LEGISLATIVE COUNCIL

Tuesday 28 November 1995

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

ASSENT TO BILLS

Her Excellency the Governor, by message, intimated her assent to the following Bills:

Gas (Miscellaneous) Amendment,

Motor Vehicles (Heavy Vehicles Registration Charges) Amendment,

South Australian Country Arts Trust (Review) Amendment,

Telecommunications (Interception)(Miscellaneous) Amendment,

Tobacco Products (Licensing) (Miscellaneous) Amendment.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos. 6, 14, 19, 27, 40 and 49.

EDUCATION AND CHILDREN'S SERVICES, BRANCH OFFICES

6. **The Hon. R.R. ROBERTS:**

1. How many branch offices of departments or statutory authorities which are the responsibility of the Minister for Education and Children's Services 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. R.I. LUCAS:

1	2		3	4
23	District Education Office Lower South East	Mt Gambier	Base for District Superintendent and support staff who provide educational leadership, professional and administrative support to schools located in the district.	10.8
	District Education Office Upper South East	Naracoorte	Base for District Superintendent and support staff. . .	8.3
	District Education Office Riverland	Berri	Base for District Superintendent and support staff. . .	11.8
	Regional Services Centre Murrayland	Murray Bridge	Base for District Superintendent and support staff. . . Provision of curriculum, personnel and facilities and other professional services to country schools.	24
	District Education Office Lower North	Clare	Support for District Superintendents and support staff. . . School transport review for northern and western areas.	13.3
	District Education Office Yorke	Kadina	Base for District Superintendents and support staff. . .	9.3
	District Education Office	Pt Pirie	Base for District Superintendents and support staff. . .	13.8
	District Education Office	Pt Augusta	Base for District Superintendents and support staff. . .	13.65
	Regional Services Centre	Whyalla	Base for District Superintendents and support staff. . . Provision of professional, curriculum, personnel and facilities and other services to country schools.	27
	District Education Office Eyre	Pt Lincoln	Base for District Superintendents and support staff. . .	18.5
	Children's Services District Office	Pt Augusta	Regional support, administrative services, Family Day Care administration and mobile toy library.	14.1 *1.0 **0.95
	Children's Services District Office	Murray Bridge	Regional support, administrative services, Family Day Care administration and mobile toy library.	10.7
	Children's Services District Office	Mt Gambier	District support, administrative services, Family Day Care administration and mobile toy library.	5.4
	Family Day Care Office	Berri	Family day care administration. Located in the District Education Office.	5.9 **0.1
	Family Day Care Office	Clare	Family day care support and administration.	1.0 **0.2

Family Day Care Office	Pt Pirie	Family day care support and administration.	2.0 *1.0 **0.25
Family Day Care Office	Whyalla	Family day care support and administration.	2.9
Family Day Care Office	Pt Lincoln	Family day care support and administration.	3.3 **0.8
Family Day Care Outreach Office	Naracoorte	Family day care support.	1
Family Day Care Outreach Office	Roxby Downs	Family day care support.	0.3
Family Day Care Outreach Office	Maitland	Family day care support.	0.4
Family Day Care Outreach Office	Nuriootpa	Family day care support.	0.7
Outreach Support	Wudinna	Family day care outreach services	1.2

* indicates 1 trainee per site which has been included in the FTE total.
** indicates contract family day care positions included in the total which are subject to ongoing funding from Home and Community Care (HACC), Job Education & Training (JET), and Commonwealth Respite for Carers Program (CRC).

GOVERNMENT OFFICES

14. **The Hon. R.R. ROBERTS:**

1. How many branch offices of departments or statutory authorities which are the responsibility of the Minister for Emergency Services and Minister for Correctional Services 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. K.T. GRIFFIN:

POLICE

1.	2.	3.	4.
127	Bordertown	To provide a community based uniformed Police service	5.5
	Coonalpyn	To provide a community based uniformed Police service	1.0
	Keith	To provide a community based uniformed Police service	2.0
	Karoonda	To provide a community based uniformed Police service	1.0
	Murray Bridge	To provide a community based uniformed Police service	48.0
	Murray Bridge CIB	Investigation of reported crime and detection of offenders	4.5
	Murray Bridge Prosecution	Provide adjudication and prosecutorial service for detected offences	2.0
	Meningie	To provide a community based uniformed Police service	3.0
	Mannum	To provide a community based uniformed Police service	4.0
	Narrung	To provide a community based uniformed Police service	1.0
	Tailem Bend	To provide a community based uniformed Police service	5.0
	Barmera	To provide a community based uniformed Police service	5.5
	Berri	To provide a community based uniformed Police service	34.5
	Berri CIB	Investigation of reported crime and detection of offenders	4.0
	Berri Prosecution	Provide adjudication and prosecutorial service for detected offences	2.5
	Blanchetown	To provide a community based uniformed Police service	1.0
	Loxton	To provide a community based uniformed Police service	7.5
	Lameroo	To provide a community based uniformed Police service	1.0
	Morgan	To provide a community based uniformed Police service	1.0
	Pinnaroo	To provide a community based uniformed Police service	1.0
	Renmark	To provide a community based uniformed Police service	13.0
	Renmark CIB	Investigation of reported crime and detection of offenders	2.0
	Swan Reach	To provide a community based uniformed Police service	1.0
	Waikerie	To provide a community based uniformed Police service	7.53
	Beachport	To provide a community based uniformed Police service	1.0
	Kalangadoo	To provide a community based uniformed Police service	1.0
	Kingston	To provide a community based uniformed Police service	2.0
	Lucindale	To provide a community based uniformed Police service	1.0
	Millicent	To provide a community based uniformed Police service	12.0
	Millicent CIB	Investigation of reported crime and the detection of offenders	1.0
	Mount Gambier	To provide a community based uniformed Police service	48.0
	Mount Gambier CIB	Investigation of reported crime and the detection of offenders	5.0

Mount Gambier Prosecution	Provide adjudication and prosecutorial service for all detected offences	2.5
Naracoorte	To provide a community based uniformed Police service	11.0
Naracoorte CIB	Investigation of reported crime and the detection of offenders	1.0
Port MacDonnell	To provide a community based uniformed Police service	1.0
Penola	To provide a community based uniformed Police service	2.0
Robe	To provide a community based uniformed Police service	2.0
Balaklava	To provide a community based uniformed Police service	2.0
Clare	To provide a community based uniformed Police service	7.0
Eudunda	To provide a community based uniformed Police service	2.0
Freeling	To provide a community based uniformed Police service	1.0
Hamley Bridge	To provide a community based uniformed Police service	1.0
Kapunda	To provide a community based uniformed Police service	2.0
Mount Pleasant	To provide a community based uniformed Police service	1.0
Nuriootpa	To provide a community based uniformed Police service	26.5
Nuriootpa CIB	Investigation of reported crime and the detection of offenders	2.0
Nuriootpa Prosecution	Provide adjudication and prosecutorial service for all detected offences	1.0
Riverton	To provide a community based uniformed Police service	2.0
Williamstown	To provide a community based uniformed Police service	1.0
Andamooka	To provide a community based uniformed Police service	2.0
Amata	To provide a community based uniformed Police service	3.0
Coober Pedy	To provide a community based uniformed Police service	14.0
Coober Pedy CIB	Investigation of reported crime and the detection of offenders	2.0
Ernabella	To provide a community based uniformed Police service	2.0
Fregon	To provide a community based uniformed Police service	2.0
Hawker	To provide a community based uniformed Police service	1.0
Leigh Creek	To provide a community based uniformed Police service	4.0
Mimili	To provide a community based uniformed Police service	2.0
Marla	To provide a community based uniformed Police service	9.0
Marree	To provide a community based uniformed Police service	1.0
Indulkana	To provide a community based uniformed Police service	2.0
Oodnadatta	To provide a community based uniformed Police service	3.0
Pipalyatjara	To provide a community based uniformed Police service	2.0
Port Augusta	To provide a community based uniformed Police service	62.5
Port Augusta CIB	Investigation of reported crime and the detection of offenders	6.0
Port Augusta Prosecution	Provide adjudication and prosecutorial service for all detected offences	3.0
Quorn	To provide a community based uniformed Police service	1.0
Roxby Downs	To provide a community based uniformed Police service	2.0
Tarcoola	To provide a community based uniformed Police service	1.0
Woomera	To provide a community based uniformed Police service	2.0
Cowell	To provide a community based uniformed Police service	1.0
Cleve	To provide a community based uniformed Police service	1.0
Iron Knob	To provide a community based uniformed Police service	1.0
Kimba	To provide a community based uniformed Police service	2.0
Whyalla	To provide a community based uniformed Police service	56.0
Whyalla CIB	Investigation of reported crime and the detection of offenders	5.5
Whyalla Prosecution	Provide adjudication and prosecutorial service for all detected offences	3.0
Booleroo Centre	To provide a community based uniformed Police service	1.0
Burra	To provide a community based uniformed Police service	3.0
Cockburn	To provide a community based uniformed Police service	1.0
Crystal Brook	To provide a community based uniformed Police service	2.0
Gladstone	To provide a community based uniformed Police service	1.0
Hallett	To provide a community based uniformed Police service	1.0
Jamestown	To provide a community based uniformed Police service	1.0
Mannahill	To provide a community based uniformed Police service	1.0
Orroroo	To provide a community based uniformed Police service	1.0
Peterborough	To provide a community based uniformed Police service	8.0

Port Germein	To provide a community based uniformed Police service	1.0
Port Pirie	To provide a community based uniformed Police service	43.0
Port Pirie CIB	Investigation of reported crime and the detection of offenders	3.0
Port Pirie Prosecution	Provide adjudication and prosecutorial service for all detected offences	3.0
Spalding	To provide a community based uniformed Police service	1.0
Wirrabara	To provide a community based uniformed Police service	1.0
Yunta	To provide a community based uniformed Police service	1.0
Ceduna	To provide a community based uniformed Police service	26.0
Ceduna CIB	Investigation of reported crime and the detection of offenders	2.0
Ceduna Prosecution	Provide adjudication and prosecutorial service for all detected offences	1.0
Cummins	To provide a community based uniformed Police service	1.0
Elliston	To provide a community based uniformed Police service	1.0
Lock	To provide a community based uniformed Police service	1.0
Minnipa	To provide a community based uniformed Police service	1.0
Poochera	To provide a community based uniformed Police service	1.0
Port Lincoln	To provide a community based uniformed Police service	39.0
Port Lincoln CIB	Investigation of reported crime and the detection of offenders	2.5
Port Lincoln Prosecution	Provide adjudication and prosecutorial service for all detected offences	1.0
Penong	To provide a community based uniformed Police service	4.0
Streaky Bay	To provide a community based uniformed Police service	2.0
Tumby Bay	To provide a community based uniformed Police service	1.0
Wudinna	To provide a community based uniformed Police service	1.0
Wirrulla	To provide a community based uniformed Police service	1.0
Yalata	To provide a community based uniformed Police service	3.0
Ardrossan	To provide a community based uniformed Police service	1.0
Brinkworth	To provide a community based uniformed Police service	1.0
Edithburgh	To provide a community based uniformed Police service	1.0
Kadina	To provide a community based uniformed Police service	22.0
Kadina CIB	Investigation of reported crime and the detection of offenders	2.0
Kadina Prosecution	Provide adjudication and prosecutorial service for all detected offences	1.0
Maitland	To provide a community based uniformed Police service	2.0
Minlaton	To provide a community based uniformed Police service	2.0
Moonta	To provide a community based uniformed Police service	2.0
Port Broughton	To provide a community based uniformed Police service	1.0
Port Victoria	To provide a community based uniformed Police service	2.0
Port Wakefield	To provide a community based uniformed Police service	2.0
Stansbury	To provide a community based uniformed Police service	1.0
Snowtown	To provide a community based uniformed Police service	2.0
Yorketown	To provide a community based uniformed Police service	2.0

METROPOLITAN FIRE SERVICE

1.	2.	3.	4.
18	Port Pirie	To provide full operational fire service staffed by permanent firefighters	35 + (7)
	Whyalla	To house firefighting and rescue equipment necessary to contain and deal with hazardous substances and communication services and fire alarm monitoring equipment	1 + (12)
	Mount Gambier	To house firefighting and rescue equipment necessary to contain and deal with hazardous substances and communication services and fire alarm monitoring equipment	1+ (18)
	Burra	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(9)
	Kadina	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(9)
	Port Augusta	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(16)

	Berri	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(14)
	Wallaroo	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(9)
	Renmark	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(10)
	Moonta	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(10)
	Whyalla West	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(8)
	Loxton	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(10)
	Port Lincoln	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(15)
	Tanunda	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(9)
	Victor Harbour	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(10)
	Peterborough	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(8)
	Kapunda	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(8)
	Murray Bridge	To house firefighting and rescue equipment and equipment necessary to contain and deal with hazardous substances and to provide communication services and fire alarm monitoring equipment	(15)

Note: At the Whyalla and Mount Gambier Fire Stations, a full-time Station Officer provides co-ordination of all retained personnel and equipment. Retained firefighters are not permanent employees of the SAMFS but attend incidents as required from their normal place of employment. Other SAMFS country stations are staffed by retained firefighters. For statistical purposes 10 retained firefighters equate to 1 full-time equivalent.

COUNTRY FIRE SERVICE

1.	2.	3.	4.
7	Stirling	To provide customer service for CFS Volunteers and the public to coordinate CFS brigades and manage regional operations and also accommodates the CFS Bushfire Prevention unit which provides advice and support to the State Regional and District Bushfire Prevention Planning process as well as providing input to the Bushfire Prone Areas Supplementary Development Plan.	8.0
	Gawler	To provide customer service for CFS Volunteers and the public to coordinate CFS brigades and manage regional operations.	3.0
	Port Augusta	To provide customer service for CFS Volunteers and the public to coordinate CFS brigades and manage regional operations.	3.1
	Port Lincoln	To provide customer service for CFS Volunteers and the public to coordinate CFS brigades and manage regional operations.	3.2
	Naracoorte	To provide customer service for CFS Volunteers and the public to coordinate CFS brigades and manage regional operations.	3.0
	Murray Bridge	To provide customer service for CFS Volunteers and the public to coordinate CFS brigades and manage regional operations.	3.0
	Mount Lofty Training Centre (Brukunga)	To provide high level industrial and structural practical training for CFS and MFS firefighters. The Centre is also used on a limited commercial basis by the oil industry and other similar agencies requiring these specialist facilities.	3.2
	TOTAL		26.5

SA AMBULANCE SERVICE

1.	2.	3.	4.
86	EMPLOYER BRANCHES		
	Northern Region		
	Port Lincoln	Ambulance Provision	8
	Port Augusta	Ambulance Provision	15
	Port Pirie	Ambulance Provision + Comms Centre	21
	Whyalla	Ambulance Provision	15
	Southern Region		
	Barossa	Ambulance Provision	12
	Barmera	Ambulance Provision	5
	Berri	Ambulance Provision + Comms Centre	12
	Loxton	Ambulance Provision	5
	Renmark	Ambulance Provision	5
	Waikerie	Ambulance Provision	5
	Murray Bridge	Ambulance Provision	16
	Millicent	Ambulance Provision	5
	Mount Gambier	Ambulance Provision + Comms Centre	20
	Naracoorte	Ambulance Provision	4.7
	Onkaparinga	Ambulance Provision	4
	South Coast	Ambulance Provision	14
	TOTAL		166.7
	VOLUNTEER BRANCHES		
	Northern Region		
	Booleroo Centre	Ambulance Provision	
	Burra	Ambulance Provision	
	Crystal Brook	Ambulance Provision	
	Gladstone	Ambulance Provision	
	Jamestown	Ambulance Provision	
	Orroroo	Ambulance Provision	
	Peterborough	Ambulance Provision	
	Snowtown	Ambulance Provision	
	Ardrossan	Ambulance Provision	
	Maitland	Ambulance Provision	
	Kadina	Ambulance Provision	
	Minlaton	Ambulance Provision	
	Moonta	Ambulance Provision	
	Wallaroo	Ambulance Provision	
	Cummins	Ambulance Provision	
	Elliston	Ambulance Provision	
	Tumby Bay	Ambulance Provision	
	Ceduna	Ambulance Provision	
	Cleve	Ambulance Provision	
	Cowell	Ambulance Provision	
	Kimba	Ambulance Provision	
	Lock	Ambulance Provision	
	Streaky Bay	Ambulance Provision	
	Wudinna	Ambulance Provision	
	Yalata	Ambulance Provision	
	Coober Pedy	Ambulance Provision	
	Hawker	Ambulance Provision	
	Leigh Creek	Ambulance Provision	
	Marla	Ambulance Provision	
	Quorn	Ambulance Provision	
	Roxby Downs	Ambulance Provision	
	Port Broughton	Ambulance Provision	
	Yorketown	Ambulance Provision	
	Yunta	Ambulance Provision	

	Level Four Service	
	Coffin Bay	Community & First Aid Provision
	Southern Region	
	Balaklava	Ambulance Provision
	Clare	Ambulance Provision
	Eudunda	Ambulance Provision
	Hamley Bridge	Ambulance Provision
	Kapunda	Ambulance Provision
	Mallala	Ambulance Provision
	Riverton	Ambulance Provision
	Coonalpyn	Ambulance Provision
	Karoonda	Ambulance Provision
	Lameroo	Ambulance Provision
	Mannum	Ambulance Provision
	Meningie	Ambulance Provision
	Pinnaroo	Ambulance Provision
	Tailem Bend	Ambulance Provision
	Bordertown	Ambulance Provision
	Keith	Ambulance Provision
	Kingston	Ambulance Provision
	Lucindale	Ambulance Provision
	Penola	Ambulance Provision
	Tintinara	Ambulance Provision
	Goolwa	Ambulance Provision
	Kingscote	Ambulance Provision
	Mount Pleasant	Ambulance Provision
	Strathalbyn	Ambulance Provision
	Yankalilla	Ambulance Provision
	Padthaway	Ambulance Provision
	Sub-Branches	
	Swan Reach	Ambulance Provision
	Robe	Ambulance Provision
	Nangwarry	Ambulance Provision
	Level Four Services	
	Port Wakefield	Community & First Aid Provision
	Morgan	Community & First Aid Provision
	Coomandook	Community & First Aid Provision
	Gosse	Community & First Aid Provision
	Penneshaw	Community & First Aid Provision
	Meadows	Community & First Aid Provision

DEPARTMENT FOR CORRECTIONAL SERVICES

1.	2.	3.	4.
14	Berri	Community Corrections Centre	5.9
	Port Lincoln	Community Corrections	3.5
	Port Lincoln	Prison	30.5
	Marla	Community Corrections Centre	12.3
	Mount Gambier	Community Corrections Centre	7.3
	Mount Gambier	Prison	3
	Murray Bridge	Community Corrections Centre	6.7
	Murray Bridge	Prison	101
	Port Augusta	Community Corrections Centre	11.8
	Port Augusta	Prison	142
	Ceduna	Community Corrections Centre	4.1
	Port Pirie	Community Corrections Centre	4.4
	Whyalla	Community Corrections Centre	4.5
	Cadell	Prison	62
	TOTAL		399

FULL TIME EQUIVALENT POSITIONS

19. **The Hon. R.R. ROBERTS:** How many full time equivalent positions under the Government Management and Employment Act or other South Australian Acts which are the responsibility of the Minister for Education and Children's Services and which are located outside of the Adelaide Statistical Division, have been lost in the period from 11 December 1993 until 31 January 1995?

The Hon. R.I. LUCAS: The reduction in positions from the Department for Education and Children's Services (DECS), excluding the Adelaide Statistical Division, for the period from the start of February 1994 to the start of February 1995, by act, is as follows:

PSM ACT	17.6 FTEs
EDUCATION ACT	214.8 FTEs
CHILDREN'S SERVICES ACT	4.0 FTEs

Care should be taken in interpreting the figures, as the February pay is the first pay of the new school year. This pay traditionally is not indicative of the actual staffing levels of the DECS because not all appointment details for the new year have been finalised prior to the close-off time for the pay.

27. **The Hon. R.R. ROBERTS:** How many full time equivalent positions under the Government Management and Employment Act or other South Australian Acts which are the responsibility of the Minister for Emergency Services and Minister for Correctional Services and which are located outside of the Adelaide Statistical Division, have been lost in the period from 11 December 1993 until 31 January 1995?

The Hon. DIANA LAIDLAW:

POLICE

There are no full time equivalent positions under the Government Management and Employment Act or other South Australian Acts within the South Australia Police and located outside the Adelaide Statistical Division which have been lost from the period 11 December 1993 until 31 January 1995.

METROPOLITAN FIRE SERVICE

No positions pursuant to the South Australian Metropolitan Fire Service Act have been lost in this period.

COUNTRY FIRE SERVICE

The CFS reduced its staffing levels by ten FTE in the period 11 December 1993 until 31 January 1995.

SA AMBULANCE SERVICE

There were three full time equivalent positions reduced in the period 11 December 1993 until 31 January 1995.

DEPARTMENT FOR CORRECTIONAL SERVICES

There have been 9.65 full time equivalent positions lost in the period 11 December 1993 to 31 January 1995.

40. **The Hon. R.R. ROBERTS:** How many full time equivalent positions under the Government Management and Employment Act or other South Australian Acts which are the responsibility of the Minister for Emergency Services and Minister for Correctional Services, are located outside the Adelaide Statistical Division?

The Hon. DIANA LAIDLAW:

POLICE

The South Australia Police Department has the following positions located outside the Adelaide Statistical Division:

Police Officers (FTE)	GME Act (FTE)	Weekly Paid (FTE)
650	41.53	10

METROPOLITAN FIRE SERVICE

There are 33 permanent full time firefighters/officers located outside the Adelaide Statistical Division.

COUNTRY FIRE SERVICE

The CFS employs 26.5 FTE who are located outside the Adelaide Statistical Division.

SA AMBULANCE SERVICE

As at 30 September 1995, there were 166.7 FTEs located in offices outside the Adelaide Statistical Division.

DEPARTMENT FOR CORRECTIONAL SERVICES

There are 399 full time equivalent positions located outside of the Adelaide Statistical Division.

LEGISLATION, UNPROCLAIMED

49. **The Hon. A.J. REDFORD:** Which Acts or parts of Acts passed by the South Australian Parliament have not been proclaimed?

The Hon. K.T. GRIFFIN: The following Acts or parts of Acts passed by the South Australian Parliament have not been proclaimed:

1994

Environment, Resources and Development Court (Native Title) Amendment Act 1994
Financial Agreement Act 1994
Land Acquisition (Native Title) Amendment Act 1994
Native Title (South Australia) Act 1994—Parts 3, 4 & 5
Parliamentary Committees (Miscellaneous) Amendment Act 1994—Clause 2 of the Schedule
Statutes Repeal (Obsolete Agricultural Acts) Act 1994
Vocational Education, Employment and Training Act 1994—Sections 20-44 and Schedule 2

1995

Consumer Credit (South Australia) Act 1995
Credit Administration Act 1995
Criminal Law (Sentencing) (Miscellaneous) Amendment Act 1995
Development (Review) Amendment Act 1995
Electricity Corporation (ETSA Board) Amendment Act 1995
Mining (Native Title) Amendment Act 1995
Misrepresentation (Miscellaneous) Amendment Act 1995
Residential Tenancies Act 1995—Sections 4-72, 74-120, Clauses 1(1), 3(a), 4, 5 & 6 of the Schedule
Retail Shop Leases Act 1995—Sections 63-66
Road Traffic (Small-Wheeled Vehicles) Amendment Act 1995
Stamp Duties (Miscellaneous) Amendment Act 1995
Statutes Amendment (Female Genital Mutilation and Child Protection) Act 1995—Sections 4 & 5
Statutes Amendment (Recording of Interviews) Act 1995
Workers Rehabilitation and Compensation (Miscellaneous Provisions) Amendment Act 1995—Sections 7, 21 and 25

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. R.I. Lucas)—

South Australian Multicultural and Ethnic Affairs Commission and the Office of Multicultural and Ethnic Affairs—Report, 1994-95
Regulation under the following Act—
Collections for Charitable Purposes Act 1939—Marking of Commercial Recycling Bins

By the Attorney-General (Hon. K.T. Griffin)—

Regulation under the following Act—
Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986—Soil Conservation Boards

By the Minister for Consumer Affairs (Hon. K.T. Griffin)—

Regulations under the following Acts—
Land and Business (Sale and Conveyancing) Act 1994—Environmental Protection Forms—Variation
Liquor Licensing Act 1985—Dry Areas—Murray Bridge
Residential Tenancies Act 1995—Forms

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

Reports, 1994-95—
Chiropractors Board of South Australia
Foundation
Institute of Medical and Veterinary Science
Medical Board of South Australia
Occupational Therapists Registration Board of South Australia
Pharmacy Board of South Australia
Report to Parliament on the Administration of the Development Act, 1 July 1994-30 June 1995, by the Minister for Housing, Urban Development and Local Government Relations
South Australian Health Commission—Administration of the Radiation Protection and Control Act 1982
Regulations under the following Acts—
Development Act 1993—Infrastructure on Crown Land

Motor Vehicles Act 1959—Registrations without Fee
Prevention of Cruelty to Animals Act 1985—Layer Hen Housing.

QUESTION TIME

CRIME

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General a question about crime prevention strategies.

Leave granted.

The Hon. CAROLYN PICKLES: As honourable members will be aware, Mr Christopher Sumner, a former Attorney-General, was renowned nationally, and even internationally, through the World Society of Victimologists, as a Government leader committed wholeheartedly to innovative crime prevention strategies. His concerns in this area led to the Labor Government in 1989 launching a comprehensive five-year crime prevention strategy. Some $10 million in funding was committed over the five years. During the term of that project, about two dozen community crime prevention committees were established throughout the State. The police developed 'crime maps' which provided law enforcement agencies and communities with information about where particular types of crime were highly prevalent. Many thousands of elderly citizens received help in securing their homes, funds were committed to urban design research so that urban planners would be encouraged to create crime deterrents in the urban landscape, anti-graffiti programs were developed and programs were initiated which channelled the energies of youth into constructive rather than criminal behaviour.

Yesterday Mr Sumner received a great tribute. Yesterday was a great day for crime prevention because yesterday the Premier discovered crime prevention. Yes, the Premier announced a crime prevention strategy which, it is said, goes further than we have ever gone before. It goes without saying that the Opposition supports the emphasis on crime prevention. I know that the Attorney-General has a soft spot for crime prevention, although he is given no credit for helping to formulate the Premier's brand new crime prevention philosophy. Still, the Attorney might be able to answer some queries that I have about this bold new approach. My questions are:

1. Given that the Labor Government committed $10 million over five years for its crime prevention strategy, is not the $1.6 million over three years, promised by the Premier, actually a cut to crime prevention programs?

2. How do the local crime prevention committees referred to in the Premier's press release differ from the community crime prevention committees set up by the Labor Government, except that there are to be fewer of them?

3. The newspaper article publicising the Premier's new policy states that 'home violence will also be a key concern.' Specifically, what new programs will deal with this issue?

4. Has not the idea of plastic mock police cars been considered by the Police Force for some time, and is there not a separate budget line for police-directed crime prevention initiatives?

The Hon. K.T. GRIFFIN: I do not know where the honourable member has been for the last two years, because I issued a press release about a review of crime prevention last year and it was in our policy at the 1993 election. In the budget for June of this year it was quite clear and it was clearly expressed. We are now at the end of November and the budget came down in June. It has taken the honourable member five months to wake up to the fact that the Government has made some provision for crime prevention. I wonder where Rip Van Winkle has been. The fact is that we have in Opposition supported crime prevention, although in 1989 it was released at the time of the election by the then Attorney-General, Mr Sumner, without any consultation with us. It was quite clearly part of an election strategy. The then Government invited the Opposition to participate, but not having been part of the consultation process in those circumstances we did not make an immediate decision to participate. After the 1989 election we indicated as an Opposition that we would serve on the Coalition Against Crime Committee. That was the umbrella organisation and I attended a number of meetings. In participating in that we indicated that we did not want our decisions to be compromised by membership of that coalition, but we were pleased to participate in it.

The Hon. Chris Sumner was the world President of the Society of Victimology, and while he was the world President he was able to gain a conference for South Australia. We supported that in Opposition, and in Government he graciously invited me to participate, which I did, in the victimology symposium. I was not short in my praise for the Hon. Mr Summer on what he had done. The fact is that very largely a bipartisan approach had been adopted, but there were some difficulties with the Community Crime Prevention Program and, as a result of that, we did in Government undertake a complete audit not only of crime prevention through the Community Crime Prevention Program but across Government: education, police, family and community services, transport and Youth SA. We found that in some areas there had never been any clear goals established for the community's safety or crime prevention programs which were being run across Government. There had not been a move to ensure a better level of coordination and, having undertaken the audit, which we completed earlier this year, we made a number of strategic decisions as a Government.

As a Government they included a greater level of emphasis placed upon evaluation, but also a greater level of emphasis placed upon identifying the goals and how evaluation was to be undertaken. In those circumstances it is quite a change in direction across Government in relation to crime prevention. We adopted and maintained a number of the crime prevention programs which had been established by the previous Government, but we have built on those. The Retail Shop Theft Crime Prevention Committee has now been established and works with the retail industry, the insurance industry and police. That is something which will get off the ground. There are issues in relation to the liquor industry which relate to safe profit and the greater emphasis placed upon a safe and cordial environment for those who work in licensed premises and those who are patrons of those premises.

We have made no secret of the fact that we have committed $1.6 million for each of three years to that crime prevention program, and we are trying to get more value for the dollar out of that. In local areas concern has been expressed that that is not enough, but we have found that local government is accepting a greater level of responsibility in relation to crime prevention.

That is how it ought to be: the community ought to accept responsibility. I come back to the Leader of the Opposition's assertion that the Premier has just (so-called) discovered crime prevention. Let me remind members that he was the chief Minister who, last year, persuaded all other State

Premiers and chief Ministers that as a group they ought to focus upon crime prevention as much as the ramping up of penalties, tougher prison sentences and so on. That is quite in contrast with what happened in Queensland during the recent Queensland election and with what happened in New South Wales during the New South Wales election. As a result, South Australia was given the responsibility, as the lead State, of coordinating the development of a national crime prevention strategy. With 'Safer Australia', which came from the Minister for Justice and the Federal Attorney-General, the fact is that there never was any consultation with the States. They are trying to re-invent the wheel in relation to crime prevention. We have said that we are happy to work with the Commonwealth, but that the Commonwealth must be prepared to acknowledge that in this State and in other jurisdictions there is a significant body of expertise.

To finish my response: if the Leader of the Opposition is so keen on throwing stones, she ought to ensure that the Leader of the Opposition (Mr Rann) is also sympathetic to crime prevention. He has not said one thing supportive of crime prevention since he became Leader of the Opposition. He has been on about banning knives and increasing penalties for graffiti, all these sorts of things which are popular and which get media attention, but which do not address the real issues. It is about time that the Leader of the Opposition in another place came to grips with the issues of the 1990s rather than living in the past. He would do this State and the people of this State a great service by beginning to take a leaf out of the book of the Hon. Mr Sumner, who supported crime prevention in a very positive way, and he should take a leaf out of the Liberal Party's book, because while in Opposition it was very supportive of crime prevention.

MURDER STATISTICS

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Attorney-General a question about murder statistics.

Leave granted.

The Hon. R.R. ROBERTS: Like all members of the Council, this morning I rose to face the media presentations of the day expecting to find on the front page of South Australia's premier newspaper—although it is under threat from the *City Messenger* because some very illuminating reports have been coming out in that newspaper lately—a report about the water contract, which is the most important issue in South Australia at the moment, or the damaging split within the Liberal Party. I thought that would make the front page, but what did we find? We found that this morning's newspaper reveals that the member for Lee in another place has done it again by creating headlines with his extraordinary comments linking our murder rate with migrants, children of single parents and people with mental health problems. It has been said to me that this story was deliberately wheeled out to cover up the comments on page 3 about the Liberal leadership. However, being a person of great faith, I do not know whether that is right. My questions to the Attorney-General are most serious:

1. Is it not the case that the murder rate per head of population has not increased significantly since the abolition of capital punishment in South Australia during the Dunstan era?

2. Is it not the case that groups referred to by the member for Lee are not significantly over represented in murder conviction statistics in South Australia?

The Hon. K.T. GRIFFIN: It almost appears that the honourable member is seeking to divert some attention from the inadequacies of his own Party by seeking to focus on what the member for Lee has been saying. The fact is that the member for Lee has not been run out by the Liberal Party to gain a story. Members opposite ought to know that the member for Lee—

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: My Party does not seek to bully and belt and have people conform.

Members interjecting:

The PRESIDENT: Order! The Hon. Ron Roberts will resume his seat. The Attorney-General.

The Hon. K.T. GRIFFIN: I thought he was becoming rather passionate about it.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: Methinks the honourable member protests too much.

Members interjecting:

The Hon. K.T. GRIFFIN: The honourable member is obviously trying to distract attention from his own Party's inadequacies. As to the beating up of the water issue, good grief, it is a real beat up. Members opposite ought to recognise that this Government at least is focused upon the best interests of South Australians. Those who were in the previous Labor Government did not have the interests of South Australians at heart when they were letting the State Bank run wild. They let Mr Tim Marcus Clark make decisions which ultimately cost South Australian taxpayers $3.15 billion. Where were they?

Members interjecting:

The Hon. K.T. GRIFFIN: All right. You will keep hearing about it for years to come because we are going to be paying the cost of that for years and years. The Hon. Ron Roberts asks, 'What about the murder statistics?', but if he starts to put in his explanation matters that are irrelevant to the criminal statistics, he has to expect that there will be a response to it. Whether he gets the response he wants is another matter. Certainly, I do not intend to be bullied by the Hon. Mr Roberts into answering just a limited question which he asks, because he has cast his net very widely indeed. Let us keep the focus on the main game. The focus of this Government on the main game is to do the best it can for the people of South Australia, and that is to be distinguished from what the previous Government and what the Opposition now is seeking to do for South Australians. It was quite obvious at the last election with the landslide to the Liberal Party that no longer could the people of South Australia live with a Labor Administration which had cost them so much.

Members interjecting:

The Hon. K.T. GRIFFIN: If members want to run out all sorts of red herrings, that is a matter for them because in due course they will be judged on their performance. In relation to murder statistics, it is correct that they have not increased significantly. I do not have the actual statistics in front of me but, because a relatively small number of murders occur each year, if there is an additional one or two it can represent either a significant increase or a significant decrease in percentage terms. As I recollect, the trends have been fairly steady over the last 10 or 15 years so that, whilst we certainly do not condone the murder rate or any murder, the fact is that if we look at it in cold hard statistical terms there has not been a significant change in the percentage of those crimes.

It is important to recognise that the crime and justice statistics published by the Office of Crime Statistics only a few weeks ago demonstrated that there was a 3 per cent decline in criminal offending in the past year. In those circumstances, whilst one can find that ultimately the statistics can go up one year and down the next, the trend is encouraging. If members opposite place more emphasis on crime prevention than on crime fear, we will do much better in the battle against criminal behaviour. In terms of those who might be the perpetrators of homicide, I have no information which indicates that any one section of the community is any more likely to be a perpetrator than any other section of the community.

The Hon. A.J. Redford interjecting:

The Hon. K.T. GRIFFIN: As I understand it, more than 50 per cent of murders are committed by people who know the victim or where the victim is known to the perpetrator. That is the same with a number of offences. I think sexual assault is in that similar category. Certainly, a very large number of crimes are committed by people where the relationship is known rather than by strangers. Be that as it may, so far as what Mr Rossi has said, it is really a matter for him what he says. I do not think the statistical information would suggest that migrants and single persons commit all the murders.

WOMEN'S INFORMATION SERVICE

The Hon. DIANA LAIDLAW (Minister for the Status of Women): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DIANA LAIDLAW: The Women's Information Switchboard (WIS) was established in 1978 to meet the information needs of women in this State. It has done so successfully and has been the model for the establishment of similar services throughout Australia. Now 17 years on, as we move towards the next century, we must be confident that WIS is providing women with timely and relevant information.

Earlier this year the Office for the Status of Women commissioned a consultant, Ms Miranda Roe, to undertake a substantive review of WIS. Her report was released for public comment in August. The initial period for comment was extended to 30 September due to the extensive interest that the report generated. A number of Ms Roe's recommendations have been amended to take account of public feedback.

Today I am pleased to announce significant improvements to the service, which will ensure that South Australia remains at the forefront of information service provision for women:

- there will be no reduction in funding levels;
- the high quality, personalised service component, for which WIS is renowned, will be retained;
- functions will be rearranged to provide a better outcome for women who use the service;
- the focus will be on the provision of an integrated 'one stop shop' service, utilising advances in technology; and
- closer working relationships are to be established with other service agencies as a matter of priority.

To highlight the new direction in service delivery, the Women's Information Switchboard will be renamed the Women's Information Service. This change will enable the well-known acronym WIS to be retained and it is also more relevant in terms of the nature of WIS's services in the future.

The Government is confident that the reforms proposed will make the existing service far more accessible for women all over South Australia. Women will need to make only one phone call to WIS for help, whether they live in Kimba, Oodnadatta or the South-East. Then, with the aid of technology, they will be connected to any agency or service required. This will ensure personalised access to the range of services available to women and it will be of particular benefit to women in the country and women who use public telephones. Other amendments to the service will include:

- providing a service each weekday between 9 a.m. and 9 p.m. and from 9 a.m. to 6 p.m. on Saturdays to cater for women who cannot access the service during business hours. WIS will now close on Sundays and a recorded message will redirect women to appropriate crisis services;
- the development of strategic partnerships with key agencies to harness state-of-the-art technology and information networks to maximise women's access to information at a local level. These partnerships will include:
  - the Office of Information Technology, the State Library of South Australia and public libraries, and in turn this will ensure that women's information needs are met through a central service and also through the local network of public library and information services throughout South Australia. This extended network for WIS will be progressively trialled and implemented over the next few years, ensuring that WIS services have a strong presence throughout the community;
  - partnerships with the Women's Health Line, the Domestic Violence Hotline, local information centres and community health and legal centres, in all instances, will be strengthened;
  - volunteers will have an important role to play—indeed they were an integral part of the work of the Women's Information Switchboard and will continue to be so in terms of the Women's Information Services—accredited training for both staff and volunteers will be developed with the Department of TAFE to enhance the quality of service delivery;
- appropriate and culturally sensitive services for Aboriginal women will be aided by establishing an advisory committee of community women to advise and support the Aboriginal Liaison Office in her outreach to Aboriginal communities;
- culturally sensitive service provision at all times to women from non-English speaking backgrounds with one staff position being designated to multicultural liaison in the future. This will ensure that the needs of women from a broader range of non-English speaking cultures are addressed in a coordinated way, instead of just the three language groups which are presently catered for;
- further, we advise that there will be three radio programs in languages other than English. These will now be targeted to newly arrived immigrant groups or under-resourced ethic communities, with information in their own language. The programs will be outsourced for broadcast. Information relating to women will be made available to all ethnic radio programs; and
- working more closely with the Office for the Status of Women to address the issues identified through women's inquiries. This will ensure that the Government has

accurate information on current issues of concern to South Australian women.

I thank all those individuals and organisations who have taken the time and trouble to express their views and assure them that not only has the Government taken note of their views but also that it has amended the recommendations from the initial report. The Government remains sensitive to their concerns and values their support.

SOUTH-EAST DRY LAND FARMING

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for the Environment and Natural Resources, a question about South-East dry land salinity.

Leave granted.

The Hon. T.G. ROBERTS: Over the past few months I have been critical of the Government because of the way in which it has handled the joint Commonwealth-State funding programs for remediation of the environment in this State. I have given bouquets where they have been merited, but the matter I am raising at the moment falls in the category of part bouquet and part criticism. In the Upper South-East a salinity remediation program is being put together by the Commonwealth and the States. The State Government set up a process which called for an EIS. That EIS has made certain recommendations for the Government to follow up in relation to recommendations for a remediation program, but there has been some criticism of the recommended outcomes from ecologists and people with farms in the area. They have said that they are not the recommendations that are required to solve the problem that they see in that area.

Historically, the land itself, even before clearance, included areas of high saline value, and a large amount of the land would have been classed as arid or semi-arid, even though most people think of it as a high rainfall area. The proposals that have been put forward, although still open for discussion, I understand are not open for negotiation. This concerns the deep drainage system, which is the Government's preferred option.

Some of the local land owners and conservation groups are saying that the remediation program should be not a deep drainage scheme but a remediation program from revegetation, and that an ecological balance, not an engineering solution, is required.

The Conservation Council has made some criticisms through me, saying that any approval of the landcare application by the Federal Government will further contribute to environmental problems, if this is indeed the preferred direction in which the State Government moves. It will also endanger a number of federally scheduled endangered flora and fauna species and irrevocably change and damage the fragile ecosystem of the hypersaline Ramsar listed Coorong wetlands.

Some fairly serious accusations are being made in relation to, or questions asked about, the proposal being put forward by the State Government, and it would be disappointing if a proposal for remediation is spoilt by the fact that the wrong solution—if it is wrong—would be applied to the remediation program that the Government is considering. My questions are:

1. What community consultation and input took place in developing the deep drainage proposal?

2. What monitoring of the increased irrigation, tree clearance and inappropriate agricultural practices that are now taking place will occur?

3. What consultation is to take place to overcome the differences that are emerging in adopting an integrated remedial approach and program to rehabilitate salt affected dry land farming areas in the Upper South-East?

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

BLOOD ALCOHOL LEVELS

In reply to **Hon. L.H. DAVIS** (17 October).

The Hon. DIANA LAIDLAW: The Minister for Emergency Services has provided the following information.

Over the years 1991-95 police strategies in random breath testing (RBT) operations have progressively been refined. This has resulted in more specific targeting of high risk areas rather than blanket testing of all areas, resulting in higher part-time detection rates. This in turn has led to the situation where the police officer processing a positive screening test to comply with legal requirements is temporarily removed from random testing duties, thus decreasing the overall number of tests.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. A.J. REDFORD** (17 October).

The Hon. DIANA LAIDLAW: The Minister for Family and Community Services has provided the following information.

On receipt of notice from the Auditor-General of the intention to qualify his audit report relating to the Department for Family and Community Services, the department responded to the Auditor-General on the action then in hand to provide reconciliation of the Disbursement Account No. 9 and the Advance Account No. 1. The Auditor-General accepted the measures as full and proper but advised the qualification would still be made because deadlines for a reconciliation could not be met and the matters had previously been raised.

The Minister for Family and Community Services has been briefed on the matter and is satisfied that corrective action is being put in place.

The Department advises that extensive effort had been put into the reconciliation of the two accounts since the Auditor-General had expressed concerns last year but it was unable to meet the timeframe sought by the Auditors due to the size of the task. Necessary adjustments to practices have been implemented to simplify the task and reconciliation of both accounts will be achieved.

ASBESTOS

In reply to **Hon. T.G. ROBERTS** (18 October).

The Hon. DIANA LAIDLAW: The Minister for Infrastructure has provided the following information.

The Osborne Power Station is in the process of being decommissioned. This will be undertaken in two stages and the site returned to its owners, Ports Corp South Australia.

- Stage 1 covers ten boilers and all the turbo-generators.

  Path Line Australia will remove all the asbestos insulation from this plant by the end of 1995 and complete the demolition of the Stage 1 plant and buildings by April 1996.
- Stage 2 covers the three remaining boilers supplying steam to Penrice. These boilers will shutdown and be demolished in early 1998.

  The lease agreement with Ports Corp requires that ETSA return the site to Ports Corp in a clean and safe state.

ETSA Corporation's contractor Path Line and their subcontractor PT Building Services have the necessary licences to allow them to remove asbestos from the plant, store on site and transport to an approved dump. Asbestos Removal Licence No. 27 issued by the Department of Industrial Affairs, Environmental Authorisation Licence No. 00819 issued by the Environment Protection Authority and Prescribed Waste Licence No. P0555 issued by the SA Waste Management Commission.

The site contractor is currently arranging a program for the transport of the containers to an approved waste repository. Delays have occurred because it will be necessary to use large vehicles and

cranes to transport and unload the 20 to 30 tonne sea containers in which the waste is stored. Additional time is required to prepare the site and allow roadways to dry out.

The sea containers provide safe long-term storage for asbestos.

It is anticipated the containers will be transported from Osborne Power Station during the remainder of the year.

The Osborne Power Station will not be used as a storage site for asbestos waste from other locations.

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 the Environment and Natural Resources, a question about metropolitan open space.

Leave granted.

The Hon. M.J. ELLIOTT: Many people have expressed their concern about the State Government's move to sell off many parcels of urban open space which are currently used for a variety of recreational and leisure pursuits. Already in this place on a number of occasions the issues surrounding Blackwood Forest, Westbourne Park and North Brighton have been raised, but there are also many more tracts of land that have been lost or are under threat. The *Sunday Mail* of 26 November stated:

> The State Government has sold more than $117 million in surplus property since its election two years ago while other large parcels are now up for sale.
>
> Information obtained by the *Sunday Mail* under the Freedom of Information Act shows that $56.6 million worth of property has been sold by Government agencies in the past two years.
>
> This does not include property transactions by several agencies, including the Department of Transport, TransAdelaide and the Urban Projects Authority.
>
> In addition, the Asset Management Task Force has sold enough surplus property in the past year alone to pay off $61 million of the State debt.

The Conservation Council of South Australia is one of many groups which have raised such concerns. In its most recent edition of *Environment South Australia* it says that the core problem is with the State strategy and development plans, which set goals for the amount of land to be retained as urban open space (that is, 12.5 per cent open space and 87.5 per cent for the development of new sites), but does not set guidelines regarding the maintenance ratio. The article states:

> This has enabled councils to sell off open spaces for the weakest excuses you can imagine. Later to sell reserves which were demanded from developers as part of development approvals smacks of sheer commercial opportunism.

The article states that State Government policy is also to blame for the casual way that it hands out money from the Planning and Development Fund to local councils for buying open spaces without a guarantee that at a later stage the council will not sell off other open spaces acquired earlier. The article further states:

> In short, land is being acquired at one end of the ledger and sold off at the other. There is clearly a need to audit the books.
>
> Adelaide has achieved its reputation as a very livable city in good part because of its open spaces. State Government needs some policies on these matters. Currently there are none!
>
> State Government and councils could make amends for previous neglect by officially rezoning all public open space currently used for recreational purposes as 'open space'. The only cost should be that involved with amending the development plan.

My questions to the Minister are:

1. Will the Minister instigate an audit of the Planning and Development Fund?

2. Will he investigate the introduction of guidelines about the retention of urban open space?

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

TAXIS

The Hon. T.G. CAMERON: My questions, regarding taxis, are directed to the Minister for Transport, and are as follows:

1. Will the Minister advise us what amount of money she expects to raise from the tendering of taxi licences?

2. How much revenue has been raised from the previous tendering of taxi licences?

3. What projects has the money been expended on to improve and develop the taxi industry?

4. Where are the funds accounted for in the budget process?

5. Who approves the expenditure of these funds, and what are the criteria used?

The Hon. DIANA LAIDLAW: Expenditure from the Transport Research and Development Fund is based on recommendations from a committee of the Passenger Transport Board which are referred for endorsement to the Passenger Transport Board and they then come through to me for final recommendation. The name of that fund and the terms of reference were changed when the Passenger Transport Bill was debated in this place 18 months ago. Initially, it was used solely for the purposes of the taxi industry. Now it can be used for all passenger transport purposes upon application from the bus and coach industry for research initiatives, from the taxi industry, and the like.

I was particularly pleased last Friday to announce a new partnership with the Adelaide Festival which will help the development of the taxi industry in tourism terms. We have talked in this place for years, since the select committee reported on the taxi industry at least 10 years ago, about more effort being made to build relationships and maximise the potential of taxis for tourism purposes. My chief interest in this area is to build a partnership between the taxi industry and the arts sector which will also have a positive spin-off for tourism. The training and development initiative announced last Friday for the taxi industry in support of the Adelaide Festival realises those objectives. On the other detailed information sought by the honourable member I will bring back a reply.

CONSUMERS ASSOCIATION

The Hon. J.C. IRWIN: I seek leave to make a brief explanation before asking the Minister for Consumer Affairs a question about the Consumers Association of South Australia.

Leave granted.

The Hon. J.C. IRWIN: Yesterday, the Consumers Association of South Australia issued a press release stating:

> The Association Executive Committee met on Thursday night to discuss the future of the organisation as the State Government has advised that it is no longer willing to provide the $20 000 annual grant which has previously kept the association open on a part-time basis.

My question is: why has funding for CASA ceased?

The Hon. K.T. GRIFFIN: It is rather puzzling that that should be in the public arena, because the funding has not ceased. I repeat: the funding has not ceased. In fact, I sent a letter to the President of the Consumers Association of South

Australia, Professor Tony Moore, on 19 July this year advising that funding would be maintained at $20 000. That was the amount that the previous Government had also made available on an annual basis. I think it should be recognised that that $20 000 was approved for the current financial year, despite other Government-funded organisations having to cope with cuts. In addition to the funding that was made available, we also made available to the association a computer and a printer from the Office of Consumer and Business Affairs.

The September-October edition of a newsletter, called *Consumers Voice*, contained an article which is in direct contrast to the press release put out by CASA. The association, in *Consumers Voice*, acknowledges, 'The association received a grant of $20 000 from the State Government, for which it is grateful.'

The Consumers Association of South Australia made a submission for funding in the sum of $45 000. It was advised that some of its proposed activities, for example, the provision of information material for consumers, fell within the role of the Office of Consumer and Business Affairs. Rather than fund a duplication of services, CASA was encouraged to consider a partnership arrangement with the consumer agency, and it was suggested that in addition it should seek specific sponsorship from Government or some other source.

Nowhere in the correspondence or in any decision of Government can it be interpreted that funding has ceased. We have sought to ensure that this and other agencies are accountable to taxpayers for moneys which ultimately come from the taxpayers. They need to look at how they spend the money and the objects that they seek to achieve. That issue is being applied to a number of organisations which receive funding from the Government and, ultimately, the taxpayers of this State. I repeat what I said at the beginning: funding to the Consumers Association of South Australia has not ceased.

TUNA FARM NETS

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Primary Industries, a question about tuna farm nets.

Leave granted.

The Hon. ANNE LEVY: In historical terms, I asked my first question on this matter on 7 March this year and received a reply on 29 March. I asked a subsequent question on 6 July and received a response dated 7 August. I then asked a question on 18 October and received a response on 14 November. I was somewhat concerned, though, with the reply I received on 14 November which spoke about a meeting which would take place on 7 November, that is, a week before I received my reply, and which would involve the Tuna Boat Owners Association, the South Australian Museum, the Department of Environment and Natural Resources and the South Australian Research and Development Institute. I was told that this meeting would discuss the issue of the entanglement of marine mammals in the nets used in the tuna farms which lead to their death by drowning. The meeting of 7 November was to discuss the issue and to consider all points of view on the entanglement problem in light of the formal report. The formal report was received by the department on 14 August, and it took until 7 November to organise a meeting. The meeting was to consider implementation of preventative measures. As I received this response after the meeting was held, I feel somewhat aggrieved that I was not given the results of the meeting. My questions to the Minister are:

1. Will the Minister release the report which was requested by the department from the South Australian Museum on the problem of entanglement of marine mammals in tuna farm nets and which the department received on 14 August?

2. Will he indicate what the results are of the meeting which took place on 7 November and what preventative measures will be implemented?

3. When will the preventative measures be put into effect and what monitoring will occur of these implementation methods?

The Hon. K.T. GRIFFIN: I will refer the questions to the Minister for Primary Industries and bring back a reply. I thought that the record of responses was pretty good. I am disappointed that the honourable member feels aggrieved about not being informed of the outcome of the meeting on 7 November. As there were two weeks before the Grand Prix when we did not sit I suspect that the answer to the question was provided, put into the parliamentary bag through the system and then delivered on 14 November when we resumed after that two week recess for the Grand Prix period. Inadvertently, neither I nor the Clerk would have actually checked to see whether the information in it was in fact up to date. I will refer the questions to the Minister and bring back an updated answer.

WATER, OUTSOURCING

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of the ministerial statement made today by the Premier about the water contract.

Leave granted.

MULTICULTURAL COMMUNITIES COUNCIL

In reply to **Hon. P. NOCELLA** (12 October).

The Hon. R.I. LUCAS: The Minister for Multicultural and Ethnic Affairs has provided the following response.

1. The Government considers the Multicultural Communities Council to be the peak umbrella body for ethnic communities in South Australia.

It is the prerogative of the Multicultural Communities Council to define and develop a role which reflects the needs of the diverse South Australian multicultural community. The Government will always be pleased to work in partnership with the Multicultural Communities Council as the peak umbrella body for ethnic communities in South Australia.

2. No request for general purpose funding support has been received for 1995-96.

When a request is received, it will be considered on its merits.

PUBLIC SECTOR BONUS PAY SCHEMES

In reply to **Hon. T. CROTHERS** (4 July).

The Hon. R.I. LUCAS: The Auditor-General Mr Ken McPherson in his speech of 6 June 1995 to the Australia Institute of Criminology stated that there existed 'a high potential for manipulation, abuse and potential criminality' where public sector bonus payments were not based on some auditable foundation to ensure fairness and propriety.

I made reference in the Legislative Council at the time of the Honourable Member's question to the introduction, or impending introduction, of a system to adjudicate on the payment of performance bonuses.

I am advised that the Government has established a process for independently assessing the eligibility for payment of performance bonuses which the Government believes will cover the issue raised by the Auditor General.

The Government acknowledges some of the difficulties associated with a system of performance bonuses and therefore, is applying it on a strictly limited basis.

The process of competitive tendering and contracting out public sector services will assist the Government's economic development plan to increase investment and raise exports. At the same time the aim is to increase the efficiency with which these services are provided. As part of this process the development of effective monitoring systems is intended to ensure contracting out achieves the objectives set by the Government. The monitoring arrangements will assist management to confirm the satisfactory transition and provision of services and that measurement procedures are established to record savings.

As indicated by the recent Auditor General's report the Auditor General will play an important monitoring role.

MULTICULTURAL AND ETHNIC AFFAIRS OFFICE

The Hon. P. NOCELLA: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Multicultural and Ethnic Affairs, a question about the appointment of a chairperson.

Leave granted.

The Hon. P. NOCELLA: I have in the past drawn the attention of members to the situation that has now arisen with the South Australian Multicultural and Ethnic Affairs Commission where a number of appointments have not been made for a long period of time which has allowed the organisation to become almost in a state of suspended animation. The number of members of the commission allowed under the Act is up to 15. I realise that that is not a compulsory requirement, but the fact is that the full complement has never existed at least this year, and at one point the level of membership had been allowed to decrease to about 40 per cent; in other words, seven members out of a possible total of 15, with all the consequences that that has on the functioning of that organisation.

I also draw members' attention to the fact that three months has elapsed and that no appointment has been made for the Chief Executive Officer of the Office of Multicultural and Ethnic Affairs. Of course, members opposite were very concerned previously and expressed their concern when just over a month had expired without any appointment being made, but on this occasion after three months with no appointment and—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. P. NOCELLA: —with the position being vacant for more than three months we have heard not a peep from the other side. In addition to this picture that emerges from the various facts, the position of Chairperson also has been allowed to remain vacant for more than three months. Will the Minister advise when a new Chairperson is likely to be appointed to this position? Will the Minister confirm what selection process will be adopted to identify the best possible applicant for the position? Will the Minister give an undertaking that an appropriate consultation process will occur in arriving at a final decision for the appointment?

The Hon. R.I. LUCAS: I will refer the honourable member's questions to the Minister and bring back a reply. It is really an action replay of a question which the honourable member asked last week or the week before in relation to the Multicultural and Ethnic Affairs Commission and in response to which I can replay the answer.

MENTAL HEALTH

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Minister representing the Minister for Health a question about mentally ill patients.

Leave granted.

The Hon. G. WEATHERILL: As a result of the closure of mental health hospitals in South Australia, many mentally ill patients have been sent out to live in homes in the community, particularly Semaphore, where there seems to be a very large number. Recently, a further 31 beds have been opened up in that area. In the light of this morning's article in the *Advertiser* regarding the member for Lee (Mr Joe Rossi), my questions to the Minister are:

1. Is the member for Lee correct in suggesting that people are not receiving follow-up services from the Minister's department?

2. Is the member for Lee also correct in suggesting that if these people do not take their medication they can become a danger to the residents of Semaphore?

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

KANGAROO ISLAND SOCIAL WORKER

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister representing the Minister for Family and Community Services a question about the position of social worker on Kangaroo Island.

Leave granted.

The Hon. SANDRA KANCK: The lone social worker on Kangaroo Island left last Friday to take up employment elsewhere. The vacancy has been advertised but the position will be available only until June next year. Previously, the Premier gave an assurance that the position would be continued. My question is: will the Minister confirm that this social worker position will be continued after June 1996; if not, why not?

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

OUTSOURCING CONTRACTS

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Attorney-General a question about contracts.

Leave granted.

The Hon. P. HOLLOWAY: The Brown Government has now negotiated five major outsourcing contracts: the contract with Healthscope to manage Modbury Hospital; the contract with Group 4 to run the Mount Gambier Prison; the EDS contract for the State's computer systems; the contract with United Water for the management of SA Water; and the Serco contract for outer-north bus services. The Attorney has told Parliament that the Crown Solicitor's Office was extensively involved in the negotiations for the EDS and United Water contracts. My questions are:

1. What involvement did the Crown Solicitor's Office have in the preparation and vetting of the three other contracts, that is, with Healthscope, Serco and Group 4?

2. What was the cost of legal services provided by the Crown Solicitor and consultant lawyers to the Government

for each of these five contracts, and who ultimately was responsible for paying these costs?

3. As there is an expectation by taxpayers that the protection afforded by outsourcing contracts will increase and the associated legal costs fall as experience in negotiating these contracts grows, have standard provisions for outsourcing contracts been developed as a result of the involvement by the Minister's department, and what guarantees can he provide that the high legal costs associated with these contracts will fall?

The Hon. K.T. GRIFFIN: My hearing must be defective as I could not hear all the questions, but I will look at *Hansard* and try to bring back some answers. From what I did hear of the honourable member's questions, he made an assertion that all these contracts have now been negotiated, and he included in that the contract with United Water. The fact is that that contract is still the subject of negotiation, so it does not fall within the category to which he refers. What I have indicated in relation to various outsourcing contracts is that the Crown Solicitor's Office has been involved as part of the legal team which has been acting in the interests of the Government in each of those areas.

In some instances—and I cannot remember whether it is in every case—outside solicitors have been involved, certainly in relation to the EDS contract. I indicated last week that Shaw Pittman from the United States was very much involved in that contract. Shaw Pittman is also involved in the SA Water contract relating to outsourcing. In those two particular cases, the concern was to ensure that persons with expertise in large outsourcing contracts and the negotiations for them were involved in conjunction with the Crown Solicitor's Office and local lawyers. The whole object has been to try to bring together a team which provides a broad coverage of expertise from different backgrounds to look after the interests of the States.

From what I could hear, another of the honourable member's questions referred to something about legal costs. I will look at the detail of that, but I must confess that the acoustics were not good and I could not hear all the questions. I will look at *Hansard* and bring back some replies.

CRIMINAL LAW CONSOLIDATION (MENTAL IMPAIRMENT) AMENDMENT BILL

Returned from the House of Assembly without amendment.

SECURITY AND INVESTIGATION AGENTS BILL

Returned from the House of Assembly with an amendment.

BUILDING WORK CONTRACTORS BILL

Returned from the House of Assembly without amendment.

OPAL MINING BILL

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

SUPERANNUATION (CONTRACTING OUT) AMENDMENT BILL

The House of Assembly intimated that it had agreed to the Legislative Council's amendment.

LOCAL GOVERNMENT (BOUNDARY REFORM) AMENDMENT BILL

In Committee.

(Continued from 23 November. Page 585.)

Clause 2 passed.

Clause 3—Interpretation.'

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

Page 1—

Line 16—After 'amended' insert:

—

(a)

After line 19—Insert new paragraphs as follows:

(b) by inserting after the definition of 'general election' in subsection (1) the following definition:

'ILAC scheme' means a scheme (commonly known as the Integrated Local Area Council scheme) under which some or all of the staff, assets, rights or liabilities of two or more councils are merged or integrated into a single entity for the performance or delivery of works and services while the individual councils continue to exist in order to maintain representation within their local communities;;

(c) by inserting after the definition of 'spouse' in subsection (1) the following definition:

'structural reform proposal' means a proposal under Part II to—

(a) constitute a council; or

(b) amalgamate two or more councils; or

(c) abolish a council and incorporate its area into the areas of two or more councils; or

(d) establish an ILAC scheme;;

(d) by inserting after subsection (7) the following subsection:

(8) If a proclamation under Part II providing for the constitution, amalgamation or abolition of a council or councils, or for the establishment of an ILAC scheme, has been made, a proposal that relates to a related matter that may be the subject of a separate proclamation under that Part will not be taken to be (or to form part of) a structural reform proposal for the purposes of that Part.

Recognising that there is a significant number of amendments from both the Opposition and the Democrats, some amendments might not mesh together and it is important that when we get to the end of the Committee stage we report progress and not go to the third reading to give us an opportunity to consider further amendments in the light of what transpires between now and the first trip through the Committee stage. The first reason for that is that we want to see how well the amendments mesh. Also, some amendments may become unnecessary if others pass and, until we see what the Government indicates it is likely to support and until we see what the Opposition and the Democrats will support of each other's amendments, it will be necessary to re-examine where we have got to. That would be preferable to heading off to a conference of the two Houses with a Bill that is not in reasonable shape to start with. The Democrats would like to see that happen.

My amendment is consequential on other matters and I will raise those matters now. Having discussed them, further amendments can be treated as consequential amendments. My two further amendments insert subclauses (b) and (c). Both subclauses relate to what is known as an ILAC scheme. I want to focus on my comments on what is an ILAC scheme,

what it offers and the Bill's deficiencies as I see them. In proposed subclause (b) I have defined an ILAC scheme, as follows:

> . . . means a scheme (commonly known as the Integrated Local Area Council scheme) under which some or all of the staff, assets, rights or liabilities of two or more councils are merged or integrated into a single entity for the performance or delivery of works and services while the individual councils continue to exist in order to maintain representation within their local communities.

Several councils are already looking at ILAC schemes: St Peters is talking to adjacent councils and Mount Gambier City Council and Port Macdonnell council are looking at an ILAC type scheme. I understand that councils on Yorke Peninsula are looking at ILAC favourably. I suggest that places on Eyre Peninsula would find ILAC schemes attractive as well. ILAC will formalise arrangements that are now happening in a more *ad hoc* fashion in terms of sharing resources. Councils might share a rubbish disposal scheme or some other facility between them and share the cost. ILAC would set up two or more councils where they may have a number of services which they have agreed to run jointly. Ultimately, they can strike a rate just in relation to those services. You would seek to get the maximum efficiency of scale with services which are suited but, at the same stage they keep what people like about local government, that is, that it is local and responsive to the local community in terms of issues outside those incorporated in the ILAC scheme.

There is no limit as to what you might to choose to incorporate in the scheme. For instance, if we went to Eyre Peninsula, councils at this stage on an individual basis would struggle in terms of having planning officers or officers to cover health issues and the like. They may be rather reluctant to form one council covering the whole of Eyre Peninsula, because they would feel the geographic spread is too great, but they see some merit in perhaps having an Eyre Peninsula wide scheme which hires staff to do planning and cover health and building type issues where individual councils struggle to provide those in a cost effective manner.

In a city they may look at different matters to be incorporated in an ILAC scheme. The Government has said that its existing clause 15(1)(d), the structural reform proposal, talks about establishing:

> . . . a cooperative scheme for the integration or sharing of staff and resources within a federation of councils.

It says that that covers ILAC, but I have taken legal advice and I am told that, whilst subclause (d) appears to make ILAC possible, the reality is that ILAC would be prevented from going ahead at this stage because of other deficiencies in the Act. There are other parts of the Act which would not allow an ILAC scheme to proceed at this time. I will move consequential amendments later which are enabling, recognising that the Government intends to amend the whole Local Government Act in time. In later amendments, in particular, I will be inserting a new Division 8A to allow ILAC schemes to proceed and the Minister, by proclamation, would be able to iron out the deficiencies which currently exist in the Act in relation to ILAC schemes proceeding. Those proclamations would still be subject to parliamentary approval, so the Minister cannot wander far and wide beyond the Act without parliamentary approval, but at least it will, until the new Act goes through, ensure that ILAC schemes can be established, and, as I said, give us the efficiencies of delivery of certain services but maintaining genuine local government for people in South Australia generally. I think that I have covered the basic principles but, subject to how other members respond, I may go into the matter in further depth.

The Hon. DIANA LAIDLAW: As the honourable member noted, these amendments are the first of a series of amendments which aim to allow the so-called ILAC schemes to be formally established under the Local Government Act. ILAC schemes provide for a number of individual councils to cooperate in the delivery of services and retain their separate representation structures. The Bill as it stands allows for these schemes to be put before the board. The honourable member made reference to clause 15 (page 5) which contains the following definition:

> 'structural reform proposal' means a proposal to—
> (a) constitute a council; or
> (b) amalgamate two or more councils; or
> (c) abolish a council and incorporate its area into the areas of two or more councils; or—

and this is the important provision in terms of the accommodation of ILAC schemes—

> (d) establish a cooperative scheme for the integration or sharing of staff and resources within a federation of councils.

We would argue that clause 15(1)(d) provides for such schemes to be put before the board and to be considered as an alternative to structural or boundary reform. The Government supports their inclusion in the way in which we have noted in the Bill and is prepared to consider their implementation as an alternative to boundary reform. However, it has been pressed upon us by local government generally—and I understand that there is, not necessarily sympathy but some understanding within the Opposition and the ALP for this—that the board must not take on a role that extends beyond boundary reform. ILAC schemes are not boundary reforms but are a management and administrative alternative to such reforms. Hence, we do not believe that the facilitation of ILAC schemes is a proper task for this Bill.

We have in preparation at present a general local government reform Bill and we see that Bill as the proper vehicle for ILAC schemes to be formally constituted, if that is what this Parliament determines. That path through the proposed Bill also would give the proponents of ILAC schemes and the Government sufficient time to discuss the details of the forms of that scheme, which we are not in a position to do at this stage. So, rather than lock a hypothetical scheme into the legislation at this juncture in a Bill which is not designed to accommodate such a scheme, the Government's preferred course would be to properly consider the matter in the light of the board's recommendations which will flow from the current provisions in this Bill. So, this Bill does not exclude the opportunity for ILAC schemes to be considered by the board and, in terms of incorporating them into the detail of this Bill as the honourable member has proposed, we would consider that the forthcoming Bill on local government reform would be a far more appropriate vehicle for them.

The Hon. P. HOLLOWAY: On behalf of the Opposition, I indicate that we support the course of action that was outlined by the Hon. Mike Elliott, that is, that we seek to report progress at the end of the Committee stage so that we can look at the overall impact of amendments that might be put in this Chamber. We must bear in mind that a number of amendments have been filed at the last moment because both the Democrats and ourselves have attempted to facilitate the early passage of this Bill. After all, it was only one week ago that the Bill came before this Council.

With regard to the clause dealing with the ILAC scheme, the Opposition supports the ILAC scheme in principle and we

would want those councils which wish to proceed under this scheme to be able to do so. I understand what the Minister is saying, that in an ideal world it may not be best dealt with under this clause; however, the Opposition is concerned that councils which opt for the ILAC scheme may not be able to proceed under the current provisions of the Local Government Act and, therefore, they might be caught in a catch-22 situation where, on the one hand, the Government is encouraging them and, on the other hand, they cannot proceed because of difficulties under the Act. That is a matter that we will be looking at in more detail but, at this stage, I indicate that the Opposition will be supporting the ILAC amendments which have been moved by the Hon. Mike Elliott.

The Hon. M.J. ELLIOTT: I think the Government needs to come clean with the public of South Australia about this legislation. The fundamental question is: what is the Government's agenda with regard to this legislation? What it is telling the public is that the agenda is about efficiency, that it is about delivering services at a lower cost. There is little doubt in my mind that, if an argument can be put that larger councils can produce efficiency, that same argument can apply to ILAC proposals because they will still create the same sorts of scale organisation in relation to the provision of particular services.

So, if the Government is about efficiency, it should not be putting in place barriers to a scheme which is a potential alternative to full amalgamation. There is no doubt that there are members of the public who see some merit in amalgamation but who also see some downsides. Some of those people will be attracted to this alternative—an alternative which seeks to retain local democracy but which, at the same time, seeks to chase up any efficiencies that may be achieved by larger scale operations. However, the point can be made that operations can get too large and become inefficient. Coles Myer knows all about that now: that company was split up because it got too big. Bigger does not mean better or more efficient.

The Minister said that we could not contemplate this now because this Bill is about boundary reform. ILAC is about something which may be an alternative to boundary reform. You cannot say that this Bill is about boundary reform and, therefore, we will not talk about ILAC, because what the Minister is seeking to do is to refuse to allow into the legislation something which is a genuine alternative or perhaps, in some cases, an adjunct to amalgamation. It is possible that some councils could go through an amalgamation where perhaps two very small councils amalgamate and then involve themselves in a larger ILAC scheme with other small councils in the area. That might happen in some of the more isolated rural areas. ILAC should not be seen as always being an alternative: sometimes it will be an adjunct. You cannot argue that this Bill is about boundary reform and, therefore, we will not look at ILAC. In my view that is dishonest.

The Hon. Diana Laidlaw: That is not my claim.

The Hon. M.J. ELLIOTT: I am sorry, but I have had arguments both inside and outside this place with the Government over this matter, and those sorts of claims are being made. The fact is that it is directly relevant to boundary reform, and it is absolutely essential that it is considered. It would be a nonsense, with councils being told that the reform agenda is running now, to say, 'Look, the Government supports ILAC in principle but we will not put anything of major substance into the legislation now but we might do it probably by about June next year, because that is how long it will take for the next Bill to get up,' because by that time most of the reform is supposed to have taken place. How can the Government say that there is an alternative at which it might be prepared to look but which it will not put into the legislation until after all the other reform, which is directly relevant to, and in some cases an alternative of, what is being proposed, has taken place? This might not be dishonest in terms of telling lies, but it is dishonest—

The Hon. Diana Laidlaw: What other definition do you have for 'dishonest'?

The Hon. M.J. ELLIOTT: I think it is intellectually dishonest.

The Hon. Diana Laidlaw: Are you qualifying 'dishonest' now?

The Hon. M.J. ELLIOTT: Yes, I have just said that it is intellectually dishonest.

The Hon. Diana Laidlaw: Qualifying 'dishonest'?

The Hon. M.J. ELLIOTT: Yes. People can be dishonest in many ways. Intentionally telling a lie is one form of dishonesty. This is just intellectual dishonesty. It is not really any better. I have given examples of where councils would want to do things jointly, but there may be times when a community wants to do something that adjoining councils do not want to do. For example, the District Council of Port MacDonnell has always played an active role in the maintenance of the port. I would rather suspect that in a totally merged council Mount Gambier would not pay the attention to the port of Port MacDonnell in the way in which the Port MacDonnell council has.

So, if Port MacDonnell involved itself in an ILAC proposal with Mount Gambier, it could find that it received all the efficiencies of perhaps using Mount Gambier's planning services, waste disposal services and a number of other services but would still be able to respond to local concerns such as maintenance of the port for the fishing boats and those types of matters. It really does offer the best of both worlds, and I would be disappointed if the Government was not prepared to treat ILAC seriously now and suggested that we wait until it was too late before it was addressed in any meaningful manner.

The Hon. DIANA LAIDLAW: It is hard to know where to start in terms of response to the Democrats and their weaving, twisting and redefinition of terms. I was accused of being dishonest and then it was qualified in terms of being intellectually dishonest. I would like to know what the honourable member means by 'dishonest' when he says it is not lying. The honourable member seems to be all over the place, and I would suggest that this amendment is also all over the place. Certainly, I take exception to the fact that the honourable member would so twist the words that I gave in opposition to this amendment, and I repeat them.

The Bill, as it stands, allows for ILAC schemes to be put before the board to be considered as an alternative to structural or boundary reform. The Government supports their inclusion in this way and is prepared to consider their implementation as an alternative to boundary reform. There is no effort on the Government's part to restrict consideration by any council of these matters. We maintain strongly that the issue before the board is boundary reform and that the benefits that can be brought not only to councils and the work which they do but also the people whom they represent is hypothetical. We argue very strongly that more work should be done on this matter. I respect, however, that at this stage the Opposition has agreed to support the amendments. I indicate that the only reason for not dividing at this time is

simply because I want to try to facilitate the passage of this Bill and all the amendments within as short a time as possible this afternoon and this evening.

For the honourable member to suggest that Port MacDonnell is a great example is also fanciful. I have spent countless hours with the Professional Fishermen's Association and council representatives. The two of them are always at loggerheads. There may be some support from the council for the harbor, yet I would suggest that those who use the harbor in a professional manner—for example, the Professional Fishermen's Association—have never accepted that the work that has been undertaken has been in the interests of their industry. In fact, they would prefer to see that the council was not so involved in such enterprises. It is an extraordinary example to use to support the case.

The Hon. P. HOLLOWAY: I indicate, as we are now proceeding to the entire clause 3, that some consequential amendments will be necessary. Due to the Hon. Mr Elliott's amendments to paragraph (c), I move:

After paragraph (c) insert new paragraph, as follows:

(ca) 'alter the boundaries of a council area.'

Paragraph (d)—Insert after 'councils' the words 'the alteration of the boundaries of a council area or areas'.

These amendments will be necessary as other parts of the Bill are amended later as a consequence of the Hon. Mr Elliott's amendment. The clause into which we would have inserted this provision will subsequently be deleted as a consequence of the Hon. Mr Elliott's amendment. He has moved the definition of 'structural reform proposal' forward into clause 3 from its current location in the Bill in clause 10, section 15. I apologise for that but this is one of the difficulties that we have when amendments are brought in at such short notice.

We need to include this amendment in the definition of 'structural reform proposal' because the act of changing the boundaries of an area is a significant change. A structural reform proposal should include not just the constitution of a council, the amalgamation of two or more councils, the abolition of a council or the establishment of an ILAC scheme, as included in the honourable member's amendment, but also the words 'to alter the boundaries of a council area'.

The Hon. M.J. ELLIOTT: As the Minister chose to add an extra comment, I will respond to it. The Minister said that Port MacDonnell is a bad example. However, it is an excellent example. The Minister said that the fishermen would rather the State Government pick up its responsibilities and run the port. The fact is that it has not done so. The slipway is being rung by local government because it has been handballed to it.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: The council ran it for a considerable period of time and kept the sand off the slipway, and so on, because the local community thought it was so important to them that local government did it: it did not mean that local government wanted to do it. That is a similar argument to that which I put, namely, if Port MacDonnell was amalgamated with Mount Gambier the latter would not have the interest in the slipway that the Port MacDonnell community has. The closer government gets to the people the more accountable and the more responsive it is to particular requirements. The Minister's argument reinforced precisely the point that I was making.

I am not suggesting that Port MacDonnell council or Mount Gambier council should run a slipway. When higher levels of government fail, if there is a level of local government that is in a position to provide something that the community wants, that is a good thing. Responsiveness should be the major strength of local government, and its responsiveness to local communities is the one thing that we lose as councils get much larger, and it is one of the major causes for concern about amalgamations if they go too far.

The Hon. DIANA LAIDLAW: I support the Labor amendment.

Amendment to amendments carried; amendments, as amended, carried; clause as amended passed.

Clauses 4 to 9 passed.

Clause 10—'Substitution of sections 14 to 22.'

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

Page 4, after line 20—Insert new division as follows—

DIVISION VIIIA ILAC SCHEMES

ILAC schemes

13A.(1) Two or more councils may be incorporated into an ILAC scheme by proclamation.

(2) A proclamation under subsection (1) must—

(a) identify the councils that are to participate in the scheme; and

(b) provide for the creation of a controlling authority for the purposes of the scheme.

(3) In addition to the matters referred to in subsection (2), the proclamation under subsection (1), or a subsequent proclamation, may—

(a) provide for the transfer of staff, assets, rights or liabilities of the councils participating in the scheme to the controlling authority referred to in the proclamation; and

(b) make, subject to the provisions of a relevant Act, award or industrial or enterprise agreement, provision to protect the various rights and interests of the officers and employees of the relevant councils transferred by proclamation under this section.

(4) Section 200 will apply as varied or modified in the manner set out in the regulations in respect of a controlling authority established for the purposes of an ILAC scheme.

(5) The Governor may also, by proclamation, provide that a provision of this Act or another Act applies as varied or modified in a manner set out in the proclamation, or does not apply at all, to or in respect of—

(a) a council participating in an ILAC scheme, or

(b) a controlling authority established for the purposes of an ILAC scheme.

(6) The Governor may, by subsequent proclamation, vary or revoke a proclamation previously made under this section.

(7) However, the Governor cannot make a proclamation under subsection (5), or a proclamation to vary a proclamation under subsection (5), except in pursuance of a resolution passed by both Houses of Parliament.

(8) If a proclamation under subsection (6) provides for—

(a) the withdrawal of a council from an ILAC scheme; or

(b) the dissolution of an ILAC scheme,

the proclamation may effect, or make provision for—

(c) the transfer of staff, and the protection of the rights and interests of staff; and

(d) the transfer of assets; and

(e) the adjustment of rights and liabilities.

This is a consequential amendment. This is the clause which allows for the fact that the Local Government Act is deficient in relation to the establishment of ILAC schemes. Without it, we would have only lip service to ILAC. It is essential if there is any real commitment to allowing ILAC schemes to occur.

The Hon. P. HOLLOWAY: I support the consequential amendment.

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

Amendment carried.

The Hon. P. HOLLOWAY: I gather that we are considering only the first part of the clause. To the extent that the clause is necessary or consequential to the ILAC scheme, we would support it. However, we will not support the

disallowance provisions in the later clauses. I indicate now why we will be taking that course of action. There has been a lot of discussion in relation to the Bill and how we can best get checks and balances into the system. There are a number of types of review that we could entertain. There is a ministerial review, to which we will be moving amendments later, and there is the question of judicial review, which we will also be considering later.

The Opposition believes that a form of ministerial review will provide the best way of dealing with problems under this clause, and we will be moving a series of amendments to try to improve the checks and balances on the board and how it goes about its business. Subject to the successful passage of those amendments, we would not see the need for the parliamentary review to be necessary at this stage, so we will not support those parts. I now move:

Page 4, after line 27 (section 14)—Insert new word and paragraph as follows:

or

(c) in pursuance of a proposal recommended by the Minister under Division X.

This amendment is necessary if the ministerial review provisions, which the Opposition will be moving later, are to be inserted. It will be necessary to have this clause inserted so that the proposals recommended by the Minister can be proclaimed. I will have more to say about the ministerial review later. At this stage, what we envisage is that if councils put forward proposals which are subsequently rejected by the board, the councils should be able to go to the Minister, and the Minister can then consider the matter and refer it back to the board. That amendment is a consequence of the later amendment that we will be moving.

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

The Hon. M.J. ELLIOTT: The amendments that the Hon. Paul Holloway and I have on file to the same clause are potentially complementary and potentially alternatives. They can coexist. If an appeal to the Minister fails, there is still the Parliament. I shall be dividing on this issue, particularly in relation to paragraphs (1a) and (1b) which I shall be moving. If anyone is to talk about checks and balances, the amendment that I am moving is a genuine check and balance, whereas that moved by the Opposition is not. I do not understand the logic of what it is doing, because—

The Hon. Diana Laidlaw: Everybody else does.

The Hon. M.J. ELLIOTT: I know you do, and that is why you are supporting it. I will put this on the record because the public will need to understand later what happened and indeed why it happened. There has been talk about Government accountability, and people have all sorts of understandings as to what 'accountability' means. People have found that Governments do a lot outside Parliament, and the Parliament has a fairly limited and decreasing role in terms of accountability of Government behaviour. It has been a developing trend, to increase power in the hands of executive Government. We have had legislation after legislation introduced into this place where Ministers have sought by way of legislation to claw power away from the Parliament. Once Parliament approves that transfer of power to the Minister in a piece of legislation that power is gone. Executive Government will not give its powers back to the Parliament, because executive Government always controls the Lower House.

Once that power has been taken away it is gone. Executive Government was responsible for the State Bank disaster. Executive Government was responsible for the continual failure of development projects in South Australia owing to the arrogance of executive Government. Executive Government is doing the water contract. Executive Government has signed the EDS contract with flaws that we do not yet fully know about, but I hope that the select committee will get the opportunity to investigate them. Here, executive Government again is taking another power unto itself, and, it appears, with the consent of the Opposition, which is absolutely surprising, because what will happen here is no different from what is happening with Kennett in Victoria as executive Government has been forcing the amalgamation of councils.

What I sought by way of the amendments I have foreshadowed is to say that, at the day, if the board and then subsequently the Minister wish to overrule the local community, there is still the possibility that either House of Parliament might say that the powers have been exceeded and that this time the Executive has gone too far. The amendments being proposed by the Labor Party put the power of decision making in relation to amalgamations firmly into the hands of the Minister, which is precisely what I was critical of to start off with.

The Hon. P. Holloway: There is a poll.

The Hon. M.J. ELLIOTT: Even under your amendment there could be 39 per cent participation in a poll with 38 per cent voting against it and yet amalgamation could proceed. Of course, that is at the extreme end of the range, but that sort of thing could quite easily happen: 39 per cent of the people could participate, 38 per cent could say 'No' and the amalgamation could proceed. It could be that the board behaves irresponsibly in other ways and that it does not properly consult. There is already some indication that perhaps the Opposition may not insist on clause 22(b). At the end of the day, if the board does not behave properly and does not consult as widely as it should, there will be no check on its behaviour at all other than the check of the Minister who appointed the board in the first place and who will put people on the board who will do what the Minister wants. That is why you appoint boards: you put people on there to do what you want.

To suggest that the Minister will keep an eye on the board which the Minister appointed and to which the Minister has given a particular task is a nonsense. Politically, this means that some amalgamations will go ahead. When the Opposition gets its amendment up in relation to the appeal to the Minister it will have then at least managed to politicise it to a more honest extent than is currently in the Bill, because the board was going to do it without technically the Minister being involved. The Governor would do it. At least the Opposition is making it honest in one sense by politicising it. Of course, at that point there will always be a few people who will get upset and to whom the Opposition will say, 'That was a terrible thing that happened, but the Minister did it. We could not do anything about it, because the Minister had the power; but we will harvest a few votes along the way.' That is what the Opposition's amendments are doing. The Opposition is now making sure that it rests on the Minister and that the Parliament will not involve itself so that, of course, votes can be picked up later on. This is exactly what the Liberals have been doing in the Senate in Canberra for well over a decade. In the Lower House its representatives say what a dreadful thing a Bill is but when it reaches the Senate they vote for it.

The CHAIRMAN: Order! I think the honourable member is ranging far and wide and I ask him to come back to the amendment to the clause.

The Hon. M.J. ELLIOTT: With respect, Mr Chairman, my clause is about accountability and about executive Government versus the Parliament. It is about the role that Parliaments play, and that is exactly what my amendment is about in contrast to the Opposition's amendment. The points I am making are absolutely relevant to that point. In a year's time I do not want members of the Opposition complaining about any amalgamation that happens, because it will not have a leg to stand on. If Opposition members go out in the community and say what a dreadful thing it is that a particular thing happened and how badly the board behaved, they will be as responsible as the Government because they will have handed the Government all the power it needed. Its need to be on the record very clearly. From the beginning, I have made my position clear in terms of there being two important issues in this Bill: the question of accountability and whether or not the Government should interfere with rates in another tier of Government. I will be dividing on this issue because it is fundamental. I will let people know what happened in relation to this issue and who did what.

The Hon. P. HOLLOWAY: I need to respond to those comments. The Hon. Mike Elliott overlooks the fact that before a forced amalgamation can go ahead it has to go to a poll of the people. It is the electors who will determine whether the amalgamation goes ahead or not. I have already indicated that we will move amendments to reduce the threshold required for that poll to count. Under the Opposition's proposed amendment, if 40 per cent or more of the people entitled to vote turn out to a poll, which will have to be called if a council dissents to a proposal, and if the majority of the persons so vote at that poll against the proposal, it cannot go ahead. What position would we then be in Parliament if we were trying to overturn a ballot that had been taken in the community on a particular poll?

The Hon. Mr Elliott's amendments relate to the proclamations which will come about at the end of this process. We think that what is important is that the processes themselves that lead up to the proclamation should be reformed, and that is where we are putting our efforts. It is far better that we get those procedures right before we get to the stage of the proclamation. It is most important to place on record that whatever happens here with local government boundary reforms will be subject, if it is opposed by the community, to a poll. The ultimate determinate of the outcome will be the electors of that council area.

The Hon. DIANA LAIDLAW: I indicated earlier that we will support the Opposition's amendment in this matter, the substance of which we will be looking at later in the Bill. I will not prolong the debate in terms of responding to the Hon. Mr Elliott.

The Hon. M.J. ELLIOTT: I must correct one comment made by the Hon. Mr Holloway. I will not seek to have Parliament override a ratepayers' poll. The clause simply provides that a proclamation would be laid before both Houses of Parliament which would allow a disallowance. I do not believe for a moment that Parliament would seek to disallow where there had been a clear poll in favour, but what would happen if there had been a poll—

The Hon. Diana Laidlaw: What do you mean by 'clear poll'? If a poll is in favour are you saying there is a definition of what type of poll can be set?

The Hon. M.J. ELLIOTT: If you had listened to what I said earlier, even with the Opposition's amendment in relation to changing 50 per cent back to 40 per cent, you could have 39 per cent participate, 38 per cent vote against and yet the board would be quite within its rights to still force an amalgamation. It would still be quite within its rights to do so. In that case the board would say, 'Okay, yes, 38 per cent against the amalgamation and 1 per cent for, but it did not reach the 40 per cent and therefore we are free to do whatever we choose.' That is the sort of situation where the Chamber may decide to intervene. I know it is at one end of the extreme but I think it illustrates the point very clearly.

Amendment carried.

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

Page 4, after line 27 (section 14)—Insert—

(1a) If a proclamation under subsection (1)(b) provides for the constitution, amalgamation or abolition of a council or councils, or for the establishment of an ILAC scheme, the Minister must cause a copy of the proclamation to be laid before both Houses of Parliament.

(1b) A proclamation to which section (1a) applies does not have effect—

(a) until 14 sitting days of each House of Parliament have elapsed after a copy of the proclamation is laid before each House; and

(b) if within those 14 sitting days a motion for disallowance of the proclamation is moved in either House of Parliament—unless and until that motion is defeated or withdrawn, or lapses.

(1c) If a motion for the disallowance of a proclamation under subsection (1b)(b) is not voted on within 30 sitting days after the day on which copies of the proclamation were laid before each House, the motion lapses by force of this section.

New subsection (1a) provides for a disallowance by either House of Parliament; new subsection (1b) ensures that within 14 sitting days of the proclamation being made the motion for disallowance must be moved; and new subsection (1c) provides that within 30 sitting days of the proclamation being made it must be voted upon. In other words, it is not meant to provide a significant delay to the process: it says that if Parliament is going to intervene it will have to do so very quickly.

The Committee divided on the amendment:

AYES (2)

Elliott, M. J. (teller)	Kanck, S. M.

NOES (18)

Cameron, T. G.	Crothers, T.
Davis, L. H.	Griffin, K. T.
Holloway, P.	Laidlaw, D. V. (teller)
Lawson, R. D.	Levy, J. A. W.
Lucas, R. I.	Nocella, P.
Pfitzner, B. S. L.	Pickles, C. A.
Redford, A. J.	Roberts, R. R.
Roberts, T. G.	Schaefer, C. V.
Stefani, J. F.	Weatherill, G.

Majority of 16 for the Noes.

Amendment thus negatived.

The Hon. P. HOLLOWAY: I move:

Page 5, line 17 (heading)—After 'GOVERNMENT' insert 'BOUNDARY'.

The reason for this amendment is that in the other place the Opposition successfully moved to change the name of the board from the Local Government Reform Board to the Local Government Boundary Reform Board, but it did not pick up this consequential amendment.

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

Amendment carried.

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

Page 5, lines 20 to 35 (section 15)—Leave out section 15.

There are two reasons for this amendment. First, I seek to strike out mention of the MAG report from the Bill itself. I think it is not appropriate that the MAG report be mentioned here. If issues have been raised by the MAG report, they should have been incorporated as individual clauses and addressed as issues rather than referring to the MAG report in particular. I also seek to strike out the structural reform proposal provision, because in an earlier amendment to clause 3 that has already been transferred. So, that part of my amendment is consequential.

The Hon. P. HOLLOWAY: The Opposition supports the Democrats' amendment.

Amendment carried.

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

Page 6, after line 7 (section 16)—Insert—

(4) The board cannot be brought under the operation of the Public Corporations Act 1993.

My amendment is similar to the amendment passed in the Local Government Finance Authority (Review) Bill. It makes it plain that the Public Corporations Act will not take effect in this Bill.

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

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 6, line 11 (section 16A)—Leave out 'four' and insert 'three'.

The amendment seeks to replace one board member appointed by the Minister with a representative of the United Trades and Labor Council of South Australia. This amendment is the first amendment to enable that to come about and I will speak to the consequential amendments now. Clearly, the trade union movement has a long and distinguished involvement in local government in South Australia. It has considerable expertise in this area and we believe that expertise ought to be employed on the board. We also believe that the interests of the workers in local government should also have representation at board level. To facilitate that we have decided to keep the size of the board at seven, so we seek to replace one of the four persons nominated by the Minister by representative of the UTLC.

The Hon. M.J. ELLIOTT: I have not moved my amendments on file because, having had discussions with the Opposition, we had amendments that were in direct conflict even though the underlying themes were the same. I had an amendment to include a person appointed by the Minister on the nomination of the UTLC, but I was also seeking an extra person from the LGA and, as a consequence, increasing the size of the board from seven to nine members. The Labor Opposition argued that nine members might be too large and so it has sought to include the UTLC representative and achieve a change in mix in a slightly different fashion. Since there is a series of amendments we may as well discuss them altogether. As I see it, the reason for wanting to include someone on the nomination of the UTLC is to ensure that there is someone on the board who has a genuine understanding of industrial issues.

When amalgamations are to proceed, there is no doubt that industrial matters are going to be significant. It is not a matter of creating conflict on the board but making sure there is someone on the board with a real understanding of the issues. To fail to do so is simply asking for trouble further down the line. I do not mean necessarily industrial action trouble, although that is possible, but I think an injection of industrial reality from someone who understands it from a non bean counter point of view could be a useful thing. The Minister should see that as being productive and constructive.

The Hon. DIANA LAIDLAW: The Government opposes the amendment. We are pleased to note that the Opposition would not be supporting the Democrats' initial moves to increase the size of the board from seven to nine members. The defeat of that initiative is certainly a healthy sign. In terms of the composition of the board in respect of those seven members, the Government believes strongly that there should be sufficient flexibility for both the Minister and the LGA to be nominating people for the board. We should not be confined to any one area of interest in respect of any one appointment. One could start on a whole range of head-hunting missions that we could put in the Bill so that various interests were represented and that would defeat our objective of making sure that we had the broadest range of skills available for selection to the board. That does not mean that the UTLC would not be considered.

The Hon. M.J. Elliott: Would they be the first cab off the rank?

The Hon. DIANA LAIDLAW: It may well be, but so could others. We do not believe it is of any value to nominate the UTLC above any other group in the community. Others would also have legitimate interests.

Amendment carried.

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

Page 6, line 11 (section 16A)—After 'Minister' insert 'after consultation with the Local Government Association of South Australia'.

While the Minister will still be appointing three persons other than those on the nomination of the LGA or the UTLC, it would be constructive if the Minister consulted with the LGA before making other appointments. If the board is to have any chance of real success, it must be a board in which there is confidence, not just from the Minister but from local government. Simply requiring consultation is not an onerous requirement on the Minister. He was supposed to consult in relation to this Bill and he said that he did. Some people have a different view on what consultation means. It is not an onerous requirement.

The Hon. P. HOLLOWAY: The Opposition supports the amendment.

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

Amendment carried.

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

Page 6, line 12 (section 16A)—Leave out 'two being persons selected from a panel of eight' and insert 'two being persons selected from a panel of six'.

My amendment simply reduces the size of the panel from eight to six.

The Hon. P. HOLLOWAY: The Opposition accepts the amendment.

The Hon. DIANA LAIDLAW: I oppose the amendment.

Amendment carried.

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

Page 6, after line 13 (section 16A)—Insert new subparagraph as follows:

(iii) one being a person selected from a panel of two persons nominated by the United Trades and Labor Council; and

We have already debated this issue.

The Hon. P. HOLLOWAY: I support the amendment.

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

Amendment carried.

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

Page 6, lines 15 to 17 (section 16A)—Leave out subsection (2) and insert—

(2) A person nominated under subsection (1)(a) must have at least two years' experience as a member, officer or employee of a council.

What I am seeking to do is to ensure that the board is made up of people who have a real understanding of local government. We cannot expect a board to discuss amalgamations or any other major structural reform unless the members understand the ramifications of the recommendations that they will make. During the second reading debate I referred to the executive officer who has been appointed. He was asked, 'How many people do you think work in local government?' and he replied, '50 000'—the correct answer being 7 500. This shows that it is possible that some people, despite all their qualifications and their being very capable and competent, may be a bit lacking in the basic understanding of local government issues. One would not want a board comprised of people with a poor understanding of local government and of the consequences of their recommendations.

For that reason, I am recommending that all persons on the board should have at least two years' experience. When I say 'all persons on the board', that is with the exception of the executive director. I note that effectively that position has been filled, although it does not yet legally exist. I will not seek to challenge that. In terms of the other positions, I think the amendment is reasonable. One wonders why the Government would oppose it, since the Minister has told me outside this place that he is confident that everybody he puts on the board would have more than two years' experience.

The Hon. DIANA LAIDLAW: The Government opposes the amendment. We argue very strongly that there are a number of very able people in South Australia who would be able to serve on this board. A lot of people have a great interest in what happens in local government. Is the honourable member suggesting—and I have not read the amendment in this context but it just occurs to me—that the UTLC person will have two years' local government experience? Is that what is proposed?

The Hon. M.J. Elliott: That is the way the amendment currently stands, yes.

The Hon. DIANA LAIDLAW: I think that a lot of people in the UTLC would be eminently able to work on this board, and some may have a lot more capacity than another person from the UTLC who might have two years' experience but not much else to contribute to this board. Again I would say that many people have an active interest in local government—ratepayers, the business community and the environmental movement. A lot of people who have an interest in the activities of local government would not necessarily have had the time to have committed themselves to at least two years' service on local government. It is a pity that, through this amendment, it appears that the Opposition, and certainly the Democrats, are seeking to further restrict the opportunity to appoint the best board from people with the widest range of skills, capacity, knowledge and experience.

The Hon. M.J. ELLIOTT: We have established some boards where you could argue that there are people within the community, which a board is seeking to represent, who do not have the relevant expertise. For instance, when we have set up some marketing boards it has been argued that most farmers do not have sufficient expertise in the international trading of commodities. You can put that argument in relation to a board of that nature perhaps, but, when we are talking about a board looking at local government, which literally has had thousands of elected representatives and thousands of employees working for it over any number of years, you cannot argue that within a particular cross-section of the community you will not find your bean counters. So you can have your bean counters who have local government knowledge rather than just having your bean counters with no local government knowledge. If the Minister wants bean counters let him have it, but at least let it be bean counters with experience.

The Hon. P. HOLLOWAY: The Opposition does not support the amendment in its present form, for the reasons which the Minister outlined earlier in relation to the United Trades and Labor Council representative. It is not always the case that members of the union movement who have extensive experience in local government have also served as employees and members of local government. We would expect other members of the board to have experience in local government, and the Minister has said that that will be the case. If we pass the amendment in its present form we believe that there could be a problem in that it could unduly restrict people who have considerable local government experience which they can give to the board but who do not necessarily fulfil the qualifications as set out in this amendment.

The Hon. Diana Laidlaw: So what are you doing?

The Hon. P. HOLLOWAY: As I said, I am opposing the amendment in its current form.

The Hon. M.J. ELLIOTT: I thought that the Opposition had a further amendment to my amendment. I am not quite sure whether or not that is what the Hon. Mr Holloway was alluding to. I would like that clarified before it goes to a vote.

The Hon. P. HOLLOWAY: As I said, in its present form we cannot accept it. We have had some difficulty in getting a suitable form of words that would enable us to move an amendment. At this stage we have to oppose the amendment.

The Hon. M.J. Elliott: Can you support it and wait until we recommence?

The Hon. P. HOLLOWAY: I am sure that the matter could be looked at later. At this stage we will support the amendment, but I indicate that we are not happy with it in its current form.

The Hon. DIANA LAIDLAW: The honourable member seems to have some difficulty knowing what mind he is in from one moment to the next. I understood from what the honourable member said that the Opposition was opposed to the amendment, and the arguments given in support of its opposition were quite logical. Certainly, we would not want to be so discriminatory as to suggest that the Opposition could accept that everyone else who was appointed to the board had to have at least two years experience with the exception of the UTLC officer. If it is good enough for the UTLC not to be confined by a clause in this Bill in terms of selection of a nominee having had two years experience—if that is the way the honourable member is going, although it is a bit hard to tell where he is going—then I do not see why the LGA or the Minister should be so confined. Anyway, he did say that the Opposition opposed the amendment.

I know the honourable member has not been in this place for long and he has had some years out of Parliament, but when the Hon. Michael Elliott suggests that the honourable member should support it the honourable member changes his mind. Perhaps the honourable member might clarify

where he is going, because the Legislative Council operates with a little more clarity than we have seen from the honourable member in the past few minutes.

The Hon. P. HOLLOWAY: I thought I made the position clear from the start: that I was opposed to the amendment in its present form. At the start of this debate, I also indicated that the Opposition would support our reporting progress at the end of the Committee stage so that we could look again at some of these amendments. As I pointed out, we had very short time to consider them and we did not have time to see whether we could get an acceptable form of words for this amendment. So that it can be considered at some later stage I will, for the present, support the amendment. However, I put on record our reservation that we would seek to change its present form at some later stage.

The Hon. M.J. ELLIOTT: The first point is that it is not unusual in this place, particularly when we are going to recommit clauses, for a clause with which the Council is not completely happy to be passed because it is recognised that there is an issue contained therein that needs to be addressed further. That has happened in this place on many occasions in the 10 years that I have been here. That is not unusual. What the Hon. Mr Holloway has said is absolutely consistent: the honourable member is saying that he has some problem with the wording. He has not said that he has a problem with the concept. My understanding is that it is the wording in my amendment at the moment that might be creating a problem.

For instance, there may be people who have worked in the industrial area of local government for many years and have first-hand knowledge of local government but may not have been employed by local government. For example, they might have been an industrial officer for 20 years, working on a daily basis with local government but, as the amendment is currently worded, they are not catered for. It is consistent with what I argue; that is, we need on the board people who have a real understanding of local government. Therefore, what the honourable member is saying is not inconsistent with what I am trying to achieve, and keeping the issue alive, as the Minister knows, is something that has happened in this place on many occasions when we have debated clauses of a Bill.

The Hon. DIANA LAIDLAW: What I do know is the inconsistency in the Australian Democrats' position on various issues. What I do not follow is the argument of the Hon. Mr Holloway, who did—when he looks at his words again—reflect on the integrity of this whole issue of confining the selection of members and the deliberation of this board to people with two years experience. It may be acceptable to the majority of members in this place that in relation to the UTLC an industrial officer had worked with unions. Equally, as the Hon. Paul Holloway said earlier, members could apply that same argument to the persons nominated by the Minister. For instance, there are a number of lawyers—although I am not normally an advocate for lawyers, as the Attorney-General would know—who have worked closely with local government. Indeed, people involved in finance, ratepayers, the conservation movement—people from a whole range of areas—have worked closely with local government and have a legitimate interest in the issues before the board in terms of boundary reform. It would be a very poor reflection on this place if the logic of that argument of getting the best person for the job was lost in some ideological hang-up as currently presented by the Australian Democrats.

The Hon. M.J. ELLIOTT: As the Minister has referred to conservation groups on several occasions, would she support an amendment to have a conservation representative on the board?

The Hon. DIANA LAIDLAW: I have said all along that I do not think this board should be confined by any specific representation. I would therefore be consistent in saying that I would not support such an amendment. I also do not make the appointment, but it is legitimate that that interest should be considered. For instance, lawyers, people who live at home, child-care providers and people who own shopping centre leases all have legitimate interests in this issue. Equally, so do people who run bus services or public transport. They all have a legitimate interest in this area, but we are not saying that the Chartered Institute of Transport should be included.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Well, I ask, 'Why not now?' Then I wonder why we—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Yes. In fact, if I had my way, we would have seven women and no-one else!

Amendment carried.

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

Page 6, line 23 (section 16A)—After 'member of the board' insert 'appointed under subsection (1)(a)'.

The amendment makes quite clear that the Executive Director of the board will not also be the Chair of the board.

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

The Hon. P. HOLLOWAY: The Opposition accepts the amendment.

Amendment carried.

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

Page 6, line 28 (section 16A)—Leave out 'eight' and insert 'six'.

This amendment is consequential.

Amendment carried.

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

Page 6, after line 29 (Section 16A)—Insert new subsection as follows:

(8) The deputy to the person appointed under subsection (1)(a)(iii) must be a person selected from the panel of two nominated by the United Trades and Labor Council under that subsection.

This amendment is also consequential.

Amendment carried.

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

Page 7, line 27 (section 16A)—After 'South Australia' insert 'or the United Trades and Labor Council.'

Consideration of the interlocking of some of the amendments has happened fairly recently, so there is a chance that this clause may need to be addressed further. I move the amendment, but indicate that some time may need to be spent on it later.

The Hon. DIANA LAIDLAW: The Government opposes the amendment, although it is consequential.

The Hon. P. HOLLOWAY: As it is consequential, we support the amendment.

Amendment carried.

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

Page 7, line 28 (section 16A)—Leave out 'that' and insert 'the relevant.'

This is consequential on the fact that not only the Local Government Association but also the United Trades and Labor Council would be incorporated.

Amendment carried.

The Hon. M.J. ELLIOTT: I wish to move a further amendment which is not on file but which is necessary. I move:

Page 7, line 28 (section 16A)—Delete 'three' and insert 'two.'

There is a reference to a panel of three persons. I wish to delete 'three' and insert 'two'.

The Hon. DIANA LAIDLAW: The Government accepts that amendment.

Amendment carried.

The Hon. M.J. ELLIOTT: I am not proceeding with the amendments on the nine-page set of amendments; I am proceeding with a second set of amendments which was circulated about 20 minutes ago. I move:

Page 8, After line 25—Insert:

'(3a) A meeting of the board should be open to the public unless the board is considering a matter that, in the opinion of the board, should be dealt with on a confidential basis.

(3b) If the board closes a meeting to the public, the board must, on request, provide written reasons for its decision.'

In line with some comments that I made about an earlier clause, it is important that the board should have the confidence of local government. The more often that meetings are closed, the less confidence people have about what is going on. I am aware that the Minister has criticised local government about the number of times that it holds meetings *in camera* when discussing matters relevant to the community. To be consistent, the board that is reviewing local government should not commit the sins of which local government has been fairly accused from time to time.

The amendment does not say in what circumstances a meeting is confidential—that is for the board to decide—but it gives a general instruction that the board should attempt to run public meetings. If it feels there is a matter of importance that must remain confidential, it can close its doors. However, if the board does close a meeting to the public, under subclause (3b) the board is required to give a written reason. The written reason does not have to be comprehensive; it means that the board must have a justification for doing so.

Honourable members might like subclauses (3a) and (3b) to be treated separately. Subclause (3a) relates to whether or not, as a matter of principle, a meeting should be open; and subclause (3b) relates to when a meeting is closed to the public. I would ask that those two subclauses, although related, be voted on separately.

The Hon. P. HOLLOWAY: We have only just seen these amendments in their present form. We were reluctant to support the more extensive exclusion clauses that were presented earlier. We will provisionally accept the amendments, but examine them more closely later.

The Hon. DIANA LAIDLAW: The Government finds the amendments far more agreeable than the earlier proposals which were circulated by the Hon. Mr Elliott and which we would have strongly rejected. I am pleased that the honourable member is prepared to consider subclauses (3a) and (3b) separately in terms of voting.

We have no difficulty with subclause (3a), but we think that subclause (3b) is unnecessary; it is an extra burden and involves more paperwork. We know that, under clause 16F(4), the board must keep accurate minutes, but to have to provide written reasons for a decision is overly bureaucratic. I hope, from what the honourable member was saying about written reasons, that any superficial reason could be given, just as between the two Houses we sometimes give reasons why we will not accept amendments. That is often treated in a jocular manner, but it is in written form, because it is needed for the parliamentary process of passing information between the two Houses. However, this board will not be required in a legal sense to communicate in the same way as we do between the two Houses. Therefore, it is worth noting that the minutes of the proceedings have been kept. We think it is appropriate that the meetings of the board should be open to the public unless the board is considering a matter that in the opinion of the board should be dealt with on a confidential basis.

Amendment carried.

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

Page 8, after line 26 (section 16F)—Insert new subsections as follows:

(4a) A person is entitled, on request, to a copy of any board minutes.

(4b) However, the board may, before it releases a copy of any minutes under subsection (4a), exclude from the minutes information about any matter considered in confidence by the board.

Again, this is about openness of the board, but it is also a bit more than that. It is important that the general community—and particularly the local government or those interested in the amalgamations—know where things are at. It is not unreasonable that particular councils should know that their amalgamation is being discussed at the board at a particular meeting. At least by having the minutes available the general ground that is being covered by the board at any one time would be public knowledge. I cannot see why the board, under new subsection (4b), cannot maintain something equivalent to two sets of minutes. Our Parliamentary committees have a set of minutes which, indeed, is pretty brief and which talks about the things we touched on at the meeting. We also have *Hansard*, which is highly detailed. We even have some material we hear which does not go into *Hansard* at all.

It seems possible to me that the board can keep what is basically a summary of events type of minutes which would be a public document from the beginning, but perhaps the detailed information, particularly information it wishes to keep confidential, may be kept in a more detailed log. I do not see that as being a conflict and I think that proposed (4b) allows that to occur. Once again, for reasons of openness, while the board may want to keep detailed discussion confidential, it is reasonable for people to know that particular amalgamations are being discussed at this stage and where things are in relation to those discussions. Again, that openness builds confidence and, therefore, trust in the board.

The Hon. DIANA LAIDLAW: Is the honourable member suggesting that a copy of any board minutes in draft form or confirmed as a true and accurate record of the meeting as an abridged form but still confirmed in its abridged form be made available? I know that there are many organisations, councils, etc. which type up the minutes the next day, but they are not a valid record until they have been confirmed as a true and correct record and signed off. I am not too sure at what stage the honourable member is suggesting that a person is entitled to a copy of board minutes—whether they are a full or abridged version as outlined by the honourable member.

The Hon. M.J. ELLIOTT: It seems to me that what I have here is not particularly prescriptive. So, there is still a fair degree of latitude available to the board. When it sets

about making its own rules for proceedings, etc. of meetings it may handle those sorts of issues. It would not be difficult to have an accurate set of minutes which simply cover the major issues that have been discussed and, perhaps, major decisions that may have been made. That would be something which could be done in a quite timely manner, although the clause does not mention how long things should take: it is simply what I think any person would consider reasonable.

The Hon. P. HOLLOWAY: I indicate that the Opposition will provisionally support this amendment. As with a number of other amendments we did not have a lot of time to examine it and we have not been able to consider what impact this might have in practical terms; but, in principle, we believe that the board should be as open as it is possible to be so.

The Hon. DIANA LAIDLAW: We have indicated our support for meetings being open to the public, but it is important that we make quite clear the nature of the minutes that we are addressing. As it is so broad I would not be prepared to accept the amendment.

The Hon. M.J. ELLIOTT: It is important that when we leave this Chamber we have a clear understanding of what we are agreeing and disagreeing on. I am not seeking to have all the extensive information contained within the minutes necessarily immediately available. I am simply seeking to ensure that at least the important issues that are being addressed at least be—

The Hon. Diana Laidlaw: Why don't you say it in here?

The Hon. M.J. ELLIOTT: The reason I am saying that it is important that we at least have an understanding of what we are agreeing and disagreeing on is that I am quite happy to have this further amended; in fact—

The Hon. Diana Laidlaw: Why don't you say that what you want the people to have is the agenda of the meeting?

The Hon. M.J. ELLIOTT: Sometimes the agenda and what actually gets discussed are not always identical, either. It is a bit more than the agenda. If decisions are being made—

The Hon. Carolyn Pickles: The honourable member wants to keep some items confidential.

The Hon. Diana Laidlaw: He wants openness but he does not want it to be too open. We do not know how open he is prepared to be and how much he wants this closed.

The Hon. M.J. ELLIOTT: If anything, I have been extraordinarily generous. The board will still have the ability to decide what is confidential and what is not, and I have not given it a time frame to do it in. I do not think it is a particularly onerous requirement on the board.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: What I want is the ability for local government and people interested in local government to know what issues are being discussed, what amalgamations are being considered and to have some idea about how they are progressing. It is a matter of information flow out to the interested public. The Government has agreed that people can sit in except when the meeting becomes confidential but, as the Minister would well know, there are many people who have interests in meetings who cannot always attend them. How then can they know what has been discussed and what has not? I am suggesting that they can do so via the minutes, recognising that there may be aspects of minutes that the board may seek to keep confidential. In fact, I have given the board a great deal of freedom as to how far it decides that things may be kept in confidence. It is all about information flow, and I do not think that I am placing an onerous requirement upon the board.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 9, line 20 (section 17)—Leave out 'establish and publish criteria' and insert 'recommend criteria, to be prescribed by regulation,'.

Proposed new section 17 is one of the most important parts of the Bill because it defines the functions of the board. Paragraph (c) refers to the function of the board to 'establish and publish criteria against which the performance of councils as local government authorities under this Act can be assessed'. This amendment provides that that measure should read that the functions of the board are 'to recommend criteria, to be prescribed by regulation, against which the performance of councils can be assessed'. That is so that Parliament can have some hand in the criteria that are so prescribed.

It is very important for local government authorities that they should know exactly how they are being assessed. We are giving the board quite extensive powers, so it is important that, when councils are being assessed by the board, they should know exactly what the criteria are against which they are being judged. The effect of this amendment is to ensure that those criteria are prescribed in regulation on which Parliament could pass some judgment, if it wished.

The Hon. DIANA LAIDLAW: The Government opposes the amendment. It will establish criteria for benchmarking of council performance by reputation, not solely by board administrative practice, which would be the standard way in which this would ordinarily be done. We think it is an unnecessary and time delaying tactic. A lot of major work has to be undertaken in a very short time, and we think strongly that this will delay consideration by the board. Because of the disallowance provisions, it will encourage an atmosphere of uncertainty about the criteria themselves. We think it is adequate in this instance that, when one looks at all its functions and the whole ambit of this Bill, the board can identify, establish and publish the criteria, and circulate them to councils so everyone can get on with the job that is before them, rather than waiting for them to be prescribed subject to disallowance at the whim of the Parliament. It is an unnecessarily cumbersome process, for which there is no clear benefit.

The Hon. M.J. ELLIOTT: Somewhat earlier in this debate the Minister criticised me for an amendment because it was not relevant to boundary reform. Some of the board's functions do not appear to be directly relevant to boundary reform. For example, the criteria for performance of councils may or may not be relevant to boundary reform and, in fact, it goes well beyond boundary reform. That is not to say that the issues are not important, but it is certainly outside the general scope of this legislation, and there would be some arguments for simply striking it out and saying that it is not relevant to the thrust of this Bill. What the Hon. Paul Holloway is doing is commendable, and I will support the amendment.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 9, line 22 (section 17)—After 'against those' insert 'prescribed'.

This amendment is consequential.

The Hon. M.J. ELLIOTT: This is consequential, so it is an appropriate time for me to ask some questions about this functions clause. Can the Minister explain the difference between criteria and benchmarking?

The Hon. DIANA LAIDLAW: I am pleased to have whispered to me that the local government area has the same definitions of criteria and judgment and that they are applied in the same way as in public transport and the transport area generally. Benchmarking is practised in the areas with which I am familiar, and it has been outlined to me that, for local government, it is the basis for comparisons between various councils. The criteria are the basis for such judgments. It is the outline, the list of the issues that will be judged. Benchmarking is the actual process of making that judgment.

The Hon. M.J. ELLIOTT: New section 17(1)(b) is designed to facilitate the provision of financial incentives to councils. I am not aware of there being any explanation on the record as to what the Government has in mind in terms of financial incentives that would be provided to councils which participate or whether or not there may be negative financial incentives if they fail to participate.

The Hon. DIANA LAIDLAW: I am aware that the Government has agreed to allocate some funds to assist councils because, as it is well into the financial year, councils might not have made allocations for some of the major work that may be involved in either benchmarking or preparing a case for boundary reform, the conduct of polls, and a whole range of things (if required) that could flow from this Bill. So, incentives will be provided. I am not aware of the guidelines for the allocation of those incentives or of their maximum sum—in fact, I am not sure whether that has been determined—but this Bill allows for the provision of financial incentives to councils for additional costs relating to this reform process over and above the budgets that they would have planned already for this year.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 9, line 27 (section 17)—Leave out 'its' and insert 'the prescribed'.

This amendment is consequential.

Amendment carried.

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

Page 9, line 34 (section 17)—Leave out 'consultation with the proponents' and insert 'conjunction with the proponents.'

The Hon. DIANA LAIDLAW: I am advised that 'in conjunction with the proponents' is no different from 'in consultation with the proponents'.

The Hon. M.J. ELLIOTT: I understand that this clause was amended in the Lower House to insert the word 'consultation'. Effectively, I seek to change the word 'consultation' to 'conjunction', because there is quite a difference in the meaning of those two words. 'Consultation' means 'to talk to', and you may choose to ignore totally; it does not, in any way, infer working together to achieve a goal, which I think the word 'conjunction' clearly does. 'Conjunction' means 'to join together'; 'consultation' means 'to talk together', but what is done is done entirely and solely by the board. I thought that when the Opposition inserted the word 'consultation' it was seeking to ensure a working together. This is not a case of semantics: there is a difference between those two words. For that reason, I seek to insert the word 'conjunction' in lieu of the word 'consultation'.

The Hon. DIANA LAIDLAW: Is the honourable member moving it in terms of 'in conjunction with the proponents and other relevant parties' or just 'in conjunction with the proponents'?

The Hon. M.J. Elliott: The latter.

The Hon. DIANA LAIDLAW: My legal advice—not my departmental advice, but my legal advice—is that the earlier amendment moved by the Opposition in the Lower House is no different in legal terms from 'in conjunction with', so it is semantics in that sense. Also, because of different interpretations in the literal sense, 'in conjunction with'—the joining with proponents—places the board and the functions of the board in quite a confusing situation. We accept the proposal by the Opposition in the Lower House, supported at that time by the Government, to add the words 'in consultation'. We see no reason to move now against the amendments we supported earlier.

The Hon. P. HOLLOWAY: The Opposition was happy with the words as they as stood. As the Minister has pointed out, they were moved by the shadow Minister in the other place and, like the Minister, we do not believe that in legal terms it will make any difference, so we do not support the amendment.

Amendment negatived.

The Hon. P. HOLLOWAY: I move:

Page 9, line 35—Delete 'and' where first occurring in line 35.

Paragraph (g) would thus read 'three year financial management plans' rather than 'three year financial and management plans'. We believe that the functions of the board should be related to boundary changes and the consequences thereof, and we do not believe they should be looking at broader management issues. We believe that deleting the word 'and' as it occurs there will clarify the role of the board and restrict it to looking at financial management plans rather than broader issues.

The Hon. DIANA LAIDLAW: I advise that this wording was agreed in consultation with the Local Government Association, which in these instances wanted both financial and management plans. Therefore, it is not looking just for the one, confined to financial management plans, but is looking for financial plans and management plans, and that is why it has been worded as such.

The Hon. M.J. ELLIOTT: I indicate that I have a quite different understanding as to the view of the Local Government Association on this, and the Minister may be advised to check her advice on this matter.

The Hon. DIANA LAIDLAW: The Local Government Association is not unknown to change its tune regularly. I suspect that this is an instance of that, if the current advice is that it wants only one plan.

The Hon. CAROLINE SCHAEFER: I oppose this amendment. It seems to me that we cannot talk about efficiencies in boundary alteration in financial management isolation. Many of the efficiencies that can be gained would occur by a conjunction of managerial skills; and to narrow this down to looking at purely financial plans would be to the detriment of many of the councils involved.

The Hon. DIANA LAIDLAW: This will be an issue for the conference.

The Hon. M.J. ELLIOTT: It might be fair to say that to some extent this provision is the stomach of the Trojan horse. It is from this provision that the troops jump out and agendas other than simple amalgamation agendas and interference in local government potentially come trooping out.

Amendment carried.

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

Page 10, lines 1 to 3 (section 17)—Leave out subparagraph (i).

I note that the Labor Opposition has an identical amendment in relation to paragraph (g)(i). This provision goes one step

further even than financial management plans and now the board—a board which the Minister does not want to even guarantee is comprised of people with real local government experience—is taking upon itself the actual setting of rates, which are an issue for local ratepayers. Local ratepayers put local government in and, if the Government wants to ensure that local ratepayers get good information about whether or not the council is efficient, it is one thing, but ratepayers make a decision about what services they get in terms of quality and cost. If the Minister wants to do anything in legislation to ensure that ratepayers get good information, that will get my support. If the Minister wants to interfere with another tier of elected Government in this matter, the Minister can go jump. The Government will not get any support from me to interfere with decisions that should be made by the next tier of democratically elected government, which is local government itself.

The Hon. P. HOLLOWAY: The Opposition certainly supports the deletion of this obnoxious provision. The board should have no role at all in setting the rates charged by local government. That is a matter for local government itself to determine and it is a matter for which it will be ultimately held responsible. It is not a matter that the board should be interfering with. We believe the board should be looking at the question of boundary amalgamation. We accept that there will be some related matters but we do not believe the board should have any role in setting the rates that another tier of Government sets any more than we would expect the Federal Government to set the tax levels charged by the State Government.

The Hon. DIANA LAIDLAW: This is a critical amendment. We know, most councils know and I think in their hearts all members know that there are considerable financial and management benefits arising from amalgamation of local councils and local councils doing things differently, whether it be by competitive tendering, outsourcing or whatever. There are considerable financial and management benefits which should be passed on to local ratepayers. We believe that the provision is absolutely critical to ensure that rate revenues are passed on to ratepayers and not absorbed in other ways, because it is these benefits that are going to be assessed by councils in either making the recommendation to the board or making the recommendation to their ratepayers. Therefore, we are seeking to ensure that the benefits outlined are passed on. In our assessment it is a critical amendment.

It is interesting to note the reference in today's *Advertiser* to the announcement that Enfield and Port Adelaide councils are to amalgamate. I will just go through the scale of the benefits that are seen to arise. The councils expect savings of $2.3 million in 1996-97, all of which they say will be passed on to ratepayers. That is what they would say. They believe that commercial rates would be equalised within five or six years promising reductions for commercial ratepayers, largely at Port Adelaide, of between 30 and 40 per cent. Again, that is what they say. We are looking to see that what they say is what they deliver in this very critical area of change and local government reform.

I think I remember Paul Keating guiding through Parliament some changes to tax rates and not then being prepared to retain them. But, from the fact of those changes being considered by Parliament and of commitments being made, people have been able to make their own judgment. Had it been just a statement that he made in passing when making a speech on any measure, that this is what he wanted in terms of tax cuts for general people, and had it not been taken through that legislative process, it would not be as valid in terms of keeping him—and the Federal Labor Government generally—accountable today for those decisions.

We believe that in this area we are not confining councils to just 10 per cent. On its own assessment, Port Adelaide council believes that, over five or six years, there are reductions of 30 to 40 per cent in commercial rates, and a reduction of 10 per cent for other ratepayers generally. These are statements that we believe, as a minimum, we should be confirming in legislation, so that the local ratepayers have some basis for ensuring that they receive the promised reductions.

The Hon. M.J. ELLIOTT: I do note that this particular section refers to advice and an even worse section later specifically mentions a figure of 10 per cent. The State Government has claimed that it has created certain efficiencies over the past year or two. It has largely been by sacking public servants, not providing services, but nevertheless the money it has saved has been used for retiring debt and not reducing taxes. Some local government areas have quite high levels of debt and, even if they do get the savings that are being projected, the best thing for their ratepayers in the long term may be the retirement of debt. It may actually improve the quality of services.

The point I am making is that it is not the board's business to tell them what their rates should be. They may have a range of reasons why they want to respond and use in another manner whatever savings may be generated. As a democratically elected tier of government, that should be their decision. Let us be politically honest: the only reason the Government wants this included is to be able to say, no matter what pain comes out of amalgamations, 'But we saved you money.' It is politically motivated. It has nothing to do with what is good for local government or local communities.

The opinion polling undertaken by the Government some six or seven weeks ago put the very specific question, 'Would you support amalgamations if your rates went down?' This is supposed to be the selling point for the Bill. That is why the Government is pushing this. It has nothing whatsoever to do with what is good for the ratepayers. They are quite capable of making their own decisions about what they want done with any savings that may be generated.

If savings are to be generated better things may happen than for rates simply to go down, such as the retirement of debt or improvement in some services which, in some council areas, are absolutely appalling. With the Government's seeking to intervene in council rates, I point out that there is run-down infrastructure in local government just as there is involving the State Government, and those problems are getting worse. For instance, a pothole is far more expensive to repair in a year's time than it is now, and councils should be making proper decisions about the way in which they spend their money.

The Hon. DIANA LAIDLAW: The Government's Bill has never confined councils to this reduction in general rates without providing some ability to appeal to the electorate or to the board for a variation. We are seeking a sense of accountability in setting a benchmark and saying to councils, 'We think you can at least achieve 10 per cent savings from these changes. These savings should therefore be passed on through reduction in rates. However, if you can't accommodate that reduction in rates you can go to your ratepayers and say, "We can't accommodate that rate reduction and we wish

to explain why. We want to do it in some other way, such as retiring debt."'

It is a matter of keeping the council honest in terms of what the Government believes is the minimum that can be achieved. The recent Enfield-Port Adelaide amalgamation confirms that the Government's belief that the minimum can be saved and passed on to the local community is sound. If councils want to do something else with those savings we are not denying them that right: we are saying, 'Go to the people through a poll; go and speak to the board.' In terms of the Government's public transport policy, I made it very clear prior to the last election that we aimed to save $34 million over five years. We will be saving that amount in less than five years but, in the meantime, we will be able to invest—

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: —no—in a whole range of new initiatives but, unless savings are made and those investments, debts and subsidies are checked, it will be impossible. Considerable neglect was inherited with respect to the Belair railway line and station, and savings will be invested in improving areas such as that. Unless we save money today, no extra funds will exist to do these things, and so—

Members interjecting:

The CHAIRMAN: Order!

The Hon. DIANA LAIDLAW: —the practice is correct. The Government is being directly accountable in stating what it believes can be achieved. All we ask is for local government to be accountable. We believe that this is the standard, but options are available to councils to vary from that standard.

The Hon. M.J. ELLIOTT: As the Minister has spent some time talking about public transport it is only reasonable I respond because it is relevant. The Minister may have promised to save money and she may be saving money at this stage, but I can tell her here and now that the platforms on the stations are deteriorating badly. The service is deteriorating, and that drives people away from using the service. It does not help public transport in the long run. Money properly invested, as we have seen in Western Australia, is quite different from what we are seeing in South Australia. The drive in South Australia is for the saving of money without any clear evidence that there is a commitment to the money being spent to upgrade the service. There will be nothing to upgrade or the upgrade will be more expensive.

For instance, the longer the weeds grow on the platforms the worse the surface becomes. Consequently, a considerable sum, rather than a small sum, will need to be spent on renovation. We do not want local government to be in the same position in relation to its roads or other infrastructure: by saving some money now they will have a far greater expenditure to incur later. Certainly, that is what we are facing with the public transport infrastructure. I use the Belair line on a daily basis and I know what is happening to it. Over the past couple of years I have been watching it, and the deterioration has accelerated over recent time because of the so-called saving.

The Hon. P. HOLLOWAY: I wish to return to the amendment which we are opposing—although it has been a very interesting discussion. I make quite clear that the Opposition has supported voluntary amalgamations. We have also supported government involvement to facilitate amalgamations, and everyone supports that, as was indicated during the second reading debate. We support the amalgamation of local government because it will give efficiencies, and we believe those efficiencies should be passed on to ratepayers. Let there be no doubt about that whatsoever.

As the Minister has pointed out, in relation to Port Adelaide the council was referring to 30 per cent cuts to industry and 10 per cent cuts in one area in one year and 8 per cent in the other year. They ought to deliver if they can. As an Opposition, we will strongly support that. However, we do not support the right of the Local Government Boundary Reform Board to tell councils what rates they can pick in the 1997-98 financial year.

We have supported the previous part of paragraph (g), which allows the board, in consultation with councils, to develop these three year financial management plans in the 1997-98, 1998-99 and 1999-2000 financial years. So, for three years the board will, in consultation with the councils, be developing these plans.

This part says that the rates to be charged on the land will be developed with the board for the 1997-98 financial year. Why just that year? Of course, members guessed it: it just happens to be an election year. That really gives away the Government's approach to this Bill. The Opposition is not interested in gimmicks. It is interested in sustainable rate reductions for local government, and we will do what we can to ensure that comes about. The rate reductions ought to be sustainable, not just one-off decreases that are subsequently lost with increases. We want sustainable rate reductions into the future and we want all the benefits of local government reform to be passed on to ratepayers. Let there be no doubt where we stand on it. However, we do object to this rather cynical exercise of allowing the board to interfere for one year just before the next State election.

The Hon. M.J. ELLIOTT: It is also worth putting on the record again that the AGM of local government with 400 representatives unanimously took exception to the Government's interfering with the setting of rates.

The Hon. DIANA LAIDLAW: There is no cynicism on behalf of the Government in this matter. When one looks at the timetable for reform and amalgamation of councils, one realises that it is reasonable to expect that, in the year identified, that reduction will be made. It is also reasonable to suspect that we would not see a rapid rise in rates following that 10 per cent cut unless they wished to suicide as a council.

So, we can expect that there will be sufficient time for them to make the reduction by the year 1997-98, and we can then reasonably plot that that reduction will be sustained. Like the Hon. Mr Holloway, for the benefit of ratepayers we want to see sustained growth. We do not need to say that, because councils will be able to achieve a reduction by 1997-98, and we can expect it to be sustained, unless they are into harakiri or something equally colourful.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 10, after line 10 (section 17)—Insert new subsection as follows:

(3) The Governor may, by regulation, prescribe criteria for the purposes of subsection (1)(c).

This amendment is consequential on the changes that we made to the functions of the board to recommend criteria and make them subject to regulation.

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

Amendment carried.

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

Page 10, lines 14 to 18 (section 17A)—Leave out all words in these lines after 'local government' in line 14 and substitute—

to meet the objects of local government under this Act—

(a) the establishment of the most appropriate number of councils under this Act; and

(b) the provision of local government services in a cost effective and rational manner.

The effect of this amendment is to ensure that the objectives of the board are to seek change where the objects of the Local Government Act are being met. The objects of the Act are spelt out in clause 4. As the board seeks change, it must always be consistent, not in conflict, with the objects of the Act. Otherwise, the amendment keeps the general structure that the Government had in the clause with 'the establishment of the most appropriate number of councils'. Whether there will be a significant reduction of councils is not the point. The point is that if an amalgamation is justified it will be sought, and that should be on a case by case basis. There should be no assumption as to whether or not the reduction will be a significant number.

The Government talks about a significant reduction in total costs. Surely, we are talking about the 'provision of local government services in a cost effective and rational manner'. Whether there will be a reduction in costs will depend upon different councils. Some councils have already gone through significant efficiency drives, and there may not be many real savings to be gained. The bottom line is that we are seeking to make sure that local government is cost effective. However, as I said, that must always be consistent with, not at the expense of, the objects of the Act.

The Hon. P. HOLLOWAY: The Opposition supports the amendment.

The Hon. DIANA LAIDLAW: The Government opposes the amendment. We are looking for specific results from the board's work. The objectives outlined in the Bill make that clear in terms of the significant reduction in the number of councils and in the total cost of providing services by local government authorities. I would perhaps generously describe the amendment as woolly and imprecise. It leaves too much discretion to the board, and the Australian Democrats might find that difficult to accommodate. We believe that we should be more precise in terms of the board which has been empowered to make some important recommendations for action in this field of local government reform.

Amendment carried.

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

Page 11, line 9 (section 17B)—Leave out 'and'.

This amendment and the following amendment are consequential. It is a necessary amendment to the principles to ensure that the potential of the ILAC schemes is explored, along with other possibilities, including amalgamation.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 11, line 10 (section 17B)—Leave out paragraph (b).

This amendment deletes any reference to the MAG report. We do not believe that the MAG report has much to offer in terms of the local government reform debate. I made some comments about the MAG report during my second reading speech, which I will not repeat.

Amendment carried.

[Sitting suspended from 5.58 to 7.45 p.m.]

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

Page 11, Line 14 (section 18)—Leave out 'public and private'.

This amendment and the following amendment relate to issues that we discussed earlier about the board and the way it functions. In this case, we are talking about hearings held by the board and not about meetings. I argue that, as with meetings, it is doubly the case that as a matter of course hearings should be carried out in public unless the board has a reason for believing that they should be confidential. There will be couple of amendments on this matter.

The Hon. DIANA LAIDLAW: The Government lost the last amendment, so it is prepared to accept this one.

The Hon. P. HOLLOWAY: The Opposition supports the amendment.

Amendment carried.

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

Page 11, after line 18 (section 18)—Insert—

(1a) A hearing or inquiry should be open to the public unless the Board is hearing, considering or determining a representation or matter that, in the opinion of the Board, should be dealt with on a confidential basis.

(1b) If the Board closes a hearing or inquiry to the public, the board must, on request, provide written reasons for its decision.

This is consequential.

The Hon. P. HOLLOWAY: We support the amendment.

The Hon. DIANA LAIDLAW: We support the amendment.

Amendment carried.

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

Page 11, line 21 (section 18)—Leave out 'signed by a member of the board' and insert 'issued by the board'.

I have moved this in an amended form to that which has been circulated. It simply provides that, rather than it being a member of the board who issues a summons, it should be issued by the board. In general terms, one would expect that the Chair of the board would issue it under his or her name.

The Hon. DIANA LAIDLAW: The Government accepts the amendment in its amended form. We could not have done so earlier.

The Hon. P. HOLLOWAY: We support the amendment.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 12, after line 17 (section 19)—Insert new subsection as follows:

(2A) At least one member of each committee established under subsection (2) must be a person nominated by the Local Government Association of South Australia.

This requires that at least one member of each of the committees established under this new subsection be a person nominated by the Local Government Association. Given the workload that will be before the Local Government Boundary Reform Board, there is no question that the two committees established under this section—the Metropolitan Councils Reform Committee and the Country Councils Reform Committee—will have much to do. We believe that it is at this level that it is most important that we have local government representation on these committees to ensure that the views of local government are put. The previous amendment provided that two members of the Local Government Association should be on the board, but we believe that at least one committee member should be an LGA member.

The Hon. DIANA LAIDLAW: My preference would be if we added the words 'one must be a woman and one must be a man', but I suspect the honourable member would not be as bold as that.

The Hon. P. HOLLOWAY: I believe that the shadow Minister would welcome such a move. I am quite happy to

add that to the clause so that at least one member would be a man and one a woman. I seek leave to amend my amendment, as follows:

Page 12, after new subclause 2A (section 19)—Insert new subsection as follows:

(2B) At least one member of each committee, established under subsection (2), must be a woman and at least one member must be a man.

Leave granted; amendment amended.

The Hon. M.J. ELLIOTT: First, I indicate support for the amendment in the amended form. Clearly, the Minister has underlined the concerns that have already been expressed by the Opposition and by the Democrats that, having gone to a great deal of trouble in relation to the board, what its composition would be and how people are appointed to it, the reality is that much of the leg work will be done by the committees and not by the board. Yet, this legislation is fairly deficient regarding the composition of the committees. In moving an amendment that there should be a representative of the LGA, the Opposition has partly addressed that matter. The Minister also recognises the need for at least one member to be a woman and for one member to be a man, but it still leaves the broader question of what the mix of talent, etc. will be on these committees. I support the amendments on the basis that at least some direction needs to be given to the composition of these committees, and I will move a further amendment to address the same issue.

Amendment as amended carried.

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

Page 12, after line 18 (section 19)—Insert—

(3a) The board must consult with the Local Government Association of South Australia—

(a) before it establishes a committee under this section (other than under subsection (2); and

(b) before it appoints a person who is not a member, or a deputy member, of the board to a committee established under this section.

In the spirit of cooperation that we have had since the dinner adjournment and because I agree with the sentiments expressed by the Opposition and the Government in respect of previous amendments, without specifying the particular qualifications of the remainder of these committees, I seek that at least before the board establishes a committee it consults with the Local Government Association. We are not talking about just metropolitan and non-metropolitan committees: there is a whole series of other committees that could be set up perhaps to look at particular amalgamations. Where a committee looks at a particular amalgamation proposal, I would expect that the LGA itself would also consult further with the member council so affected. This is just one further attempt to ensure that we have in place a process under which everyone feels a degree of ownership and trust in what is happening.

The Hon. DIANA LAIDLAW: I think it makes no difference, so I will support the amendment.

The Hon. P. HOLLOWAY: The Opposition supports the amendment.

Amendment carried.

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

Page 12, after line 20—Insert—

(4a) However, a meeting of a committee should be open to the public unless the committee is considering a matter that, in the opinion of the committee, should be dealt with on a confidential basis.

(4b) If a committee closes a meeting to the public, the committee must, on request, provide written reasons for its decision.

This amendment is about meetings and the requirement that they be held in public. It is similar in nature to other amendments that we have already passed today.

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

The Hon. P. HOLLOWAY: The Opposition supports the amendment.

Amendment carried.

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

Page 13, line 33 (section 21)—Leave out '31 March' and insert '30 June'.

From my discussions with local government, as I have said time and again, there is general support for what the Government seeks to achieve. Quite a few councils are already actively engaged in amalgamation discussions. Even among those councils which have all the best will in the world, some reservations about the current 31 March deadline have been expressed. They say that a date of 30 June would be more appropriate, but that does not mean that the board has to sit and twiddle its thumbs during the intervening period: the board can be involved in active discussions with councils, but I suppose that it cannot actually start crunching effectively until 30 June rather than 31 March.

This amendment will not let local government off the hook if it does not want to amalgamate in that all it does is shift the date back three months, but I am told that councils which sometimes are involved in quite complex discussions feel that they need that extra time. For instance, I know of one local government body that is looking at four different possible combinations of amalgamations. So, it will be quite complex as they work their way through those various scenarios.

It is most unlikely—in fact, almost impossible—that they will be ready by 31 March, despite all the goodwill in the world and despite what I see as a very clear intention on their part to be involved ultimately in amalgamations. I think it is reasonable that we shift the date back to 30 June. The only argument the Minister has put up in opposition to this later date that I am aware of so far is that there will not then be sufficient time for the elections. I have a later amendment which gives the Minister some flexibility with election dates, similar to a provision which is currently in the Act but which is being deleted by this Bill. That would give the Minister power in relation to a particular amalgamation to shift an election date if that became necessary, so it is actually providing flexibility which I think will be constructive and give more assurance that what happens will be the best result rather than a hurried result.

The Hon. P. HOLLOWAY: The Opposition has given some thought to this matter. While we are aware that some councils believe there is insufficient time, likewise many councils believe that this process should begin as soon as possible. It has been the Opposition's position on the question of timing that if we were to go into such a process it should begin as quickly as possible, so we will not support this amendment. That is not to say that some councils will not have difficulty finalising their proposals by 31 March, but my understanding of this clause is that, although 31 March is the date at which the board can exercise its powers, it does not have to. We believe that it would be very stupid indeed if the board were to start exercising its powers straightaway after 31 March in areas where other proposals were clearly being finalised by councils. So, we will not support the amendment.

The Hon. DIANA LAIDLAW: The Government also rejects the amendment. There is no need for this amendment. The explanation given by the Hon. Mr Holloway showed a sound understanding of this measure in terms of the impact that it has on the reform process. This measure does not in any way restrict any council lodging voluntary plans for amalgamation. I recognise that there has been some paranoia—perhaps others may be more generous and say some fear—in local government about this measure. However, it is misplaced fear and I am pleased that on this rare occasion tonight the Opposition and the Government have come to some understanding about some of the major principles of this Bill.

Amendment negatived.

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

Page 14, after line 11 (section 21)—Insert:

(3a) The board must, in formulating or considering a proposal under this section, take into account any relevant proposal submitted to the board under subdivision 6.

I think this is fairly self explanatory. It is just giving instruction to the board that it really must take due regard of proposals that have been submitted to the board under subdivision 6.

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

The Hon. P. HOLLOWAY: The Opposition accepts the amendment.

Amendment carried.

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

Page 14, lines 20 and 21 (section 21)—Leave out all words in these lines after 'proposal' in line 20.

This amendment is consequential. It concerns the question of hearings, meetings and the way they are held.

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

The Hon. P. HOLLOWAY: The Opposition accepts the amendment.

Amendment carried.

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

Page 15, line 31 (section 21)—After 'will' insert ', after consultation with the relevant councils,'.

The amendment simply requires the board, when determining the date for a poll, to consult with relevant councils. Since they might know of things happening locally, which could have some impact, it might be a sensible thing to do.

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

The Hon. P. HOLLOWAY: The Opposition accepts the amendment.

Amendment carried.

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

Page 16, lines 6 and 7 (section 21)—Leave out subparagraph (ii) and insert—

(ii) the board must not release the summary until the Electoral Commissioner has certified that he or she is satisfied that the board has taken reasonable steps to ensure that the summary presents the arguments for and against the implementation of the proposal in a fair and comprehensive manner;.

The intention of the amendment is to ensure that we have something similar to what happens in Federal referendums, where people receive a for and against case presented without bias. In this case it is a question of who might determine bias and I am suggesting the Electoral Commissioner is a person not intimately involved in the amalgamation process itself. The commissioner could be a suitable person to satisfy himself or herself that the arguments presented have been presented in a fair and comprehensive manner.

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

The Hon. P. HOLLOWAY: The Opposition supports the amendment.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 16, line 20 (section 21)—Leave out '50' and insert '40'.

It is through this amendment that we seek to change the threshold at which a poll of electors is binding. We seek to reduce the percentage from 50 per cent as it is in the Bill to 40 per cent. This matter has been canvassed in detail in the second reading speech. Briefly, if we look back at one of the most disputed council amalgamation issues that South Australia has ever seen, that is, the Mitcham and Happy Valley proposal in the late 1980s when a poll of electors was called at a time of immense publicity, there was a 46 per cent turnout and about 96 per cent voted against the proposal. If that poll had been held today, the result would not have been binding even though there was an overwhelming majority view of council electors at that time. We believe that 40 per cent is a more reasonable figure.

As I mentioned in my second reading speech, postal voting is to be introduced for the first time and, hopefully, the voter turnout will be higher, but we believe the threshold should be reduced to a more realistic figure. To get a 40 per cent turnout for a poll will still require an enormous amount of interest in the community around the proposal. This is an extra safeguard. Of course, one problem whenever you put in thresholds is that people who support the proposal know that they can do so in two ways: they can go along and vote in favour or not turn up, in which case their absence effectively contributes towards the result not being binding. We believe that 40 per cent is a more realistic figure.

The Hon. DIANA LAIDLAW: The Government opposes this amendment. We have indicated all night in debate how important it is to keep contact with the local electorate and do what the community wants in these things. It is something the Government recognises, and we have heard it over and over again from other speakers tonight. To make sure we are confident in this matter of the community's having a say, we believe it is important that half of the persons entitled to vote do in fact cast their vote at the poll. With this number of people participating in the vote, there is no contention, in our view, that people can claim with considerable confidence that, whatever the outcome, there has been a sufficient understanding in the council area of the issues, that the issues have been well canvassed and the people have cast their opinion.

To accept a lower standard such as 40 per cent is almost admitting defeat, I suppose. It certainly does not acknowledge in a confident or positive way that what is being proposed for people to vote on is something that they will either feel strongly about or will see as important in their electorate, whether they vote for or against. It is almost defeatist from the start, and we wish to be more positive about the confidence of the people in terms of the issues upon which they are being asked to vote.

The Hon. M.J. ELLIOTT: The logic of the Government in this issue has been interesting. When one wants to have a change to the national Constitution, one seeks to have a majority of people in a majority of States—in other words,

a clear majority of people—indicating that they want change. From the way the Government has structured this Bill, there must be a clear majority of people indicating that they do not want change, or else they will get it. That is the way this amendment has been structured. I recall an article in the Messenger Press saying how clever they were that the Government chose this 50 per cent which could not be reached; therefore, they could go ahead and do what they were going to do, anyway, that is, amalgamate councils; but at least it had been through the poll charade. That has been seen through and exposed for what it is. It was nothing more than a charade.

I would not have been too concerned about the 50 per cent if there had been other checks and balances in the legislation, but the major check that I sought to have included did not make it. In those circumstances, the 50 has to come down because, in the absence of any real check, this is the only option. So, I support the amendment. The Government, by opposing the possibility of parliamentary review, has given me no option.

The Hon. P. HOLLOWAY: I wish to make one additional point: the current provisions of the Local Government Act require a 25 per cent poll turnout, so even 40 per cent is a considerable increase upon the *status quo*.

The Hon. DIANA LAIDLAW: I would like to highlight the fact that it is difficult to suggest, as the honourable member has done, a comparison between the current polling provisions and those in the Bill. This Bill provides for postal voting, and one can always anticipate a much higher turnout with this new more facilitating form of voting than we have seen provided for in the Act previously.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 17, after line 16 (section 22)—Insert—

or

(c) if the report relates to a proposal under Subdivision 6 and the Board has not recommended that the proposal proceed—at the request of one or more councils—consult with the relevant councils about the matter.

This amendment and the one immediately following insert into the Bill the ministerial review provisions. I mentioned this earlier with regard to a consequential amendment.

At the moment, if a council-initiated proposal is rejected by the board, that is the end of the matter. We are seeking to insert procedures in the next two clauses which will enable the councils to consult with the Minister in that instance. In relation to board-initiated proposals the measures we will be introducing in this and the following clause will enable the Minister to refer the proposal back to the board and to deal subsequently with amended divisions. At the moment, if a proposal is rejected by the board that is the end of the matter. The review powers enable the Minister to ask the board to reconsider a proposal and, if there are to be subsequent amendments to meet community concerns, they will be dealt with under the new clauses.

The Hon. M.J. ELLIOTT: I am sure the Government could hardly believe its luck when it saw that this was the major check in relation to amalgamations. It is a bit like giving the people in the gas chambers a chance to appeal to Adolf Hitler because they do not like what the people are doing in the camp. The board has been established to do a job. It will be appointed on the basis of what sort of job it will do, and the Minister will not overrule it, because he has established the board to do that job. It is an appeal mechanism which, at the end of the day, has no effect whatsoever. I guess the Government could not believe its luck when it saw that this was to be the major check and balance proposed.

The Hon. DIANA LAIDLAW: The Government accepts this amendment, but it was not accepted on the basis of an assessment of luck: it was accepted on the basis of the wisdom of the measures proposed.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 17, lines 17 to 26 (section 22)—Leave out subsections (2), (3), (4) and (5) and insert new subsections as follows:

(2) If a request is made under subsection (1)(b)—

(a) the request must contain a statement of the reasons for the request; and

(b) the Board may, after considering the request and taking such steps as may be requested or as it thinks fit, amend or conform its report, including any proposal recommended in the report, subject to the qualification that it cannot amend or substitute a structural reform proposal without the consent of all councils affected by the proposal, and must then send the report back to the Minister.

(3) If the Minister consults with councils under subsection (1)(c), the Minister must also consult with the Board about the matter (and obtain any report from the Board that the Minister thinks fit).

(4) The Minister may then—

(a) on the basis of the report of the Board (but subject to the result of a binding poll under Subdivision 7), forward to the Governor a proposal recommended by the Board for the making of a proclamation under this Part; or

(b) if—

(i) the Minister has undertaken consultation with various councils under subsection (1)(c); and

(ii) on the basis of that consultation, and after taking into account a relevant three-year financial and management plan prepared under this Division, any report or comments prepared under this Division, any report or comments prepared or provided by the Board in relation to the matter, and any other matter that the Minister thinks fit, the Minister decides that it is appropriate to make a recommendation to the Governor in the circumstances of the particular case; and

(iii) all councils affected by the proposal agree with the Minister's recommendation, forward to the Governor a proposal recommended by the Minister for the making of a proclamation under this Part; or

(c) determine that a particular proposal should not further proceed under this Part.

(5) If a proclamation providing for the constitution, amalgamation or abolition of a council or councils, or providing for the alteration of the boundaries of a council area or areas, is made under subsection (4)(b), the Governor may, by subsequent proclamation made on the recommendation of the Minister, make provision for any related matter that may be the subject of a separate proclamation under this Part.

(6) A proclamation under subsection (4)(b) or (5) may be based on a proposal or recommendation that has not been submitted, formulated or considered under Subdivision 6 or 7.

A couple of consequential amendments need to be made to the amendment as printed. I move:

That the word 'and' in the second line of subclause (4)(b)(ii) be deleted; and insert the words 'in providing for the establishment of an ILAC scheme,' after the word 'areas' in subclause (5) line 3.

The Hon. DIANA LAIDLAW: We accept the amendments as consequential, although I register the fact that we are not pleased to see reference to the ILAC scheme as we believe this is an inappropriate Bill in which to nominate that scheme. That does not mean that the ILAC scheme will not be considered by the board. We believe, however, it is more appropriate to address this matter in more detail in later legislation on local government reform.

Amendment carried.

The Hon. P. HOLLOWAY: I have two consequential amendments to an earlier amendment that need to be addressed at this stage. I move:

Page 17—
Line 28—Delete 'and' from the Title.
Line 32—Delete 'and'.

Those amendments are consequential.

Amendments carried.

The Hon. P. HOLLOWAY: I move:

Page 18, lines 5 to 7 (section 22A)—Leave out paragraph (b).

This amendment relates to the rate setting powers which we will be opposing, and it follows on from our opposition to an earlier amendment to section 17(g)(i).

The Hon. DIANA LAIDLAW: The Government opposes the amendment but recognises that it lost the earlier more substantive issue.

The Hon. M.J. ELLIOTT: I support the Opposition in moving to strike out paragraph (b). I am simply seeking to insert a new paragraph (b). The effect is the same.

The Hon. P. HOLLOWAY: In that case, I seek leave to withdraw my amendment. I had not realised that the Hon. Mr Elliott's amendment was to replace this clause.

Leave granted; amendment withdrawn.

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

Page 18, lines 6 and 7 (section 22A)—Leave out paragraph (b) and insert—

(b) must state the impact that the implementation of the proposal is expected to have on the quality and extent of services delivered or provided within the relevant area.

There is agreement between the Labor Party and the Democrats in terms of the need to delete paragraph (b) because we think that it is none of the board's business. However, we think that, if they are making recommendations in relation to savings, they also should have an obligation under that plan to state the impact of the implementation of the proposal in relation to quality and extent of services.

We do not want a program which theoretically saves money at the expense of the quality and quantity of services, as distinct from saving money whilst maintaining the quality and extent of services. The board must not just be bean counting: at the same time as proposals are being put forward, it must ensure that the quality of council services is also being addressed.

The Hon. DIANA LAIDLAW: The Government would agree with those arguments for the same reason that the board should require from councils financial and management plans, not just financial management plans. All the way through the Bill the Opposition has been supported by the Democrats in removing the reference to 'and', now requiring only financial management plans. The management plans that we had in mind would have addressed the issues in which the honourable member is now belatedly showing interest by seeking to impose this paragraph. It now relates solely to financial management plans, because the honourable member has taken out the word 'and'. Notwithstanding that, he is now arguing that these plans must refer to 'the impact that the implementation of the proposal is expected to have on the quality and extent of services delivered or provided within the relevant area'. If logic were applied to the arguments that we have heard from honourable members opposite, this amendment would not be necessary, because 'financial and management plans' would have been referred to not only at this late stage but also throughout the Bill, as the Government initially intended.

The Hon. P. HOLLOWAY: The Opposition supports the amendment. We believe that financial management plans may have an impact upon the quality of services, so the amendment should be included.

The Hon. DIANA LAIDLAW: I am thinking again before I make an uncharitable comment. I know that the honourable member has taken a new found interest in this issue. I hope that by the time the Bill is reconsidered and before we get to conference, he will canvass some of these issues more closely with the shadow Minister for Local Government Relations.

Amendment carried.

The Hon. P. HOLLOWAY: I move:

Page 18, after line 9—Insert new sections as follows:

Draft proposals

22AB. (1) Councils may submit to the board a draft or outline of a proposal for the making of a proclamation under this part.

(2) If a proposal is submitted under subsection (1), the board must undertake a preliminary assessment of the proposal and then provide advice to the relevant councils about the extent to which the proposal is consistent with the criteria and principles that apply under this part, about action that could (in the opinion of the board) be taken to improve the proposal (if appropriate), and about other matters determined by the board to be relevant.

Report if council proposal rejected

22AC. If a proposal submitted by councils under subdivision 6 (or an alternative proposal agreed to by the relevant councils in consultation with the Minister) does not proceed to a proclamation under this part after completion of all relevant procedures under this part, the Minister must prepare a report on the matter and cause copies of that report to be laid before both Houses of Parliament.

Report if Board proposal submitted to poll

22AD. If a proposal formulated by the board under subdivision 7 is submitted to a poll under that subdivision, the Minister must, after the completion of the poll and after receiving advice from the board, prepare a report on—

(a) the outcome of the poll; and

(b) the action that the board has taken, or proposes to take, on account of the outcome of the poll,

and cause copies of the report to be laid before both Houses of Parliament.

New section 22AB relates to draft proposals. Under this section councils will have the right to submit a draft proposal to the board so that a preliminary assessment of a proposal can be undertaken and the board can provide advice as to whether the proposal is consistent with the criteria. We believe that such a proposal will help the process of boundary reform. If councils were able to get a preliminary sounding from the board on how their proposals may be interpreted, it could avoid many problems later.

Proposed new section 22AC requires a report if the council proposal is rejected. Under this amendment, if a council initiated proposal has been submitted and subsequently rejected, the Minister must prepare a report on the matter and cause copies of the report to lay before both Houses of Parliament. I believe that, if a proposal initiated by a council is rejected, it ought to be known publicly exactly why it has been rejected.

Proposed new section 22AD requires a report if a board proposal is submitted to a poll. Obviously, commonsense would dictate that, if we are to have a poll, the outcome of the poll and the subsequent action taken in relation to that poll should be made public. There is nothing at present in the legislation that requires that. The proposed new section provides that a report be made on the outcome of the poll and any subsequent action that the board has taken or would propose to take as a result of the outcome of the poll.

The Hon. DIANA LAIDLAW: The Government accepts the amendment. I recognise that we are asking more of the

board, and on the surface that would appear to be a burden, considering the work and the timeframe the board has in which to consider all the options before it. It could also be argued—and this is the argument the Government has accepted—that, if councils have certain guidelines in terms of the material to be prepared for consideration by the board, it may help the board facilitate the process because there will be a standard format. The report will be in a form that may cost the council itself less in the long run because it will be in a format that the board will accept. While it seems tedious on the surface, we believe that many benefits will arise from the draft proposals for the council, for the board and for local government reform in general.

New sections agreed to.

The Hon. P. HOLLOWAY: I move:

Page 18, lines 22 to 26—Leave out all words in these lines after 'section 18(3)' in line 22.

This provision relates to the exclusion of judicial review, as would happen if the Bill were carried in its present form. By deleting the words after section 18(3), it allows limited judicial review in relation to the board's powers under section 18(3). These are some of the board's most important—and 22BAsome would say draconian—powers. Under section 18(3) the board can summons or require persons to answer; require them to verify answers; require councils or persons to produce books for examination; and it can retain books, papers or other records. We believe that those powers should be subject to judicial review. We made it clear in the debate on this Bill earlier that we did not wish to see the whole council boundary reform process bogged down unnecessarily in legal proceedings. So, with some reservations we accept the removal of the right to judicial review of the proceedings of an inquiry. However, we believe that there should be full judicial review of the board's quite strong powers, which are similar to those of a royal commission, to summons people and so on.

The Hon. DIANA LAIDLAW: I support the amendment because I accept that we do not need all the qualifications and other powers in light of amendments that we have accepted earlier and in light of legal advice we have received on this matter.

The Hon. M.J. ELLIOTT: Throughout this Bill in many places, and in some Opposition amendments, the word 'must' is used. It is not worth the paper it is written on if that 'must' is not capable of being enforced in any way. It appears that it can be enforced in only two ways: first, in the Parliament, which the Opposition rejected; and, secondly, through new section 22B, which the Opposition now is largely rejecting also. It was my preference not to use new section 22B as a check because it is unwieldy and things get bogged down in the courts forever and a day. The only check and balance in terms of what the Minister or the board must do is the Minister himself. There is no other way of enforcing what the legislation provides, so I express some surprise that, whilst before we started there was talk about checks and balances, the Opposition has backed away from this.

It helps me to understand why Mr Dixon for the past four weeks has been telling councils what was going to happen. What he told those councils is now proving to be remarkably accurate. He did expect the 40 per cent, but he was not too worried about much else, and that is the way things are panning out. I had indicated to the Government that I would have supported amendments somewhat similar to this again if I saw other appropriate checks and balances, but they are not here. I oppose the amendment on that basis.

Amendment carried.

New section 22BA—'Provision of reports to councils.'

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

Page 18, after line 26—Insert new section as follows:

Provision of reports to councils

22BA. (1) The board must, at the time that it provides a report to the Minister under subdivision 6 or 7, send a copy of the report to each council affected by a proposal to which the report relates.

(2) If the board, at the request of the Minister, amends a report, the board must immediately send a copy of the amended report to each council that received a copy of the original report under subsection (1).

It is again a matter of information flow. I am seeking to ensure that, at the time the board makes a report to the Minister under subdivisions 6 or 7, a copy of the report is forwarded to any councils affected by the proposal.

The Hon. DIANA LAIDLAW: The Government opposes the proposed new section as it is more process.

The Hon. P. HOLLOWAY: The Opposition supports the proposed new section.

New section agreed to; clause as amended passed.

Clauses 11 to 16 passed.

Clause 17—'Functions.'

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

Page 19—

Line 21—After 'relating to' insert:

—

(a)

After line 22—Insert—

and

(b) any changes to the quality or extent of services delivered or provided within the relevant area on account of the constitution or formation of the council.

These amendments simply require when an annual report is being made that not only does it address the issue of savings being made but that it addresses the issue of changes of quality or extent of services which are being delivered in that relevant area.

The Hon. P. HOLLOWAY: The Opposition accepts the amendments.

The Hon. DIANA LAIDLAW: The Government opposes the amendments; however, we understand they are consequential.

Amendments carried; clause as amended passed.

New clause 17A—'Date of elections.'

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

Page 19, after line 22—Insert new clause as follows:

Amendment of s.94—Date of elections

17A. (1) Section 94 of the principal Act is amended by inserting after subsection (1) the following subsections:

(1a) If a council is the subject of a structural reform proposal that, as at 1 March 1997, has not been brought into effect because—

(a) the board has not finally reported on it under Part II; or

(b) the board has so reported but the proposal has not yet been the subject of a proclamation under Part II;

the Governor may, by proclamation, cancel the requirement that elections be held for the council on the first Saturday of May, 1997.

(1b) Subject to the operation of Part II, if a proclamation is made under subsection (1a), the same or a subsequent proclamation must fix a day, being not later than the first Saturday of May 1997, for the holding of the relevant elections.

(1c) A proclamation under this section may make provision for related or ancillary matters necessary, desirable or expedient in view of the circumstances of the particular case.

While I had initially framed this amendment as a consequence of an amendment that I have now lost in relation to shifting the date at which, I suppose, the board becomes proactive under subdivision 7 effectively from 31 March to

30 June, nevertheless having flexibility in relation to dates of elections might still be useful. Such a provision did exist under the Act previously in relation to amalgamations, and it is sensible that there should be a degree of flexibility which the board may or may not choose to use. There is nothing that says it has to use the clause but if it feels that deadlines are getting hard to meet then surely the quality of the outcome is the important thing and the not the speed at which it happens. I would be most disappointed if the Government would not accept having this on the books even if at the end of the day it does not become necessary to use it.

The Hon. P. HOLLOWAY: The Opposition has had a chance to look only cursorily at this amendment, but we support it at this stage.

The Hon. DIANA LAIDLAW: The Government opposes the amendment. Throughout this Bill and through all our discussions with local government, LGA, the Opposition, the Democrats and everyone it has been presented by the Government and generally accepted that in the best interests of local government we should be making some progress on this matter.

The Hon. M.J. Elliott: It is a decision by the Government.

The Hon. DIANA LAIDLAW: Yes, I know, but it has been made, as most Government decisions are made, in discussions with others. We believe that 30 September 1997 which is currently in the Bill is the appropriate date for decisions and work to be finalised in respect of this issue.

New clause inserted.

Clause 18—'Limitation on general rates for 1997-98 financial year.'

The Hon. M.J. ELLIOTT: I oppose this clause and I note that the Opposition will also oppose it. We debated this matter earlier. It is not the Government's business what rates are and it should not interfere with the setting of rates, which is quite distinct from playing a proactive role and ensuring that good and reliable reporting is happening so that ratepayers can decide whether or not their council is doing its job.

The Hon. DIANA LAIDLAW: We support the clause.

The Hon. P. HOLLOWAY: The Opposition opposes this clause, and we have had a lengthy debate about it. We object in principle to the Government, through the board, trying to take over the power of local government to set rates. We believe it is a gimmick. As I indicated earlier, the Opposition strongly supports reductions in rates, but we believe they should be sustainable rate reductions based on genuine reform, not on a one-off political gimmick a few months before the next State election.

Clause negatived.

Clauses 19 and 20 passed.

Clause 21—'Transitional provisions.'

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

Page 21, lines 5 to 8—Leave out all words in these lines and substitute 'initiated by the relevant councils or council under Subdivision 1 of Division XI of Part II of the principal Act by the adoption of an appropriate resolution or resolutions by the councils or council under section 17 of the principal Act (before its repeal by this Act) before 25 October 1995 may proceed under that Part (and be the subject of any appropriate proclamation) as if this Act had not been enacted.

A number of councils had already made significant progress at the time the Minister introduced his Bill into Parliament. As I understand it, the day he introduced the Bill, the councils of Renmark and Paringa tendered with the Minister proposals for a change. This seeks to ensure that councils that had the ball clearly rolling at that stage, that is, they had gone beyond general talks but were clearly making progress, should be treated under the Act as it stood at that time and not under the amendments that are now before us.

The Hon. DIANA LAIDLAW: The Government opposes this amendment. It is an unnecessarily complicated procedure to achieve the transitional provisions for which the Government has already provided in the Bill. We also object to the date of 25 October as nominated in the amendment. I have an amendment on file to alter the date of 25 October to 21 November to take account of the circumstances of the councils of Paringa and Renmark. All members would support the negotiations that have taken place in respect of those two councils but, if we were to support the amendment that takes into account 25 October 1995 or if we were to support the Bill without amending the date set out in this clause, namely, 25 October, to that of 21 November, we would be negating the excellent work that has already been undertaken by the Paringa and Renmark councils. The Government's amendment which refers to 21 November is in line with the request from those councils. Therefore, I move:

Page 21, line 7—Leave out '25 October' and insert '21 November'.

The Hon. P. HOLLOWAY: It is my understanding that, as well as the case of Paringa and Renmark, another council has been working for some time and is at the stage of presenting its case. What would be the Minister's attitude to changing that amendment to 30 November? As it is only two days hence, that will not open up the floodgates for a whole lot of proposals to come in at the last moment, because clearly a considerable amount of work has to be done. However, it is my understanding that one proposal has had a fair amount of work done on it. I move:

Page 21, line 7—Leave out '25 October' and insert '30 November'.

The Hon. DIANA LAIDLAW: I am not interested in amending this until the honourable member tells me which councils he is talking about.

The Hon. P. HOLLOWAY: I believe they are the two other Riverland councils, Berri and Barmera.

The Hon. DIANA LAIDLAW: That seems reasonable. I am not sure why they would want to work under the provisions in the old Act, but then the Riverland is an exception to much that is rational to the rest of the community on a lot of occasions. Having just worked through a number of issues with them, I speak with some feeling on the subject. If that is what they wish, the Government would be prepared to accommodate the circumstances of Berri and Barmera as we are keen to accommodate the circumstances of Renmark and Paringa—although, as I said, the logic escapes me.

The CHAIRMAN: The Hon. Mr Elliott's amendment can be dealt with later when the Bill has been recommitted.

The Hon. P. Holloway's amendment carried; the Hon. Diana Laidlaw's amendment as amended carried; clause as amended passed.

Title passed.

Bill reported with amendments; Committee's report adopted.

OFFICE FOR THE AGEING BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 540.)

The Hon. SANDRA KANCK: This is the first time during almost two years as a member of the Legislative Council that I have had the opportunity to address any legislation relating to the ageing. I was surprised to find out that the term 'ageing' covers people from 55 years up: a number of the members in this place might be surprised to find themselves fitting into this category. The term 'ageing' shows that we are talking about a process rather than an immoveable concept. The other night while at a dinner I sat at a table with a man who is over 80 years of age and who commutes between his home in metropolitan Adelaide and a small Riverland property that he owns which he is planting with grapes and revegetating with native species. His mind was more active and more open than that of many teenagers whom I have known.

It is timely that this Bill is being considered now given that the proportion of ageing people in South Australia is growing and the concern in some sections of the community about the problems of an ageing population. For the most part, I think those concerns are not justified. The draft 10 year plan for aged services makes the following observation:

> We have not always appreciated that older people give and take in the same way that other generations do, and this has tended to perpetuate the view that an ageing South Australia imposes burdens without rewards.

I remember that when I was a child I would see men retire at 65 and then die a couple of years later. That was the way then, but now we are shocked if someone dies at that age. Men died at 67 and women at 75. Now men die at 75 and women at 82. Quite demonstrably, the ageing are far healthier now than they were 30 or 40 years ago. My mother turned 67 on Monday and I know she does not consider herself as elderly. On the contrary, she regularly visits a number of nursing homes each week and plays the old time melodies for the residents. They are the people she thinks of as elderly. There is a view in our society that most ageing people are in some form of dependent care and therefore represent a strain on the financial resources of the economy, but the facts show otherwise. Amongst people aged 70 or more, only 6.4 per cent of men and 12.9 per cent of women are in nursing homes and aged persons' homes. The draft 10 year plan I referred to earlier explains that the disparity between men and women is because men are likely to have a wife who is younger than they are and who can look after them, whereas more of the women are likely to be on their own. The fact is that most older people want to retain their independence. For those who want to cling to the myth about the dependency of the aged, the information in the draft 10 year plan is work looking at. I am pleased that the Government is showing such foresight in developing that plan. It appears that the various lobby groups representing people in the ageing community are happy with this Bill and the Democrats are therefore pleased to support this second reading.

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

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

A quorum having been formed:

SECURITY AND INVESTIGATION AGENTS BILL

Consideration in Committee of the House of Assembly's amendment:

Clause 20, page 11, lines 17 to 27—Leave out subclause (2).

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

That the Legislative Council agree to the House of Assembly's amendment and make the following consequential amendment:

Clause 20, page 11, lines 28 to 31—Leave out subclause (3) and insert:

(3) A natural person who is—

(a) a licensed security agent authorised to perform the function of controlling crowds; or

(b) an agent of a class specified by the regulations,

must comply with the requirements of the regulations about the wearing of identification or a uniform (or both).

Maximum penalty: $1 250

Expiation fee: $160

This Bill relates to security and investigation agents. The Legislative Council passed an amendment to clause 20, and that sought to include a detailed provision for the wearing of identification and uniforms in accordance with the requirements of the regulations for a licensed security agent who was authorised to perform the function of controlling crowds whilst performing that function. I opposed that when the matter was considered by the Committee. I indicated that the Government was already proposing to deal with that issue by way of regulation, because a regulation provided some further flexibility, but we intended to have some discussions with the industry and also with the Liquor Licensing Commissioner.

The House of Assembly has rejected the Legislative Council's amendment but I am proposing a variation which I would suggest would accommodate the concerns of the Hon. Ron Roberts and also the Hon. Sandra Kanck. What I seek to do is have the Committee not agree with the amendment which it made earlier but instead insert some new provisions. That then provides within the legislation specific reference to the crowd controller but does it in a coherent way so that, rather than having what was proposed by the Opposition—that crowd controllers would be dealt with specifically in the legislation and the other security agents would be dealt with in regulations—they will now be identified as a matter of principle within the legislation and all the requirements about uniforms and identification would be dealt with by way of regulation.

It is the Government's intention with respect to crowd controllers that, whilst they are performing their functions as crowd controllers, they do wear a form of identification and that they do wear some identifiable uniform, but it may be that that uniform will be governed by a code of practice rather than by a regulation which specifically provides that they have to wear, for example, coloured trousers and a white shirt with epaulettes and an embroidered pocket.

A more effective way of dealing with this issue might be to have a code of practice which is mandatory under the regulations and which can allow some flexibility between institutions but which nevertheless achieves the objective. In respect of the identification of crowd controllers, I obtained some information about what happens in Victoria. The Registry of Private Agents in Victoria indicated that it has a system which has been in force for a number of years and which, after some initial resistance, has become an accepted practice in Victoria's security industry. That practice also combines suitable training courses for crowd controllers and has proved effective in improving the standards of performance of crowd controllers in Victoria.

Training is, of course, one of the factors which we have built into this legislation. The Victorian regulations provide that the identification worn by a crowd controller must consist of a number not less than four centimetres in height and five millimetres in thickness and that the word 'security' in letters be not less than five millimetres in height. A facsimile of the prescribed size is reproduced in the regulation, and a crowd control incident register is required to be kept by the employer. I understand that just the large identification number might be the subject of criticism, and we are certainly looking at the addition of photographic identification of the person to whom the licence is issued.

I give an assurance to the Committee that we recognise also the sensitivity of the issue of crowd controllers. We have already identified the need for training. I indicate that we are proposing to deal with the issue of identification and uniforms in the context of the regulations. There will be consultation with industry. Quite obviously, opportunity will be given to those members in this place or in the other Chamber if they have concerns with the regulations to identify those concerns in the public arena, either within the Council, the Assembly or by other means. I repeat the assurance that I am as sensitive to this issue as are other members and that we intend to deal with it in the way I have indicated.

I would hope that that assurance will now enable members opposite and the Hon. Sandra Kanck to indicate that they are prepared to accept the assurances I have given in the context of re-forming the amendments, so that crowd controllers are specifically referred to both as to identification as well as by uniform.

The Hon. R.R. ROBERTS: In the last few hours I have been involved in discussions on this matter with the Attorney and the Hon. Sandra Kanck. The Attorney has pointed to the fact that training will be a part of this new arrangement, and we have applauded that. We believe that that is a fair measure. There is no argument about the rest of the Bill. The truth of the matter is that people in their day-to-day lives come in contact with security officers who are crowd controllers, or bouncers, as they are commonly known.

Argument has been put that a problem exists with store detectives wearing prominent identification displaying their photograph which will inhibit their ability to carry out their work. It was with that concern in mind that this amendment was proposed by the Opposition, which covers many of the areas to which the Attorney has referred, but it is not specified in the legislation. The Attorney relies on regulations. We have said that a person authorised to perform the function of crowd controlling must, while performing those duties, wear identification that he or she is a security agent/crowd controller, and that he or she must wear identification displaying their agent's licence number.

The Attorney has used the Victorian example where they have the in-house number of that security agent. I make the point that No. 5 security agent could be almost anyone: it could change from hour to hour. During discussions that I have had with the Attorney, I explained my preference for having a likeness of the security officer. The Attorney in his contribution has now accepted that, having now moved towards having some sort of photographic evidence on the identification, which I accept. We say that it ought to be displayed in a prominent manner so that it can be clearly visible and legible by a person in close proximity. This is not something that we thought up on the spur of the moment. We have had situations where this has been a problem in the past, in that people who have been subjected to bouncer bashings, as they are commonly called, have not been in the position to clearly identify the person.

We have recognised all the points that the Attorney has made. We say that there needs to be a uniform that complies with regulation. We are not saying that they must wear a particular uniform but they must be clearly identifiable. This was included because police officers have pointed out to me that when a melee starts it is a problem identifying who is who. Clearly, we are saying that the agent's number should be identifiable, not an in-house number. It has been pointed out that the agent could get a long number. The same thing happens with the police. There are not 10 police; there are thousands of police, and they all have a different number. I do not therefore see that as a problem.

The clear indication is that the Democrats will support the Attorney's proposed amendment. We feel that this is a matter of such importance in this area of the security industry (that is, crowd controllers) that they must be obliged to conform to these requirements, that is, a number, a photograph and a uniform. We are not specifying exactly what that ought to be. That is a subject for regulation.

The Attorney-General also said that he wants to have discussions with the industry. Quite clearly, that is what we have done in the past, and we have had problems. The Attorney obviously has more—

The Hon. K.T. GRIFFIN: The record of the previous Government was not too good about consultation with anyone.

The Hon. R.R. ROBERTS: That may well be, but we are trying to solve the problem. That is the way things were done in the past—and I may well accept the Attorney's point that it was not the best method that could have been employed—but we are now trying to solve this problem. I am interested not in the problems of the past but about the problems of the present and those of the future. Clearly, we will lose this on the numbers, but I place on the record that our amendment covers all these areas and allows the Attorney-General to undertake his consultation with industry and come up with what is a reasonable type of uniform. It may be an epaulet on the shoulder of a white shirt. They are matters with which the Attorney-General is not restricted, but we make clear legislatively that those minimum requirements must be met. How they are met is a question for regulation.

The Hon. SANDRA KANCK: I have discussed this matter with both the Attorney-General and the Hon. Ron Roberts tonight and decided that I will accept the Attorney's amendment. While I understand the depth of feeling expressed by the Hon. Mr Roberts, I also believe that this is not sufficiently important to force us to a conference of managers on the Bill and therefore am amenable to an amendment which does, as this one sets out to do, pick up the principle that the Hon. Ron Roberts was espousing. However, I take the honourable member's point about consultation with the industry. Will the Attorney-General, in the consultations that take place, consider consulting a little wider? For example, the Police Association, on occasion, might have to be involved in crowd control if the crowd controllers do not get it right. Also, young people who go to nightclubs are often the subject of decisions made by bouncers. Therefore, I suggest that the Youth Affairs Council might also be a useful body to consult.

The Hon. K.T. GRIFFIN: I have not identified an exhaustive list of those who may be consulted. The police have already been involved in the consultation process on this

Bill. Among other things, they have a key role in the identification of any criminal convictions. What I omitted to say about uniforms was that the Liquor Licensing Commissioner has informed me that, as part of his monitoring of licensed premises where there are large crowds of people and crowd controllers, he has insisted with the operators of such venues that crowd controllers are appropriately identified, whether by an embroidered pocket or in some other way such as a distinctive uniform, but not a black shirt and black trousers, which he says are quite intimidating.

It may be that the Youth Affairs Council and the Department of State Aboriginal Affairs should be consulted. There is a list of groups, and it will extend to industry organisations, licensed clubs, the AHA and the unions. There will be no lack of consultation. After all, we depend upon the cooperation of all those people to make these things work.

The Hon. T. CROTHERS: People involved in the security industry or the crowd control industry—call it whatever we will—work in a fairly high risk industry with respect to the potential for personal injury to themselves. This has in the past raised problems within the industry with regard to workers' compensation coverage. I do not say that about those firms which are already established, but this Bill may give rise to a whole plethora of new firms in the industry. I understand that the premiums in respect of coverage for compensation for people involved in this type of work—I am not knocking the Bill; it is about time that it was done—are fairly high. Will the Attorney-General ensure that all people involved in crowd control work are covered by workers' compensation, because I understand that another Act provides that they must be covered?

The Hon. K.T. GRIFFIN: I understand the point made by the honourable member, but I cannot give the assurance that I will ensure it happens.

The Hon. T. Crothers: What if it happens on licensed premises?

The Hon. K.T. GRIFFIN: The law is the law, and it must be complied with. Different agencies are responsible for enforcing different parts of the law that might apply. The Liquor Licensing Commissioner is primarily concerned with the conditions under which liquor is made available and compliance with conditions imposed by the Liquor Licensing Court with respect to issues such as topless waitressing, and so on, which are matters of concern to employers and employees within the industry. In those circumstances, all that I can say in relation to worker's compensation is that the WorkCover Corporation has the responsibility for ensuring that that side of a licensee's business is run in accordance with the law.

The Hon. T. CROTHERS: My problem is not so much with the *bona fide* companies that are already operating but with the fact that, for the first time, this Bill will allow, in a legal sense, people to be legally employed in this capacity. Any new firm that is not covered by compensation will be able to undercut those legitimate firms that do pay for compensation and, in the event of an injury to an employee who is not covered, it is the taxpayer of this State who will pay for the visits to the doctor or the hospitalisation to treat the injury. I would have thought that, given the problems of this Government—and indeed the previous Government—with increasing medical costs, it was in the best interests of the taxpayer of this State for the Attorney—if he does nothing else—to ensure that the Liquor Licensing Commissioner is made aware of the concern relating to this matter. I accept that may be the way to go because it is licensed premises. Although it is true that a different Act covers compensation, at the behest of the Liquor Licensing Commission certain conditions can placed on the issue of a licence for any large venue—a hotel, entertainment centre or club—where a melee is likely to occur.

The Hon. K.T. GRIFFIN: The honourable member said that, as a result of this Bill, crowd controllers will be able to be employed legally. With respect, that is not correct.

The Hon. T. Crothers: You know what I'm saying.

The Hon. K.T. GRIFFIN: No, I do not. Under the Commercial and Private Inquiry Agents Act there is provision for the licensing of those who undertake this responsibility.

The Hon. T. Crothers: I understand that.

The Hon. K.T. GRIFFIN: I am trying to clarify that position.

The Hon. T. Crothers interjecting:

The Hon. K.T. GRIFFIN: I am happy to draw this to the attention of the Liquor Licensing Commissioner if that satisfies the honourable member, but I repeat that it is the WorkCover Corporation which has the responsibility for enforcing the law relating to workers compensation.

Motion carried.

SOUTH AUSTRALIAN MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION (CONSTITUTION OF COMMISSION) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 November. Page 587.)

The Hon. J.F. STEFANI: I support the Bill. I am pleased to note that the Opposition has indicated support for the measure that the Government has introduced. I will briefly refer to the history of the Multicultural and Ethnic Affairs Commission. In 1980 the South Australian Ethnic Affairs Commission was established by the then Tonkin Liberal Government under the stewardship of the Hon. Murray Hill, the Minister responsible for that portfolio. It was under that stewardship that communities were given an opportunity to be represented, to have a voice and to have an input into Government policy. It is obvious from those early beginnings that the Ethnic Affairs Commission developed policies, and there were changes when the Labor Government came to office.

In 1989 extensive amendments were introduced by the Labor Government, and the Liberal Opposition supported those amendments. The amendments included the separation of the office of the Chief Executive Officer and the creation of the Office of Multicultural and Ethnic Affairs and the separation of the Chair of the South Australian Multicultural and Ethnic Affairs Commission. The then Liberal Opposition supported those amendments because there was strong community support for them. The community believed that the two offices and the two structures should be separate, and we certainly supported that view.

In 1992, the Hon. Paolo Nocella was appointed as the Chair of the South Australian Multicultural and Ethnic Affairs Commission for a period of five years. I also note that in his contribution the honourable member indicated that the Chief Executive Officer of the Office of Multicultural and Ethnic Affairs is not and cannot be a member of the commission—he is a public servant. When the Labor Government was due to be thrown out of office in 1993, the *Gazette* published the appointment of the honourable member not

only as the Chair and confirming his appointment for five years from 16 September 1993 but also that he had been appointed as the Chief Executive Officer of the Office of Multicultural and Ethnic Affairs for a period of five years.

In essence, that is in conflict with the legislation, and the Liberal Government wishes to put a very clear position in terms of that office and the Chairman's position; hence our amendments to make it very clear that it is impossible for the Chair to be also the Chief Executive Officer of a Public Service administrative unit established to assist the commission. Primarily that amendment is necessary so that in future the two positions cannot be rolled into one, as was the case when the Labor Administration decided, for its own reasons, to roll the two positions together for a period of five years.

The other amendments are clearly administrative amendments which provide the Minister and the Premier with the possibility of being more flexible in making appointments to the commission. They are an improvement to the legislation as a whole. I am very pleased that the Opposition has indicated its support for the Bill.

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

CONTROLLED SUBSTANCES (GENERAL OFFENCES—POISONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 544.)

The Hon. P. HOLLOWAY: The Opposition supports the Bill and has cooperated to ensure that it is passed before Parliament adjourns for the Christmas break. As the Minister informed us in his second reading explanation, this Bill is largely a machinery Bill which is required to enable the introduction of new comprehensive poison regulations. Amendments to section 63 of the Controlled Substances Act contained within this Bill will now enable regulations to refer to or incorporate national codes or standards. We are also told that these new regulations will come before Parliament as soon as possible. It is a pity that they could not have been supplied in draft form in conjunction with this Bill. We are assured that one of the new regulations which will be introduced when this Bill is passed and the Act subsequently proclaimed will reschedule bronchodilators, or puffers as they are more commonly known, to allow their inclusion in school first aid kits. We note that this measure has the support of the Asthma Foundation, which has supplied members with a position paper from the Thoracic Society of Australia and New Zealand entitled, 'A national policy on asthma management for schools.'

I congratulate the Asthma Society on its initiative and I trust that all of its other recommendations, which include better training for teacher and ancillary staff in appropriate asthma care and the early introduction of a lung health education program for all students, are also adopted in schools. I am aware that these issues are largely the responsibility of the Minister for Education and Children's Services, but I ask the Minister to provide some indication that the introduction of bronchodilators in school first aid kits will be part of a wider strategy to address the problems of asthma in our schools and community.

Like other members of the Opposition who fully support this measure, I am concerned about cuts in the hours of school services officers who administer much of the first aid in schools. The cuts to the school services officers and reductions in their hours at schools can only increase the risks if appropriate care is not available when it is needed. As well as changes to regulation provisions, the Bill also increases monetary penalties for a range of offences under the Controlled Substances Act such as the forgery of prescriptions or for breaches of the provisions relating to the sale, supply, possession, packaging, storage, advertisement and quality of controlled substances. The fivefold increases in most of these penalties is justified given that the original penalties were fixed in 1984 when the Act was first passed by Parliament.

As a matter of procedure I ask the Minister—and I understand that this matter might not be able to be answered now—why divisional penalties which can be periodically scaled to account for inflation were not introduced in these amendments to facilitate the adjustment of penalties in the future. The other significant amendment in clause 8 of this Bill relates to section 18 of the Controlled Substances Act which regulates the sale, supply, administration and possession of prescription drugs. The new provision corrects an anomaly in the present Act which refers only to the supply or administration of prescription drugs to persons. The extension of this provision to include animals means that the administration of prescription drugs to an animal must be performed by a veterinary surgeon or persons using a drug that has been prescribed by a vet. This will address the problem where drugs such as antibiotics have been administered to food animals without proper advice.

The other major social problem which this clause seeks to redress is the abuse of prescription drugs such as those of the benzodiazepine class, that is, rohypnol, serapax, valium, mogadon and ativan. This is an Australia-wide problem which was exemplified by an article in the *Australian* on 24 August. The article began:

> Young people in custody in Victoria have easy access to drugs and, once they are released, they can often get addictive prescription drugs from doctors without an examination, a survey has found.

The research project that was referred to in the article was undertaken by the Brosnan youth workers when they reportedly became aware of the increased usage of the benzodiazepine drugs amongst the young people with whom they worked. The article then stated that the Victorian Health Department was so concerned about the overprescription of the drugs that it warned the State's doctors last year of the dangers of abuse. The article then quoted from a drug user turned counsellor who said:

> If people can't afford other illegal drugs they use prescription drugs. Drug addicts know exactly what to say when they walk into a doctor's. Depending on what drug they want, they tell the doctor what symptoms they have and the doctor writes out the prescription.

More recently it was reported in the *Advertiser* of 26 October that some doctors in Adelaide were known as soft touches and prescribed Rohypnol too readily. The AMA State President (Dr John Emery) was reported as saying that drug users travelled to several general practitioners seeking prescriptions for Rohypnol. In many cases doctors were simply unable to determine whether a patient's symptoms were genuine. 'There are never any physical signs that you need it,' Dr Emery said.

The problem of doctors who irresponsibly prescribe these drugs is not directly addressed in this Bill, although the penalties for offences are increased. The Minister for Health informed the shadow Minister in debate in another place that six high prescribers of these drugs were warned and that a prohibition order was issued under section 57, which

prohibits a person from prescribing a prescription drug where the Health Commission believes that person has previously prescribed, supplied, or administered a prescription drug in an irresponsible manner. The Opposition supports strong action by the Health Commission against such irresponsible behaviour.

The *Advertiser* article also observed that one option being considered by the State Government was to classify Rohypnol as a drug of dependence, which would force all prescriptions to be sent to the Health Commission for analysis, and I would appreciate an indication from the Minister whether this course of action has been or will be followed by the Health Commission.

The amendment to section 18 of the Controlled Substances Act also creates a new offence of being in possession of a prescription drug without lawful authority. This provision will assist police to deal with cases where known drug offenders are found with prescription drugs such as Rohypnol without their having been prescribed for their own use. This new offence carries a penalty of $10 000 or two years' imprisonment. This provision is unusual in that the onus of proof is reversed, that is, a defendant charged with having in his or her possession a prescription drug must prove that he or she has lawful authority or reasonable excuse to possess the drug. In the absence of proof, it will be presumed that no such authority exists. Any measure which presumes guilt should be examined closely by Parliament.

The Opposition accepts that, in the case of the unlawful possession of prescription drugs, there is a serious social problem that must be addressed and it should not be a difficult task for any defendant with lawful authority or reasonable excuse to process prescription drugs to prove that fact. With those comments, the Opposition supports the Bill.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

SOUTH AUSTRALIAN HOUSING TRUST BILL

Adjourned debate on second reading.

(Continued from 22 November. Page 560.)

The Hon. SANDRA KANCK: In the lead up to the last election, the Liberal Party promised that it would 'maintain the Housing Trust's role in the management of our public housing stock'. In April this year the Democrats were successful in amending the Housing and Urban Development Bill to ensure that the Housing Trust remained as a separate entity. At that time, I stated that the existing Housing Trust Act is so utilitarian that it seems surprising that our Housing Trust has been able to be the beacon for the rest of Australia when it comes to public housing. This Bill now before us—a Bill to replace completely the existing Act—is uninspiring and makes no real improvements.

When an Act is completely rewritten, as is happening here, there is an opportunity for the Government of the day to put on the record its commitments on the issue, but that does not show in this Bill. It is an opportunity going missing, but the Democrats hope to at least partially make up for this with some of our amendments. The Government will no doubt argue that this is an administrative Bill and it is not appropriate to put in the philosophical basis of the Housing Trust. I would argue that there is no more appropriate place for it go. Internal guidelines, for instance, bypass Parliament, and the Democrats believe the context in which the trust operates should be on the public record where it is accessible to all. The Government obviously listened carefully to what I said before Easter, when I was dealing with the HUD Bill, and I acknowledge that it has anticipated my stance on some issues regarding accountability and reporting. It has recognised the importance of keeping the Housing Trust as a separate entity and maintaining its name, but the Bill fails to espouse any vision for the trust.

The Housing Trust Act has been interpreted well by the trust and has worked magnificently for almost 60 years, with minimal Government inference. But now it is to come completely under the control of the Minister and, in a number of places in this Bill, effectively the Treasurer. I fear that, with the excuse or justification of either Hilmer or competition policy, this Government will not meet its social obligations and that its decisions will be made on a monetary basis only. So, I will be adding another dimension to the Bill in appropriate places by introducing the social obligation via my amendments.

In deciding how I would amend the Bill, I looked at documents coming out of and arising from Commonwealth-State Housing Agreement meetings, and I have endeavoured to ensure that some of the draft agreements are incorporated in this Bill. I have done so because it is not altogether clear whether we will have a Labor or a Liberal Government in Canberra next year after the general election and, if it is a Liberal Government, some of the draft agreements may well be renegotiated. Such amendments will include the obligation for the trust to draw up a code of practice and a customer charter. My amendments also attempt to incorporate Democrat philosophy about public housing. However, I will not go into great lengths about this, having done so earlier in the year in relation to the HUD Bill. I will be amending clause 5, the functions of the trust, and clause 16, the management duties of the trust, to put in some of the vision that is lacking in this Bill.

There are two major contrasts between the current Act and this Bill. The most obvious one is the disappearance of the trust's ability to borrow money in its own right. The second is with regard to ministerial control. While the current Act provides that the Minister has control, I am told that, because the Government could be billed for any costs incurred if the Minister gave a direction, this limited the degree of ministerial control—to what extent I am not clear. Under the Westminster system of ministerial accountability, making certain that the Minister does have control may be justified, but it cannot be justified in terms of how well the trust has worked for almost 60 years, with minimal ministerial intervention. In any legislation with which I deal, I make a point of ensuring that accountability and transparency are built in, so I should probably welcome this clause, but my gut feeling tells me that it will not be for the best. I cannot rationalise what causes me to feel this way, but time will tell.

Clause 21, amongst other things, deals with joint ventures. The Democrats have no problems with joint ventures *per se*. The Housing Trust has worked well with the private sector for many years, especially with regard to the building of houses. However, I hope that in the future the trust will not be painted out of the picture as happened at Golden Grove, where Delfin was able to dictate and stop people installing solar hot water systems in the area. Whatever joint venture the Housing Trust is involved in, the costs and benefits to the whole of South Australia must be considered and not the niceties of rose bushes, no fences and how a solar collector might not be pretty.

Regarding clause 25, will the Minister advise me of the current situation regarding the Housing Trust and the payment of council rates? I was of the belief that the trust currently pays council rates. If this is the case, what is the intention of clause 25(2)(b)? Will the State Government rather than the Housing Trust then pay rates?

Clause 26 disturbs me, even though the Minister for Housing, Urban Development and Local Government Relations is on the record as saying that he does not envisage that it will be used. Part of the Government's rationale for introducing this Bill and other changes to the trust has been to handle a debt which the trust has incurred in more recent times. If money is available to pay a dividend, I believe it should be used to pay off debt or purchase more public housing stock and should definitely not go back into Consolidated Revenue. With the Housing Trust operating as two distinct units, I envisage that one part could be in the black and therefore have to pay a dividend while the other part was still in the red. If a dividend were to be payable, might it not require the selling off of housing stock? In the new split entity Housing Trust, how would this be sorted out between community service and regulatory functions? Surely, they would be at odds.

As best as I can read the Minister's speech, the Government failed to explain the need for clause 31. I am curious to know why the Government has inserted this clause and what sort of subsidiaries are envisaged. I do not believe that the Government would have inserted this clause without the intention of using it some way down the track. I understand that it has something to do with having some sort of a set up that is of greater convenience than a joint venture, but I would actually like a little more elaboration from the Minister in his response before we go into Committee.

Clause 33 regarding access to trust properties is also of concern to me. I see no reason why tenants of the Housing Trust should be treated with less respect than people in private rental arrangements. Therefore, I will incorporate aspects of the recently passed Residential Tenancies Act to ensure that they get the same treatment. I express concern with that part of clause 42, in particular, subclause (2)(c), which reads to me that overnight the Government could change the terms of agreements with tenants. I am sure that the Minister will tell me that that is not the Government's intention, but I am suspicious of a Government which has adopted the recommendations of the Audit Commission without a critical analysis of them. Perhaps the current Minister might not use this clause in such a way, but I have no guarantees about a future Minister.

This Government's commitment to private enterprise is on the record, and in other portfolios with which I deal I have seen the Government hell bent on handing over to the private sector despite a lack of evidence that it is for the best. I fear that what is ultimately intended by this Government in relation to the Housing Trust is that it should be downgraded, and that the market will dictate what is wanted rather than what is needed. I was told at my briefing on the Bill that currently 7 per cent of private rental housing is vacant and that it makes more sense for the Government to put people into those houses with subsidies than to develop new properties.

I refer to a letter dated 19 October 1995 from the group head of the Housing and Social Policy Group of the Commonwealth Department of Housing and Regional Development which is addressed to 'Dear Stakeholder'. That letter contains a paper which includes draft guidelines and discussion about a code of practice and a consumer charter with a request for feedback. As I mentioned earlier, my amendments will obligate the Housing Trust to develop the code and the charter, and that obligation will have to be concurred with within six months of commencement of the Act. Amongst the six dot points espousing the new objectives for the Commonwealth-State housing agreement in the document to which I referred are two which stand out for me. The first one is to 'provide affordable, secure and appropriate housing which meets client needs' and the fifth one is to 'ensure that rental housing is well located, of adequate size and condition, provides for security of assistance and meets agreed health, safety and energy efficient standards'.

If the expectations of this market-led Government are to be met, the Housing Trust will no doubt be obligated to use whatever it can of the 7 per cent private rental vacancies. If that happens, what say will the Government or the Housing Trust have on those issues I have referred to in the Federal housing document of security, appropriateness, location, size, condition and health, safety and energy efficiency standards? This is a most important question that requires a serious answer, because it appears to the Democrats that the Government will be losing control of these factors as that entity this Government so loves—the market—takes control.

I am filled with a sense of vague disquiet about this Bill. It is a Bill that will more easily allow the Government to put in its commitments to the private sector, although it does not say so. It is a Bill that to some extent is catching up with what has occurred over a number of years with the Commonwealth State Housing Agreements and anticipates what might happen in future years. But it is definitely not a Bill that will set the world on fire, and quite frankly, I think it will take us backwards. It is not a Bill that will give reason for joy to Housing Trust tenants. However, confident that the Opposition will support the improvements I will be making through my amendments, the Democrats will support the second reading.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

RACING (AMALGAMATION OF POOLS) 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 proposes amendments to the *Racing Act 1976*, to permit the South Australian Totalizator Agency Board to amalgamate its racing totalizator pools with an interstate totalizator authority irrespective of whether the South Australian TAB is acting as host State or agent for another State.

In addition, the Bill proposes that the statutory deductions applicable to quinella, double and multiple forms of betting be prescribed by regulation.

On 21 September 1992, the SA TAB combined its win and place totalizator pools with the Victorian TAB (re-named TABCORP) to form what is known as 'Supertab'. In this instance the SA TAB acts as agent for TABCORP which is responsible for the collation of pool information.

It is now proposed to permit the SA TAB, where it acts as agent for an interstate totalizator authority, to combine its quinella, double and multiple forms of betting with that body should the need arise.

In addition, it is also proposed to permit the SA TAB, where it acts as host state thereby having the responsibility for the collation of pool information (as is the case in this proposal), to combine all of its pools with an interstate TAB should the need arise.

This is considered necessary should the administration charge TABCorp make become prohibitive and because of the uncertainty attached to their future direction.

These amendments will avoid the need to amend the Racing Act should the TAB request approval to amalgamate other forms of betting with an interstate TAB.

On 1 July 1994, the Racing Act was amended to allow for a prescribed range of percentages in relation to statutory deductions from win and place totalizator betting that could be changed by regulation.

It is now proposed that all percentages in relation to statutory deductions from totalizator investments be prescribed by regulation. Any change in statutory deductions can be changed more quickly by regulation than by amendment to the Racing Act.

Any future proposal for amalgamation of SA TAB investments must, as was the case in this proposal, be supported by a business analysis from TAB and be subject to Treasury scrutiny. In this instance the amendments, if approved, will permit the SA TAB to amalgamate its Trifecta and Pick 4 investments with the WA TAB.

Amalgamation of these totalizator pools with the WA TAB was considered the best option because of their similarity in pool size and the fact that the statutory deductions on multiple bet types are identical to South Australia's.

Consideration of amalgamating trifecta and pick 4 pools with other interstate TABs was discarded as an option because their commission rates on these bet types are lower than SA's existing rates.

SA TAB is attempting to promote options for multiple bet types, particularly trifectas because of the higher commission rate. TAB is also attempting to win back turnover which currently is transferred to interstate TABs via telephone betting because of the larger pools there.

It is anticipated turnover, commission and subsequently profit will rise due to the additional strength of combined pools and jackpots. This will be particularly so for the night codes (greyhound and harness racing) which are currently operating with comparatively small pools.

The benefits of the amalgamation of pools are:

1. A percentage of turnover currently invested interstate by local bettors could be attracted back to South Australia.
2. Larger pools, particularly for trifectas, are expected to result in dividends more consistent with those of other States, and be conducive to attracting more turnover and larger investments.
3. The potential for larger dividends from the amalgamated pools where non fancied runners finish in the placings could attract more turnover.

The full year benefit on this proposal is detailed as follows:

Projected Full Year Additional Turnover		$5 850 000
Income—based on 20% commission, less 1.4% to RDB		$1 088 100
Less Costs		
Staff Costs	105 300	
Agents Commission	69 000	
Communication Link	9 400	
Depreciation & Opportunity Cost	67 500	
		$ 251 200
Benefit Full Year		$ 836 900

The target date for the amalgamation of trifecta and pick 4 totalizator pools with Western Australia is January 1996.

The proposal is supported by all sections of the Racing Industry.

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. 5—Interpretation

Clause 3 defines the term 'interstate bet'.

Clause 4: Amendment of s. 68—Deduction of percentage from totalizator money

Clause 4 amends section 68 of the principal Act. After the amendment the percentage to be deducted will be prescribed by regulation and where a section 82A agreement is in force will be the same as the percentage deducted interstate in respect of the same kind of bets. The existing subsection (2) will appear in the appropriate regulation.

Clause 5: Amendment of s. 69—Application of amount deducted under s. 68

Clause 5 amends section 69 of the principal Act to provide for deductions under section 68 on interstate bets to be paid to the interstate totalizator authority.

Clause 6: Substitution of s. 75

Clause 6 replaces section 75 of the principal Act. The concept of the new section is simpler. Instead of deducting the full amount under section 68 and then using some of the amount deducted to make up a deficiency in dividends it is simpler to provide that the amount deducted under section 68 is reduced to an appropriate extent. This then removes the need for a provision that part of the section 68 deduction on interstate bets be retained to make up an insufficiency of dividends on those bets.

Clause 7: Substitution of s. 76

Clause 7 replaces section 76 of the principal Act. The new section accommodates the payment of fractions to interstate totalizator authorities.

Clause 8: Amendment of s. 78—Unclaimed dividends

Clause 8 makes a similar amendment to section 78 of the principal Act.

Clause 9: Amendment of s. 82A—Agreement with interstate totalizator authority—interstate authority conducts totalizators

Clause 9 amends section 82A of the principal Act. Paragraph *(a)* is a drafting change. Paragraph *(c)* is consequential. New subsection (2) inserted by paragraph *(h)* removes the limitation on the kinds of bets to which an agreement under the section may apply.

Clause 10: Insertion of s. 82B

Clause 10 provides for agreements between the TAB and interstate totalizator authorities under which the TAB will hold the pool and the interstate authorities will accept bets on behalf of the TAB.

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

FISHERIES (GULF ST. VINCENT PRAWN FISHERY RATIONALIZATION) AMENDMENT BILL

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

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

In 1987, the *Fisheries (Gulf St. Vincent Prawn Fishery Rationalization) Act 1987* was promulgated. The Act provided for six of the sixteen boat fleet to be removed from the fishery through a licence surrender/buy-back arrangement. Money was borrowed from the South Australian Government Financing Authority (SAFA) to pay compensation to those leaving the fishery. The mechanism for repayment is by way of a surcharge on those licence holders remaining in the fishery. Initial repayment of the debt by licence holders was minimal, then suspended due to dissent about the capacity of licence holders to actually pay, followed by a number of reviews. Repayments resumed during 1994/95 when the fishery reopened after being closed for almost three years. In 1994, the debt was taken over by Treasury and restructured at a more favourable interest rate.

The most recent review was undertaken by Dr Gary Morgan in August/September 1995. The recommendations of the review address a number of issues, including licence transfer/amalgamation which could lead to less licence holders operating on a more efficient basis.

Under existing arrangements, a 'one person-one licence' policy applies to all fisheries, including the Gulf St Vincent prawn fishery. This requirement is stipulated in the regulations.

It is apparent that there has to be a greater degree of flexibility in the surcharge repayment arrangements so that licence holders can pay according to the value of their catches, which in turn will enable the government to secure repayment of the debt over time.

If the Gulf St Vincent prawn fishery is to remain open, and there are signs that this is feasible, the available catch may not be adequate to meet all licence holders' operating costs as well as their current debt obligation. Removal of the 'one person-one licence' policy

would provide licence holders the opportunity to increase their stake in the fishery by obtaining additional licences in order to increase their catch potential. Such a transfer/amalgamation process should provide operators with improved financial flexibility and a more efficient corporate structure. Furthermore, this would provide other interested parties with an opportunity to enter the fishery by purchasing sufficient licences to make a worthwhile investment.

Under the existing provisions of the Rationalization Act, before the Director can approve an application for transfer, the accrued and prospective liabilities attributable to that licence must be paid. However, the Act also contemplates that equal surcharges must apply to licence holders, therefore there is no scope to impose a surcharge on the remaining licences when one licence is transferred, ie all licences including the one that has paid its debt are liable to the surcharge. This particular anomaly would need to be rectified to facilitate transfers of licences. In addition, provision would need to be made to provide for the imposition of a 'double' surcharge in circumstances where two licences are amalgamated.

Removal of the 'one person-one licence' policy and providing for licence amalgamations can be accommodated by amendments to the regulations. However, the Rationalization Act needs to be amended first so that the surcharge provisions adequately cover situations where licences are transferred and/or amalgamated.

It is proposed to amend the *Fisheries (Gulf St. Vincent Prawn Fishery Rationalization) Act 1987* to:

- remove the requirement for a transferor to pay any prospective surcharge liability and to allow the incoming licence holder to assume the debt; and to
- provide for the adjustment of a surcharge where two licences are amalgamated so that the licence holder assumes the debt attributable to both licences.

I commend the measures to the House.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

Clause 1 is formal.

Clause 2: Repeal of s. 4

Clause 2 repeals section 4 of the principal Act. This section currently provides for the transfer of licences in respect of the fishery. The provision for transfer will now be incorporated in the scheme of management regulations.

Clause 3: Amendment of s. 8—Money expended for purposes of Act to be recouped from remaining licensees

The clause inserts new provisions dealing with the effect of licence transfers and amalgamations on liabilities for payment of the surcharge. If a licence is transferred, any liability of the transferor by way of surcharge will pass to the transferee. If an amalgamation occurs following a transfer, the liabilities attaching to the two licences concerned will attach to the licence resulting from the transfer and the future liabilities by way of surcharge will be doubled in amount.

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

DOG FENCE (SPECIAL RATE, ETC) AMENDMENT BILL

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

The Hon. K.T. GRIFFIN (Attorney-General): 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 contains three provisions. The first is intended to give ratepayers and prospective ratepayers of Local Dog Fence Boards greater autonomy in determining the way in which they will be rated. At present, the Act provides only one method of rating—a rate must be struck on the basis of the area of land held by each ratepayer. In some parts of South Australia, the people who constitute the rate base of a Local Dog Fence Board may decide that a different basis would be more equitable. This Bill provides for the flexibility for these people to make such a decision (subject to the final approval of the Minister) where there is unanimous agreement that an alternative rating method is appropriate for that area.

The second provision is intended to allow the Minister to appoint any member of the Dog Fence Board to chair the meetings of the Board. At present the Minister can nominate one member of the Board and the Act requires that member to chair the meetings. The other members of the Board are nominated by different interest groups that have a stake in the maintenance of the fence. This Bill will permit the Minister to appoint one of those other members as chairperson if the Minister wishes to do so and will allow the selection of the Minister's nominee on the basis of the skills that he or she will bring to the Board without necessarily having to consider the need for that person to chair the Board's meetings.

The third provision is a machinery matter. On 2 March 1995, the Parliament passed an amendment which provides that amounts owed to the Dog Fence Board in respect of a property may become a first charge on that property. The amendment now proposed is necessary to ensure that such a charge may be registered on the title.

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 commencement on a day to be fixed by proclamation.

Clause 3: Amendment of s. 6—Members of board

This clause amends section 6 of the principal Act, which deals with the membership of the Dog Fence Board. Section 6 currently provides for one member of the Board to be nominated by the Minister. Under subsection (1)*(a)* that member is automatically appointed to chair the meetings of the Board. This clause removes the requirement that the Minister's nominee chair the meetings of the Board and empowers the Minister to select any member of the Board to chair the Board's meetings.

Clause 4: Amendment of s. 26—Special rate in respect of local board areas

This clause amends section 26 of the principal Act. Section 26 empowers the Dog Fence Board to declare a special rate each financial year on holdings of more than one hundred hectares that are situated within the area in relation to which a local board is established. The amount recovered by the Dog Fence Board through the declaration of such a special rate is paid (after deducting the cost of recovery) to the local board.

At present section 26 requires any such special rate to be expressed as an amount per square kilometre of the land on which the rate is declared, not exceeding three dollars per square kilometre. This amendment provides that that requirement does not apply if the Minister and each occupier of land on which the special rate is declared agree otherwise.

Clause 5: Insertion of s. 41A

This clause inserts section 41A into the principal Act. Section 41A provides for the registration of the charges on land that are created in favour of the Dog Fence Board under section 41 of the principal Act (section 41 provides that amounts due and payable to the Board under the Act are a first charge on the land to which the relevant amount relates).

Under section 41A, if there is a charge on land (under section 41) in favour of the Board, the Board can give notice to the Registrar-General (in a form determined by the Registrar-General) of the amount of the charge and of the land that is subject to the charge.

On receipt of such a notice, the Registrar-General is required to enter a note of the charge against the relevant records of title.

If such a note is entered against the relevant records of title under this section and if default is made in the payment of an amount to which the charge relates, the Board has the same powers in respect of the relevant land as are given by the *Real Property Act 1886* to a mortgagee under a mortgage in respect of which default has been made in the payment of money secured by the mortgage. That is so whether the charge is entered in the records before or after the default occurs.

If the amount to which the charge relates is paid or otherwise ceases to be payable, the Board is required to apply to the Registrar-General (in a form determined by the Registrar-General) for the discharge of that charge, and the Registrar-General must thereupon cancel the relevant entry in the records of title.

Unless the Board otherwise determines, any fee or duty that the Board is required to pay in connection with a charge under this section will be recoverable from the person whose land is subject to the charge and must be added to the amount to which the charge relates.

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

SOUTH EASTERN WATER CONSERVATION AND DRAINAGE (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. K.T. GRIFFIN (Attorney-General): 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 South Eastern Water Conservation and Drainage Act 1992 is the appropriate Act under which the Government may obtain the landholder component of the Upper South East Dryland Salinity and Flood Management Program funding. It has been agreed by the South Australian Government after a comprehensive Environment Impact Statement and economic analysis that the project should proceed and that landholders should provide 25 per cent of the cost to meet the private benefits of the scheme.

The Bill proposes to amend the South Eastern Water Conservation and Drainage Act to allow for the collection of a levy to meet the requirements of the Upper South East Dryland Salinity and Flood Management Program and for any other future programs that may be required in the South Eastern Water Conservation and Drainage area. Extensive consultation in the catchment of the upper south east has resulted in a proposed four level levy on a per hectare basis being developed as the most equitable arrangement. Since flexibility is required in determining the most equitable arrangement, the amendments are not prescriptive but allow the Minister to determine the rates and publish them by notice in the *Gazette*. Before making a determination, the Minister must consult with the South Eastern Water Conservation and Drainage Board which includes in its membership three elected members from the district and one representing Local Government.

The Bill also provides for the staggering of terms of office for those members who are appointed to the Board by the Governor. As the Act now stands, all members are appointed or elected for fixed terms of four years, thus resulting in all eight members' terms of office expiring on the same day. So as to provide for some continuity in experience amongst Board members, the Bill provides that appointed members may in the future be appointed for any term of office, providing that it does not exceed four years. This greater flexibility applies whether the appointment is made on the expiry of a term of office or on a casual vacancy occurring.

The third main amendment proposed by the Bill relates to the entitlement to vote for elected members of the Board. Only one person in a partnership is entitled to vote on behalf of the partnership and, under the current provisions, this person must be specifically nominated by the partnership. Many partnerships have not lodged such a nomination with the Board and so, to facilitate voting in such cases, the amendments provide that the first named partner on the certificate of title (and therefore the electoral roll) will be the person entitled to vote on behalf of the partnership until such time as the partnership nominates another partner in accordance with the Act. The Government hopes that this will result in a greater voter turnout for Board elections.

The remaining amendments are consequential to the above changes. The opportunity is also taken to delete several obsolete references to the Water Resources Appeal Tribunal and to change references to divisional penalties to specific dollar amounts in line with Government policy.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the Act by proclamation.

Clause 3: Amendment of s. 3—Interpretation

This clause amends the definition of 'eligible landholder' to bring the minimum landholding for eligibility to vote at Board elections down from 'more than 30 hectares' to 'more than 10 hectares'.

Clause 4: Amendment of s. 11—Entitlement to vote at Board elections

This clause provides that, in the absence of a specific nomination from a landholder partnership, the first member of the partnership named on the electoral roll will be eligible to vote at Board elections.

Clause 5: Amendment of s. 13—Term of office of Board members

This clause provides that appointed members of the Board will be appointed for terms of office not exceeding 4 years. Elected members' terms of office remain as 4 year fixed terms. The subsection dealing with casual vacancies for appointed members is struck out.

Clause 6: Amendment of s. 16—Conflict of interest

Two penalties are converted from being expressed as divisional penalties.

Clause 7: Insertion of s. 34A

This clause inserts a new provision that gives the Board the power to raise a levy in respect of any financial year. The levy will be raised over private land within the Board's area and may vary between landholders. Persons who own or occupy 10 hectares or less will not be levied. The funds so raised will (after deduction of certain administrative costs) be applied towards the cost of constructing or maintaining the Board's water management works. The rate of contribution and the area to which it applies will be fixed by the Minister after consultation with the Board. The contributions will be collected by the Board and are enforceable as a debt. Unpaid levies will be a first charge over the relevant land. Private land is defined to mean all land other than Government or council land.

Clauses 8 to 13:

These clauses convert various penalties from divisional penalties.

Clauses 14 and 15:

These clauses substitute references to the former Water Resources Appeal Tribunal with references to its successor, the Environment Resources and Development Court.

Clauses 16 and 17:

These clauses convert various penalty provisions.

Clause 18: Amendment of s. 54—Proceedings for offences

This clause repeals the now obsolete subsection that classified offences under the Act as summary offences.

Clause 19: Amendment of s. 59—Regulations

This clause converts the maximum penalty that can be fixed by the regulations to an amount in dollars.

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

ADJOURNMENT

At 10.16 p.m. the Council adjourned until Wednesday 29 November at 2.15 p.m.