.

Clauses 21 to 28 passed

Clause 29—'Removal of machinery.'

The Hon. SANDRA KANCK: I move:

Page 21, line 24—Leave out '14 days' and insert 'three months.'

I have moved this amendment because, as I said in my second reading speech, it seemed to me that the period of 14 days was extraordinarily short. I said then that I had been informed that it can take three months to get a part for some machinery from overseas, and it seemed to me to be inordinately quick. From the point of view of some sense of social justice, I thought we needed to extend that period of time from 14 days and, given that the draft Bill that I had in March this year started off with three months, it seemed to me that three months was a reasonable time to allow, for instance, a machinery part to be brought in from overseas. Similarly, of course, when we get to my next two amendments, wherever it is 14 days I would want to alter it to three months.

The Hon. R.R. ROBERTS: I move:

Page 21, line 24—Leave out '14 days' and insert '28 days'.

Quite obviously, from this amendment one sees that we do not agree with the amendment moved by the Hon. Sandra Kanck. I understand that my colleague in another place has had discussions with the mining fraternity at Coober Pedy and others and, having taken into consideration the second reading contribution of the Hon. Sandra Kanck, is persuaded that 14 days is probably too short. He is obviously not convinced that three months is the correct period but, in the interest of basic fairness, he is prepared to support 28 days. Most of the things that the Hon. Sandra Kanck wishes to achieve, and a fair and equitable system, would be provided for those miners at Coober Pedy. I ask the committee to support my amendment. I point out that there are two following amendments that will be consequential, and I do not intend to speak again. I remind the Committee that that is about to occur and seek their support in those areas at the same time.

The Hon. K.T. GRIFFIN: I indicate support for the Hon. Ron Roberts's amendment. The Government is persuaded that the 14-day period is too short and that 28 days is more reasonable. It must be remembered that the period begins to run after the tenement has been deserted or has lapsed. Frequently that may already be some months, usually characterised by broken down machinery, not working on the place and no sign of human activity. So, 28 days is not an unreasonable period of time during which the property could be held before being disposed of.

The Hon. Sandra Kanck's amendment negatived; the Hon. R.R. Roberts's amendment carried.

The Hon. R.R. ROBERTS: I move:

Page 21, line 27—Leave out '14 days' and insert '28 days'.

This amendment is consequential.

Amendment carried.

The Hon. R.R. ROBERTS: I move:

Page 21, line 30—Leave out '14 days' and insert '28 days'.

The amendment also is consequential.

The Hon. K.T. GRIFFIN: We support it.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 21, lines 31 and 32—Leave out all words in these lines after 'goods' in line 31.

As currently worded, I think this provision gives the department an enormous amount of power, and other clauses that will follow if this amendment is passed will give clear guidelines to the department as to how to proceed, having taken possession of those goods and machinery. The question of selling or disposing of those goods and machinery would then arise further down the line.

The Hon. R.R. ROBERTS: Our amendment is the same, and we support this.

The Hon. K.T. GRIFFIN: We support this.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 21, after line 21—Insert new subclauses as follows:

(3a) The Chief Inspector must, within seven days after taking possession of machinery or goods under this section—

(a) give notice of his or her actions to any person who has, to the knowledge of the Chief Inspector, an interest in the machinery or goods and whose address is known to the Chief Inspector; and

(b) publish notice of the taking of possession of the machinery or goods in a newspaper circulating within the local area.

(3b) A notice must be in a form approved by the Director for the purposes of this section.

(3c) A person who is entitled to possession of the machinery or goods may reclaim them by paying to the Chief Inspector the reasonable costs associated with the Chief Inspector taking possession of the machinery or goods and storing them.

(3d) If the machinery or goods are not reclaimed under subsection (3c) within two months after publication of the notice under subsection (3a)(b), the Chief Inspector may sell or dispose of them as the Chief Inspector thinks fit.

I have moved to insert this amendment so that it gives the departmental employees clearer guidelines as to how to act, having taken possession of the goods and machinery. I have based this on the procedures for dealing with abandoned goods as set out in the Residential Tenancies Act, which I dealt with in the last session. For me this is at least a question of consistency in my dealings with legislation. The amendment ensures that the owners of the equipment, provided that they are still living in the area, are more likely to know that the department has taken possession of the equipment and that they can take steps to regain it. The amendment provides that the department can recover costs from the owner, which I think is only fair but, if the owner does not reclaim the goods within two months, at that point the department can sell or dispose of them, as was the original intention in that clause.

The Hon. K.T. GRIFFIN: We support it.

The Hon. R.R. ROBERTS: I move:

Page 21, after line 21—Insert new subclauses as follows:

(3a) The Chief Inspector must, within seven days after taking possession of machinery or goods under this section—

(a) give notice of his or her actions to any person who has, to the knowledge of the Chief Inspector, an interest in the machinery or goods and whose address is known to the Chief Inspector; and

(b) publish notice of the taking of possession of the machinery or goods in a newspaper circulating within the local area.

(3b) A notice must be in a form approved by the Director for the purposes of this section.

(3c) A person who is entitled to possession of the machinery or goods may reclaim them by paying to the Chief Inspector the reasonable costs associated with the Chief Inspector taking possession of the machinery or goods and storing them.

(3d) If the machinery or goods are not reclaimed under subsection (3c) within 28 days after publication of the notice

under subsection (3a)(b), the Chief Inspector may sell or dispose of them as the Chief Inspector thinks fit.

We have already explained this amendment, which I ask the Committee to support.

The Hon. K.T. GRIFFIN: I was mistaken in initially indicating support for the Hon. Sandra Kanck's amendment, which is consistent with the amendments that she lost earlier. The Hon. Ron Roberts's amendment has a consistent time frame with the amendments earlier approved and, accordingly, I indicate support for his amendment.

The Hon. Sandra Kanck's amendment negatived; the Hon. R.R. Roberts's amendment carried.

The Hon. SANDRA KANCK: I move:

Page 21, line 35—After 'possession' insert ',storing'.

This amendment follows from the last two amendments and allows the department to recoup any costs of storage of impounding the goods and machinery, which I think is only fair.

The Hon. R.R. ROBERTS: We support it.

The Hon. K.T. GRIFFIN: I support it.

Amendment carried.

The Hon. SANDRA KANCK: I move:

Page 22, line 7—Leave out 'three months' and insert 'two months'.

Often in the summer months, when it can be extraordinarily hot in Coober Pedy, miners simply pack up and leave, and they are not out mining during that period. If this possession of goods takes place, they will not know about it. With the Bill in its original form, when the time that would be available from when the possessions could be seized and sold was 14 days, it seemed that three months was quite a reasonable time within which to put in a claim for refund of the money.

The Hon. K.T. Griffin: Why change it?

The Hon. SANDRA KANCK: Because when I moved that it would be three months before the goods could be sold after seizure it seemed that one month was all that was required. The position is that it will be 28 days before the goods can be taken hold of and sold. As it currently stands they could be sold on the same day they are grabbed, or at least within a short space of time. In those circumstances it seems that it would be fair to allow two months, because the miners can be away in the hot summer months for up to three months at a time. We may be moving a little too quickly to allow fairness for the miners in those circumstances. I therefore have moved to allow two months to make that claim for the return of the money.

The Hon. K.T. GRIFFIN: I do not support the amendment. The subclause states:

The previous owner of machinery or goods that have been sold under this section may, within three months after the day of sale, on application to the Chief Inspector, claim some or all of the balance paid to the Treasurer under subsection (4)(b).

The money is held once the goods have been sold and the former miner has three months within which to make a claim, otherwise it is forfeited. I see no reason to limit it to two months, as the three months is perfectly reasonable. In the circumstances I do not agree with the amendment.

The Hon. R.R. ROBERTS: The owner of the goods is better off under the proposal than under the amendment, so I will not support it.

Amendment negatived; clause as amended passed.

Remaining clauses (30 to 99) passed.

Schedule 1.

The Hon. SANDRA KANCK: I move:

Page 59, after line 29—Insert new clause as follows:

Recognition of Coober Pedy Miners Association

5. The Coober Pedy Miners Association Inc. will, on the commencement of this clause, be taken to have been granted an approval under section 96 to act as an approved association for the purposes of this Act.

In my second reading speech I asked the Attorney-General about the concept of an approved association because it seems to be liberally sprinkled throughout the Bill. I said that my understanding was that approved associations are organisations which represent and cover for their members in areas outside proclaimed fields and where bonds are not lodged. The Coober Pedy Miners Association does not fit into that category, and I am therefore moving to specifically include it. Otherwise, we are placed in a position where we must trust the Government to make sure that it is included in that term, and I do not think that is good enough.

The Hon. K.T. GRIFFIN: The Government does not support the amendment. We do not believe that any one association ought to be given that special treatment at this stage. There may be others. My understanding is that that approved association is relevant in respect of those areas outside the precious stones field and certainly covers on behalf of its members the obligations in relation to rehabilitation. We do not believe that it is appropriate to be recognising this or any other association specifically in the legislation. It ought to be able to be dealt with under clause 96 in the ordinary course of the administration of the Bill.

The Hon. R.R. ROBERTS: I did point out in my brief contribution to clause 1 that the Opposition does not believe that this is the correct way to use the legislation, but we have pointed out that we do believe that organisations of miners in each opal field ought to be heard in relation to matters that affect those fields. We will not be supporting this amendment.

Amendment negatived; schedule passed.

Schedule 2.

The Hon. SANDRA KANCK: I move:

Page 61, after line 1—Insert new subclause as follows:

(4) The Minister must not make a declaration under subsection (1) that applies to land within the Coober Pedy Precious Stones Field until after the third anniversary of the commencement of this section.

In this schedule, subclause 8A(1) allows the Minister by notice in the *Gazette* to declare an opal development area. I mentioned in my second reading speech that I gained the understanding from my briefing on the Bill that opal development areas will not be allowed in the Coober Pedy Precious Stones Field until after a review of this Act takes place in three years' time. In fact, the Coober Pedy Miners Association has said this has been a definite promise to them. All this amendment is doing is putting that promise into the Act, and there can be certainly no harm in that.

The Hon. K.T. GRIFFIN: The Government will not support this. It really means that within the Coober Pedy Precious Stones Field there will be no declaration of an opal development area for three years, remembering that that precious stones field is something like 5 000 square kilometres. I think the matter has to be left to be administered on the basis that, before the granting of an exploration licence can occur, there is a consultation process. The amendment does really go against the purpose of the Bill in opening up untouched areas of the field for exploration purposes.

The Hon. R.R. ROBERTS: The Opposition will not be supporting this amendment.

Amendment negatived; schedule passed.

Title passed.

Bill read a third time and passed.

SUPERANNUATION (CONTRACTING OUT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 414.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. The Bill deals with the superannuation situation for the increasing number of public servants who are contracted out to private sector operators. We are not arguing with the Government's intention of cutting out double dipping in the sense that some public servants or ex-public servants presently with private sector organisations have access to their superannuation pension while drawing a full wage. The biggest problem with this Bill arose from the fact that there had been absolutely zero consultation with the public sector union prior to the introduction of the Bill. The Treasurer was caught out on this issue and had to apologise to members in another place.

However, the Government has made amends literally and has introduced some amendments that are satisfactory to the PSA which will iron out one of the potential injustices which might have arisen from the Bill as it stands. Since the shadow Treasurer has already raised a number of matters in respect of this Bill which have been answered by the Treasurer to the satisfaction of the member for Playford, we will not delay the passage of the Bill any longer. Accordingly, the Opposition supports the second reading.

The Hon. K.T. GRIFFIN (Attorney-General): On behalf of my colleague the Hon. Robert Lucas, I thank members for their indications of support for this Bill.

Bill read a second time.

In Committee:

Clauses 1 to 8 passed.

Clause 9—'Insertion of ss. 39B and 39C.'

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

Page 5, lines 1 to 7—Leave out subsection (4) and insert the following subsections:

(4) Where a contributor has made, or is taken to have made, an election under subsection (1)(a), section 39 applies to, and in relation to, the contributor except that (subject to subsection (4a))—

(a) section 39(5) (instead of section 39(2)) applies to, and in relation to, a contributor whose contribution period is less than 120 months; and

(b) the contributor is not entitled to require the Board to commence paying a retirement pension under section 39(5)(a), and the Board must not commence paying such a pension under that provision, until the contributor has reached the age of 55 years and has ceased employment with the private sector employer.

(4a) A contributor who has made, or is taken to have made, an election under subsection (1)(a) and whose contribution period is less than 120 months may inform the Board in writing within one month after resigning that section 39(2) and not section 39(5) is to apply to, and in relation to, the contributor and in that case—

(a) section 39(2) applies to, and in relation to, the contributor; but

(b) the contributor is not entitled to require the Board to make a superannuation payment under section 39(2)(a) and the Board must not make a superannuation payment under that provision until the contributor has reached the age of 55 years and has ceased employment with the private sector employer.

(4b) If the Board is of the opinion that the limitation period referred to in subsection (4a) would unfairly prejudice a contributor, the Board may extend the period as it applies to the contributor.

This is not one of the Bills for which I have responsibility in this Chamber, but I am sure that this amendment, which is in the name of the Minister for Education and Children's Services, has been agreed as a result of the issues raised in another place. On that basis, I am happy to move it.

The Hon. CAROLYN PICKLES: The Opposition supports the amendment. As I indicated in my second reading speech, there was no consultation with the PSA, and following this matter being brought to the attention of the Treasurer this amendment was drafted and we are happy to support it.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

OFFICE FOR THE AGEING BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Bill establishes the Office for the Ageing and the Advisory Board on Ageing and repeals the Commissioner for the Ageing Act 1984.

It is the Government's view that this legislation is necessary to give effect to needed reform of the Government's responsibility for the aged.

This Government has a long-term commitment to the aged in our community, and this Bill will provide a strong public profile on ageing issues.

This Bill complements other Government initiatives of our commitment to the wellbeing of South Australia's senior citizens. The development of the 10 Year Plan for Aged Services is a major step in ensuring the long-term interests of both older people and the State as a whole.

The passage of this Bill will allow the development of this Plan for Aged Services and ensure that the Office for the Ageing will continue to involve other Government Departments in the consideration of the needs of older people.

In July 1995 a review of the role, function and structure of the Office of the Commissioner for the Ageing was commenced. A discussion paper was widely distributed and commented upon. There was general agreement to proceed along the lines suggested by the paper.

On 31st August 1995 a further document was released, consolidating proposals and suggesting the changes that are now contained in the Bill.

There has been lengthy and detailed discussion on the proposed changes with the key aged care organisations and the Government believes there is general support for the changes as proposed in the Bill. Indeed, the ageing community is very supportive of these changes and their assistance in this process is acknowledged. The Government is particularly grateful to the organisations for the aged, such as the Council on the Ageing, for their interest in and support of the Governments move to strengthen and broaden its involvement in this area.

The Bill seeks to broaden the input provided through the Office to the Government and strengthens the policy and planning functions of the Office.

Specifically the draft Bill provides for the establishment of the Office for the Ageing which will be led by a Director, and for the establishment of an Advisory Board on Ageing.

The Director will report directly to the Minister for the Ageing. The Office will be established under the *Public Sector Management*

Act, as part of the Family and Community Services administrative unit.

The primary outcome of the Bill is to ensure that Government policies, strategies and programs provide maximum benefit to older persons; and promote and support safe, healthy, contributive, and satisfying roles for older people in the community.

To achieve this, the Office for the Ageing will be responsible for providing the strategic planning and policy development required to lead Government public policy for older persons. It will also be responsible for consulting with organisations of older people, service providers, community organisations, universities and other relevant groups in order to ensure that their views are heard and incorporated into Government policy.

While these are the primary objectives and functions of the Office for the Ageing, the other current objectives and functions contained in the Commissioner for the Ageing Act 1984 remain relevant and are included in the drafting of the new Bill.

The Office for the Ageing will provide a strategic report on across Government issues through the Minister for the Ageing to Cabinet, or the appropriate committee of Cabinet, at six monthly intervals.

The Office for the Ageing will provide a performance statement concerning agreed upon performance targets to the Minister for the Ageing on an annual basis.

The Office for the Ageing should have the ability to plan, administer or co-ordinate programs that may assist the ageing (Functions of the Office 5*(c)(m)*(new clause)).

This will allow the development of the 10 Year Plan for Aged Services, and ensure that the Office continue to involve Government Departments in the consideration of the needs of older people. It also allows for the administration of particular programs, such as Home and Community Care.

The proposal to establish an Advisory Board on Ageing is new and very important. It will provide an opportunity for broader input to the Minister for the Ageing on ideas for the future, issues and concerns regarding ageing and the needs of older South Australians.

The Advisory Board would comprise up to six people (8(2)*(b)*), and at least two members of the Board shall be women and two men (8(3)).

Board members shall be selected for their ability to contribute as individuals, based on their knowledge, experience or standing in the ageing field. Members should not be directly representative of organisations, however, it is likely that several members would be selected from organisations in the field of ageing.

Whilst the new Board on Ageing will provide the Minister with additional independent advice, the present consultative structures will be maintained under the new arrangements, and the Older Persons' Advisory Committee is to be retained with its broad organisational and consumer base.

The Director of the Office will be ex-officio on the Advisory Board (8(2)*(a)*).

The Minister will designate one of the members other than the Director, to be the presiding member (8(b)).

The Board is to advise the Minister, either on its own initiative, or at the request of the Minister (9).

The Government has taken this initiative to strengthen its focus on ageing at a time when the issue of ageing in the community is one of ever increasing importance. This will ensure that the Government's 10 Year Plan for Aged Services can be implemented in an effective way across the whole of Government, and provide demonstrated leadership in the community.

Population predictions clearly show that there will be significant growth in the proportion of people over the age of sixty-five in Australia in the next decade and particularly in the numbers of the very old.

At the same time there are changing community expectations about the role and contribution of older people within the community. Older people themselves have expectations about their lifestyle and about the ways that services provided will protect and promote independence and dignity.

The Minister for the Ageing will continue to be responsible for co-ordinating Government policy affecting older people, and for the development of policies, strategies and priorities to promote and protect the interests of older South Australians.

This Bill provides a legislative framework which will give a strong public profile for ageing, strengthens the role and function of the Office for the Ageing, and gives the community a greater input into the needs, services, and policy development on ageing issues in South Australia.

I commend the Bill to the House.

Explanation of Clauses

PART 1 PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

PART 2 OFFICE FOR THE AGEING

Clause 3: Office for the Ageing

The Office is established by this clause as part of the public sector. It consists of the Director and public service employees assigned to assist the Director.

The Director is a public servant whose appointment (or termination of appointment) must be approved by the Minister.

Clause 4: Objectives of Office

The objectives set out in this clause are the same as the current objectives of the Commissioner for the Ageing set out in section 6 of the current Act (the *Commissioner for the Ageing Act 1984*).

Clause 5: Functions of Office

The functions set out in this clause are similar to the current functions of the Commissioner for the Ageing set out in section 7 of the current Act.

However, paragraph *(a)* is an additional function:

- to assist in the development and co-ordination of State government policies and strategies affecting the ageing and for that purpose to consult with the ageing, providers of services to the ageing, organisations for the benefit of or representing the interests of the ageing and other relevant persons.

Paragraph *(m)* expands on the functions set out in section 7(1)*(l)* of the current Act. Current paragraph *(l)* reads: to assist in the co-ordination of programs and services that may assist the ageing. New paragraph *(m)* expands this to include planning, coordinating or administering or assisting in planning, coordinating or administering, programs and services that may assist the ageing.

The clause provides in addition that the Minister may assign further functions to the Office (see paragraph *(p)*).

Other minor alterations have been made to take account of the fact that the Director will perform functions performed under the current Act by the Commissioner for the Ageing.

Clause 6: Annual report

The Director is required to provide the Minister with an annual report to be tabled in Parliament.

Clause 7: Delegation by Director

This clause provides for delegations by the Director.

PART 3 ADVISORY BOARD ON AGEING

Clause 8: Advisory Board

This clause requires the Minister to establish an Advisory Board on Ageing.

The Board is to consist of the Director and between 3 and 6 other persons. The members are to be appointed as individuals and not as representatives of any particular public or private sector organisation. The presiding member will be selected by the Minister from the appointed members.

The maximum term of office is 4 years.

The Director will provide administrative services to the Board.

Clause 9: Functions of Advisory Board

The function of the Board is to advise the Minister on issues relating to ageing either on its own initiative or at the specific request of the Minister.

SCHEDULE Repeal

The schedule repeals the *Commissioner for the Ageing Act 1984*.

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

WATER RESOURCES (IMPOSITION OF LEVIES) AMENDMENT BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

On 28 September the Minister for the Environment and Natural Resources presented to Parliament a water plan for South Australia,

entitled *SOUTH AUSTRALIA—OUR WATER, OUR FUTURE*. The first part of this plan contains a statement of the Government's policy on managing the water resources of this State so that our rivers and streams and groundwater aquifers can be developed in an ecologically sustainable manner. The policy has drawn together community views, the national water policy reform agenda, and the wider environmental, economic and social goals of the Government.

The proposed amendment to the Water Resources Act, which provides for effective pricing of our precious water resources, is consistent with the Government's intention to provide long term security of supply through more careful management of demand. A small levy placed on the extraction of bulk water by the major users of water will signal the very high value which the community holds for that scarce resource.

While South Australia has sufficient volumes of water (about 4 000 gigalitres per year is available from surface and groundwater resources), our biggest problem is with the quality of that water. Good quality water is a scarce resource in South Australia. Salinity levels continue to rise in the River Murray and in the groundwater aquifers of the South East. Algal blooms are indicative of rising nutrient levels in our waters, particularly nitrogen and phosphorous. The environmental health of our rivers and streams, both urban and rural, is of great concern to all South Australians.

Seventy percent of the water used in South Australia is for irrigation, providing our economy with a farm gate value of more than half a billion dollars. Another twenty five percent of our water is used in urban areas for domestic and industrial purposes. Irrigated agriculture and urban water supply are the major users of South Australia's water resources. They add great value to the economy, but this value is very dependent upon the quantity and quality of the water which they use.

A levy will encourage careful use of water, and it will discourage over-use and abuse. It will achieve consistency with practice in New South Wales and Victoria, both of which have imposed a charge on water resources for a number of years. A levy will remove some of the barriers which prevent irrigators and other developers in South Australia from obtaining more water through interstate trade. In some cases, where water is being used for very little added value, a levy will provide an incentive for an individual to either increase the value of production, or to sell his or her water entitlement for use by some other person in an area of higher value production, thereby ensuring that this State can retain a competitive economic advantage while ensuring the sustainability of the resource.

This amendment provides for a community which uses and benefits from a particular water resource to contribute to its sustainable future. The funds raised from a levy on water will be directed towards the costs of managing the resource, and for no other purpose than that.

We believe that the community is more willing to pay when it has a say on where the revenues will be spent. Building on the recent Catchment Water Management legislation, we will be seeking strong community input into the priorities for expenditure. It will be the community, through their catchment management plans, who will be setting the directions for spending.

This Government, more than any previous government in South Australia, or any other government in Australia, is actively encouraging the community to become involved in managing their water resources as a vital environmental imperative. I refer again to our recent policy statement on water resources:

> *The Government seeks to provide regional communities with the ability to manage regional water resources and to provide the means by which communities can become financially self-sufficient in this endeavour.*

This is the key to effective water resources management: involve the community, not just as advisers, but as the *doers*.

Local and regional community managers need a carefully defined and legally supported role, but they also need funds. New funds; not just re-cycled funds from existing programs. New funds to accomplish more than we can now. Because, quite frankly, we are presently losing the race against a deterioration in the quality of our water resources.

If we don't accelerate our efforts against salinity and carp in the Murray, against nutrients, erosion and weeds in the streams of the Mount Lofty Ranges, against falling groundwater pressures in the Northern Adelaide Plains, against rising groundwater levels in the Upper South East and Murray Mallee; then we will seriously threaten the economic recovery of this State by irreversibly damaging its water environment.

The Government has a role, and the community has a role. The community has the hands on knowledge of the problems. They have ideas for solutions. They can readily see the opportunities. The community has the energy and the enthusiasm and the incentive to save what is most precious to them—their water resources.

Let us give the community the tools to do the job. It is the role of the Government to remove the barriers and create the circumstances whereby local people can manage local problems. The Government can provide data and information, and it can provide the legal framework for effective resource management. But it cannot provide the necessary hands on, local management. This amendment to the Water Resources Act is focussed on providing the community with the ability to raise the finance it needs to deliver its part of the task.

The Catchment Water Management Act, which was proclaimed in May this year, embodies the twin aims of both involving and resourcing the community. This amendment builds on that success. We have established catchment management boards for the Patawalonga and Torrens catchments, and those boards are attacking the stormwater pollution problems of Adelaide with great enthusiasm and with considerable financial resources. Discussions are under way within the community to establish at least three more boards as soon as possible: for the Onkaparinga River, the Gawler River, and the River Murray.

Our part of the River Murray is, of course, the tail end of the million square kilometre Murray Darling Basin. The South Australian Government contributes about $14 million per year to the Murray-Darling Basin Initiative. Most of this money is spent on our share of maintaining the dams, the locks and weirs, the barrages and the salinity mitigation schemes. Insufficient funds are available for managing the catchment and improving the quality of water.

There is now a great opportunity for South Australia to lead a national revival of the River Murray, triggering a joint Murray-Darling catchment management program with the Commonwealth, New South Wales, and Victoria, which could total $300 million over five years. We have called it the Murray-Darling 2001 Project, and it is an attempt to achieve a quantum increase in the catchment management effort.

The contribution from the major users of River Murray water in South Australia would be relatively small, between $3 million and $10 million per year, but the impact on the quality of River Murray water would be substantial. In South Australia we would be targeting such work as re-vegetation of the streambanks, wetland management on the floodplains, removal of the remaining sewage effluent lagoons adjacent to the River Murray, rehabilitation of ageing irrigation infrastructure, incentives for improved irrigation methods and equipment, accurate measurement of water diversions (particularly in the gravity irrigation areas of the Lower Murray), and much needed research into fish management.

Here we have an excellent example of the need for this amendment to the legislation. And there is some urgency to make this amendment if we are to maximise our opportunities. The Premier and the Minister for the Environment and Natural Resources are having discussions with their counterparts in the other governments, but their efforts and credibility must be backed by a solid financial commitment from this State.

On 11 April 1995 the Council of Australian Governments (COAG) committed itself to a strategic framework for water reform. One of the key elements of this package of reforms is water pricing and cost recovery. Consequently, it is the aim of all governments to introduce pricing regimes based on the principles of user pays, full cost recovery, and full transparency of any remaining cross subsidies and community service obligations. The amendment before you is totally consistent with the national agenda for water reform, and is totally consistent with the principles and objectives of the *National Strategy for Ecologically Sustainable Development* which was endorsed by COAG in December 1992.

I believe that this amendment will help South Australia to achieve identified world best practices for the management of water resources, and that it is part of the solution for managing a scarce, publicly owned natural resource.

Explanation of Clauses

Clauses 1 and 2:

These clauses are formal.

Clause 3: Amendment of s. 4—Interpretation

This clause adds two new definitions to section 4 of the principal Act. Section 32 of the principal Act entitles a riparian owner to take water for domestic use and for watering stock not being stock subject to intensive farming. Section 38E(1)*(d)* inserted by the Bill, provides

that water may be used for domestic purposes or for watering stock not being stock subject to intensive farming. The definition of "domestic purpose" limits the meaning of that term.

Clause 4: Amendment of s. 29—Powers of authorised officers

This clause makes consequential amendments to section 29 of the principal Act. Paragraph *(a)* provides the power to read meters so that the amount charged for water taken can be determined. The additional powers included by paragraph *(b)* will assist in assessing the quantity of water taken where a meter is not installed. For example electricity accounts may assist in determining the volume of water delivered by a pump.

Clause 5: Amendment of s. 31—Right of Minister to water

Clause 5 amends section 31 of the principal Act to exclude from stock watering rights the watering of stock subject to intensive farming.

Clause 6: Amendment of s. 32—Riparian rights

Clause 6 makes a similar amendment to section 32 of the principal Act.

Clause 7: Amendment of s. 34—Taking water from a proclaimed watercourse, etc.

Clause 7 makes a consequential amendment to section 34 of the principal Act. New subsection (3) provides that water taken illegally will be charged at the excess rate.

Clause 8: Amendment of s. 35—Licences for taking water

Clause 8 makes a consequential amendment to section 35 of the principal Act.

Clause 9: Amendment of s. 38—Contravention, etc., of licence

Clause 9 adds subsection (3) to section 38 of the principal Act. The new subsection will enable the Minister to cancel a licence if a levy is not paid within 28 days.

Clause 10: Insertion of Division 3A in Part 4

Clause 10 inserts new Division 3A into Part 4 of the principal Act. This Division enables the Minister to impose levies for the right to take water (which is based on the water allocation) and for water taken. Section 38C provides for liability for levies. Where the taking of water can be related to land subsequent owners and occupiers of the land are liable in addition to the person primarily liable (subsection (4)). Sections 38G and 38H provide that levies are a first charge on the land and that the land may be sold for non-payment of levies. Levies are payable even though the taking of water has been prohibited or restricted (section 38C(9)). Section 38E provides that the volume of water taken must be determined by meter readings if a meter has been installed.

If a meter has not been installed the Minister must estimate the volume of water taken on one of the bases set out in subsection (1)*(c)*. A person who is dissatisfied with the Minister's assessment can only appeal against it on the ground that it was not made in good faith (subsection (4)). Section 38J provides that money paid by way of a levy can only be used for limited purposes all of which are related to the water resources of the State.

Clauses 11 and 12:

Clauses 11 and 12 make consequential amendments to section 70 and 83 of the principal Act.

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

ENVIRONMENT PROTECTION (FORUM REPLACEMENT) AMENDMENT BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The *Environment Protection (Forum Replacement) Amendment Bill 1995* will amend the *Environment Protection Act 1993* by removing the Environment Protection Advisory Forum (Forum) and instead substituting more appropriate consultative mechanisms.

The Environment Protection Act provides for the establishment of a Forum of 20 members whose function is to advise the Environment Protection Authority and the Minister, as well as present the views of interested organisations and the community, on matters related to the protection, restoration or enhancement of the environment.

The Forum, as presently conceived, is integral to the making of Environment Protection Policies. Specifically, the Act provides that the Forum is to have draft policies and associated supporting documentation referred to it [subsection 28(5)]. Furthermore, the Forum is to be consulted by the Authority on the provisions of draft policies, on matters raised as a result of public consultation and on any alterations that the Authority proposes should be made to a draft policy [subsection 28(10)].

As the development of Environment Protection Policies is a very important mechanism for furthering the environment protection objectives of the Act, it is clear that the Forum has a crucial role to play. To fulfil this role the Forum would need to be capable of analysing and critiquing specialist documents in a timely manner.

The Act also provides that the Forum be consulted by the Authority on an annual basis as to proposed expenditure from the Environment Protection Fund [subsection 24(5)]. Provision of advice on this matter would be another significant responsibility of the Forum.

The Government has not appointed a Forum as it has formed the opinion that it is neither the most effective nor the most efficient mechanism to obtain the input of interested organisations and the community. Consultation with representatives from a range of organisations has served to reinforce this viewpoint. Specifically, the extensive membership of the Forum and its generalist nature suggest that it would be an unwieldy body which would have significant difficulty reaching accord on the advice to be provided to the Authority and the Minister. In addition, the viewpoint and suggestions of any particular organisation, such as the Conservation Council, could easily be diluted or lost in the process of developing a Forum position. As such the Forum would not be the most effective means by which the Authority could obtain advice on the development of an environment protection policy.

A range of alternative consultation provisions are put forward in this Bill which replace the role of the Forum whilst ensuring that the Authority and the Minister have continued access to the viewpoint of relevant organisations and the community.

Specifically, the Bill provides that draft Environment Protection Policies, together with their supporting explanatory report, will be referred to prescribed bodies for comment. This will occur within the same time frame as public notification is given regarding the availability of these documents for public comment. Thus a formal mechanism has been provided which will enable the referral of the draft policies to bodies or organisations representing the interests that would have otherwise been represented on the Forum.

Similarly, in lieu of accepting advice from the Forum, the Authority will be bound to consult with and consider the advice provided by prescribed bodies on the provisions of draft policies, matters raised in public consultation and proposed alterations to draft policies. It is important to note that it is intended that the prescribed bodies referred to in this Bill be one and the same for each clause and inclusive of the stakeholders in the current Forum arrangement.

Environment Protection Policies can be of a technical nature and as such the Act currently provides that the Authority may, with the approval of the Minister, establish specialist committees to provide it with appropriate advice. The Bill to amend the Act takes this further by providing that once the Authority establishes a committee or sub-committee to advise on an environment protection policy it is bound to consider the resulting advice.

The Bill provides that the Environment Protection Authority must, at least annually, hold a Round Table Conference. The Minister for the Environment and Natural Resources, as Minister responsible for the Natural Resources Council, has been impressed with the nature of the consultation which has occurred through the convening of a Natural Resources Forum. This has provided an opportunity for the Council to interact with persons representing a wide range of interest groups. The nature of such an event enables identification of emerging issues and the formulation of advice on broad policy directions. Provision for a similar Round Table Conference in this Bill will provide opportunity for community interaction on environment protection issues.

Following the amendment of the Environment Protection Act by the *Petroleum Products Regulation Act 1995*, environmental petroleum fees have been directed into the Environment Protection Fund. As a consequence, the revenue received by this fund has increased significantly from around 5% to 55% of EPA recurrent funds. In addition there has been a change of emphasis as to the use

of the Environment Protection Fund which may now be used towards the costs of administration.

Clearly there is a marked difference between the original requirement that the Environment Protection Authority consult on specialised funding issues versus the current requirement that it consult on basic operational expenditure. It is therefore proposed that the requirement for formal consultation as to proposed expenditures of money from the Fund be removed and that the Authority instead gain an understanding of the issues important to the community through the operation of the Round Table Conference. There is no question of any lack of accountability arising through this proposal, as Office of the Environment Protection Authority expenditure is contained in the Department of Environment and Natural Resources accounts tabled at Estimates.

In summary, this Bill promotes effective consultative mechanisms under the Environment Protection Act which will provide current stakeholders with improved and direct input to the Authority in lieu of the Forum. In addition, the requirement for Round Table Conferences retains the advantages to be gained through broad-based community consultation.

I commend this Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement on a day to be fixed by proclamation.

Clause 3: Amendment of s. 3—Interpretation

This clause amends section 3 of the principal Act, an interpretation provision. The definition of 'the Forum' (the Environment Protection Advisory Forum) is removed, as is a reference to the Forum in the definition of 'appointed member'.

Clause 4: Amendment of s. 10—Objects of Act

This clause amends section 10 of the principal Act, which sets out the objects of the Act, to remove a reference to the Forum.

Clause 5: Substitution of heading

This clause substitutes a new heading to Part 3 of the principal Act.

Clause 6: Substitution of Division 2 of Part 3

This clause repeals Division 2 of Part 3 of the principal Act, which currently establishes the Environment Protection Advisory Forum.

The clause substitutes a new Division 2, consisting of one section, section 19. This new section provides that the Environment Protection Authority must, at least on an annual basis, hold a round-table conference in accordance with the section for the purpose of assisting the Authority and the Minister to assess the views of interested bodies and persons on such matters related to the operation of the principal Act or the protection, restoration or enhancement of the environment within the scope of the Act as the Authority may determine.

The Authority must endeavour to ensure that it invites to a round-table conference persons representing a wide range of interests and expertise in relation to the matters to be considered at the conference, including representatives of the community, industry and relevant environmental and professional organisations.

Subject to the section, the Authority can determine the timing, size and procedures of each conference. The person appointed to chair the Authority (or in his or her absence the deputy of that person) must be present at a conference. The person appointed to chair the Authority, or his or her nominee, must preside at a conference.

Clause 7: Amendment of s. 24—Environment Protection Fund

This clause amends section 24 of the principal Act, which establishes the Environment Protection Fund. Subsection (5) of that section currently requires the Environment Protection Authority to consult with the Environment Protection Advisory Forum on an annual basis as to the proposed expenditure of money from the Fund. This amendment removes that requirement.

Clause 8: Amendment of s. 28—Normal procedure for making policies

This clause amends section 28 of the principal Act. Section 28 sets out the normal procedure to be followed in making an environment protection policy under the Act.

Subsection (5) of section 28 currently provides that when a draft environment protection policy and a report in relation to that policy have been prepared by the Environment Protection Authority, the Authority must then refer the draft policy and report to the Environment Protection Advisory Forum (amongst others). This clause removes that requirement in subsection (5) and substitutes a requirement that, after preparation of the draft policy and related report, those documents must be referred to any body prescribed for the purposes of the section. The existing requirement (in subsection (6)) that public notice of the draft policy and related report be given when those documents are referred to the Forum is also removed and replaced with a requirement that public notice be given after preparation of the draft policy and related report.

The present requirement in subsection (10) that the Authority consult with the Forum on the provisions of the draft policy (and any alterations to it) and on all matters raised as a result of public consultation under this section is deleted and replaced with a requirement that the Authority consult on those topics with any body prescribed for the purposes of the section.

A new subsection, subsection (3a), also specifically provides that where a committee or subcommittee of the Authority is established under the principal Act to advise the Authority on the preparation or contents of a draft environment protection policy, the Authority must obtain and consider the advice of that committee or subcommittee in relation to the policy.

Clause 9: Amendment of s. 31—Interim policies

This clause amends section 31 of the principal Act. Section 31 empowers the Governor, by notice in the *Gazette*, to bring a draft environment protection policy into operation (on an interim basis) before the normal procedures under section 28 of the Act for the making and commencement of a policy have been completed. The Governor can do so if he or she is of the opinion that it is necessary for the policy to come into operation without delay.

Subsection (1) of section 31 currently empowers the Governor to exercise that power at the same time as (or at any time after) the draft policy and related report are referred to the Forum. This clause amends section 31 to remove the link to the Forum. It substitutes a new subsection (1) which empowers the Governor to specify a day of operation for the draft policy (on an interim basis) that is on or after the day on which the draft policy and related report are advertised in accordance with the normal procedure.

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

CONTROLLED SUBSTANCES (GENERAL OFFENCES—POISONS) AMENDMENT BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill is largely a "machinery" Bill which will enable the introduction of new, comprehensive Poisons Regulations.

The *Controlled Substances Act* was enacted in 1984 to regulate or prohibit the manufacture, sale, supply, possession or use of certain poisons, drugs and therapeutic goods. It was enacted to replace the *Narcotic and Psychotropic Drugs Act 1934* and the *Food and Drugs Act 1908* and has been progressively proclaimed, with concurrent repeal of all or parts of the older legislation. This has been a long and complex process, taking into account national as well as local considerations.

The stage has now been reached where promulgation of new, comprehensive Poisons Regulations under the *Controlled Substances Act* will allow revocation of existing, outdated poison Regulations. In developing the new *Controlled Substances (Poisons) Regulations*, it became apparent that a number of provisions in the Act needed amending so that they could be more effective when brought into force. The Bill seeks to make such amendments and to update penalties substantially.

An important provision of the Bill is Clause 8. Section 18 of the principal Act is somewhat anomalous in that it refers to supply or administration of prescription drugs to persons. Veterinary surgeons are, however, included in this Section, when clearly, acting in the ordinary course of their profession, they do not administer or supply drugs for the treatment of persons. The insertion of the word "animals" into this section removes that anomaly. It is also made clearer that each of the professional persons is only authorised when acting in the ordinary course of the particular profession.

Clause 8 should also assist in policing situations whereby prescription drugs (*eg* antibiotics) are obtained illegally to treat food animals without proper diagnosis of an alleged disease and without professional advice about dosage or withholding periods. This can result in unwanted residues in food.

Another significant new provision is the creation of an offence of being in possession of a prescription drug without lawful authority. Situations have occurred when known offenders have been found to be in possession of prescription drugs without them being prescribed for their own use. They may have them for their own misuse or they may have them to sell to other drug users. The new offence which is inserted by this Clause should assist with enforcement.

Clause 20 also contains an important new provision—it creates an offence of giving a false name or address to a pharmacist (or doctor) when obtaining a prescription drug. It is unfortunately a fact of life that some people use false names and addresses in order to obtain extra supplies of drugs which may either be for their own misuse or for sale. The new provision should assist with enforcement.

The Bill is designed to pave the way for the introduction of comprehensive new Poisons Regulations and to assist in their effective enforcement. The Regulations will come before this Parliament as soon as possible and be open to scrutiny in the normal manner. While a number of the Regulations will be in the nature of updating, several new matters will be covered. Examples are the rescheduling of bronchodilators to facilitate their inclusion in school first-aid kits; and provision for medical practitioners working in rural areas, with no supporting pharmacy service, to sell drugs in the ordinary course of their profession.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for the Act to come into operation on proclamation.

Clause 3: Amendment of s. 13—Manufacture, production and packing

This clause increases the fine for manufacturing poisons without a licence to a maximum of $10 000.

Clause 4: Amendment of s. 14—Sale by wholesale

This clause similarly increases the fine for selling poisons by wholesale without a licence from $2 000 to $10 000.

Clause 5: Amendment of s. 15—Sale or supply to end user

This clause broadens the ambit of section 15 by including supply, and by exempting medical practitioners and dentists who also supply the poisons to which this section will apply. The fine is increased to $10 000.

Clause 6: Amendment of s. 16—Sale of certain poisons

This clause also increases the fines selling the poisons to which this section will apply (i.e., schedule 7 agricultural pesticides).

Clause 7: Amendment of s. 17—Sale of poisons the possession of which requires a licence

This clause increases to $10 000 the fine for selling a poison to a person without the purchaser producing his or her licence if possession of the poison requires a licence (e.g., DDT).

Clause 8: Substitution of s. 18

This clause substitutes the current section 18 which deals with the supply of prescription drugs. The section as re-cast will apply to the treatment of animals (i.e. this can only be done by a vet or a person using a drug that has been prescribed by a vet)—thus better ensuring, for example, that meat products do not contain overdoses of prescription drugs. It is provided that certain drugs (to be set out in the regulations) can only be administered by specialists. Subsection (3) creates the new offence of being in possession of a prescription drug without lawful authority.

Clause 9: Amendment of s. 19—Sale or supply of volatile solvents

Clause 10: Amendment of s. 20—Prohibition of automatic vending machines

Clause 11: Amendment of s. 21—Sale or supply of other potentially harmful substances or devices

Clause 12: Amendment of s. 22—Possession

Clause 13: Amendment of s. 23—Quality

These clauses all increase fines from $2 000 to $10 000 (or $1 000 to $5 000) for the various offences to which the sections relate.

Clause 14: Substitution of s. 24

This clause re-casts section 24 which deals with packaging and labelling or poisons. This section now covers supply as well as sale, and carries the increased penalty.

Clause 15: Amendment of s. 25—Storage

Clause 16: Amendment of s. 26—Transport

These clauses increase fines and change the wording of the two sections dealing with transport and storage of poisons, as it is now contemplated that the regulations made for the purposes of these sections will only deal with some poisons, not all poisons.

Clause 17: Substitution of s. 27

This clause re-casts the section dealing with the use of poisons. Again it is made clear that the regulations relating to use of poisons do not have to cover all poisons, only some poisons. The section is also widened to make it an offence to sell, supply or purchase a poison for a prohibited purpose.

Clause 18: Amendment of s. 28—Prohibition of advertisement

Clause 19: Amendment of s. 29—Regulation of advertisement

These clauses increase fines to the new levels.

Clause 20: Amendment of s. 30—Forgery, etc., of prescriptions

This clause increases fines and also includes a new offence of giving a false name or address to a pharmacist (or doctor) when obtaining a prescription drug.

Clause 21: Amendment of s. 52—Power to search, seize, etc.

Clause 22: Amendment of s. 55—Licences, authorities and permits

Clause 23: Amendment of s. 57—Power of Health Commission to prohibit certain activities

Clause 24: Amendment of s. 59—Duty not to divulge information relating to trade processes

Clause 25: Amendment of s. 60—Health Commission may require certain information to be given

These clauses all increase fines.

Clause 26: Amendment of s. 63—Regulations

This clause increases the fine level for regulation offences and also inserts the now standard provisions relating to the incorporation of codes into the regulations.

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

CRIMINAL LAW CONSOLIDATION (APPEALS) AMENDMENT BILL

Returned from the House of Assembly with amendments.

STATUTES AMENDMENT (COURTS ADMINISTRATION STAFF) BILL

Returned from the House of Assembly without amendment.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION (CONSTITUTION OF COMMISSION) AMENDMENT BILL

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

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill proposes several amendments to the *South Australian Multicultural and Ethnic Affairs Commission Act 1980*.

The Bill proposes changes to the constitution of the Commission to deal with the composition of the Commission and to allow for separation of the roles of the Chair and Chief Executive Officer.

It is proposed to remove the current provision which gives the United Trades and Labor Council representation on the Commission. There is no justification for guaranteeing the United Trades and Labor Council representation when this right is not available to any other organisation.

To ensure Government policy on gender balance on Boards is followed, it is proposed to provide that at least four members of the Commission must be men and four must be women. The Act provides for the appointment of up to 15 members to the Commission. Currently the Commission comprises six women and five men.

It is Government policy that Chief Executive Officers should not Chair the Boards to which they are responsible and should not, without good reason, be Board members. However, the current provisions of the Multicultural and Ethnic Affairs Commission Act are silent on this issue, allowing the Chief Executive to be appointed either Chair or a member of the Commission. The proposed amendment provides that the Chief Executive Officer should not be the Chair or a member of the Commission.

The functions of the Chair will therefore be separated from that of the Chief Executive Officer requiring the separation of the responsibility for the Commission's corporate leadership and public advocacy role and its internal administrative role. The administrative unit the Office of Multicultural and Ethnic Affairs is the operational arm of the Commission.

Following the resignation of the Chair and Chief Executive Officer of the Commission in August, it has been necessary to appoint an Acting Chair. Section 8(5) of the Act requires that a replacement Chair must be appointed for the balance of the former Chair's term, which would be a period of three years. This requirement is regarded as inflexible, as it does not allow an existing Member of the Commission to take over as Chair for a relatively short period while a permanent replacement is sought. It is proposed to amend Section 8(5) to provide that a person filling a casual vacancy can be appointed for any portion of the balance of the term.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 6—Constitution of Commission

The requirement for a member of the Commission to be a person nominated by the United Trades and Labor council has been deleted. In an attempt to ensure that a better gender balance is achieved on the Commission, at least 4 members must be women and 4 men. (Currently the requirement is that at least 3 must be women and 3 men.)

The principle that the responsibilities of the Chair of the Commission are to be separated from the responsibilities of the chief executive officer of the Public Service administrative unit established to assist the Commission is reflected by the insertion of new subsection (2) which provides that the chief executive officer cannot be appointed to be a member of the Commission.

Clause 4: Amendment of s. 8—Removal from and vacancies of office

The substituted subsection (5) provides that in the event of a premature vacancy in respect of a term of office of a member of the Commission, the person appointed to fill the vacancy may be appointed for any period not exceeding the balance of that term. Currently, the person appointed to fill such a vacancy is appointed for the balance of the term.

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

LOCAL GOVERNMENT FINANCE AUTHORITY (REVIEW) AMENDMENT BILL

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

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

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

The Bill is designed to bring up to date the Local Government Finance Authority Act 1983. Its provisions clarify and strengthen the accountability of the Authority to Local Government, make provision for a Taxation Equivalent Regime (TER) for the Authority, and enhance and streamline communication between the Authority and the State Government.

The Bill does not alter the primary functions of the Authority, to develop and implement borrowing and investment programs for the benefit of Councils and prescribed Local Government bodies, and to provide financial management advice to Councils and prescribed Local Government bodies on request.

Since its inception, the Authority has been managed and administered by a Board of Trustees, which supervises the conduct of its business. A majority of the Board comes from Local Government and it is not proposed that this change. The Board's primary lines of accountability lie through the Board members to the Councils, all of which are members of the Authority, via the Local Government Association and the Authority's Annual General meeting and Annual Report. The Bill amends the constitution of the Board to include more adequate representation of the State Government.

Under the Act any profits made by the Authority may be retained and invested, or may be distributed among the Councils and bodies using the Authority's services, or, with the Minister's approval, may be applied for other Local Government purposes. The LGFA has engaged in a combination of retaining profits to build up its capital base, returning bonuses to Councils, and supporting the Local Government Research Foundation and the introduction of the new Accounting Standard for Local Government (AAS 27). The Bill removes the requirement for the Minister to approve the disbursement of profits for other Local Government purposes. The LGFA will make decisions about distribution of all its after-TER profits itself in future.

Liabilities of the Authority are guaranteed by the State Treasurer, for which the Authority pays a fee to the Consolidated Account. The fee was recently increased and the impact of the increase is being monitored. The Treasurer's guarantee continues to be an important and valuable commercial advantage enjoyed by LGFA. The Bill does not alter this arrangement.

The Bill introduces provision for payment of a TER by the Authority in keeping with principles of competitive neutrality. The mechanism proposed in the Bill for application of a TER provides for the payment of the necessary amounts initially to a Treasury deposit account dedicated to Local Government purposes and disbursement of the funds subsequently within the Local Government sphere for purposes proposed by the Local Government Association and agreed to by the Minister for Local Government Relations. The application of a TER is not designed to have a resource impact on the Local Government sphere. However, it is essential that the TER funds be demonstrably cleared from the LGFA, and their payment into a Treasury deposit account is designed to achieve that end. The arrangement requiring the Minister's agreement for disbursement allows the Minister to be satisfied that competitive neutrality principles are respected. The first year for application of a TER is proposed to be 1996-97.

An additional accountability measure is included in the form of a special report to be made each year to the Minister setting out the nature and scope of business transacted with prescribed Local Government bodies. It is not intended that this information be made public in any way in the ordinary course of events but that it be provided on a confidential basis to the Minister, who retains a residual discretion about its use should the interests of the Authority require it. The collection of the information will allow for monitoring of the prescribed bodies with a view to ensuring that the list is maintained appropriately.

In all, these amendments seek to ensure that the principles of transparency, competitive neutrality, responsible management and clear lines of accountability are given new emphasis in the operations of the LGFA in accordance with the Government's overall position in relation to public sector reform and reform of Local Government.

Explanation of Clauses

Clause 1: Short title

This clause provides for the short title of the Bill.

Clause 2: Commencement

The measure will come into operation on a day (or days) to be fixed by proclamation.

Clause 3: Amendment of s. 3—Interpretation

This clause updates a cross-reference to the Local Government Act 1934.

Clause 4: Amendment of s. 4—Establishment of the Authority

This clause inserts a provision in the Act that describes the general object of the Authority and specifically provides that the Authority is not part of the Crown, nor is it an agency or instrumentality of the Crown. Furthermore, the Authority will not be able to be brought within the operation of the Public Corporations Act 1993.

Clause 5: Amendment of s. 7—Constitution of the Board

This clause relates to State Government representation on the Board of the Authority. Currently, the Board's membership includes the person who is the permanent head of the Department of Local Government (or nominee), and the Under Treasurer (or nominee). It is intended to replace these positions with a person appointed by the Minister and a person appointed by the Treasurer. It will also be provided that at least one member of the Board must be a woman and at least one member must be a man.

Clause 6: Amendment of s. 8—Terms and conditions of office

It is necessary to include an amendment to section 8 of the Act in view of the fact that two of the members are now to be appointed by Ministers, rather than hold office ex officio.

Clause 7: Amendment of s. 12—Disclosure of interest

This amendment revises the penalty for a breach of section 12 of the Act, which relates to the obligation placed on a member of the Board to disclose a direct or indirect interest in a contract (or proposed) contract with the Authority. The penalty is to be increased to $10 000 or imprisonment for 2 years.

Clause 8: Amendment of s. 13—Allowances and expenses for members

This amendment is consequential on changes to the Board's membership under clause 5.

Clause 9: Amendment of s. 21—Functions and powers of the Authority

The Authority may, in addition to its principal financial activity, engage in various other functions determined by the Minister to be in the interests of local government. It is proposed that the Minister be required to consult with the Local Government Association before the Minister makes a determination under this provision of the Act.

Clause 10: Amendment of s. 22—Financial management

The Authority has power to apply surplus funds to various purposes, including, with the approval of the Minister, for the benefit of a council or prescribed local government body, or for any other local government purpose. It is intended to remove this requirement for the approval of the Minister. It is also necessary to make a consequential drafting change to section 22 of the Act.

Clause 11: Amendment of s. 26—Power of councils, etc., to borrow money from or deposit money with Authority

Section 26 of the Act relates to the financial relationships between a council or prescribed local government body and the Authority. Various transactions or arrangements are specified, with other transactions or arrangements being available with the approval of the Minister. It is proposed to replace this Ministerial approval with a requirement to obtain the approval of the Treasurer.

Clause 12: Repeal of s. 27

This clause provides for the repeal of section 27 of the Act. This section authorises the Minister, on request, to transfer to the Authority the liabilities of a council or prescribed local government body. It has been determined that this power is no longer necessary or appropriate, and that any such transfer should now be conducted according to practices in the market place.

Clause 13: Amendment of s. 29—Staff

It is intended to strike out section 29(3) of the Act. This provision authorises the governor to appoint persons under the Government Management and Employment Act (now the Public Sector Management Act) for the purposes of the Act. It has been decided to remove this provision in view of the decision to declare that the Authority is not an agency or instrumentality of the Crown. Staff of the Authority do not hold appointments under this provision. Its removal would not prevent the secondment of public service officers to the Authority under an arrangement between the relevant Minister and the Authority.

Clause 14: Repeal of s. 30

This clause provides for the repeal of section 30 of the Act.

Clause 15: Insertion of s. 31A

This clause introduces a tax equivalence provision into the legislation, under which the Treasurer will be able to require the Authority to make payments equivalent in effect to income tax, and other Commonwealth taxes or imposts. Amounts paid under this section will be held in a special deposit account established with the Treasurer, and applied for a purpose or purposes proposed by the Local Government Association and agreed to by the Minister. The provision will apply from 1 July 1996.

Clause 16: Substitution of s. 33

This clause revamps the drafting of section 33 of the Act relating to the accounts of the Authority, and the audit of those accounts.

Clause 17: Amendment of s. 34—Annual report

This amendment revamps section 34(2) of the Act, particularly so as to provide consistency with the amendments effected by clause 16.

Clause 18: Substitution of s. 35

This clause provides for the substitution of section 35 of the Act. The operation of current section 35 has been overtaken by the provisions of the Summary Procedure Act 1921. New section 35 will require the Authority to prepare a special report, on an annual basis, on the nature and scope of its business with prescribed local government bodies. The report will be made to the Minister. The Authority will be required to include in the report advice to the Minister about bodies that should no longer be prescribed as local government bodies for the purposes of the Act.

Clause 19: Amendment of s. 37—Rules of the Authority

This clause relates to the way in which the rules of the Authority may be altered. An alteration currently requires the approval of the Minister. It is intended to replace this requirement with a provision that requires that amendments to the rules of the Authority must be approved at a general meeting of the Authority, or by a majority of members in accordance with a procedure set out in the rules, and that the annual report must include details of any amendments that have been made in the relevant financial year.

Clause 20: Transitional provision—Rules

This clause makes express provision with respect to the validity of the existing rules of the Authority.

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

LOCAL GOVERNMENT (BOUNDARY REFORM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 21 November. Page 494.)

The Hon. P. HOLLOWAY: This Bill is probably the most significant piece of legislation that the Brown Government has produced in this current session of Parliament. My colleague Annette Hurley, the shadow spokesperson for local government, has given a detailed speech in the other place outlining the Opposition's position on this Bill, but I wish to place on the record some comments about it. This Bill contains the Government's preferred approach for achieving council amalgamations, qualified as that approach obviously is by what appears to be internal divisions within the Government over this issue.

This legislation has had a long and difficult birth to reach the Parliament and, as far as the Opposition is concerned, its struggle for life is not yet over. This legislation deletes the old panel approach, as was exemplified in the Local Government Advisory Commission, to local government boundary reform issues and replaces it with a Local Government Boundary Reform Board. Basically councils are given two choices. Their first choice is to marry one of their neighbours or, at least, become engaged to one or more of them before 31 March next year—and polygamy is definitely encouraged here. Their second choice is to wait for the Local Government Boundary Reform Board to choose their partner for them and then produce the shotgun.

If the board initiates the merger of councils, the Bill allows either of the merging councils, the bride or groom, to call for a poll of electors in the new merged council area. If 50 per cent of voters turn out to vote and a majority of those voters reject the proposal, then the wedding is off. But the board's interest in the happy or unhappy couple (as the case may be) does not end there. Under the Bill, a council is required to deliver a 10 per cent bonus in terms of reduced rates in the 1997-98 financial year unless the board or ratepayers at a poll deem otherwise.

This mechanism for local government amalgamations, which the Government has chosen, is not that which the Opposition would prefer. Essentially the Opposition was faced with a dilemma: should we oppose outright the Brown Government's proposals, given that it did not seek and has no mandate from the electorate for such reforms and that these reforms have some unacceptable features, or should we seek to amend those features in the Government's legislation, particularly those which breach basic democratic principles.

We have chosen the latter approach. If the Opposition's amendments are carried, the Brown Government will have its boundary reform board, although with some additional checks and balances. Forced amalgamations may still occur, subject to a poll of ratepayers, although the hurdle in the way of ratepayers who wish to reject amalgamations will be lowered slightly. Our principal amendment to the Bill will be to remove the obnoxious power of the board to take over local councils' rights to set their own level of rates in the 1997-98 financial year, which just happens to be before the next State election.

The Bill thus amended will not unduly restrain the Brown Government's reform plans, but it will provide local communities with more protection and it will preserve the fundamental principle that local government is a separate tier of government that should be responsible for its own decisions. I repeat that the Bill in its present form, or in the form in which we would like to see it amended, is not the preferred way to achieve local government amalgamations as far as the Opposition is concerned. The Government will have to accept responsibility for the problems which I believe will inevitably arise.

The Labor Opposition will be far more constructive than the Liberal Party ever was in Opposition with regard to local government matters, because we genuinely believe in the need for local government reform. It is certainly tempting for those of us who suffered in the past at the hands of totally opportunistic Liberal politicians, because we dared to put forward proposals for amalgamations of councils, to return the favour to the Brown Government now that the positions are reversed. However, the potential benefits to the community from reasonable local government amalgamations are considerable and too important to play politics with. It is necessary, however, given the comments of some Liberal members in another place, to correct the record in relation to the history of council amalgamations. For example, the Liberal member for Elder stated:

> We had the guts to do what the Labor Government of 1973 failed to do, and we had the guts to do what the Labor Government of 1984 failed to do.

Well, of course, what happened back in the past was that whenever any of the previous Governments tried to attempt mergers they were opposed vehemently in this place and elsewhere. There could be no better example of that than the dispute over the Mitcham and Happy Valley merger of the late 1980s. During that issue, demonstrations were orchestrated that I think were some of the largest we have ever seen in this State. The Minister at the time, the Hon. Anne Levy, who I am sure will make her own comments on this later, was subjected to quite an incredible amount of pressure on this issue. It is rather interesting: when I was clearing up the other day I happened to discover a pamphlet that was put out during the 1989 election—the last time you, Mr President, the Hon. Diana Laidlaw, who is the Minister handling this Bill, the Hon. Robert Lucas and the Hon. Julian Stefani all stood for election. This pamphlet that was put out in the Mitcham area—the electorate of the Treasurer—stated:

> Did you vote to save Mitcham council? The Liberals in the Legislative Council have been the only Party to consistently support the views of Mitcham council residents.

Then there is a table showing Liberal, ALP and Democrat positions relating to support for the Bill to reverse the Government decision to merge Mitcham and Happy Valley, with Liberal, yes; ALP, no; Australian Democrats, no. On the question of support for the Bill to give Mitcham residents the right to veto an amalgamation, the table showed Liberal, yes; ALP, no; Australian Democrats, no. The table was captioned, 'Remember: the Minister for Local Government is on the Labor team.' So, when people such as Mr Wade—

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: It certainly was a long time ago now, but when people like Mr Wade in another place get up and say that you had the guts to do what the Labor Government failed to do, we would be less than human if we did not set the record straight. Enough of the politics, because the issue is more important. I will quote what the Minister in another place, John Oswald, said about the Bill. He stated:

> We have an opportunity here, and I appreciate the discussions I have had with my counterpart in the Opposition, because I believe that both major Parties want to create a strong, viable, economic unit in local government, and it is just a question of the manner in which we are going about it.

That is a very reasonable summary of the position by the Minister, and I think his comments are much preferable to those of some of his back bench colleagues.

The underlying assumption of the Bill is that substantial efficiency gains and greater effectiveness in service delivery will be achieved by reducing the number of councils. Presumably, the MAG report on local government reform is supposed to contain the intellectual justification for this. Unfortunately, in my view the MAG report rather fails to achieve that task—or perhaps any other task, for that matter. I must say that I found the MAG report one of the most disappointing reports I have read in many years. It was disappointing because of the shallow analysis it contained, the disorganised way in which it presented some of the data, the fact that it went off onto tangents such as CCT and so on, and generally its lack of detail on the objectives of the reform process which it recommended.

There are various views in the community about economies of scale, and I suppose they would vary, depending on whether one is talking about economic efficiency or efficiency in the representation. Even when we are talking about economic efficiency, it depends on whether we are talking about factors such as road construction or planning or other areas of administration. There generally seems to be a view that between 50 000 and 80 000 in the city is an optimum size for councils, and there is even some thought that there might be disbenefits if we go beyond a certain size. In the country areas, much smaller limits would apply, and clearly that will depend on the disparity of ratepayers in a particular area. The point I make is that I think it is unfortunate that the MAG report did not really provide any new or innovative information in relation to the economies of scale. It really only gave a bit of a scan through the literature on what has been written about this subject. Unfortunately, that is not particularly great.

I would like to say something now about local government views on this legislation because, after all, that is what this Bill is about: it is about how we structure local government

in this State. In his speech to the other place the Minister claimed that officials of the LGA had influenced the debate in local government on structural reform and that therefore the views that were being put forward were not necessarily those of local government. I really cannot agree with that. In my view, there is certainly overwhelming opposition to the rate setting clause. If there are any supporters of the proposition that is contained in this Bill for the Government to set rates in 1997-98, they are certainly staying well hidden. I would invite the Minister to tell me later whether any significant figures in local government support that provision. If there are, I welcome hearing about it. Certainly, the G5 group of councils has supported amalgamations and I must say that, amongst those local government people to whom I have spoken about this Bill, there is general support for the idea of reform. Certainly, there is a range of enthusiasm for it, from very strong support from the G5 to more lukewarm support amongst others. Whereas there is an acceptance that there has to be amalgamation and reform, I think there is pretty well overwhelming opposition to the clause that would enable the Government to take over the rate setting power from local government.

I am aware, as the Minister would be aware, that lengthy discussions and surveys took place within the LGA to develop its position, and the Minister would have received all that information, as indeed did the Opposition. The LGA had a long consultation process with its members over the period, as indeed did the Labor Opposition. We had a forum for local government at the Norwood Town Hall, which councils attended from all over the State, and it was certainly very informative for us. Similarly, the LGA had its own quite extensive consultations and meetings to determine its view, based on the views of its constituent members.

The Minister also mentioned in his speech on the Bill in the Lower House that he put the draft Bill out for consultation to get local government started in discussion. He stated that that was 'because it is a sector that likes to consult, that loves to discuss'. I do not think there is anything wrong with that. With such a major change, I think local government has every right to discuss and consult on this matter, just as I am sure any State Government would want to be consulted by the Federal Government if such far-reaching changes were made to anything which affected our State.

The point that I am making is that the LGA has been involved in an extensive consultation process with the 118 councils in this State, and the views that it has put on this matter are representative of the views of local government generally. Therefore, we should pay attention to those views and the Government should thank the LGA for the work it has done on this issue rather than criticise it, as it has tended to do. The LGA has done a lot of preparatory work, and it is thanks to that work that councils are talking about amalgamations and demystifying the processes that might apply.

The Local Government Association supports the following: the establishment of a boundary reform board of seven, of which it believes three members should be nominated by the LGA. It believes in direct consultation with councils and their communities through a phase of council and board initiated proposals. It believes that a poll should be conducted on board initiated proposals, and it believes there should be the establishment of criteria for the assessment of proposals for amalgamations.

The LGA and local government support the framework that the Bill suggests, but there are areas in the context of the total operations of the board and its role in this area that have come under scrutiny by councils, and many of us have received letters from councils throughout the State advising us of these concerns. These concerns are real and are shared to a greater or lesser extent by the Opposition, so I should like to go through them.

First, in relation to the board, the view of local government is that it has too much power: it makes the rules, runs the process and then determines the outcomes without any right of reply from those affected by them, that is, the community and their councils. Consistent with this, the LGA has a view that it should be represented sufficiently on the board. I will move an amendment that provides that a member of the UTLC should also be represented on the board. If these amendments are carried, it will give the board a sense of place in local government and will enable it to do its work with minimal resistance from councils and their communities.

The second area of concern relates to the criteria for amalgamations. Part of the problem is that none of this has been determined yet. The Minister made a commitment in Parliament to consult with the LGA on the matter, and he mentioned that this has taken place and that they are nearing agreement. The Opposition has been advised by the LGA that no such consultation has taken place and that attempts to have discussions have resulted in the Government's refusing to discuss the matter, wishing to leave it to the board. When the Minister discussed this matter during the Committee stage, at times he spoke of guidelines, then benchmarks and then criteria, and this is one of the problems. It is no wonder that the local government community is confused.

What local government needs is to be consulted on what will apply to it as a criteria for amalgamations. Councils want to understand how benchmarking will take place and whether this is the same as criteria for amalgamations that the board shall apply. They want to understand and agree on the terms we are all using so they can get on with the job with a sense of security in what they are doing. They will be expending a considerable amount of time and money on this activity, and they want to use that time and money efficiently.

Given the passing of the Opposition's amendment to formalise and make clear the role of the board—we moved an amendment in another place to call it a local government boundary reform board where it was previously the local government reform board—perhaps we can firm up the views of the Government in this regard. We have heard about the guidelines. What we need to know, and what councils certainly need to know, is what criteria and benchmarks the board may wish to apply to assess proposals and/or to assess its own initiated proposals.

The third area of concern relates to boundary realignment. The Bill allows the board to realign boundaries no matter how small or large without consultation with the communities affected. All other proposals, even council initiated ones, will require a demonstration of community consultation. We need to look at this provision carefully. This is the provision that the board and the Government will use to fix up the bits and pieces left over where councils and their communities have rejected amalgamations or have been unable to secure partners within the time frame allowed. As it stands, this is not democratic and it must be rectified so that board proposals require consultation on boundary realignments. We do not think that we need to worry about the smaller, minor adjustments which are probably desirable and which will inevitably follow these procedures, but we need to put some parameters around this provision.

The next concern relates to judicial review. The current legislation allows for a judicial review process, and we can see no reason why we should change. At the same time, we do not wish to see boundary reform processes bogged down unnecessarily in legal action but, given the board's extensive and some would say draconian powers, there should be some restraints on the board's actions. The Government says that it wishes the board to consult about council and board initiated proposals with the community and councils. The new legislation looks at a board in place of the panel process for amalgamation, and that is supported by local government and by the Opposition. If the board is responsible, if it applies criteria that are endorsed by Parliament, and if it is available to councils and their communities for scrutiny, there should be no use for this process of judicial review.

However, the Bill does not provide sufficient checks and balances for the board, and the 'Trust us' mentality of the Government has worn thin within local government and the community at large. Some judicial process will ensure that the board is professional, efficient, reasonable and fair in carrying out its functions and, if the Minister truly believes he has such a well thought out process for amalgamations, having access to judicial review should not be a threat to the board or the Government. It would just keep the board honest. For interest I should like to read from a letter that I have received in the past few days from the city of Port Lincoln. In relation to the power of the board, the council states:

> Clearly the wording of the Bill will create a board where no matter what the board does, that is—
> · not provide natural justice
> · not give procedural fairness
> · act in a way that gives rise to an action of civil bias
> · even act maliciously or improperly
> it cannot be subject to judicial review by a court unless it acts outside of its jurisdiction. The weakness is that its jurisdiction is enormously wide that it is very unlikely to act outside of it because it sets all of the rules any way. While it is accepted that a compulsory process needs a strong board it does require checks and balances. Council suggests a process where:
>
> 1. The 'performance criteria' (the measuring sticks) be set by the Parliament.
> 2. All reports in the process are public documents.
> 3. The actions of the board are accountable to Parliament. An aggrieved council or community group be able to petition the Parliament if they consider the board has acted inappropriately. The Parliament to have the power to overturn the recommendation of the board if it is inconsistent with the performance criteria and principles of local government.
> 4. The board should have to accept a voluntary amalgamation proposal if it meets the performance criteria and the objectives and principles of local government.

We may not necessarily agree with all those suggestions but I raise it because, if we are looking at what might be a desirable review, it might not necessarily be a court-based review, but that is a matter that the Opposition will negotiate later to see just how we can have some appropriate checks and balances in this process.

The next issue of concern is the polls process for board initiated amalgamation proposals. The LGA and the Opposition support a polls process for board initiated proposals, and this should be put on the record at the outset. We also support the postal voting provision, which was not included in the original draft Bill that was issued by the Minister, so we are pleased that, following discussions with the Opposition and the LGA, this has been put in.

The postal voting provisions have been included following the original draft Bill so, for a poll to count, a 50 per cent turnout is necessary under the Government's legislation. I must say, as an aside, that I find it rather astonishing that the Government, which professes to believe in voluntary voting, should then set out any figure at all for a voluntary turnout. The Government may well have difficulty with it, but I must say that it is more consistent with the Opposition's philosophy.

However, the point at which we set the turnout for a vote to count is an important one. In the case of Mitcham council, to which I referred earlier, the issue was one of the most hotly contested local government issues in this State's history, and certainly had national coverage at the time. The poll that was conducted had a 46 per cent turnout, and 96 per cent voted against the proposal. If this Government measure went through, the Mitcham proposal would have been accepted because it did not have the required 50 per cent. Of course, we now have postal voting, and I share the hope of the Minister and others that, as a consequence of postal voting, we will get turnouts of more like 50 per cent or 60 per cent which I believe are achieved in Tasmania using this system.

Nevertheless, the Opposition will be suggesting that a 40 per cent turnout figure would be preferable in the legislation. Even to get a 40 per cent turnout would require enormous interest in a local government electorate, so we will be supporting that. The process is clearly one of the board attempting to gauge community support for its proposals, and the only way to do this in the local community is to allow the community to adopt postal voting provisions that we all support, to have the opportunity to influence the outcome with which they will have to live.

The final matter of concern and, as I said earlier, the key concern of the Opposition is that relating to rate reductions. Let me make quite clear from the outset that the Opposition believes that following council amalgamations, should they lead to efficiencies, the benefits of efficiency should be returned to the community. Rate reduction is certainly one of the most likely ways in which that might happen. However, there are other considerations. The provision of this Act where the Government takes upon itself the power to set council rates is the most obnoxious provision in the Bill, involving as it does a level of intervention into another tier of government that is quite unacceptable. Could we imagine what would happen if the Federal Government said to South Australia, 'We expect you to cut your expenditure by 10 per cent in a particular financial year.' This State would find it totally and utterly unacceptable.

Members interjecting:

The Hon. P. HOLLOWAY: Well, they do not get a 10 per cent cut and they certainly are not dictated to in a manner similar to this.

Members interjecting:

The Hon. P. HOLLOWAY: Let us examine the logic behind this matter. The fact that the Government is so touchy about this says something. Let us consider the system we would have if we accepted the proposal as the Government has put it. We would have a new council elected in May 1997. It would need time to find out what the CPI was, and generally that is not known until May 1997. It will then need to consider the financial management plan that in some instances may not have been developed by the elected councillors. This is the plan that over three years will guide the expenditure of the community's money and is part of the amalgamation process that we support.

The council will need to decide whether it supports the 10 per cent rate reduction and, if not, it will then have to conduct a poll of the area. Interestingly enough, the Government does

not consider that a voter turnout of 50 per cent should apply on this issue, because it has a different standard in this case. If it did not do that, it would have to put a case to the board to allow non-compliance with a 10 per cent rate reduction or some lesser figure. This all has to be done by September 1997, after which time the board will no longer exist.

The Minister can intervene and force a council to apply the rate reductions if the board believes this should occur. We support the sunset clause on the board, as does local government, but we can see the problems that might arise. We also support the use of financial management plans to help councils work through the costs, direct dollar savings and efficiency gains for amalgamation, although how comprehensive these will be, given all the tasks before the board in the next two years, is another matter. However, we do not support the board having a role to play in recommending to the Minister whether or not a council should be caught by this provision. The board is an amalgamations board, not a body that should assess or become involved in local decisions regarding the fixing of rates. This is one of the few cases of which I am aware in legislation where economists' predictions are given the force of law. I suggest, as someone who has studied some economics, that it is rather dangerous to enforce the predictions of economists.

We do not support the intervention by the Minister in the affairs of another level of government, in this case local government. Members are elected by their communities to make decisions on the use of their community's money, and what they determine is up to them and their communities. We see this strategy exactly for what it is: it is a ploy for the Government to gain votes in the next election. The *Sunday Mail* article last week gave that away; it is the first shot in the Government's efforts to prop up this strategy. If this is what the Government wants to do, why does it not add up the benefits of amalgamations, both dollar savings and efficiency gains, and promote this?

This provision allows the Government to approach the question of rate reductions on the basis of where it needs the most votes in the next election. It will be interesting to see how many councils get through the process of non-compliance or partial compliance. There is a real threat of politics getting in the way of community government at the local level, and we should all avoid any potential for this to occur. This provision is not supported by the Opposition or by the local government community. I have yet to meet anyone from local government who supports this provision.

We ought to say something about how farcical this illusory 10 per cent reduction in rates is. For a start, it applies only for the 1997-98 financial year. I would expect that in some cases, where we have amalgamations of inefficient councils, the rate reductions should be much greater than 10 per cent. In some cases, where councils are efficient and merge with other efficient councils, efficiency gains will be considerably less. Why have an arbitrary 10 per cent figure? There are so many different cases that the 10 per cent across the board figure really is a most unsatisfactory way to proceed.

Perhaps the most important point is that councils should be considering a number of options about what to do if they do get a windfall from amalgamations. What can they do? I should have thought, for example, that if a council took over or merged with a council that had a high level of debt, if they were to use this windfall that they received to retire debt, it might be a sensible strategy for producing sustainable rate reductions in the long term rather than having a one-off 10 per cent cut. Would it not be better, for example, rather than getting a 10 per cent cut one year followed by rate rises in the following year, to have an 8 per cent cut, for example, that was sustainable in the longer term?

In fact, to achieve this, there is some evidence from Victoria, where similar systems have been adopted, that councils may actually borrow money to pay for the 10 per cent rate cut and then the following year put up the rates. There is nothing to stop that. What could happen under this measure is that, rather than economic responsibility, we could get economic irresponsibility. But the point is that it really should be up to the local government bodies themselves to decide what they want to do with their money. If councils squander this windfall gain, no-one will be more critical than the Opposition, and I believe that there will be sufficient political pressure on any council to prevent it squandering any windfall gain. It should have the choice to apply that money in the best way possible.

Let me give a third case. At the moment we have Mitcham council being pressured by the Government to purchase land at Westbourne Park Primary School and the Blackwood Forest Reserve. One involves about $2 million and the other about $1.5 million, or something of that order. If the council is faced with this proposition, and if that council were to be involved in a merger that would give it some benefits, would it be better to purchase that land, given that it is a one-off opportunity, and apply the money to that for a long-term community asset, or should it give rate cuts? The point is—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: It is not just what I say: I suggest that the Hon. Mr Redford should see what his colleague, Colin Caudell, said in another place. Colin Caudell made this point about Brighton council:

> Because of the size of their rate revenue at this time, a number of local councils are not able to provide the facilities for the people of their area. This is no more so than in my area. With rate revenues below $5 million, the councils of Brighton and Glenelg find very little money available for the provision of junior sports and junior sport facilities. As a matter of fact, Brighton is at such a stage that it cannot even afford to buy an oval—an open space—and, unlike any other council in the area, has to go cap in hand to the Government for a hand-out—a few hectares of land free of charge—because it cannot afford to buy or provide the facilities for the local residents.

Mr Caudell was not speaking to a group; he was actually speaking to the Local Government Bill and supporting that Bill as a means of providing money for councils to buy land. The Government cannot have it both ways: it cannot expect councils to take over more functions and accept the transfer of assets and land and, at the same time, to cut rates. How do you do both? Perhaps I am straying a little, and it is probably time that I concluded.

To summarise, the key issues for debate in this Chamber are: the board, its powers, functions and membership; the establishment of criteria for amalgamations and the need to have this as an open and transparent process for all those affected by it; the need for the board to be put under scrutiny through some sort of review should it act inappropriately; the requirement for the board to consult on proposals that will affect the boundary realignment; the ability through the poll provisions for a voluntary process to occur, having regard to likely voter turn-outs at local government polls; and, finally, rate reductions, specifically the inappropriate function for the board and the Minister in this area. Local government determines its own rates.

In general terms, these are the areas for detailed and considered debate by this Chamber, and we should recognise

that local government has consulted fully with its members and attempted to resolve these issues with the Government, albeit unsuccessfully, and we are now in a position to get it right so that local government can get on with the job of amalgamations where they prove to be relevant and appropriate for their communities.

In conclusion, if the Opposition's amendments are carried the Government will still get substantially the process that it wishes. A local government reform board will be in place. It will have some checks and balances that are not currently there. We will disallow the Government's rate setting power, but the basic thrust of the Government's reform will be allowed to proceed.

We certainly will not tinker with the procedures in such a way that would capriciously prevent genuine local government reform from going ahead, because the Opposition has always believed in that course of action and will be following it through here. We hope that, with the passage of our amendments, the Bill will come out of this Chamber much better than it went in.

The Hon. CAROLINE SCHAEFER: I would like to speak briefly to this Bill, because it has caused so much controversy—particularly, it would appear, among smaller councils which, of course, are predominantly although not solely in rural areas.

The Hon. Anne Levy: Try Walkerville.

The Hon. CAROLINE SCHAEFER: I said 'although not solely', and Walkerville was indeed the council of which I was thinking.

The Hon. T.G. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: Yes. For those of us who support the three tier system of Government—and here I must declare my own involvement, as I was a councillor in my own district prior to coming to this place—it is obvious that there is a need for some sort of local government reform. More particularly, some efficiencies could be implemented and given back to the ratepayers. On looking into this matter it becomes evident that there are two types of local government: the larger, more closely populated urban councils and the more isolated councils, usually serving much smaller populations. In many cases the services they offer are very different, and their interaction with their constituency is extremely different. I confess that I have had two very different experiences.

When I am down here in Adelaide I stay in a unit in Norwood, where my garbage is collected regularly, the streets are swept and things appear to run very well. My only contact with the council is to pay the rates and complain about how high they are. I have never voted in a council election in Adelaide, and I have no idea who my ward representative is. On the other hand, at home at Kimba I have never missed voting and am part of an average turn-out of 70 per cent. There is no need for wards: the councillors are elected by proportional representation and I know all of them very well. There I have no garbage collection, but I never complain about the rates, because I can see where every cent is spent.

The council is the nerve centre of the district and, if anyone wants particulars on anything from weeds to business development, to health and so on, the first place to ask is the council chambers—most particularly if the pub is shut at the time.

A comment was made in a small country town recently that the ratepayers would rather pay high rates than lose their council workers from an already dwindling community. Clearly, there is a great need for any reform to be sensitive to the needs of individual communities. However, there are glaring examples of areas where reform is not only timely but overdue. Therefore, I am greatly relieved by the fact that any amalgamations are to be voluntary. Again, it is clear that some proposed amalgamations may not be in the best interests of the ratepayers; there may be a better amalgamation to be suggested; or any amalgamation may not be feasible. This is where the board can be helpful to give advice and even put in a facilitator, but in the end the choice belongs to the electors. If there is a disagreement to the amalgamation, a poll will be held and, provided there is a reasonable vote, that is a minimum of 50 per cent, that poll will be binding. If the answer to that poll is 'No', there will be no amalgamation. I am pleased that this is the case, because I would have difficulty supporting compulsion.

Similarly, concern has been expressed about any excessive power that the Local Government Reform Board may hold. But, since there is a sunset clause and the board ceases to exist by September 1997, I feel that concern is addressed. With the release of the MAG report, many rural people were concerned that their quite different needs and worries might not be properly represented by members of the board. It has been spelt out in the Bill since that time that at least two of the board of seven must reside outside the metropolitan area. Again, this should alleviate many concerns. The duties of the board are clearly set out and include facilitating a rationalisation of services. However, this can encompass models other than that of amalgamation, including the ILAC model.

The board must also measure the performance of councils, and surely this is the crux of the matter. Big may not always be better. Councils and their ratepayers need to have financial gains clearly spelt out to them before they can embrace or accept change. This is a contentious Bill. However, most of the concerns of the councils that relate to this Bill rather than other local government reforms have now been addressed, and I support the second reading.

The Hon. A.J. REDFORD: I support the second reading of this Bill, and I congratulate the Minister for having the courage to tackle local government reform. So many have tried to reform local government in the past and so many have failed. It is in that context that the performance of this Minister should be judged. In my view, he will be judged in the context that he has succeeded where so many others have failed. All members here would agree that local government has a very important role to play in the community. Not only is local government responsible for domestic waste management and local roads but it has an important planning, environmental, social and welfare role as well. Indeed, the role of local government is becoming increasingly important. The change in the world where people are given greater responsibility for their own communities and the decentralisation of decision making, both in the political context (other than the current soon to be booted out Federal Keating Labor Government) and decentralisation in the commercial world, means that there is a real pressure for local government to have the capacity to deal with those changes. As Ronald Reagan once said:

> National problems should be solved by national Governments; State problems by State Governments; and local problems by local governments. No local government ever solved a national problem, and no national Government ever solved a local problem.

Something, I might add, which seems to be lost on Brian Howe, Paul Keating and the rest of his failed ministry is that

precise issue. A good recent example in this place was the dog and cat management legislation, where substantial responsibility was given to local government. As I said at the time, the control of dogs and cats should be a local matter. However, some councils have complained that the State Government should provide the resources. One council I attended, St Peters council, made a number of comments to the effect that, unless the State gave the council additional resources, it would not police that Act.

I am not sure where council has been over the past five years, but I would have thought that even it, in its leafy eastern suburb, would have been aware that the State is in the middle of getting out of a financial crisis. The only option that the State has is to improve the efficiency of local government service delivery. In other words, the State's financial position, in conjunction with a community expectation of increased local services, means that we have only one option, that is, to reform and improve local government substantially.

It is important to note that South Australia currently has some 122 councils, with an average population of 11 800 people. If one took out the four largest metropolitan councils and the four largest rural councils, we would have 114 councils, with an average population of 8 500 people. The largest four metropolitan and four rural councils have 472 000 people, or one-third of South Australia's population. In delivering services, it is important that councils have the ability and the resources to deliver efficiently those services. As the MAG report identified, the broad role of local government can be put into four categories: representation and advocacy; service provision; regulation; and accountability and management. It went on and said more specifically that there were five roles: first, an elected accountable decision maker for the local community; secondly, a provider of local facilities, programs and services; thirdly, an upholder of legislative standards, including planning issues and the like; fourthly, a facilitator of local effort; and, fifthly, to act as a local advocate to the broader community.

More recently, pressures have been put on local government to deliver economic development; for example, tourism facilities, coast protection, water catchment, fire protection, public health, sewerage, car parking, parks, libraries, jetties, cemeteries and many other services. Obviously, if councils are to fulfil community expectations they must be structurally able to do so and have the ability to best exploit the resources they have at their disposal. It is important to note that the total outlay of local government in South Australia in the past financial year was some $800 million, which is a sizeable proportion of the State gross product.

The history of reform in local government in South Australia has been somewhat chequered. Unfortunately, the current legislative framework makes it almost impossible for local government to respond to the community pressures that I have outlined. Local government commenced in South Australia in 1840. The growth of local government proceeded in an *ad hoc* way until the 1930s, when a local government commission reduced the number of councils in South Australia from nearly 200 to some 142 councils, which is about 28 councils more than we have today. Pressure has built over the ensuing decades and ultimately a royal commission was established in the 1970s which recommended that the then 137 councils—which is only 23 more than we have today—be reduced to 72 councils. Since then there have been few local council amalgamations. In many cases—for example, in Adelaide, St Peters and Unley—the population is actually less today than it was at the end of 1910. Of the amalgamations that have occurred since the royal commission, only one has occurred in the metropolitan area.

I recall one of my first political forays, when I was on the anti-amalgamation committee relating to the Brighton-Glenelg proposed merger. Whilst my views have changed on this issue, one thing I did learn that remains with me today is that it is much easier to run a negative campaign, particularly in relation to this issue, than it is to run a positive campaign.

The Hon. Anne Levy: Stephen Baker can tell you all about that.

The Hon. A.J. REDFORD: I learnt from my own experience and I propose to put that experience towards justifying some of the provisions contained in the Bill. I understand the Labor Party's position, namely, to maximise the political gain, and that is its lot, but I propose to provide a sensible response to its intent to maximise the political gain.

There have been occasions where the local government amalgamation process has been stymied because of the intervention of elections. Mr Heini Becker, in another place, referred to problems in the western suburbs with the Henley and Grange council. He said in 1988 that there was a proposal to merge the Henley and Grange council with the West Torrens and Woodville councils but that the then Minister (Hon. Anne Levy) was not game to do it.

The Hon. Anne Levy: I was not Minister in 1988, so he's got it wrong.

The Hon. A.J. REDFORD: The relevant Minister at the time, to be fair to the honourable member. Mr Becker suggests that the amalgamation in that case failed because the Party wanted to preserve the seat for Don Ferguson to be elected to Henley Beach. In other words, State politics overrode common sense on that issue at that time and got in the way of an amalgamation. At the end of the day I think it is important to understand some of the political forces that will be brought to bear in relation to this amalgamation process.

The Hon. Anne Levy is probably one of the most qualified people in this Parliament to talk about that precise issue. I await with some interest her contribution on this topic. The Economic Development Authority submission to the MAG committee correctly stated the view regarding past local government reform when it made the following assertion to that committee:

> The voluntary nature of past reform programs has resulted in very slow progress and imperceptible change in the way that local government is administered in South Australia.

Whilst the MAG report believes that the best approach to council boundary reform was the use of compulsion, the Government, rightly in my view, believes that a process of voluntary amalgamations with certain features is the most appropriate way to approach the task. I do not advocate the Kennett process of local government reform. Indeed, on my reading of the Constitution Act, if this or any Government in this State adopted that process it would run the risk of being in breach of the constitution, because the constitution enshrines the role of local government in our system of government and specifically—

The Hon. Anne Levy interjecting:

The Hon. A.J. REDFORD: No; the State constitution.

The Hon. Anne Levy: It is not enshrined in the Act.

The Hon. A.J. REDFORD: The State constitution states that there must be an elected local government. One does not tear up the State constitution without serious consideration,

and I am sure that Opposition members would agree with that bald assertion. In any event, I believe that unless there is close consultation at local level in the determination of council boundaries, there is a real risk that the process will be flawed.

The features of the voluntary amalgamation process outlined in this legislation are fourfold, and I will summarise them. First, the legislation allows affected local councils to amalgamate or restructure their boundaries without having to go to an elector poll. We all know that from time to time Governments are elected to govern. Their principal responsibility, on a daily basis, is to deal with unforeseen circumstances and situations, and the people trust the Government to deal with such eventualities during periods between elections. The same applies to local councils and their elected representatives. In this instance, it is the current elected representatives of local councils who have to deal with this issue.

Secondly, the whole restructuring process has to be completed without the intervention of either State or local government elections. As I said earlier, it is very easy to run a negative campaign and to be mischievous in the whole process.

The Hon. Anne Levy: Ask Stephen Baker.

The Hon. A.J. REDFORD: The Hon. Anne Levy interjects, but I will not respond directly to what she said. I think it was in 1986 or 1987 that the Brighton-Glenelg amalgamation was being proposed. Being a resident of the Brighton council at the time, I acted out of concern that the Glenelg rates were higher than the Brighton rates. I did not want to pay the rate levels that Glenelg had set for its ratepayers and I did not want to come under that regime. That was my principal motivation, and at the time it was a very easy and simple campaign to run. I am not suggesting that the Hon. Paul Holloway or the Hon. Anne Levy would take advantage of it, but there are some who would. At the end of the day the big loser in this process would be the ordinary South Australian ratepayer and the ability of local government to deliver proper and appropriate services.

The third feature of the voluntary amalgamation process is that, in the event that elected councillors cannot agree to an amalgamation proposed by the Local Government Board, a poll has to be conducted with the onus on the voters to maintain the *status quo*; that is, a majority and a greater than 50 per cent turnout. I will touch on that and some of the comments made by the Hon. Paul Holloway a little later. The fourth feature of this legislation is that any proposed amalgamation or boundary change must be accompanied by a three-year plan identifying rate income savings, amongst other things. That is a very important part of this whole process.

There has been a great deal of criticism by the Opposition in another place of the consultation process adopted by the Minister. I must say I am somewhat perplexed by those assertions. Indeed, in my view, consultation in relation to local government reform has been going on in one way or another since the royal commission in 1970. There has to come a time in any political process when the Government has to nail its colours to the mast. To do otherwise leads to a paralysis in decision making and ultimately to frustration and anger. With the MAG report, meetings between the Minister and the Local Government Authority, meetings between Liberal members of Parliament and their constituents, the tabling and publication of the MAG report, and the public comment following that, I believe there has been an extraordinarily large amount of consultation in relation to that. At the end of the day, I would have to suggest that, in any controversial issue, a Government has to make a decision, and that is what has occurred in this case.

I will comment perhaps in more detail about some of the Opposition's assertions and criticisms of this Bill. However, its first criticism relates to the legislative requirement that there be a reduction in rates of 10 per cent for one particular financial year. What the honourable member seems to have overlooked is the requirement of the new local government area to have a financial management plan. The advantage of that financial management plan is, first, it will be public; secondly, it will be prepared after a broad consultation process; and thirdly, it has to contain that reduction in rate of 10 per cent.

If in fact councils believe that the financial management plan cannot sustain a 10 per cent reduction in rates, then it has either of two options. It can force a local government poll on the entire topic of the amalgamation and the democratic process that would be applied there. Alternatively, it can allow the amalgamation to proceed through the system and adopt the 'out clause' which is contained in the Bill whereby the council can either seek an exemption from the board or alternatively go to the ratepayers and say, 'Please vote in favour of a budget this year that does not reduce rates by 10 per cent.' At the end of the day, who can argue with that democratic out? The Government is most concerned that the people must have some tangible benefit from all the pain and upheaval that people in local government and ordinary people within the community will be subjected to.

I note that, in the other place, the Leader of the Opposition referred to 10 per cent being wrong, that it might prevent councils from reducing rates by 20 per cent. I would have to suggest that that is just an absolute furphy. If councils believe that they can reduce rates by 20 per cent by amalgamating, then they will do so. There is nothing in the Bill which prevents that. In my respectful view, I just cannot see the logic in that argument. I also refer to recent polls. As I understand it, some 76 per cent of the population support council amalgamations on condition that rates be reduced. It would be a foolish Government indeed, armed with that information, to allow councils not to respond to that public opinion, particularly when you get a result of some 76 per cent, which one would describe in any political poll as being somewhat overwhelming.

I believe there is very good reason why the Government can justify the enforced reduction in rates of 10 per cent. It is all well and good to say that we are seeking to interfere in local government affairs by having this compulsory reduction in rates, but I would suggest that that has all the hallmarks of being a little bit pregnant. At the end of the day the State Government has a responsibility to administer local government. Whether or not we like it, that is the fact of the matter as it exists now. Secondly, even the Opposition agrees that there is a real need for local government reform, particularly in relation to boundaries.

At the end of the day, the State Government, with the support of the Opposition, is interfering in the internal affairs of local government. However, the Opposition suggests that we cannot interfere in terms of the rate. There is just no logic and consistency in that argument. It is like saying, 'You are only a little bit pregnant.' Once we stick our foot in the water on this topic we are interfering, and to say, 'We do not want you to interfere in that area but you can in this area', quite frankly, has no logic to it whatsoever. One must understand—and I would hope the Opposition ultimately will come to

understand—that we are seeking to focus the minds of those involved and engaged in local government to ensure that the benefits of local government reform are passed on to the ratepayer.

The Hon. Paul Holloway suggests that we should not legislate for economics. Quite frankly, that is simply a nonsense. If councils find themselves in a position where they cannot deliver the 10 per cent reduction, as I said earlier, there is an out clause. Some of the pious statements made by the Opposition in the other place go beyond the pale, particularly when one looks at the performance of previous Labor Governments—and we have had 20 years of Labor Government in the past 24—in achieving reform in this area. The second issue raised by the Hon. Paul Holloway was the ratepayer poll.

The Government acknowledges that there is enormous public apathy in relation to the area of local government. I have never served on a local council but I have certainly become quite aware of it over the past six months. Local government amongst very few people stirs up extraordinary passions, and the Hon. Anne Levy would acknowledge that she has been subjected to some of those extraordinary passions by some of those people. At the other end of the scale the vast majority of South Australians would not know anything about local government and do not care about local government so long as their rubbish is collected, their streets are swept and their general environment is livable.

To say that there is an important democratic principle in respect of the 50 per cent turn-out I would suggest misses the point. The Government understands and recognises that it is far more difficult to propose, introduce and implement change than it is to resist it. The fact of the matter is that the Government's strategy is such that those people who want to oppose amalgamation must sell that opposition to the public. They must do two things: first, they must encourage the public to become involved in the process by at the very least filling out a form and returning it; and, secondly, they must encourage the vote in the way they want.

At the end of the day, if someone does not want to vote and is not interested in voting, frankly, they can hardly be heard to complain at a later stage if an amalgamation should take place contrary to their wishes. As politicians, we all know how to set up a poll that may provide a certain advantage to obtain a certain result. When we have sat in the members' bar, we have all come up with different strategies for an electoral redistribution that could wipe each other out, and I am sure that as the night wears on and we imbibe more wine we come up with further strategies to do so. The fact of the matter is that that does not occur and, at the end of the day, there is a real opportunity for ratepayers to participate in the process if they are led to anger and frustration in consequence of an ill-advised recommendation on the part of the local government board.

Let us be realistic: does anyone think that the local government board will run the risk of losing a council poll on an amalgamated boundary which on any close examination of the whole process may well have the practical effect of upsetting surrounding proposed boundary amalgamations? One does not have to be a Rhodes scholar to work out that if, for argument's sake, they recommend that St Peters, Norwood and Campbelltown amalgamate and, on the other side, that perhaps North Adelaide, Prospect and Walkerville amalgamate and, if either of those groups votes against the amalgamation, the local government board will have to go back to the drawing board and look at the whole context and perhaps restructure the boundaries in neighbouring areas. So the real pressure is to ensure that there is a very well researched and conducted public consultation process, because the risk of a successful 'No' vote could bring down the whole pack of cards on the local government board. I think that is a political risk that the Government is taking. Certainly, it is entrusting the local government board with that process. Some of the issues regarding ratepayer polls have been overstated, and I will be surprised if we see many of them at all.

The third area of criticism from the Opposition concerns the membership of the board. Obviously, someone from Trades Hall has popped down here and given members opposite a couple of arm twists and said, 'We must have a representative on the local government board.' As I say now, and as I have said in respect of numerous pieces of legislation, when you pick people to go on a board it should always be done on merit. This is not a representative board but a working board that must achieve a result. If someone from the union movement warrants selection, obviously they will be selected, not on the basis that they are a member or representative of a particular union but on the basis of merit and the skills and qualities that they bring to the job.

The fourth issue involves the question of review. I must say that I read with some amusement the contribution by Mr Atkinson in another place. This is an administrative process and, to be quite frank about it, it is a political process. We all know that this whole process can become bogged down and delayed by appeal after appeal and, at the end of the day, the whole reform process could well be put at risk by substantial amounts of litigation. Let us not be coy about this: there are certain elements within local government that have the resources or are mischievous enough to bring down this whole process like a house of cards.

Given that there is a political process at the end of this, that is, a ratepayer poll, given that there is that outlet, why should we let lawyers and judges interfere with the process? I will be interested to hear how members opposite, particularly those who have criticised the legal profession and the judiciary in the past, justify their position. However, I say quite clearly and candidly that this is a political process and I think, with respect, that it is unfair on the courts, the legal profession and some councils to allow this whole process to become bogged down in some sort of legal-fest.

There is in the end a political process; there is a poll. If any storm trooping tactics are used by the local government board; if it fails to consult properly; if it fails to take into account pertinent information; if it delivers false information to the electorate; if it misrepresents people to the electorate, it will be caught out and will run a very grave risk. I am sure that many people in local government and members opposite will watch the board's activities closely, provide great public scrutiny and deal with any failures on the part of the board in the political context. That is where it should be dealt with, not within a legal context.

Finally, I will make a couple of other comments in relation to the general boundaries issue. First, I express my concern in relation to some of the boundaries drawn by the MAG report and indeed an earlier approach from the Government that there be an emphasis on whole boundaries and whole councils being transferred. Frankly, I think that if the board adopts that process it runs the real risk of alienating very important pockets of people.

The Hon. Anne Levy: They would be Stephen Baker's constituents.

The Hon. A.J. REDFORD: I will give you a personal example. My family has land on which it lives as a working farm at Kalangadoo. Kalangadoo is part of the Penola council. The MAG report recommended that the whole council area of Penola be amalgamated with the Naracoorte council. That may make good sense to some bureaucrat sitting in Adelaide, but it makes absolutely no sense whatsoever if you happen to be a resident of Kalangadoo. People in Kalangadoo have absolutely nothing to do with Naracoorte, generally. Naracoorte to them is generally a place through which they drive on the way to Adelaide. On the other hand, Penola does have a relationship with Naracoorte, in that they both have successful and rapidly growing wine industries—that is, Coonawarra and Padthaway—and they also participate in sporting contests with each other and so on. To amalgamate the whole area would substantially alienate those 600 or 700 residents of the Kalangadoo and district area. However, people in the Kalangadoo and district area predominantly shop, trade, play sport and have their social engagements with the township of Mount Gambier. That is a simple example where a whole-of-boundary shift would alienate people and cause unnecessary angst. I suggest that there would be many dozens if not hundreds of similar examples where shifting a whole council area into another area may alienate and cause great angst to small groups of people for no real reason. The board has to be quite aware of that.

A second issue that has been raised with me at a number of meetings I have attended relates to the transitional provisions. I would invite the Minister at least to consider a response to that. I preface my comments in this way. The Government's strategy and the thrust of this legislation are dependent to an enormous extent on the goodwill of various people on various councils that will be the subject of amalgamation. If this legislation is met by outward hostility, the results will be disastrous, not just for the Government but for all of South Australia. Quite a large number of small councils sit nearby larger councils which have four or five ward members. One example that springs to mind is that of the Gumeracha and Mount Torrens councils.

The Hon. Anne Levy: Thebarton council.

The Hon. A.J. REDFORD: I am not familiar with Thebarton. I may be wrong on the numbers but I am using this as an example. If Gumeracha council amalgamated with East Torrens and Mount Torrens, it in effect would mean that East Torrens would have moved, in the one move, from having seven or eight people to 1¼ people representing that area. I suggest that the Minister seriously consider some sort of transition process where for at least one or two years the same number of council representatives on the previous council be allowed to transfer into the new council. I know that may offend against certain—

The Hon. Anne Levy: Hindmarsh and Woodville did.

The Hon. A.J. REDFORD: That is absolutely correct. I may be wrong—and I will be most interested to hear the honourable member's comments—but if it had not been that way there would have been substantial resistance from Hindmarsh council to that proposal. Whilst the provision to the effect that there must be wards of equal size with no more than 10 per cent differential between them might be admirable in terms of strict democratic one vote one value theory, at the end of the day it would be more practical and enable more consultation and more good will to be adopted if we allowed a similar sort of transition period such that a council in the Mount Torrens situation would feel confident that at least for one or two years it would have similar representation to that which it had in the past.

There are certain practical advantages, too. When that one councillor, who may well have been keen on one particular small area in Mount Torrens, then comes to represent the whole of that council area in the larger council, it will take some time for that person to become familiar with all of the council activities of Mount Torrens. The job of that councillor, particularly in the first two years following amalgamation, will be difficult and will involve very important issues in terms of what to do with resources that might be in the Mount Torrens council. Whilst it may offend against that principle of one vote one value, there is a very strong case to allow some sort of transitional period.

The other point I want to touch on concerns the Local Government Association. I am familiar with the history where the previous Government substantially—I will not use the term 'closed down'—reduced the local government department and transferred a lot of its functions, resources and the like to the Local Government Association. I understand the reasoning behind it, but the time has come, perhaps not within the context of this Bill, for us to seriously consider the role that the current Local Government Association has and whether or not it is properly fulfilling that role. It is my view that the Local Government Association's responsibility leaves it open to being accused of being subject to conflicts of interest. I also have a concern that it has become—and this is my personal experience—a sort of self-proclaimed spokesman for various local councils and almost become a bureaucratic layer between the State Government and individual local councils.

The Hon. Anne Levy: It is controlled by the country.

The Hon. A.J. REDFORD: That may well be another problem; I am not familiar with that.

The Hon. Anne Levy: Each council has one vote. Salisbury has one vote; Browns Well has one vote.

The Hon. A.J. REDFORD: I know that. What I have found in terms of criticism of it is that the Local Government Association tends to be dominated by the salaried component of local government. The managers of councils seem to run the agendas and that sort of thing. There is a general level—and this is what has been expressed to me—of frustration about the role of the Local Government Association by ordinary elected people.

There is also some degree of suspicion by local councils about the role that the Local Government Association plays, and one example has been given to me. A small council wished to enter into an enterprise bargaining process with its Chief Executive Officer. Being a council of some small size, it did not have either the personnel or the resources to engage its own advice about how it ought to embark upon that enterprise bargaining process. It went to the Local Government Association and received advice from that body about the enterprise bargaining process and, indeed, the Local Government Association played a role in negotiating the enterprise bargain.

I do not seek to make any comment about the rights or wrongs of that, but the perception conveyed to me by certain elected members was that the Local Government Association seemed to be more interested in representing the paid employees as opposed to the elected representatives or, if I can use it in its loosest context, the employer. There was a real feeling, rightly or wrongly, by those elected members, that the Local Government Association was acting for both sides. We need to be mindful of a clearer definition of the

Local Government Association's role and we also need to be mindful of the fact that the Local Government Association is not the third tier of government, with local councils being the fourth tier of government. There are only three tiers of government in this country, and the Local Government Association should not be seeking to place itself as a third or intermediate tier of government between State and ordinary local councils.

The second last issue that I wish to raise relates to the ILAC model, and I must say that I have some concerns about that. I will be interested to see and hear any information on that but, to my knowledge, the ILAC model as it has been explained to me has no precedent in this State, nor have I heard of any precedent in this country. I note that the biggest proponent of the ILAC model is the St Peter's council, of which area I am a resident. If it can convince the board that it can work, no doubt the board will make a recommendation along those lines. However, I am pretty sceptical about it, and I urge the board to carefully scrutinise any proposed ILAC model.

The issue of compulsory competitive tendering was covered extensively by the spokesperson for the Opposition in another place. To my knowledge—and I invite the Minister to tell me if I am wrong—this Government has not made any decision about compulsory competitive tendering. It is not this Government's policy and it is still part of a general broad community discussion. If I am wrong, I will be corrected, but I am pretty sure that I am right. What I am very concerned about is that an extraordinarily large number of people, some of whom are prominent in the Australian Labor Party, are running a major scare campaign in the broader community about this Government's view on compulsory competitive tendering.

Let me say this on the record to those people: this Government has no policy on that topic at this stage. We are still considering it, and I should like to tell these people not to misrepresent what this Party is doing on that topic, because it gets right up my nose. On one occasion I was at a meeting at exactly the same time as the spokesperson for the Opposition in another place, and the speech given by the officer from the Tea Tree Gully council was word for word the second reading speech in another place. The fact is, we have no policy.

The Hon. Anne Levy interjecting:

The Hon. A.J. REDFORD: There was an 'as' difference. The fact is, we have no policy on that and to run around playing scare tactics, muddying the waters and playing silly little games on compulsory competitive tendering distracts everyone from the important issues that are before us here and now. Frankly, it does the Australian Labor Party and the legislative process no good and it may make it more difficult to go through an appropriate and proper consultation with the local government board and various people affected. I invite the Australian Labor Party to be more responsible about some of the comments it is making about the Liberal Party and stating the Liberal Party and the Liberal Government's policy on compulsory competitive tendering. I am sick and tired of telling people at meetings that we have not a policy on it and that we are still considering the issue.

At the end of the day I commend the Bill to the Council and urge members to consider seriously some of the arguments put. I am not sure that the Australian Democrats are with anyone at this stage: they seem to be back in the 1970s, but one can always hope that they will do a bit of reading in the next few days and perhaps participate more constructively in this whole process.

The Hon. ANNE LEVY secured the adjournment of the debate.

SOUTH AUSTRALIAN HOUSING TRUST BILL

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

The Hon. DIANA LAIDLAW (Minister for Transport): I move:

That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill is an important step forward in the management of the South Australian Housing Trust.

The Trust is a major institution in this State with a proud record of achievement in public housing since its inception by a Liberal government in 1936.

It has grown through rapidly changing circumstances into the current organisation which owns and lets over 61 000 houses and financially assists a further 23 000 households in private rental accommodation.

These contributions assist more than half the rental residential accommodation in South Australia.

The Trust also has a proud record in its treatment of tenants and the entrepreneurial way in which it has gone about its business. It has also benefited in the past from favourable treatment by successive Commonwealth and State governments, as a result of its leading position amongst Australian public housing authorities.

In recent years, the conditions under which the Trust must operate have changed, resulting in adaptation of the Trust to those conditions. The most important changes are a marked reduction in the proportions of tenants paying full rent, a change in the demand for housing, from families to single- and two-person households, and financial pressures arising as a result.

There has also been a reduction of funds provided under the Commonwealth State Housing Agreement, the predominant resource of capital for new public housing, while the Federal Government has signalled a move away from capital grants towards recurrent funding of housing assistance.

The net result is that the Trust has, in common with other public housing agencies, been asked to do more with less.

These pressures have caused it to consolidate its operations and adopt more efficient ways of providing services. Recently, those endeavours have been given the stimulus of the National Competition Policy, the Hilmer Report and the negotiations of the National Housing Minister's Conference.

The need to find new sources of capital, contestability of services, and the potential introduction of tax equivalence regimes and dividend payments by government businesses have all influenced the Trust's operations and are likely to do so more in future.

While the debate over the application of these measures to public housing continues at the national level, it is clear that the fundamental issues of demand and resources will have to be matched by a new approach to the management of the Trust.

The Government has responded to these factors, which affect the whole housing and urban development area, by the reorganisation of the portfolio under the Housing and Urban Development (Administrative Arrangements) Act 1995, passed with amendments by the Parliament earlier this year. It is based on the concept of full accountability and responsibility of the Minister for the activities of the portfolio.

The portfolio reorganisation under that Act was proposed by the Ministerial Review carried out in early 1994 by consultants Deloitte Touche Tohmatsu and the SA Centre for Economic Studies.

Their reports recommended that the community services provided by the portfolio, the government businesses and the regulatory functions should be separated from each other.

They recognised that this principle needed refinement in light of the desired outcomes, and made specific recommendations based on a study of the individual agencies in the portfolio.

The Consultant's report "Organisation Structure, Governance and Management Arrangements" was accepted by the Government as the

basis of the reorganisation and a team of senior staff was given the task of putting it into practice.

The reorganisation was overseen by an Implementation Steering Committee comprised of Board Chairmen of the affected agencies, the Director of the Office of Public Sector Management and the Assistant Crown Solicitor. It was chaired by the Chief Executive Officer of the Department of Housing and Urban Development.

The Government has a clear policy for urban development, published as the Planning Strategy. The activities of the various parts of the portfolio are aimed, together, to work towards the attainment of that policy. The intention is that they should do so in the most efficient and rational manner, and in a way that opens them to scrutiny, for the Minister, the Government and the people of the State.

The arrangements adopted under the Housing and Urban Development (Administrative Arrangements) Act, 1995, allow for separate reporting of the operational corporations, with the attendant visibility of performance. However, it stops short of the complexity of quasi-independence and internal trading that has characterised some private sector group structures.

It is expected that both the operating environment and the commercial maturity of the corporations will change over time. It follows that the current structures are not necessarily permanent as they represent a current balance between practicality and administrative ideals. It is intended to further reform the structure of the entities in response to those influences.

The intention is to have no redundant functions, no duplication, clear responsibilities and to achieve the best result for our limited resources.

It is intended to present a separate Bill to the Parliament to integrate Housing Cooperatives and Associations, within a new South Australian Community Housing Authority. This is necessary to regulate the Associations and to secure the substantial public investment in housing under their control. That Bill will ensure that the operation of SACHA can be regulated in the same manner as the Trust or a statutory corporation under the Housing and Urban Development (Administrative Arrangements) Act.

All these arrangements are consistent with the national approach to public housing reform and urban development initiatives adopted by the Federal Government and other States. South Australia is at the forefront of reforms to the provision of public housing. These new arrangements will underscore and strengthen our position and provide a new flexibility and quickness of response to changing circumstances in the future.

This South Australian Housing Trust Bill is introduced in response to an invitation from the Legislative Council. On the motion of the Hon Sandra Kanck, the Council removed the South Australian Trust from the ambit of the Housing and Urban Development (Administrative Arrangements) Act, 1995. In doing so, the Council acknowledged the need for new management conditions for the Trust, to replace the current ones, which had their genesis in 1936.

The Government accepted that amendment, which was prompted by an acknowledgment of the pivotal role of the Trust in public housing in this State and the desire to see it maintain its own statutory existence.

The Council also made some procedural modifications to the Housing and Urban Development (Administrative Arrangements) Act, 1995, notably the granting of certain powers to the Governor rather than the Minister and their promulgation by regulation rather than by notice in the Gazette.

Once again, the Government accepted these changes and has adopted the finished administrative structure, which they define, as the model for this Bill.

The Trust is held in general high regard by its customers and other public housing authorities. It commands a very high proportion of South Australian residential tenancies. It is therefore proposed to retain the corporate structure and its name. That will provide continuity and retain the goodwill of the Trust.

To accord with the national agreement on public housing, the Trust's operations have already been split into two divisions, of Property Management and Housing Services, which deal with each other on a supplier-customer basis. They will account separately for their operations to the Board and for the information of the Minister and Treasurer. This split is essential for the proposed funding arrangements for the new Commonwealth State Housing Agreement. The Bill will allow for a further degree of corporatisation at a future stage, should it be practical to do so.

The rationale for this change is that current circumstances have removed the opportunity for the SAHT to operate entrepreneurially and the community service subsidy moneys distributed by it have amplified and resulted in a substantial debt.

The Bill repeals the South Australian Housing Trust Act 1936. It provides transitional arrangements which, amongst other things, preserve the rights, remuneration and conditions of all employees, whether employed under the GME Act or any other industrial agreement or determination. Arrangements for enterprise bargaining will also be available.

Mobility of staff across the portfolio is provided for, by agreement between the Minister and the Board, with benefits for career development as well as administrative reform.

The Bill provides the same management conditions for the SAHT Board as apply to the statutory authorities under the Housing and Urban Development (Administrative Arrangements) Act, 1995. These include a requirement for setting objectives for the Trust, which must be reviewed annually. It also requires an annual report to the Minister, who is bound to have it laid before both Houses of Parliament within 12 sitting days of receiving it.

The Bill also allows the SAHT, if it so decides, to establish subsidiary corporations. These may be used to separate a current operation from the Trust or to improve the flexibility of operation of a new project.

This Bill makes the South Australian Housing Trust directly responsible to the Minister. It changes the current arrangement that the Trust Board, while bound to comply with a direction of the Minister, can estimate the cost of complying with such a direction and the amount, if certified by the Auditor-General, must be paid to the Trust out of moneys to be provided by Parliament. That power has, in the past, proved to be an effective brake on Ministerial control of the Trust.

It has been conclusively demonstrated that Governments cannot escape responsibility for the actions of their agencies, no matter how far those agencies are theoretically removed from Ministerial direction. Hence, accountability must be matched with responsibility and the Bill is intended to ensure that the Trust is made directly responsible to the Minister.

National initiatives, especially the Hilmer Report, The Industry Commission Report into Public Housing and the Commonwealth Government's National Competition Policy, are the source of some provisions of the Bill, the Tax Equivalence Regime and facility for payment of dividends.

The Bill provides for dividends and tax equivalents to be paid by the statutory corporations, in accordance with Commission of Audit recommendations and in consultation with the Treasurer. Under the current Commonwealth State Housing Agreement, tax equivalent payments must be paid between the Trust and the Minister to the housing portfolio for use in accordance with the agreement.

Performance agreements between the Trust and the Minister will specify these dividends and tax equivalents as part of overall portfolio budgeting and resource allocation.

I have described the overall reform of the housing and urban development portfolio, of which the South Australian Housing Trust is the most significant part.

The Government's intention is to provide the best possible housing opportunities for tenants of public housing and receivers of housing assistance, in response to need and consistent with principles of equity, that it can with the available resources.

There are rapid changes occurring in this most significant social field. We are now looking at much more diverse tenancy forms, including sharing equity with tenants, with cooperatives and with the sponsors of community housing associations. There is also the possibility of moves towards more direct financial assistance to tenants by the Commonwealth.

These changes have the potential to blur the edge between public and private rental, between home owners and tenants. They could result in quick changes in assistance patterns, in response to the tenants' needs and circumstances.

It is essential that our housing agencies, especially the Trust, are able to respond quickly and effectively to these challenges. This Bill is intended to facilitate the process.

I commend to the House the Functions and the General and Specific Powers of the Trust in this Bill, which set out its charter clearly for the first time in its long and illustrious history.

I ask the House to agree that the Trust's administrative conditions should be the same as those of the other agencies in the portfolio, so that they might be managed together as a cohesive whole, while each pursuing their particular goals.

I commend the Bill to the House.

Explanation of Clauses

PART 1
PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

Clause 3 defines certain terms used in the Bill.

PART 2
THE SOUTH AUSTRALIAN HOUSING TRUST
DIVISION 1—CONTINUATION OF SAHT

Clause 4: Continuation of SAHT

This clause provides that the *South Australian Housing Trust* (SAHT) continues in existence as a body corporate.

Clause 5: Functions of SAHT

The functions of SAHT are defined to include—

- assisting people to secure and maintain affordable and appropriate housing by acting as a landlord of public housing, managing public housing, providing private rental assistance and providing advice and referral on housing;
- providing houses to meet public and community needs;
- managing public housing to ensure acceptable rates of return and protect the value of the assets through developing, supplying, managing and maintaining public housing;
- undertaking programs for the improvement of community housing within the State, and supporting other housing programs;
- reporting to the Minister on public housing issues, and other matters;
- carrying out any other functions conferred under this or other Acts, by the Minister or by delegation under an Act.

Clause 6: General power of SAHT

Subject to any statutory limitation, SAHT has all the powers of a natural person as well as the powers conferred on it by statute.

Clause 7: Specific powers of SAHT

SAHT's specific powers include the power to lease and let houses, fix terms, covenants and conditions on houses to be let, pay bonuses or allowances to tenants, divide or subdivide land for development, participate in strata corporations, initiate, facilitate or participate in joint developments, provide appropriate services to other organisations, provide financial assistance to the public and community housing sectors and receive and administer funds on behalf of third parties, on an agency basis.

DIVISION 2—MINISTERIAL CONTROL

Clause 8: Ministerial control

SAHT is subject to the control and direction of the Minister.

DIVISION 3—BOARD OF SAHT

Clause 9: Constitution of board of management

SAHT is managed by a board consisting of seven members appointed by the Governor (one of whom will be appointed as the presiding member). At least one member of the board must be a woman and at least one member must be a man.

The Governor may also appoint deputies for board members.

Clause 10: Conditions of membership

A member of the board is appointed for a maximum of three years, and may subsequently be reappointed.

The clause also provides for removal of a member of the board and for vacancies in office.

Clause 11: Allowances and expenses

A board member is entitled to remuneration, allowances and expenses determined by the Governor.

Clause 12: Disclosure of interest

This clause deals with disclosure requirements in relation to conflicts of interest and prescribes the effect of disclosure, or failure to make a disclosure, on contracts entered into by the board.

The clause also provides that the Minister may direct a member to divest himself or herself of an interest that is in conflict with the board's duties or to resign from the board (and non-compliance with the direction constitutes misconduct and hence a ground for removal of the member from the board).

A disclosure must be recorded in the minutes of the board and be reported in the annual report.

Clause 13: Members' duties of honesty, care and diligence

Members of the board must act honestly in the performance of official functions, must exercise a reasonable degree of care and diligence in performing official functions, must not make improper use of information acquired because of his or her official position and must not make improper use of his or her official position. Breach of any of these duties is an offence.

Clause 14: Validity of acts and immunities of members

This clause provides that a vacancy or defect in board membership will not invalidate an act or proceeding of the board and, in the absence of culpable negligence, a member of the board incurs no civil liability for an honest act or omission in the performance of duties or powers. Any liability of a member attaches instead to the Crown.

Clause 15: Proceedings

This clause provides for the conduct of proceedings by the board.

Clause 16: General management duties of board

The board is responsible for overseeing the operations of SAHT with the goal of securing improvements in its performance and protecting its viability as well as the Crown's interests.

The board must, amongst other things, ensure—

- that appropriate strategic and operational plans and targets are established and that SAHT has appropriate management arrangements and performance monitoring systems; and
- that the Minister receives regular reports on the performance of SAHT, and the initiatives of the board; and
- that the Minister is advised of any material development affecting the financial or operating capacity of SAHT or that gives rise to an expectation that SAHT may not be able to meet its debts as and when they fall due.

DIVISION 4—STAFF, ETC.

Clause 17: Staff

This clause provides for the Minister to determine SAHT's staffing arrangements after consultation with the CEO and SAHT. Staff will, subject to any other provision or unless the Minister otherwise determines, be persons who are appointed and hold office under the *Public Sector Management Act 1995*.

SAHT may engage agents or consultants with the approval of the Minister and may, by arrange to make use of the facilities of a government department, agency or instrumentality.

DIVISION 5—COMMITTEES AND DELEGATIONS

Clause 18: Committees

This clause provides for the establishment of committees by SAHT. A committee's procedures will be as determined by the Minister, the board or the committee.

Clause 19: Delegations

The board may delegate functions or powers.

DIVISION 6—OPERATIONAL, PROPERTY AND FINANCIAL MATTERS

Clause 20: Common seal

SAHT will have a common seal.

Clause 21: Further specific powers of SAHT

This clause gives SAHT the relevant powers of a body corporate.

The approval of the Minister, or authorisation by regulation, is required before SAHT can deal with shares, participate in the formation of another body or borrow money or obtain other forms of financial accommodation.

SAHT may only establish or participate in a scheme or arrangement for sharing of profits or joint venture with another person if—

- SAHT is acting with the approval of the Minister (who must obtain the concurrence of the Treasurer); or
- the other party to the scheme or arrangement is a statutory corporation or SACHA; or
- the regulations authorise the scheme or arrangement.

Clause 22: Property to be held on behalf of Crown

SAHT holds its property on behalf of the Crown.

Clause 23: Transfer of property, etc.

The Minister may (with the agreement of the Treasurer) by notice in the *Gazette*—

- transfer an asset, right or liability of the Minister to SAHT; or
- transfer an asset, right or liability of SAHT to the Minister, to a statutory corporation or SACHA, to a subsidiary of SAHT, to the Crown or an agent or instrumentality of the Crown or, in prescribed circumstances and conditions (and with the agreement of the person or body) to a person or body that is not an agent or instrumentality of the Crown.

A notice may make other necessary provisions in connection with the relevant transfer.

The Minister's powers under this clause may be limited by an express agreement entered into by the Minister.

Clause 24: Securities

SAHT may, with the Minister's approval, issue securities as specified in this clause. The Minister must, however, obtain the concurrence of the Treasurer before giving an approval under this clause and a liability of SAHT incurred with the concurrence of the Treasurer is guaranteed by the Treasurer.

Clause 25: Tax and other liabilities

The Treasurer may require SAHT—

- to pay all liabilities and duties that would apply under the law of the State if SAHT were a public company; and
- to pay to the Treasurer any amounts the Treasurer determines to be equivalent to income tax and other imposts that SAHT does not pay to the Commonwealth but would be liable to pay if it were constituted and organised in a manner determined by the Treasurer for the purposes of this clause as a public company (or if subsidiaries or divisions of SAHT are involved as two or more public companies); and
- to pay council rates that SAHT would be liable to pay to a council if SAHT were a public company.

The Treasurer will determine the time and manner of payments under this clause.

This clause does not affect a liability that SAHT would otherwise have to pay rates to a council.

Clause 26: Dividends

This clause provides that SAHT must, if required, recommend to the Minister that a specified dividend or interim dividend or dividends be paid by SAHT for that financial year, or that no dividend or dividends be paid by SAHT, as SAHT considers appropriate.

The Minister may, in consultation with the Treasurer, approve a recommendation of SAHT or determine that a dividend or dividends specified by the Minister be paid, or that no dividend be paid.

If a dividend or interim dividend or dividends is or are to be paid, the Minister, in consultation with the Treasurer, will determine the time and manner of payment.

The Minister may, in consultation with the Treasurer, allocate an amount (or part of an amount) received under this clause in a manner determined by the Minister or may pay that amount (or part of it) for the credit of the Consolidated Account.

SAHT may not delegate the task of making a recommendation under this provision.

Clause 27: Audit and accounts

SAHT must establish and maintain effective internal auditing of its operations and must keep proper accounting records including annual statements of accounts for each financial year.

The accounting records and statements must comply with any instructions of the Treasurer under section 41 of the *Public Finance and Audit Act 1987*.

The Auditor-General must audit the annual statement of accounts and may audit SAHT's accounts at any other time.

DIVISION 7—PERFORMANCE AND REPORTING OBLIGATIONS

Clause 28: Objectives

The Minister may, after consultation with SAHT, prepare a statement of SAHT's objectives, targets or goals for the period specified in the statement. SAHT must review the statement whenever it is necessary to do so, and in any event at least once per year. The Minister may, after consultation with SAHT, amend a statement at any time. The Minister must consult with the Treasurer in relation to any financial objectives, targets or goals.

Clause 29: Provision of information and reports to the Minister

SAHT must, on request, furnish the Minister with any information or records and the Minister may make and keep copies of a record if the Minister thinks fit.

If SAHT considers that material furnished to the Minister contains confidential matters, SAHT may advise the Minister of that opinion. If the Minister is satisfied that SAHT owes a duty of confidence in respect of a matter, the Minister must ensure the observance of that duty, but may nevertheless disclose a matter as required in the proper performance of ministerial functions or duties.

Clause 30: Annual report

SAHT must, on or before 30 September in each year, prepare and present to the Minister a report on the operations of SAHT during the previous financial year, including the audited accounts and financial statements of SAHT. The Minister must, within 12 sitting days after receiving a report under this clause, have copies of the report laid before both Houses of Parliament.

PART 3

SUBSIDIARIES

Clause 31: Formation of subsidiaries

Regulations may be made establishing a subsidiary of SAHT. A subsidiary is a body corporate and, subject to a limitation imposed by or under an Act or the regulations, has all the powers of a natural person together with the powers specifically conferred on SAHT, or on the subsidiary specifically.

The Governor may, by regulation, make changes to or dissolve a subsidiary and may transfer the assets, rights and liabilities of a dissolved subsidiary to the Minister, SAHT or another subsidiary, a statutory corporation, the Crown, an agent or instrumentality of the Crown (not established under the measure) or, with the agreement with the person or body, to a person or body that is not an agent or instrumentality of the Crown.

If a regulation establishing a subsidiary is disallowed, the assets, rights and liabilities of the subsidiary become assets, rights and liabilities of SAHT.

PART 4

MISCELLANEOUS

Clause 32: Acquisition of land

SAHT may, with the consent of the Minister, acquire land for a purpose associated with the performance of its functions.

Clause 33: Power to enter land

A person authorised in writing may, where necessary or expedient, enter land and conduct a survey, valuation, test or examination. A person must not enter land under this clause unless the person has given reasonable notice to the occupier.

It is an offence to hinder a person in the exercise of a power under this clause, punishable by a maximum fine of $2 500.

This clause does not limit a power conferred under an agreement or mortgage, or another Act or law.

Clause 34: Satisfaction of Treasurer's guarantee

A liability of the Treasurer is to be paid out of the Consolidated Account.

Clause 35: Effect of transfers

The transfer of an asset, right or liability under the measure operates despite the provisions of another law and operates to discharge the liability in respect of the body from which it was transferred.

Clause 36: Registering authorities to note transfer

The Registrar-General or other registering authority must, on application under this clause, register or record the transfer of an asset, right or liability by regulation, proclamation or notice under the measure.

An instrument relating to an asset, right or liability that has been previously been transferred under the measure must, if the instrument is executed and is otherwise in an appropriate form, be registered or recorded by the Registrar-General or another appropriate authority despite the fact that no application was made to register or record the previous transfer under the measure.

A vesting of property under the measure by regulation, proclamation or notice, and an instrument evidencing or giving effect to that vesting, are exempt from stamp duty.

Clause 37: Restriction on letting

SAHT must not let a house to a person who owns (or partly owns) a residential property unless the person owns (or partly owns) the property under an agreement with SAHT, the person is in circumstances of genuine need or the Minister or the regulations otherwise authorise the letting.

Clause 38: Rents

SAHT may determine and vary the rent charged for its properties.

Clause 39: Power to carry out conditions of gifts

SAHT may accept gifts and is empowered to carry out the terms of any trust affecting a gift.

Clause 40: Offences

A prosecution under the measure for a summary offence may be commenced within two years after the date of the alleged offence or, if the Attorney-General authorises, within five years after the date of the alleged offence. Prosecutions for offences that are expiable under the regulations must be commenced within six months.

Clause 41: Approvals by Minister or Treasurer

This clause provides that approvals by the Minister or the Treasurer under the measure may be given in relation to a class of matters and may be given by a person authorised by the Minister or Treasurer (as the case may be).

Clause 42: Regulations

The Governor may make regulations for the purposes of the measure.

SCHEDULE 1

Repeal and Amendments

The first clause of this schedule repeals the *South Australian Housing Trust Act 1936* and the *Country Housing Act 1958*.

The second and third clauses make various consequential amendments to the *Housing Improvement Act 1940* and the *Housing and Urban Development (Administrative Arrangements) Act 1995*, respectively.

SCHEDULE 2

Transitional Provisions

This schedule makes transitional provisions relating to the staff of SAHT, the vesting of property of SAHT and regulations relating to water rates made under the repealed Act, and also makes provision for regulations to be made of a savings or transitional nature.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

ADJOURNMENT

At 11.54 p.m. the Council adjourned until Thursday 23 November at 2.15 p.m.