LEGISLATIVE COUNCIL

Tuesday 5 November 1996

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to question on notice No. 140 of the last session and the following questions on notice for this session be distributed and printed in *Hansard*: Nos. 11, 13, 46 and 50.

SOUTHERN EXPRESSWAY

11. **The Hon. T.G. CAMERON:**

1. Is the Minister aware that on the southern side of Beach Road, Noarlunga, there is a valuable grove of rare native plants which were to have been affected by the original route of the Southern Expressway?

2. If not, will the Minister have her department investigate the matter to ascertain the importance of the grove?

3. (a) Will the Government re-route the Expressway to preserve the grove?

(b) If not, why not?

The Hon. DIANA LAIDLAW:

1. Yes, I am aware of the existence of a grove of native plants along Beach Road, Noarlunga Centre, in the vicinity of the Southern Expressway.

2. See 1. above.

3. Already the Southern Expressway alignment has been altered to recognise this grove and now only a very small percentage of the vegetation will be removed for this project.

A seed collection program has been implemented to ensure that local species will be propagated and planted along the expressway corridor. In fact 10 000 seedlings which have been propagated from seed collected from the plants in question are currently being planted along the Southern Expressway north of Majors Road. This planting has been undertaken through Offenders Aid and Rehabilitation Services of SA Inc., thus allowing the offenders undertaking the planting to make a valuable contribution to the community.

SPEEDING FINES

13. **The Hon. T.G. CAMERON:**

1. How many motorists were caught speeding in South Australia between 30 June 1995 and 1 July 1996 for the following—

60-70km/h
70-80km/h
80-90km/h
90-100km/h
100-110km/h
110km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these?

The Hon. R.I. LUCAS: The statistics requested are depicted in the following tables:

Table 1 SPEEDING OFFENCES ISSUED AND EXPIATED DURING 95-96

(SPEED CAMERA OFFENCES)

	ISSUED		EXPIATED	
VEHICLE SPEED	Number	Amt $	Number	Amt $
Less than 60 km/h	1 273	166 344	727	93 026
60-69 km/h	140	25 229	66	11 900
70-79 km/h	112 603	13 548 771	84 327	9 832 904
80-89 km/h	11 516	1 949 577	7 427	1 233 108
90-99 km/h	5 549	875 439	3 260	490 596
100-109 km/h	936	181 167	505	93 074
110 km/h and over	449	85 339	320	51 494
Unknown *	2 745	338 428	1 825	216 647
TOTAL	135 211	17 170 294	98 457	12 022 749

Notes: When a notice is Issued/Expiated with more than one offence, the amount Issued/Expiated for the speeding offence(s) is calculated based on July 1996 offence penalty.
* Unknown—These are re-issued Speed Camera Offences. In this category the vehicle speed is not recorded on the database.

Table 2 SPEEDING OFFENCES ISSUED AND EXPIATED DURING 95-96 (TRAFFIC INFRINGEMENT OFFENCES)

	ISSUED		EXPIATED	
OFFENCES DESCRIPTION	Number	Amt $	Number	Amt $
EXCEED GENERAL SPEED LIMIT BY 16KM/H TO 30KM/H	324	55 989	205	35 196
EXCEED GENERAL SPEED LIMIT BY 30KM/H TO 45KM/H	71	19 323	49	13 140
EXCEED GENERAL SPEED LIMIT BY UP TO 15KM/H	72	7 898	51	5 540
EXCEED GENERAL SPEED LIMIT IN EXCESS OF 45KM/H	21	5 856	9	2 508
EXCEED SPEED—HEAVY VEHICLE—BY 16KM/H TO 30KM/H	183	38 977	51	10 642
EXCEED SPEED—HEAVY VEHICLE—BY 30KM/H TO 45KM/H	9	2 422	4	1 104
EXCEED SPEED—HEAVY VEHICLE—BY UP TO 15KM/H	171	23 635	81	10 517
EXCEED SPEED—HEAVY VEHICLE—IN EXCESS OF 45KM/H	1	276	1	276
EXCEED SPEED—OMNIBUS BY 16KM/H TO 30KM/H	4	855	4	855
EXCEED SPEED—OMNIBUS BY 30KM/H TO 45KM/H	3	828	3	828

Table 2 SPEEDING OFFENCES ISSUED AND EXPIATED DURING 95-96 (TRAFFIC INFRINGEMENT OFFENCES)

EXCEED SPEED—OMNIBUS BY UP TO 15KM/H	2	278	2	278
EXCEED SPEED APPROACH TO FERRY BY 16KM/H TO 30KM/H	3	526	3	526
EXCEED SPEED APPROACH TO FERRY BY 30KM/H TO 45KM/H	1	276	0	0
EXCEED SPEED LIMIT FIXED IN A ZONE BY UP TO 15KM/H	1 806	200 635	1 476	161 631
EXCEED SPEED LIMIT FIXED IN ZONE BY 16KM/H TO 30KM/H	8 799	1 524 332	6 849	1 174 931
EXCEED SPEED LIMIT FIXED IN ZONE BY 30KM/H TO 45KM/H	1 519	419 240	1 094	296 219
EXCEED SPEED LIMIT FIXED IN ZONE IN EXCESS OF 45KM/H	148	41 094	78	21 627
EXCEED SPEED LIMIT IN TOWN ETC BY 16KM/H TO 30KM/H	33 174	5 755 458	22 732	3 928 530
EXCEED SPEED LIMIT IN TOWN ETC BY 30KM/H TO 45KM/H	2 976	826 082	1 943	533 251
EXCEED SPEED LIMIT IN TOWN ETC BY UP TO 15KM/H	7 132	793 130	5 005	551 920
EXCEED SPEED LIMIT IN TOWN ETC IN EXCESS OF 45KM/H	184	51 529	96	26 785
EXCEED SPEED LIMIT ROADWORKS BY 16KM/H TO 30KM/H	493	85 293	354	61 105
EXCEED SPEED LIMIT ROADWORKS BY 30KM/H TO 45KM/H	189	52 278	136	37 203
EXCEED SPEED LIMIT ROADWORKS BY UP TO 15KM/H	72	8 029	57	6 388
EXCEED SPEED LIMIT ROADWORKS IN EXCESS OF 45KM/H	51	14 112	32	8 844
EXCEED SPEED PAST SCHOOL BUS BY 16KM/H TO 30KM/H	1	173	1	173
EXCEED SPEED PAST TRAMCAR BY 16KM/H TO 30KM/H	1	173	1	173
EXCEED SPEED PAST TRAMCAR BY UP TO 15KM/H	1	111	0	0
EXCEED SPEED PAST TRAMCAR IN EXCESS OF 45KM/H	1	276	0	0
EXCEED SPEED SCHOOL CROSSING BY 16KM/H TO 30KM/H	147	25 413	117	20 177
EXCEED SPEED SCHOOL CROSSING BY 30KM/H TO 45KM/H	18	4 992	16	4 383
EXCEED SPEED SCHOOL CROSSING BY UP TO 15KM/H	53	5 871	36	3 979
EXCEED SPEED SCHOOL CROSSING IN EXCESS OF 45KM/H	2	552	1	276
EXCEED SPEED SCHOOL SIGNS BY 16KM/H TO 30KM/H	266	46 059	181	31 264
EXCEED SPEED SCHOOL SIGNS BY 30KM/H TO 45KM/H	55	15 161	38	10 364
EXCEED SPEED SCHOOL SIGNS BY UP TO 15KM/H	71	7 953	48	5 378
EXCEED SPEED SCHOOL SIGNS IN EXCESS OF 45KM/H	3	828	2	552
EXCEED SPEED SHOWN AT BRIDGE BY 16KM/H TO 30KM/H	47	8 152	31	5 347
EXCEED SPEED SHOWN AT BRIDGE BY 30KM/H TO 45KM/H	5	1 392	4	1 047
EXCEED SPEED SHOWN AT BRIDGE BY UP TO 15KM/H	11	1 231	8	871
EXCEED SPEED SHOWN AT BRIDGE IN EXCESS OF 45KM/H	1	276	0	0
TOTAL	58 091	10 046 964	40 799	6 973 828

The Hon. R.I. LUCAS: I don't know where $45 million and $100 million came from in the honourable member's public releases.

BUSES, AGE LIMIT

46. **The Hon. T.G. CAMERON:**

1. What has happened to the proposal made by the Minister on 6 November 1994 in the Adelaide *Advertiser* to introduce a 25 year age limit on all buses operating in South Australia, including school and country buses?
2. Has this proposal been implemented?
3. If not, why not?
4. What percentage of buses currently operating in South Australia are 25 years old and over?
5. When will these buses be replaced and at what cost?
6. What percentage of school buses currently operating in South Australia are 25 years old and over?
7. How much will it cost to replace the remaining school buses that are 25 years old and over?
8. What percentage of country buses currently operating in South Australia are 25 years old and over?
9. Since January 1995, how many accidents have involved buses that are 25 years old and over?

The Hon. DIANA LAIDLAW: Regulation 72 of the Passenger Transport (General) Regulations 1994 deals with the age limits for public passenger vehicles. It establishes a 25 year age limit for public passenger buses operating within South Australia. However, it also provides scope for the Passenger Transport Board to approve the use of an older vehicle under certain circumstances.

In April 1995 the Passenger Transport Board released a policy explaining the criteria for approval of a bus or coach to operate beyond the 25 year age limit. This policy involves a requirement for a bus to undertake a detailed frame inspection for evidence of corrosion. If corrosion is not found and the vehicle meets all other general inspection criteria, approval is granted for the bus to continue in operation for a further five year period. If an inspection identifies corrosion and necessary repairs are carried out, approval is only granted for a further two year period after which time a further frame inspection is required. The age limit policy applies to all buses including country and school buses.

The age profile of buses is currently being analysed. Under the current policy, where approval can be granted to operate beyond the 25 year age limit, it is not possible to determine when buses will need to be replaced. Cost for any replacement would depend on market values and the age and quality of the vehicle required by the operator.

The Department for Education and Children's Services recently advised that all of the department owned school buses are under the 25 year age limit. Of the privately contracted school bus services there are approximately 20 buses operating (with appropriate approval) beyond the 25 year age limit. This constitutes approximately 6-7 per cent of the privately owned school bus fleet. Once again the cost of replacement for the privately owned bus fleet will depend upon the operational requirements of the owner which may include other interests, for example tour and charter.

Accident data for 1996 is not yet available but the Office of Road Safety has provided information for 1995. During this period there were five accidents involving buses 25 years and older. This

represents 1.3 per cent of the total number of SA road crashes involving buses during 1995.

QANTAS

50. **The Hon. T.G. CAMERON:**

1. Are the Qantas direct freight flights to Hong Kong still being subsidised by the State Government?
2. If so, why are they still being subsidised and by how much?
3. How long will these subsidies continue?

The Hon. DIANA LAIDLAW:

1. No.
2 Not applicable.
3. Not applicable.

AIDS/HIV EDUCATION PROGRAMS

140. **The Hon. J.C. IRWIN:**

1. (a) What funding is provided to the AIDS Council of South Australia from the State Government?
   (b) Is there equivalent or supplementary funding from the Federal Government?
2. What funding is provided to the Second Story Youth Health Services in the following areas—
   (a) Adelaide?
   (b) Elizabeth?
3. What is the cost of maintaining the service provided from the 'Shopfront' Youth Health and Information Centre at Salisbury?
4. (a) What was the cost of establishing a health facility in the new Munno Para shopping complex?
   (b) What is the estimated budget to maintain this service?
5. As these facilities relate to sexual activities and IV drug use, is there any correlation or statistical evidence showing value, as in cost per dollar expended, to a reduction of sexually transmitted diseases or drug use?

The Hon. DIANA LAIDLAW:

1. Under the National HIV/AIDS Strategy, the Commonwealth Government provides funding to the States and Territories for education and prevention programs and treatment and care services through the AIDS Matched Funding Program. Commonwealth funding is required to be matched by the States and Territories. In 1995-96, the Commonwealth provided $1.75 million to South Australia under this program.

In 1995-96, $1.312 million was provided to the AIDS Council of SA for HIV education and prevention programs, support services for HIV positive people and infrastructure.

2. The 1995-96 financial year was the first year of the merger of the Second Story Youth Health Service with Child, Adolescent and Family Health Services (CAFHS) to form the new organisation, Child and Youth Health.

Funding for the Second Story (TSS), a Division of Child and Youth Health, for the financial year 1995-96 was as follows:

TOTAL SAHC FUNDS	552 500
TOTAL PROJECT FUNDS (external sources)	153 000
TOTAL ADD FUNDS	73 055
TOTAL MERGER FUNDS	593 525
TOTAL TSS FUNDING	$1 372 080

Funding was allocated to the following areas for 1995-96:

a)	
Central Team	
Salaries & Wages	537 372
Goods & Services	132 450
SUB TOTAL	$669 882
b)	
Northern Team	
Salaries & Wages	288 192
Goods & Services	65 950
SUB TOTAL	$354 142
c)	
Southern Team	
Salaries & Wages	205 856
Goods & Services	3 400
SUB TOTAL	$276 956
d)	
Development of the Southern Site	
Goods & Services	71 100
SUB TOTAL	71 100
TOTAL	1 372 080

$100 000 was also provided to the Second Story under the AIDS Matched Funding Program for HIV education and prevention work with young gay men.

3. The estimated full year cost of providing the Youth Health Services at Salisbury, including staffing costs for regional youth workers based at Salisbury and rental for the expanded site is $402 372.

4. (a) The total cost for the facility was $495 094. The facility is collocated with the Family Planning Association South Australia and the Munno Para Team of Northern Community Health Service. The space usage is approximately 40 per cent used by FPSA and 60 per cent used by Munno Para Community Health Service.
   (b) The rental for the facility is $70 000 per annum, plus outgoings of approximately $12 000. Northern Metropolitan Community Health Service has agreed to pay all of this rent expense and will invoice FPSA $20 000 per annum for their accommodation.

Including this full rental, 10.2 FTEs and facility expenses, the full year estimate of the community health team at Munno Para is $492 105. Including rental and other operational costs and salaries the full year estimate of the Family Planning South Australia service is $450 000.

5. The programs and services provided to young people by each of the above health services provide core program elements which give accurate health information on major health issues. The core elements include information on sexual health (including sexually transmitted diseases), health implications of drug and alcohol use and mental health issues. None of the services is solely devoted to young people's sexual activities or drug use.

The Second Story Youth Service, Northern Community Health Services and Family Planning South Australia all employ a variety of strategies to educate young people about positive health practices and work closely with a range of other services. It is therefore not possible to isolate and measure the impact of a single strategy in the reduction of sexually transmitted diseases or drug use against dollars expended.

All of the services collect information and data regarding numbers of primary health care programs provided and each program's effectiveness, level of service usage and profiles of clients etc. It is widely accepted that health education, information and prevention has a significant positive impact to help prevent a range of risk taking behaviours e.g. smoking, excessive alcohol or food intakes, road safety, risky sexual activities, protective behaviours etc.

PAPERS TABLED

The following papers were laid on the table:

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

Reports, 1995-96—
- Information Industries SA
- IT Workforce Strategy Office
- South Australian Multicultural and Ethnic Affairs Commission and Office of Multi-cultural and Ethnic Affairs

Regulation under the following Act—
- Senior Secondary Assessment Board of South Australia Act 1983—Units of Study Variations

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

Reports, 1995-96—
- Australian Barley Board—Strategies for Success
- Dairy Authority of South Australia
- Primary Industries South Australia
- South Eastern Water Conservation and Drainage Board

Regulations under the following Acts—
- Community Titles Act 1996—Principal
- Fruit and Plant Protection Act 1992—Principal
- Strata Titles Act 1988—Authorised Trust Accounts

Claims Against the Legal Practitioners Guarantee Fund 1995-96—Report to the Attorney-General

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

Regulation under the following Act—

Security and Investigation Agents Act 1995—Crowd Controller

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

State Heritage Authority—Report, 1995-96
Regulations under the following Acts—
Development Act 1993—Community Titles
Motor Vehicles Act 1959—Conditional Registration
District Council By-laws—
Kapunda and Light—
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Council Land
No. 4—Fire Prevention
Lease of Properties—Department of Transport

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

Reports, 1995-96—
Adelaide Festival Centre
Art Gallery of South Australia
Carrick Hill Trust
History Trust of South Australia
State Theatre.

QUESTION TIME

SCHOOLS BILL

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

Leave granted.

The Hon. CAROLYN PICKLES: The Howard Government has introduced a Schools Bill which will incorporate a permanent mechanism called the enrolment benchmark adjustment for the Commonwealth to reduce its funding to Government schools. At the same time, by removing the framework of Commonwealth requirements for funding non-government schools, this sector will be able to expand at a cost of $150 million over the next four years. The Commonwealth Department of Education and Youth Affairs has revealed to a select committee that as an off-set to this cost some $177 million will be taken from Government schools as a benchmark adjustment. New South Wales has told the Senate committee that it will lose money as a result of this legislation, and other States have complained that the legislation was prepared and introduced under a shroud of secrecy. My questions to the Minister are:

1. Was the Minister consulted on this legislation?

2. Did South Australia make a submission to the Senate inquiry?

3. How much will South Australia stand to lose under the benchmark adjustment?

4. Has the Minister asked Liberal senators from South Australia to oppose a reduction in Commonwealth support of public schools in South Australia?

The Hon. R.I. LUCAS: The enrolment benchmark adjustment was announced months ago at the time of the Commonwealth budget in August. So, it is not a new announcement. It has been the subject of some concern and discussion for a considerable period of time now. The answer to the question is 'Yes.' As Minister, I made a very brief submission to the Senate select, or standing, committee. We were given very short notice of the meeting of that committee and we therefore made a general submission, highlighting the essential points of our understanding of the Commonwealth intentions at this stage. We have indicated that the South Australian Government does not support a completely free market for schools in South Australia—or in Australia, for that matter. The notion of a *laissez-faire* environment for the establishment of new schools is not one that the South Australian Government supports and therefore does not support a position where the new schools policy is abolished and nothing replaces it. We do acknowledge, nevertheless, that the Commonwealth Government was elected on a platform of the abolition of the new schools policy. It is not as if it is something that has occurred since the election; it is not as if it was something that was hidden from the people of Australia prior to the election. It was something upon which the Commonwealth Minister campaigned during the election period and made it quite apparent that the new schools policy would be abolished.

The South Australian Government, whilst acknowledging that, also acknowledges that the old new schools policy was restrictive in a number of areas. The previous Labor Government acknowledged that and established a review by Dr McKinnon into the operation of the new schools policy. However, the Commonwealth Labor Government was unable to implement any changes to the new schools policy because of the fact, obviously, that it lost the election and lost Government.

The South Australian Government's position is that we do acknowledge some concerns about the old policy. Nevertheless, we do not accept the position of a completely free market. We believe there needs to be some sensible process of registration and planning within the State arena. We are currently considering what that sensible process of planning and registration might be within the South Australian environment.

In relation to how the enrolment benchmark adjustment operates we, too, have expressed concern to the Senate committee about the lack of consultation prior to the announcement in the Commonwealth budget of the enrolment benchmark adjustment. We are still trying to clarify with Commonwealth officers exactly how the enrolment benchmark adjustment might operate and, depending on the answers to those questions, we will get a different calculation as to what the impact on State funding might be.

We have expressed the view that some of the initial suggestions might disadvantage South Australia. Therefore, we do not support those and have suggested some alternative ways of, in effect, implementing that policy. Clearly, if it is to be implemented, it should not be implemented in a way that unfairly disadvantages South Australian interests compared to other States and Territory interests, and we are in the process, not only through the Senate committee but also at officer level, of trying to clarify what the Commonwealth's intentions are and seeking to defend South Australia's interests as best we can. When we have established exactly how the benchmark adjustment will operate—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: Our first port of call will be to the Minister, rather than going to Senators. When we have established exactly how it will operate we will take up those issues in the appropriate way, but a minimum would be to take it up with the Commonwealth Ministers and the Commonwealth Government.

PUBLIC SECTOR EMPLOYEES

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to table a ministerial statement given this day in another place by the Minister for Housing,

Urban Development and Local Government Relations on the subject of State Government employees serving on local government councils.

Leave granted.

MIMILI SCHOOL

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister for Education and Children's Services a question about comments he made regarding Mimili Community Incorporated.

Leave granted.

The Hon. R.R. ROBERTS: On 15, 17 and 22 October in this place I asked a series of questions of the Minister for Education and Children's Services about a decision by his department to provide an asbestos classroom to the Mimili school. On all three occasions I pointed out that Mimili Community Incorporated had objected to the provision of an asbestos classroom to its community school. On the first occasion when I raised this matter I pointed out that the body responsible for planning matters on Pitjantjatjara lands is the Anangu Pitjantjatjara Services Corporation, which had ordered that the building be removed and the site be cleaned by 18 October 1996. This order was made on 4 October 1996 under the Anangu Pitjantjatjara Land Rights Act and the relevant construction development policy.

Instead of taking notice of this legal order from Anangu Pitjantjatjara Services Incorporated, the Minister decided that the asbestos classroom would stay at Mimili regardless of what the services corporation ordered and regardless of the wishes of Mimili Community Incorporated. On 22 October, in an attempt to justify his behaviour, the Minister said that he would 'correct some of the false statements' that I had made about this matter. Under the privilege of the Parliament the Minister claimed that the councillors of Mimili Community Incorporated had been misled by the community development officer into signing a letter of complaint about the building without knowing the letter's contents. The Minister said:

> The community development officer at Mimili wrote a letter and got two Anangu people to sign it but apparently did not explain what the letter was about. They did not know what they had signed.

I point out that it was actually signed by four people.The original letter of complaint addressed to the Minister and faxed to his office on 14 October actually contained those four signatures of councillors from Mimili Community Incorporated not two, as the Minister claimed in this place on 22 October. One can only draw the conclusion that the Minister does not actually bother to read correspondence from people whom he wishes to defame or that he is just a bit sloppy with the truth.

Today I received a copy of a letter from Mimili Community Incorporated to the Minister dated 31 October and signed by the Chairman, the Community Development Officer and eight other councillors, including three of the original four who had signed the first letter. I seek leave to table a copy of the letter.

Leave granted.

The Hon. R.R. ROBERTS: The letter states:

> Dear Minister
>
> We are writing with some concern about comments you made in the Legislative Council on 22 October.
>
> On that date *Hansard* (22 October page 203) records you making reference to a letter from the Director of PYES. In this letter, it is apparently stated that letters you have previously received from Mimili Community Council were in some way not authentic, i.e., that our Community Development Officer had written letters that were not known to, or expressing views other than those held by, Mimili Council. We consider this an insult to the intelligence and capabilities of our Councillors and incorrect to suggest that the council at Mimili would allow its senior administrative officer to operate outside of their directions. We would like in future that you first check with us if you have any doubts of this nature as we, the council, are the only spokespeople for matters concerning the Mimili community.
>
> Can you please explain why you did not do this before your recent comments, and we would very much appreciate it if you could rectify these offensive, misleading and untrue comments to Parliament.
>
> We are unsure of PYES's motives for such an allegation and hope that it is not a tacky response to our earlier concern (letter to you, 12.10.96—p.2) with regards to a document produced by the principal at Mimili school. This all seems an unnecessary distraction from the real issue which is the right of this community to object to the unreasonable placement of an old asbestos building in our community. As we previously stated, the health risks associated with asbestos are well documented and any further health risks to this community are unwanted.
>
> We would like you to state that all previous and any future correspondence on Mimili letterhead, signed by our elected officers and staff (Chairman, councillors or CDO) be treated with due respect.
>
> The council also note that we have not as yet received a response from you to our previous letter. We have had no answers to the questions we asked—in particular, no response to our requests to have the site inspected by a qualified asbestos management officer and a safe consolidation plan developed.
>
> A recent council meeting directed that these issues be again brought to your attention and to once again state our firm position to have this building removed. We hope that this time you will take us seriously and act accordingly.

In the light of this letter, my questions to the Minister for Education and Children's Services are:

1. Will the Minister apologise to the signatories of the original letter of complaint from Mimili Community Incorporated for insultingly and incorrectly accusing them in Parliament of signing their letter of complaint without their knowledge or of its content?

2. Will the Minister apologise to the Community Development Officer from the Mimili Community Council for claiming in this place under privilege that the Community Development Officer had procured signatories on the original letter of complaint by the use of deception—a claim denied by the Community Development Officer and nine other signatories of the letter I have tabled today?

3. Will the Minister finally acknowledge that the delivery of an asbestos building to the Mimili school without consultation with Mimili Community Incorporated and without the appropriate planning approval from the Pitjantjatjara Services Corporation may have been a mistake, may have been against the wishes of the community, and may have helped only to exacerbate divisions between the community and the school?

4. Will he put aside his puffed-up ego and have the mistake rectified?

The PRESIDENT: There is opinion in that question and I do not think that is necessary.

The Hon. R.I. LUCAS: There is no doubt about the Hon. Mr Roberts: he keeps dragging himself up from the canvas to take another beating. I am delighted that he has done so. There are a number of issues, and I am just trying to work out in what order I address them.

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Yes, very slowly. At least on this occasion the Hon. Ron Roberts has tabled a signed letter rather than his previous experiences where he tabled unsigned and anonymous letters in this Chamber. The Hon. Mr Roberts

has a letter dated 31 October; I have a letter dated 5 November—that is, today—which addresses a number of issues. One thing you can predict about the Hon. Ron Roberts is that he will keep coming back for a beating. It was on the cards that this letter would be raised.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The Hon. Ron Roberts has had a good chance.

The Hon. R.I. LUCAS: The answer to the question about whether I intend to apologise is absolutely 'No.' I refer to the letter dated today from Alec Minutjukur, who is the Director of the Pitjantjatjara Yankunytjatjara Education Committee (PYEC) and also Geoff Iversen, who is the Manager of Anangu Education Services. The letter states:

> Dear Rob,
> The Pitjantjatjara Yankunytjatjara Education Committee (PYEC) have discussed the contents of the letter on Mimili Community Council Incorporated letterhead sent to the Minister on 31.10.96.

That is the letter which the Hon. Ron Roberts has just read. It continues:

> The following comments are fully understood by all 21 members attending the PYEC meeting today at Ernabella.

The Hon. R.R. Roberts: Are you going to table this letter?

The Hon. R.I. LUCAS: I am reading it. It continues:

> We wish the Minister to know:
> · PYEC is the group responsible for education issues on the Anangu Pitjantjatjara Lands.
> · The Mimili Community know this, are represented on PYEC and take information back to the Mimili Community Council. All letters and concerns raised by a community should be sent to PYEC to discuss and solve first. Mr Lark chose to go straight to the press and radio instead of doing this.
> · Mimili Community members have confirmed at a special meeting that they want this building to stay and are happy for the cement/asbestos sheeting to be removed on site. A process for this removal was submitted by Services SA to Anangu Pitjantjatjara Services on 21.10.96 but approval still has not been issued. The Community Development Officer, Mr Lark, was at this meeting and heard confirmation of Anangu wishes to have the building repaired on site. The claim in the letter of 31.10.96 for removal of the building is not true.
> · The building in question has been inspected by Mr Bob Temby from the Asbestos Management Unit of Services SA.
> · Anangu members of PYEC have checked with signatories to Mimili Community Council Incorporated letters. They have said that they were not sure what they were signing. This has been restated today.

This is a letter not from me but from Alec Minutjukur, the Director of the PYEC—not from the Minister for Education but from the leader, a very credible man and a man of high integrity. I suspect that even the Hon. Ron Roberts would not attack Mr Minutjukur's credibility in relation to these issues.

Members interjecting:

The Hon. R.I. LUCAS: Exactly. Does the Hon. Ron Roberts challenge Mr Minutjukur's integrity and credibility?

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: I said, 'Dear Rob'—it's addressed to me.

The Hon. R.R. Roberts: Oh!

The Hon. R.I. LUCAS: Well, that was a tough question. That was a searching interrogation from the Deputy Leader. Let the record show that the Hon. Mr Ron Roberts did not answer the particular question I put to him. The letter concludes:

> · PYEC will be sending a letter to Anangu Pitjantjatjara about their concerns with signing letters first written by 'waipala'.
> Yours sincerely,

I have taken advice on the meaning of 'waipala' and I am told that it is anyone who is not Anangu. It is, in effect, a colloquialism for 'white fellow'. What they are saying at the end of the letter is that PYEC will be sending a letter to the Anangu Pitjantjatjara about their concerns with signing letters first written by 'waipala'. The letter is signed by Alec Minutjukur, Director PYEC and by Geoff Iversen, Manager, Anangu Education Services. I will not refer back to the letter of 18 October from Alec Minutjukur to which I referred, with the exception of one paragraph, namely:

> · The community development officer for Mimili wrote a letter and got two Anangu people to sign it but, apparently, did not explain what the letter was about. They did not know what they signed.

The Hon. R.R. Roberts interjecting:

The Hon. R.I. LUCAS: That was not a claim made by me, as alleged by the Hon. Ron Roberts, but a claim made by a man of high integrity, Alec Minutjukur, the leader of the PYEC in the Anangu lands. Today I repeat:

> · Anangu members of PYEC have checked with signatories to Mimili Community Council Incorporated letters. They have said that they were not sure what they were signing. This has been restated today [this morning].

The covering note says:

> The following comments are fully understood by all 21 members attending the PYEC meeting held today at Ernabella.

As I said, whilst I admire the tenacity of the Hon. Ron Roberts to drag himself up from the canvas every time he takes a beating, sooner or later, if the honourable member does not realise it himself perhaps one of his own colleagues, for example the Hon. Terry Cameron, might suggest that he do a bit of research and speak to the community leaders, men of high integrity such as Alec Minutjukur in the PYEC, before trotting in here repeating the latest claims—only to be beaten down again.

The Hon. A.J. REDFORD: I ask a supplementary question, Mr President: in the light of that answer, will the Minister ask the Hon. Ron Roberts to apologise to this place for not checking his facts and inadvertently misleading this place?

The Hon. P. HOLLOWAY: Mr President, I rise on a point of order. I put it to you, Sir, that it is completely out of order in Question Time for someone to ask a member of the Opposition to answer a question.

The PRESIDENT: I do not think there is a point of order; and I do not think the Minister need ask the question, having regard to the time.

The Hon. R.R. Roberts: I am very happy to answer the question.

The Hon. R.I. LUCAS: Mr President, being mindful of the time, certainly the challenge can be put to the Hon. Ron Roberts that, if he is a man of integrity, he may well now apologise for the claim he has been making not only today but over recent weeks as well.

The Hon. R.R. ROBERTS: I am very delighted to receive a question from members of the Opposition.

Members interjecting:

The Hon. R.R. ROBERTS: He actually said, 'ask him to do so'.

Members interjecting:

The PRESIDENT: Order!

An honourable member: Do you apologise?

The Hon. R.R. ROBERTS: Mr President, I do not apologise for tabling—

The Hon. A.J. Redford interjecting:

The Hon. R.R. ROBERTS: Are you going to tell me how to answer the question now? They have no guts. They play with fire and as soon as the heat comes on they want to duck for cover!

The PRESIDENT: Order! If the Hon. Ron Roberts wants to sit down I can help him, but I suggest that he seek leave before he makes a personal explanation.

The Hon. R.R. ROBERTS: I seek leave to make a personal explanation.

Leave granted.

The Hon. R.R. ROBERTS: I have been asked to apologise to the PYE Committee. I have no doubt that the letter that the Minister has was written and signed by the signatories. I also have no doubt about the veracity of this letter signed by the Community Council of the Mimili lands, the people charged under the Anangu Pitjantjatjara Lands Right Act to control those lands. These are the same people—

Members interjecting:

The Hon. R.R. ROBERTS: You don't like the lash. They are the same people who put an order on the removal of that building.

The PRESIDENT: Order! The honourable member sought leave to make a personal explanation, but I do not think—

The Hon. R.R. ROBERTS: The personal explanation is coming, Mr President.

Members interjecting:

The Hon. R.R. ROBERTS: I have not misrepresented the situation. I have used the documentation of the Mimili Community Council Incorporated, a document which I have tabled, under the signatures of all the members of the council and the Chairman. The question really is not whether I need to apologise, but whether the Minister says that these eight members of the council are liars.

The PRESIDENT: Order! The honourable member is debating the matter.

The Hon. R.R. ROBERTS: I have no doubt that the other letter that was signed was sent by the PYEC. This is a legitimate letter and I stand by the signatures of those eight community leaders. If the Leader of the Government does not like it, he should take it up with them, not me. He should act on the order.

LAKES MANAGEMENT

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 lake management plans.

Leave granted.

The Hon. T.G. ROBERTS: The Government is putting together some management plans for two lakes in the lower South-East, Lake Bonney and Lake George. Lake Bonney is being rehabilitated by the community. The Government, in cooperation with Kimberley-Clarke Australia, one of the key industrial polluters that created the problem for the community, is now working closely with the community to provide a solution for clean-up by spending a lot of money rehabilitating the lake by preventing solids from entering the lake. There are some improvements. I visited the lake last week with a member of the Field Naturalist Society, Pat Mahovics, and I understand it is considerably better than it was 12 months ago. The heavy rains had something to do with that, and the volume of water flowing into the lake made the outer perimeter look much better.

The Hon. M.J. Elliott: Did you catch any fish?

The Hon. T.G. ROBERTS: I did not catch any fish, but some birds were trying for the double headers.

The Hon. Diana Laidlaw: Were there many logs?

The Hon. T.G. ROBERTS: The logs were not visible from where I was standing, but I understand there are some logs on the bottom of the lake that need to be retrieved.

The other lake is Lake George, for which a management plan is being drafted to consider net fishing amongst other recreational uses. There is considerable interest by local people who have formed friends of and lakes management programs to try to get a manageable netting regime for the lake to ensure that the fish stocks remain in numbers that can replenish themselves and to take account of the tourism and recreational benefits that many locals and interstaters get from the lake. As yet, both management plans have not been released. The Lake Bonney management plan is readily available by word of mouth to locals, but the Lake George management plan has been delayed for some reason. My question is: when will the Government be releasing the management plans for both Lake George and Lake Bonney?

The Hon. DIANA LAIDLAW: I will refer that question to my colleague in another place and bring back a reply. I would also value the opportunity to speak to the honourable member about Lake Bonney in particular, because I have received representations about marine and harbors and transport matters in respect of the lake being reopened for aquatic sports. That is why I asked about the logs, as they are a liability. Perhaps I may have an opportunity to speak to the honourable member about those matters.

AUSTRALIAN NATIONAL

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport a question about a further reduction in AN's intrastate freight operation.

Leave granted.

The Hon. SANDRA KANCK: On 9 October Australian National informed a number of its customers that the bogie exchange facilities at Dry Creek would be withdrawn on 14 October. The bogie exchange enables the transfer of rolling stock from broad gauge to standard gauge and vice versa. The withdrawal of this facility with just five days' notice forced those AN customers reliant on the bogie exchange to transfer their business to road transport.

Five minutes ago I was handed a fax from Penrice Soda Products, some of which I will read, because it is one of the large customers that have been affected by that. It received a little more than five days' notice; it was a little luckier. At the moment it currently has 33 000 tonnes per annum of coke brought to Osborne from Whyalla and between 1 400 and 2 000 tonnes of anhydrous ammonia coming from Newcastle in New South Wales. As a consequence of this decision by Australian National, it is now moving all of that via trucks. It says that this will mean approximately 1 000 trucks per annum carting coke from Whyalla and approximately 70 trucks carting anhydrous ammonia from Newcastle, representing a significant increase in road traffic through the Port Adelaide—Osborne area. Additionally, there will be a 20 per cent increase in the cost of transporting the coke by road and an as yet unknown increase in the cost of freighting the ammonia, which is obviously going to have an impact on a company that has a very great import on South Australia's economy.

The person who originally provided this information to me equated AN's action with asset-stripping by a competitor, except that in this case it is occurring with the company stripping its own assets, in effect. He saw it as a telling indictment of the endless procrastination by the Federal Government in respect to the future of AN. My questions to the Minister are:

1. Is the Minister aware that Australian National is currently scaling down its intrastate rail freight business?

2. Does the Minister agree that this act will reduce the price any potential purchaser may pay for Australian National should it be privatised?

3. Will the Minister seek information and advise the Council of the total tonnage of freight lost by Australian National as a result of the decision to close the bogie exchange?

4. Does the Minister believe AN's actions constitute grounds for a dispute under the terms of the original agreement and therefore allow for arbitration?

5. Will the Minister contact the Federal Minister for Transport and request that the bogie exchange be immediately reinstated?

The Hon. DIANA LAIDLAW: Yes, I am aware of the issues that the honourable member has raised and, in particular, on behalf of Penrice have made representations to Australian National. I will follow those up quickly, now that I am prompted by the honourable member's question. I do not consider that there are grounds for seeking arbitration, and that is the only recourse we have under the rail transfer agreement in relation to the actions taken by Australian National. As far as the other questions are concerned, I will seek more detailed replies and try to answer the honourable member's question promptly.

COURT TRANSCRIPT COSTS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Attorney-General a question about the cost of transcripts of court evidence.

Leave granted.

The Hon. T.G. CAMERON: I have concerns over the way economic rationalism is affecting the delivery of justice in South Australia. An example recently brought to my attention is the cost of buying copies of the transcript of court evidence. The South Australian Courts Administration Authority currently charges $4.50 per page. It is not unusual for a court case to generate between 200 and 300 pages of evidence a day. That amounts to between $900 and $1 300 a day. In fact, the cost to a litigant of buying a transcript of the evidence can often exceed the cost of hiring a lawyer. This can cause injustices, as one has to be reasonably well off to be able to afford the purchase of transcript of evidence in a court case. Lawyers representing litigants who cannot afford to buy a transcript of the evidence are at a serious disadvantage. Recent research has found that at least 50 per cent of matters involve one litigant being unable to afford to buy the evidence when the other can. This is often the case when one party is being helped by an insurance company, a large corporation, or a Government body. While I believe there should be some charge to off-set the cost of providing transcript, it should not be at the high rates presently applying. My questions to the Attorney-General are:

1. Does the Attorney-General believe that the current cost of court transcript is fair and reasonable?

2. When was the last review of the cost of court transcript carried out and is the Attorney-General prepared to order a new review?

3. To the end of 1996 how many litigants were unable to gain access to court transcript because of its prohibitive cost?

4. To ensure that less affluent members of our society are not unfairly disadvantaged, will the Government consider assisting low income earners with the cost of transcript?

The Hon. K.T. GRIFFIN: My recollection is that the cost of transcript has not been increased since we have been in government. The major increases in the cost of transcript occurred under the previous Government when the cost was raised dramatically to $4.50 per page. I will check when the last increase occurred but, certainly, in the last round of CPI increases in court fees there was no increase in the cost of transcript. My recollection is that there has been no general increase in that cost for at least three or four years. So, if the honourable member is referring to economic rationalism, he will have to cast that stone at his own Party when it was in government because I can remember that the significant increases in court hearing fees, in addition to court transcript fees, occurred when the Labor Party was last in government.

There is always a concern about the cost to litigants of using the court system. Obviously, it is not a user-pays system because the cost of providing court facilities for litigation would be outside the reach of most, if not all, citizens and most companies. Notwithstanding that, the fees which my predecessor set when he was Attorney-General were significantly increased and brought a great deal of criticism from the legal profession at that time. Since then the increase in State court fees has been linked to inflation.

I understand that at Federal level the cost of transcript is something like $7, $8 or $9 per page, which is almost double the cost of a page in the South Australian court system, and that has been the case for quite some time, certainly in the previous Labor Administration. I have asked the Courts Administration Authority, on at least one occasion since I have been Attorney-General, to identify ways by which we can keep the cost of transcripts down. On that occasion the authority related to me some new technology that it was looking at. MicroCAT computer assisted transcription software was purchased in 1988, and the authority is looking to some new software called CATalyst, which might improve the output. It is interesting to note that on my most recent advice there was a 2.3 per cent increase in transcript produced by the Court Reporting Branch and the Audio Recording Branch for the 1995-96 financial year when compared with the same period in 1994-95. That trend of increased output is likely to continue.

The transcript production for the 1995-96 financial year was 347 000 pages, which included transcript for all jurisdictions of the authority, excluding the Magistrates' Court, which is serviced by magistrates' clerks. The authority informs me that productivity increases for both court reporters and audio typists has enabled the workload to be managed following a reduction in the number of operative staff available. The improvements equated to a notional saving of $338 000 during the 1995-96 financial year. It is that approach which suggests largely the reason why there has been no escalation in the cost of providing transcript.

As to the honourable member's other questions, I am prepared to seek information from the authority and bring back that information in due course.

POLITICAL CAMPAIGN MATERIAL

The Hon. BERNICE PFITZNER: I seek leave to make an explanation before asking the Attorney-General a question about political campaign material.

Leave granted.

The Hon. BERNICE PFITZNER: I recently received Party political campaign material from a constituent who has identified to me highly inaccurate and misleading advertisements about prostitution. The material is as follows:

1. In a letter circulated by the ALP candidate for Peake to his electorate we have paragraph after paragraph of misleading statements such as:

> Can you afford to lose up to $50 000 off the value of your home?

The fact is that a loss of $50 000 could not be substantiated. There is then this statement:

> That's what could happen if the Liberals' planned new prostitution laws come into effect.

The fact is that the proposed majority supported new prostitution laws are supported by the Hon. Terry Cameron (ALP), the Hon. Sandra Kanck (Democrats) and me (Liberal). They are not only 'Liberal' prostitution laws. I further quote:

> A Liberal MP, Dr Pfitzner, who lives at Skye in the foothills, wants to make the inner-west a red light district.

The Hon. A.J. Redford: A lie again. Just how many lies do they tell?

The PRESIDENT: Order!

The Hon. BERNICE PFITZNER: However, a red light district is specifically prohibited in the proposed new majority prostitution laws. The letter further states:

> They want to move all brothels away from the eastern suburbs and move them into Hindmarsh, Mile End, Thebarton and Torrensville.

The fact is that the proposed new laws will not allow brothels in residential areas but they will be allowed in industrial and commercial areas in any suburb and specifically they do not allow red light districts, so the ALP candidate's claim that brothels will be moved away from the eastern suburbs and moved into Hindmarsh, Thebarton and Torrensville is just not true. I quote further:

> The eastern suburbs Liberals think these are just industrial areas. They have no idea that families live here, too.

The fact is that, due to the concerns of residents in industrial and commercial zones, brothels in these areas must be at least 100 metres from existing residences. Another quote is as follows:

> No matter what you think about legalised prostitution, we just shouldn't have to put up with all Adelaide's brothels being lumped into our suburbs [the inner western suburbs].

As previously explained, the prostitution laws are not lumping all Adelaide's brothels into the Peake area. The final quote from this letter is as follows:

> P.S. If this Liberal plan goes ahead, the western suburbs will be known as the Kings Cross of Adelaide.

The fact is that it is not a Liberal plan, as I have previously explained, and brothels will not be lumped into the western suburbs.

Members interjecting:

The PRESIDENT: Order! The Hon. Bernice Pfitzner.

The Hon. BERNICE PFITZNER: I now move to my next point.

2. A *pro forma* letter has been circulated by the ALP candidate for Peake to Peake residents for them to sign but it contains the following misleading information:

> As a resident of the western suburbs, I object most strongly to your proposal to shift Adelaide's brothels to my community.

That relates to the inner-western suburbs.

Members interjecting:

The PRESIDENT: Order!

The Hon. BERNICE PFITZNER: We are not shifting Adelaide's brothels into the Peake area, as I have previously explained. The letter further states:

> I believe you have shown a lack of concern for our community and I urge you immediately to stop your proposed plan for a red light district in my neighbourhood.

Again, the reference to a red light district is inaccurate and misleading. The third piece of material involves parts which were taken from that report published in the *Advertiser* on 10 May last year and which were enlarged and carefully juxtaposed, such as 'green light for sex zone' and'MPs green light for red light.' The fact is that the article is entitled, 'MP's green light for a city sex zone'.

Members interjecting:

The PRESIDENT: Order! I suggest that the honourable member sum up her question.

The Hon. BERNICE PFITZNER: If one compares the full original *Advertiser* article with the abortion of this cut and paste and computerised version, as put together by an ALP official on South Terrace, one will note the misleading effect.

Fourthly, yesterday I received a letter from the ALP candidate for Peake, who advised me that 418 electors have signed this misleading and inaccurate standard form letter. His final request is:

> I hope that after you reply to this letter I shall be able to tell the people of the inner west that you will not be proceeding with your Bill in this Parliament, or that you will be moving it without clause 20(2)(a).

Clause 20(2)(a) does provide that the use of premises as a brothel or place of business of an escort agent must not be approved if the premises are situated in a part of a local government area zoned for residential use. I cannot understand; does he want them in the residential area?

Members interjecting:

The PRESIDENT: Order!

The Hon. BERNICE PFITZNER: I wonder whether he understands and comprehends legislative matters.

Members interjecting:

The PRESIDENT: Order!

The Hon. BERNICE PFITZNER: I also understand that the member for Spence, Mr Michael Atkinson, is the candidate's—

Members interjecting:

The PRESIDENT: Order! There is no place in here for sub-argument. I suggest that the honourable member complete her question.

The Hon. BERNICE PFITZNER: I am about to come to my question, Mr President.

Members interjecting:

The PRESIDENT: Order!

The Hon. BERNICE PFITZNER: I also understand that the member for Spence, Mr Michael Atkinson, is this candidate's campaign adviser. Mr Atkinson is a member of the Social Development Committee and also was involved in the writing of the report about prostitution. My questions to the Attorney-General are:

1. Does this campaign material contravene section 113 of the Electoral Act on misleading advertising?

2. If not, why not?

3. If such material is permissible, which then means that the candidates and members can tell lies until an election is called, can the Act be amended such that this kind of misleading material at any time in future will definitely be rendered illegal?

4. If the penalty is simply a withdrawal of the advertising material, can the Act be amended such that more severe penalties are imposed so that we have a greater disincentive for such perpetrators of inaccurate and misleading advertising?

The Hon. K.T. GRIFFIN: Well, Mr President, I can give you my opinion.

An honourable member: That would be debating the issue, wouldn't it?

The Hon. K.T. GRIFFIN: I am allowed to debate the issue. It is a scurrilous misrepresentation of the facts. The unfortunate thing is that everyone knows that these sorts of conscience issues are highly contentious, that Parties on both sides share particular points of view, and that to point the finger at any one person, even if the facts were true, demeans the debate. I know that the issue of prostitution will be a hot topic which will be debated far and wide if it gets onto the public agenda. Two can play that game. It has happened before and it will happen again. If you are going to debate it in the public arena, at least do it in a way which is fair and reasonable and which does not misrepresent the facts or is the basis upon—

Members interjecting:

The Hon. T.G. CAMERON: Mr President, I rise on a point of order.

Members interjecting:

The PRESIDENT: Order! A point of order has been called.

The Hon. T.G. CAMERON: Who has the chair here—the Attorney-General or the Hon. Angus Redford?

The PRESIDENT: There is no point of order.

The Hon. K.T. GRIFFIN: One must be careful about the way in which the views of members of Parliament are represented out in the community. One of the possible consequences of that scurrilous publication is that it may, in fact, be a breach of parliamentary privilege on the basis of the views which members have expressed either on the floor or in the report. That is an issue that will have to be examined.

In terms of the Electoral Act, there are a couple of possibilities. One is the issue of inaccurate and misleading information which is calculated to affect the outcome of the election. The difficulty is at what point—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: The question is at what point does it become electoral material which is calculated to affect the outcome of the election. That is an issue that members will have a chance to address in the not too distant future.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: It may be that ultimately this is an issue which would go to a Court of Disputed Returns and which may be relevant in determining the outcome of the election.

Finally, the law of defamation is also relevant, particularly if it reflects upon a member of Parliament, or any citizen for that matter, misrepresenting their views in a way which is calculated to bring them into disrepute among their peers. There are a number of important issues. Everyone can play the game of misrepresenting what everyone stands for. Of course, it is a question of where the line is drawn and whether or not the line is crossed. In those circumstances, it seems to me that the line has been crossed. I have seen this publication. I think it does distort, quite significantly, the truth and peddle falsehoods about the approach of both the Liberal Party and the Hon. Dr Pfitzner. The fact is that it may reflect a view of the way in which electoral campaigning will occur up to whenever the next election occurs. If it does, I think it will be unfortunate.

ABORIGINES, PARTICIPATION

The Hon. T. CROTHERS: I seek leave to make a precised statement before asking the Minister for Transport, representing the Minister for Aboriginal Affairs, a question about Aboriginal participation.

Leave granted.

The Hon. T. CROTHERS: At the moment, the Australian Army has six battalions of regular infantry and 15 battalions of infantry in its reserve forces. In addition to these infantry forces, it has one special air squadron and a company called the Nor'-West Force which is comprised of 400 personnel. The Nor'-West Force is a section of the Army designed to be operated as five to seven person patrols in the more remote and sparsely populated areas of our island continent. I understand that they operate in the Northern Territory and the remote north-west of Western Australia, and I further understand that they are trained to live off the land. Like all our soldiers, they are trained to operate behind any potential enemy lines. Presumably, they would, in the event of Australia's being invaded, serve as Australia's defence force's eyes and ears operating from behind the invading force's lines.

This force came into being because of the strong evidence that exists that Japanese forces during the Second World War landed in small numbers on parts of Australia's coast. Talking of that, who will ever forget that which has passed into legend: when an armed Japanese airman whose plane had crashed was placed under arrest by a tribal Aborigine who purported to like American Westerns? Armed only with a spear and a waddy, he confronted the downed Japanese airman and placed him under detention with the now immortal utterances 'Stick 'em up, all the same like Hopalong Cassidy.'

Of course, this person was not the only Aboriginal to come to the defence of Australia during the Second World War. Captain Sanders of the 2nd AIF also springs to mind, along with many other Aborigines who served in the 2nd AIF during the whole of the Second World War. Indeed, in spite of the fact that, at that time, Aborigines were, in the main, being denied full access to our education system, one Aboriginal became a fighter pilot in the Royal Australian Air Force.

Early in this preamble I indicated that the Australian Army had 15 infantry battalions in reserve, the most northern of these being, as I understand it, the North Queensland Regiment—a unit of some 1 500 personnel. It is said by those who study these matters that this regiment, along with Nor-Force, would be in the van of our defences if Australia were to be invaded. Statistics show that in excess of 50 per cent of the 1 500 people in the North Queensland Regiment were

Aboriginal, whilst the 400 strong Nor-Force was 25 per cent Aboriginal. My questions are as follows:

1. Was the Minister aware that in excess of 50 per cent of the composition of the North Queensland Regiment were Australian Aboriginals?

2. Was he aware that 25 per cent of Nor-Force's 400 personnel were Aboriginal Australians?

3. Does the Minister believe that, in the main, the Australian media reports in the negative on matters pertaining to the participation of Australian Aboriginal citizens in the affairs of our nation?

The Hon. DIANA LAIDLAW: I will refer the honourable member's questions, but whether he gets a reply is another matter.

WHITTLES GROUP

In reply to **Hon. SANDRA KANCK** (2 October).

The Hon. K.T. GRIFFIN: The honourable member asked a number of questions, and because of the seriousness of the issues which she raised I think that it is appropriate that I read the answer instead of inserting it.

1. Does the Minister believe Whittles has a conflict of interest in respect of its obligations to the unit owners it represents?

OCBA (which is the Office of Consumer and Business Affairs) has investigated whether there has been any breach of the Fair Trading Act. Conflict of interest is a legal term which is relevant to contractual disputes between the parties and not breaches of the law. Although the Fair Trading Act makes provision for dealing with unconscionable conduct, such action cannot be prosecuted and can only be actioned civilly. Conflict of interest is therefore not a summary offence under the Fair Trading Act.

2. Does the Minister believe that this situation is comparable to the strata title management kickbacks exposed in Sydney during 1992?

The Alliance Strata case was a complex matter involving various agreements between the strata corporation management, insurers and strata corporations. The decision determined under what circumstances strata corporation managers could retain commissions under the various agreements. It is impossible to ascertain from the facts provided whether the allegations concerning Whittles are comparable to the Alliance Strata case.

3. Does the Minister believe Whittles has been in breach of the Commonwealth's Secret Commissions Prohibition Act by not fully declaring to the owners of strata units it manages the exact nature of the relationship between Whittles Strata Management, MGA Insurance and Mercantile Mutual Insurance?

I have been provided with a copy of the standard agreement entered into between Whittles and any strata corporation on behalf of which it acts. Clauses 5(c) and (d) of the agreement expressly state that the strata corporation acknowledges and agrees that Whittles will receive a commission upon effecting insurance on behalf of the strata corporation and that Whittles is entitled to retain those commissions for the performance of its obligations under the agreement. It is also stated that contractors may pay to Whittles a fee not exceeding 5 per cent of the invoiced value of any contract works and such fees will be applied by Whittles to oversee and inspect maintenance works and authorise payment and provide an after-hours emergency contract service.

It appears therefore that strata corporations are informed about these matters at the time of entering into the management agreements, and indeed are required to acknowledge and agree that the relevant amounts will be retained by Whittles. So far as the relationship between Whittles and MGA is concerned, there is no evidence in the information provided by the honourable member of any valuable consideration flowing from MGA to Whittles in relation to the work of placing the relevant insurances, other than the commissions. There is certainly no evidence of corruption, as required by the South Australian Secret Commission Prohibition Act on the information so provided. There is therefore no evidence of any breach of that Act.

The honourable member's question refers to the Commonwealth's Secret Commissions Prohibition Act. There is no Commonwealth Act of that name, although there is a South Australian Act of that name which I have just referred to. There is a Commonwealth Act called the Secret Commissions Act, but by reason of the limitations on Commonwealth power imposed by the Commonwealth Constitution, that Act only applies to trade and commerce with other countries and among the States and to agents of and contracts with the Commonwealth. I do not know if any of Whittles strata management contracts would fall within the notion of trade and commerce amongst the States, but I doubt it. In any event, the honourable member should direct her inquiries in relation to that Act to the relevant Commonwealth authorities.

4. Will the Minister undertake to conduct a thorough investigation into all aspects of the Whittles Group management of strata titles, with particular reference to:

(a) the cost of the insurance policies on the titles it handles; and

(b) what happens to any funds generated above and beyond the building contact supervisor's fee?

Whittles has voluntarily provided information and supporting documentation to answer the allegations in a letter dated 3 October 1996. I seek leave to table the letter and annexures from Whittles.

Leave granted.

The Hon. K.T. GRIFFIN: In regard to the insurance issue, Whittles advises that the lesser non MGA brokered prices quoted by Ms Kanck did not include fire service levies, and stamp duty charges. MGA premium prices include all fees and charges and includes a more comprehensive insurance cover. A letter from Mercantile Mutual is attached to support this assertion. I seek leave to table this letter.

Leave granted.

The Hon. K.T. GRIFFIN: It would appear that the insurance price comparisons given by Ms Kanck are not comparable as they relate to different products and application of fees and charges.

In regard to the building levy issue, Whittles advises that it has appointed a qualified building supervisor to oversee building maintenance and emergency repairs to ensure that building work performed by contractors is completed to a high standard. This is a service which benefits client corporations by ensuring that they receive high quality building and maintenance services. A 5 per cent management fee is charged to the contractors to defray the costs. This fee is clearly disclosed in client corporation management agreement.

No consumer complaints involving the Hon. Ms Kanck's allegations have been received by OCBA in the past three years. The only relevant trader complaint received in December 1994 was from a strata management competitor.

As there appears to be no criminal aspect to this behaviour under the Fair Trading Act, it would be for the affected residents to contact the office and seek assistance in resolving a civil dispute. Consumers also have the option of raising the issue with the General Insurance Enquiries & Complaints Scheme/Review Panel which is an industry funded body which deals with insurance disputes, including residential strata title insurance complaints. Affected individuals may have their complaint investigated under the Insurance Code of Conduct. Given these facts, an investigation into the matter is clearly not justified at this point.

5. Does the Minister believe that there is a need for the registration of strata title managers, as was recommended by Choice Magazine in December 1994? If not, why not?

No. There is no evidence of any need for yet another level of bureaucracy for no public benefit.

6. Will the Minister investigate the need to set up an advisory service for strata unit owners as recommended by the Strata Managers Division of the Real Estate Institute? If not, why not?

No. There are many avenues for the provision of advice and information already.

7. Has the Minister been asked to investigate these allegations in the past?

Yes, I refer to that more particularly in the response to the supplementary question.

Then there was a supplementary question as follows:

1. Did the Minister for Consumer Affairs receive correspondence about Whittles in December 1994? If an investigation is to be conducted, by what time will we have a result?

On receipt of the Hon. Sandra Kanck's copy of the correspondence in question, a search of the OCBA database revealed that a complaint was received in December 1994 concerning MGA Insurance and Whittles. The complaint was from a Mr Gordon Russell, the manager of a rival strata corporation management company, L.J. Hooker Strata Services SA. Mr Russell's concerns were reviewed by OCBA and a written response was provided in June 1995. The complainant was advised that the matters raised were outside the scope of the fair trading legislation administered by the office and it was suggested that the Trade Practices Commission (now the Australian Competition and Consumer Commission) was an appropriate agency to consider the matter. The issues by the complainant did not appear to fall within the jurisdiction of the Minister for Consumer Affairs.

In conclusion, I repeat what I said when the question was first asked. Parliament gives members great power because they can say anything here, blacken the character of individuals and companies, ruin careers and businesses with just one statement. Such action can give great publicity and significant currency to false or ill-advised statements. For that reason members have to be very careful about their facts before they raise issues about people and companies and other bodies under parliamentary privilege where the prospect is likely to be severe prejudice. It is finally up to individual members as to what they do—no-one can stop them from raising issues if they want to even if the allegations are false. In the case before us, I suggest the Hon. Sandra Kanck could have raised the matter with me first, away from the glare of publicity, see what answer she received and then make her decision as to whether or not to raise the matter under parliamentary privilege. I carry no torch for Whittles or any other person or body. All I wish to do is to see them dealt with fairly.

SUBORDINATE LEGISLATION (COMMENCEMENT OF REGULATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 250.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition opposes the second reading. Various Ministers of this Government have abused the regulation-making capacity. We have seen it with aspects of the fishing industry. We have seen it with water rate rises and for Housing Trust tenants. In cases such as this, Parliament should have reasonable opportunity to examine, debate and, if necessary, disallow regulations in this place before the regulations actually become operational. This should be the general rule if Ministers are not going to respect the function of this Chamber to vet legislation—and that is what the original Evans amendment was about. It was introduced by Mr Martyn Evans when he was a member of the House of Assembly.

In saying this, the Opposition understands that the facility is there for Ministers to have regulations proclaimed immediately if they are willing to spell out the reasons why immediate operation of the legislation is necessary. It is not much of a safeguard against abuse, but it is something, and the Opposition believes that this safeguard should be retained. If anything, the Democrats and the Opposition should be even more vigilant than we are already to scrutinise the excuses or the reasons proffered by Ministers in respect of regulations brought in short of the four months which the principal Act presently stipulates. Accordingly, we oppose the second reading.

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

The Hon. CAROLYN PICKLES: Mr Acting President, I draw your attention to the state of the Council.

A quorum having been formed:

CRIMINAL ASSETS CONFISCATION BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 217.)

The Hon. R.D. LAWSON: I support the second reading of this measure, which will effect amendments to the Criminal Assets Confiscation Act. This legislation was introduced at a time when similar measures were being introduced in other places in Australia. Confiscation of the proceeds of crime legislation was a very popular topic at the end of the 1980s and had been the subject of discussion in the United States for a number of years. One American commentator, in an article published in 1982, noted:

> Incarcerating ringleaders of large-scale narcotics operations, while leaving intact their illegally obtained empires, allows illicit enterprises to continue in operation. Criminal forfeiture affords law enforcement officials the opportunity to attack drug traffickers where they are most vulnerable—in their pocketbooks. Incarcerated individuals can be replaced, but without financial support the well insulated criminal empire cannot continue as a viable enterprise.

> In addition, seizure and forfeiture statutes that strike at the economic base of organised crime have the potential to provide funding for further narcotics investigations. Through forfeiture, law enforcement may produce large amounts of revenue. The concept of having multi-million dollar drug rings pay for criminal investigations, convictions and incarcerations through criminal forfeiture is of significant import.

That was the somewhat optimistic view of the author, Professor Pianin.

The policy of cracking down on organised crime had much appeal. However, the legislative implementation of the policy in Australia has not been free from difficulty. Everyone would applaud the idea behind these measures; however, it is necessary in legislation of this kind to effect an appropriate balance. A number of difficulties and issues in legislation of this kind were identified by its proponents in the late 1980s. One of those issues was access to legal assistance in defending charges against a range of serious offences after seizure has occurred. It must be recognised from the beginning that the seizure of assets alleged to have been criminally obtained is a legally authorised act which occurs before any conviction has taken place. Forfeiture may follow after conviction, but seizure can occur before. Within our system of justice there is a presumption of innocence, and that presumption should not be lightly pushed to one side. It must always be realised that in confiscating or seizing assets, not only accused persons may be affected, but also their families and dependants.

I would be interested to hear from the Attorney-General in relation to this measure some statistical information about the success to date of the scheme. From time to time figures are published of the amounts seized and from time to time, in the Attorney-General's Report, there appear details of amounts either held or pending orders of the court, and, in relation to criminal injuries compensation, from time to time an item appears as a receipt of the proceeds of the profits confiscated. Those confiscation of profits receipts over the years have been some thousands of dollars, but not massive amounts which one might expect having regard to the claims made for the scheme.

For example, in 1993, $60 000 was paid into the Criminal Injuries Compensation Fund from confiscation of profits. In 1994, the figure was $273 000 and, in 1995, $274 000; it is a very modest increase. In the Attorney's latest report indications are that confiscation of profits receipts into the Criminal Injuries Compensation Fund had fallen to $179 000 for that year. So, I would be obliged if the Attorney could furnish the House with figures over the years of the value of assets seized, the value of assets or profits confiscated, the value of assets held from time to time pending orders of the court and any other financial detail which would enable one to have a reasonable picture of the success or otherwise of the scheme.

The Bill before the House contains provisions relating to the application of assets or profits which are seized for the purpose of mounting a legal defence. The first appear in clause 15, which deals with restraining orders and empowers the court on the application of the Director of Public Prosecutions to make orders dealing with property. These applications are made *ex parte* in the ordinary course, but the court must allow the owner of the property a reasonable opportunity to be heard on the question whether the order ought to continue in force after it is made. The order is made if the Director of Public Prosecutions can establish 'that there are reasonable grounds to suspect that property may be liable to forfeiture'. That is not a terribly onerous test. The clause provides that a restraining order may be varied or revoked at any time and that in certain circumstances it lapses. There are provisions which limit the court's power in relation to circumstances where the forfeiture offence, or the suspected forfeiture offence, is a serious drug offence. There is an exception provided in clause 15 which enables the court to make an order that property which is the subject of an earlier order be applied towards legal costs.

Clause 20 confers on the court certain other powers in relation to restraining orders. Subclause (2) of that provision is important. It provides that property the subject of a restraining order may only be applied toward legal costs on a number of conditions. Subclause (2)(b) provides that the court may authorise application of property towards the payment of legal costs only on 'a reasonable basis approved by the court'. Subclause (3) provides that before the court allows property subject to a restraining order to be applied towards legal costs or other private expenditure the court must allow the Attorney-General an opportunity to appear and be heard on the matter.

The courts have experienced difficulty in making orders allowing the release of monies for the payment of legal costs. It is described as one of the vexed questions under confiscation legislation. Justice Ryan, in a Federal Court case, *Commissioner of Australian Federal Police v Malkoun*, an unreported decision in February of 1989, said:

> In my view the task of the court in exercising the discretion conferred by sections 243E or 243F [of the Federal legislation] is to strike a balance between the interests of the defendant in having recourse to his assets [because they are still his assets] to enable his defence in the criminal trial to be prepared and conducted as he thinks appropriate and the interests of the community in preserving those assets intact to satisfy any pecuniary penalty that the defendant might ultimately be ordered to pay under section 243B [of the Commonwealth legislation].

One of the difficulties is to decide who should represent the community interests in striking this balance that Justice Ryan referred to. It may involve assessing the actions proposed and costs to be expended by the defendant on his defence. Obviously, the Director of Public Prosecutions has a responsibility for recovering proceeds, but he is also the prosecuting authority and is in an awkward position to test these issues. Difficult questions arise, and a leading criminal academic, Mark Weinberg, described the situation as follows:

> A judge should be conscious of the dangers of oppression inherent in a situation where the *de facto* prosecutor can rely on unproven allegations, made *ex parte*, and thereby prevent a defendant from being able to defend himself against criminal charges by the simple expedient of drying up his funds.

So, delicate issues are required to be balanced. It is my belief that the provisions of the Bill do answer satisfactorily the demands posed by that necessity for balance.

In his second reading explanation delivered when introducing the measure, the Attorney-General referred to the case of the *Director of Public Prosecutions v. Vella*, a decision of the Full Court of the Supreme Court of South Australia in 1993. That decision was given by a bench of three, but there was a division of opinion between the judges in the case. However, the judges were unanimous that the Act as it then stood did confer on the court the power to authorise the payment of legal expenses, notwithstanding the fact that there was no specific provision to that effect.

The division occurred in the following way. Chief Justice King and Justice Millhouse took the view that the Act did not authorise the imposition of any limitation on the costs to be

incurred. On the other hand, Justice Olsson was of the view that it was appropriate to impose some limitation on the costs, and that judge made a number of observations on the basis upon which the payment of legal costs should be authorised by the court.

The judgment of Chief Justice King is significant for a number of comments that he makes. His Honour addressed what he considered to be some of the considerations of the principles which should govern the exercise by the courts of the power to authorise paying legal fees. As His Honour saw it, the fundamental principle relevant to the issue was that 'a person accused of crime is entitled to employ out of his own resources the legal representation of his choice'.

His Honour drew attention to the fact that that principle of importance was emphasised by its inclusion in the International Covenant on Civil and Political Rights to which Australia is a party. He referred to a passage of the judgment of Justice Kirby, then President of the New South Wales Court of Appeal, in the case of the *Director of Public Prosecutions v. Saxon*, decided in 1992. As you would be aware, Mr Acting President, that eminent judge is now a judge of the High Court of Australia. In that case, Mr President Kirby, as he then was, said:

> Australia is a party to the International Covenant on Civil and Political Rights. It is now party to the optional protocol to that covenant. Under article 14.3(d) of the covenant, in the determination of a criminal charge against a person, he is entitled to the minimum guarantee to defend himself through legal assistance of his own choosing.

Justice King went on to say, applying the words of Mr President Kirby:

> It is ostensibly the accused's own property which is restrained by the orders made under the Act. How he accumulated that property may be a matter of speculation. Doubtless it may be the subject of evidence and argument as his criminal proceedings unfold, but he should not be deprived of the use of his property for the proper defence of those proceedings unless the Act obliges such a course.

The Chief Justice and Justice Millhouse were disinclined to impose any limitation on the amount of legal fees which a defendant could use in defending himself or herself. Their Honours were of the view that it is not the role of the court to regulate the fees on the basis of what it considers reasonable.

I understand Justice King to be saying that he did not regard it as part of the role of the court to determine what was reasonable, because the court's primary function is not to investigate the background of any accused person but is to ensure that due process is applied and that a proper trial is granted in the interests both of the community and of the accused person.

However, notwithstanding that the view of the majority of the Full Court in the case to which I have referred was disinclined to impose any limitation on legal costs, I think it is appropriate that this Parliament, in passing this amending Bill, addresses the question of legal costs. As I have mentioned, clause 20 of the Bill provides that the court may only authorise application of property towards payment of legal costs on a reasonable basis.

It seems to me that that strikes a fair balance between what might be termed the open slather approach, on the one hand, and a rather more niggardly approach, on the other hand, of allowing payment of legal fees on some scale less than a reasonable basis, for example, the scale which might be paid by the legal aid authorities.

It is an unfortunate thing that the amount of money available for legal assistance is finite and, in these days of tight budgets, the legal aid dollar is being squeezed further and further. In the whole of the legal aid budget, there are insufficient funds to enable all persons charged with serious offences to have their legal representatives remunerated on a basis that in my view is fair or satisfactory. It is a basis which is substantially less than the going market rate for legal fees, and it does mean that those people who are reliant upon legal aid in some, and indeed most, circumstances do not have the resources devoted to their defence that they would employ if they were able to afford it themselves.

However, it seems to me that the appropriate balance has been struck by imposing the limitation of reasonableness. It is also appropriate that the Attorney be empowered to participate in any application made for payment of legal costs. It is the Attorney's role to protect the public interest, and there is a substantial public interest in matters of this kind.

To some it may appear to be somewhat unusual to be having not only the Director of Public Prosecutions but also the Attorney-General involved in an application. However, in this instance it seems to me that there is a division of responsibility.

It would be inappropriate for the prosecuting authority, namely, the DPP, to be the sole presenter to the court of argument in relation to these matters. As Mr Weinberg said in the extract I quoted a little earlier:

> This power is a power which could, when inappropriately exercised, be used oppressively.

In this speech, I will not examine details of the other measures which are mainly procedural, technical and administrative matters and which provide better machinery for the effective working of this important legislation. However, before the Committee stage, I will be interested to receive any information that the Attorney is able to provide by way of statistical or financial details of the manner in which the scheme is operating. I support the second reading.

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

FISHERIES (PROTECTION OF FISH FARMS) AMENDMENT BILL

Second reading.

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 recent years there has been substantial investment in the development of aquaculture operations throughout South Australia. One of the most successful ventures has been the farming of southern bluefin tuna, where operators net the tuna and then transport the catch to cages in Port Lincoln waters where the fish are fattened before sale to the lucrative Japanese market.
>
> With the expansion of tuna farming, there have been reports of unlawful taking of tuna from the cages. According to the farm operators, commercial farms have experienced losses of thousands of dollars due to such activity. The operators have attempted to minimise theft by seeking police assistance and by hiring private security guards. In addition, the industry has requested the introduction of legislation to minimise theft of fish from aquaculture sites—specifically, amendments to the *Fisheries Act 1982*.
>
> There is a provision in the Fisheries Act that makes it an offence for a person to interfere with a lawful fishing activity. However, as a lawful fishing activity is defined in the context of taking fish, not farming fish, this provision does not cover instances involving theft of farm fish from aquaculture sites.

Although the matter has been raised by tuna farm operators, other marine fish farm operators (eg oysters, mussels, and finfish) would be susceptible to the same problem. Therefore, any amendments to the Fisheries Act should encompass all marine fish farming activities.

It is proposed to amend the Fisheries Act to include trespass provisions based on those contained in the *Summary Offences Act 1953*. Specifically, it would be an offence for a person who enters a fish farm area to fail, without reasonable excuse, to leave immediately if asked to do so by the operator or a person acting on the authority of the operator, or to re-enter the area without the express permission of such a person or without a reasonable excuse. It would also be an offence to take or interfere with any fish within the fish farm area or to interfere with any equipment used by the farm operator. A further offence of entering a fish farm area intending to take or interfere with fish or interfere with equipment is also created. These amendments should address the concerns of the aquaculture industry by providing measures that will assist in minimising theft of fish from aquaculture operations.

I commend the measures to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Insertion of s. 53A

The proposed new section 53A creates offences relating to trespassing on fish farms and interfering with fish within fish farms and equipment used in fish farming.

'Fish farm' is defined as the land and waters within the area subject to a lease or licence under section 53 of the Fisheries Act.

'Marked-off area' of a fish farm is defined as an area comprised of or within the fish farm the boundaries of which are marked off or indicated in the manner required under the terms of the lease or licence in respect of the fish farm.

Subsection (2) provides that the operator of a fish farm has a right of exclusive occupation of the marked-off area of the fish farm subject to the terms, covenants, conditions, limitations, etc., of the lease or licence.

A person will commit an offence (punishable by a maximum penalty of $2 000 or 6 months imprisonment) if the person has entered the marked-off area of a fish farm and having been asked by an authorised person to leave the area, fails (without reasonable excuse) to do so immediately or re-enters without the express permission of an authorised person or without a reasonable excuse.

'Authorised person' is defined as an operator of a fish farm or a person acting with the authority of an operator.

Further offences are created under the proposed new section:

- a person must not use offensive language or behave in an offensive manner while present in the marked-off area of a fish farm in contravention of the section (maximum penalty—$1 000)
- a person who is present in the marked-off area of a fish farm must not fail to give his or her name and address when asked to do so by an authorised person (maximum penalty—$1 000)
- an authorised person, having exercised a power under the proposed new section in relation to another person, must not fail to give his or her name and address and the capacity in which he or she is an authorised person when requested to do so by the other person (maximum penalty—$500)
- an authorised person must not address offensive language to, or behave offensively towards, a person in relation to whom the authorised person is exercising a power under the proposed new section (maximum penalty—$1 000)
- a person must not, without lawful excuse—
  - take or interfere with fish within the marked-off area of a fish farm; or
  - interfere with equipment that is being used in fish farming, including equipment that is being used to mark off or indicate the marked-off area of a fish farm

  (Subsection (7)).

  (maximum penalty—imprisonment for 2 years)
- a person must not enter the marked-off area of a fish farm intending to commit an offence against subsection (7) in the area (maximum penalty—imprisonment for 1 year)
- a person must not falsely pretend, by words or conduct, to have the powers of an authorised person (maximum penalty—$500).

The section provides evidentiary assistance for a prosecution by providing that an allegation in the complaint that a person named in the complaint was, on a specified date, an authorised person in relation to a specified fish farm will be accepted as proved in the absence of proof to the contrary.

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

POULTRY MEAT INDUSTRY ACT REPEAL BILL

Second reading.

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 provides for the repeal of the *Poultry Meat Industry Act 1969*.

In June 1995 the then Minister made a statement informing chicken meat processors and growers in South Australia of the Government's intention to repeal the Act and that deregulation of the chicken meat industry should take effect from 1 July 1996.

The decision to repeal the legislation followed a long period of consultation with the industry which included the release of a green paper in 1991 and a white paper in 1994 as well as many discussions with both processors and growers.

The amendments to the *Poultry Processing Act 1969*, which established the Poultry Meat Industry Committee and renamed the Act to be the *Poultry Meat Industry Act*, were enacted in 1976. These amendments which relate only to chicken meat production and the relationships between chicken meat processors and contract growers were enacted at a time following a period of instability in the industry. At the time all states except Tasmania enacted similar legislation as there was a concern that processors would act in an oppressive manner which could disadvantage growers. At the present time there are two major processors (Inghams Enterprises Pty Ltd and Steggles Ltd) and 77 contract growers. A third processing company Joe's Poultry Processors has indicated that it intends to sign contracts with growers for the supply of live chickens for processing.

When the legislation was enacted the conditions under which growers grew chickens and the prices they received were determined on a batch by batch basis. The *Poultry Meat Industry Act* has been in place for almost 20 years and contracts between processors and growers are now an established feature of the industry in South Australia. It is worth noting that contract chicken production is well established in Tasmania and New Zealand without specific legislation relating to the arrangements between chicken processors and their contract growers.

South Australia supports the National Competition Policy and will be required to review all legislation which restricts competition. There are aspects of the *Poultry Meat Industry Act* which could be used to restrict entry of new growers into the industry and prevent processors from increasing their production as well as authorising exclusive dealing which could be viewed as anti-competitive. This could also apply to the way the Committee operates in regard to growing fee determination and preparation of contracts. The Act could operate to restrict interstate trade in live chickens contrary to section 92 of the *Commonwealth Constitution Act*.

In making the decision to repeal the Act, the Government has been mindful of the implications arising from National Competition Policy and also that reviews in Queensland and New South Wales during 1991/92 recommended that similar legislation in those States should be repealed. In any event, under National Competition Policy, the Act would have to be reviewed by the Government by the year 2000.

Growers have expressed concern that they will be disadvantaged because they consider themselves to be in a relatively weak bargaining position compared with the processors who could use their market power to reduce growing fees, alter contract conditions and increase the proportion of chickens grown on company farms. They are also concerned that there will be no legislative barriers to entry into the industry and that new growers will then be able to enter the industry which could result in the under utilisation of specialised growing facilities which may not be readily adapted for other purposes.

In the Government's view efficient growers are not at risk of being replaced. Growers are and will remain important participants in this industry as they own the specialised facilities which are required to grow the numbers of chickens for the modern chicken meat industry. The costs of establishing farms are very high. Industry estimates that it costs at least $500 000 to build two sheds capable of growing 60 000 birds a batch and this cost is a considerable barrier

to new entrants and to companies wishing to establish their own growing farms. Processors have invested heavily in highly specialised breeding, hatching and processing facilities and depend on contract growers for a regular supply of the required numbers of good quality birds of the right size.

Chicken meat industries in other countries have developed without this type of legislation. In New Zealand the industry operates on a similar manner to the Australian industry without legislation and it is understood there is no shortage of people wishing to enter the industry which is an indication that the industry is successful enough to attract new entrants wishing to obtain contracts with the processing companies.

The intention to repeal the Act on 1 July 1996 was announced in June 1995 with the aim of providing a transition period to enable the industry, and particularly the contract growers, to prepare for deregulation. During the period since the announcement the Government has held a number of discussions with processors and growers, has arranged for a meeting of processors and growers with representatives from the Australian Competition and Consumer Commission and has commissioned a report on the industry at the growers' request.

Growers were concerned that following the repeal of the Act they would no longer be able to negotiate growing fees collectively with processors as such action could be in breach of trades practices legislation. Growers have been encouraged to seek an appropriate authorisation from the Australian Competition and Consumer Commission. This initiative has also been supported by the processors. Growers were initially reluctant to apply for authorisation due to concerns about the likely costs involved. However, both processors have indicated that they are prepared to submit the necessary applications and to provide the necessary financial support.

The Government, at the request of the growers, appointed Mr Des Cain, who has considerable experience in the Western Australian chicken meat industry to report on the South Australian chicken meat industry with the aim of providing a basis for a voluntary chicken meat industry code of practice. It is anticipated that the code of practice will address areas in the relationship between processors and growers not covered by contract and establish procedures to reduce the likelihood of disagreements occurring and proposing ways to deal with them should they arise.

Mr Cain's report did identify inefficiencies in the South Australian industry and recommended measures to increase overall efficiency but his report did not indicate that any benefits could be gained from continuing with the legislation.

Growers are concerned that they will be disadvantaged by deregulation but the Government's view is that the legislation has achieved its purpose and has supported the development of a modern chicken meat industry in South Australia.

Growers will have the same protections as are available to other business people who are required to enter into contractual relations. These protections include the provisions of the *Trade Practices Act*, the rules against misrepresentation, and the ability of a contracting party to negotiate that particular terms are included, which might include terms allowing access to an arbitration process should disputes over the contract arise.

The Government does not consider that there is a need for it to be involved in the commercial activities between processors and growers nor does it consider that the *Poultry Meat Industry Act* is still necessary for a mature industry.

I commend the Bill to honourable members.

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

SUPERANNUATION FUNDS MANAGEMENT CORPORATION OF SOUTH AUSTRALIA (LIABILITY TO TAXES, ETC.) AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Adherence to the principle of competitive neutrality, as set out in the Competition Principles Agreement signed by members of the Council of Australian Governments, requires commercial statutory bodies to be subject to a tax regime comparable to that faced by their private sector counterparts.

There are large funding implications for the State in honouring commitments made under the Competition Principles Agreement. The Commonwealth has agreed to make additional general purpose payments to the States commencing in 1997-98, to be distributed on a per capita basis, and to extend the real per capita guarantee under the financial assistance grant arrangements on the condition that States make satisfactory progress with implementation of National Competition Policy and related reforms. South Australia's share of Competition Grants is estimated to be $18 million in 1997-98.

The proposed amendments to the *Superannuation Funds Management Corporation of South Australia Act 1995* will give effect to the principle of tax parity with the private sector insofar as the Superannuation Funds Management Corporation of South Australia (SFMC) is concerned.

As from the commencement date of the amended legislation, SFMC will be made liable as a legal taxpayer for the full range of State taxes and for council rates on property leased to the private sector; in addition, the Treasurer will have authority to make SFMC liable for the *equivalent* of council rates in areas where SFMC currently obtains exemptions because of its status as a Crown instrumentality. SFMC will also be liable for water and sewerage rates on all its property holdings except that, for financial years 1995-96 and 1996-97, liability will be limited to land leased to the private sector. The legislative amendments also give the Treasurer power to levy the equivalent of Commonwealth wholesale sales tax on purchases which qualify for exemption because of SFMC's status as a State statutory corporation. In this way, SFMC will be treated for tax purposes on a basis comparable with its private sector counterparts.

It is not proposed to make SFMC liable for the equivalent of Commonwealth tax on employer contributions and investment earnings since this would introduce a disparity. Although private sector superannuation funds are subject to this tax, the beneficiaries are eligible for a level of concessional tax treatment on superannuation benefits that offsets this tax. SFMC is a "constitutionally protected" scheme within the terms of section 271A of the Income Tax Assessment Act. If SFMC were subject to the income tax equivalent regime, benefits to members of State superannuation schemes would be reduced without the offsetting concessional personal income tax treatment applying to those members.

From 1 July 1995 to the commencement date of the amended legislation, it is proposed to amend the SFMC Act 1995 to provide continuity in the taxation treatment of SFMC with its predecessor, the South Australian Superannuation Fund Investment Trust (SASFIT). This will make SFMC liable for land tax on all properties, payroll tax, stamp duty on real property transactions, council rates on property leased to the private sector and, for financial years 1995-96 and 1996-97, water and sewerage rates on property leased to the private sector.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Substitution of s. 37

This clause repeals section 37 of the principal Act which exempts the Corporation from liability to State rates, taxes and imposts and substitutes a new section imposing liability.

37. Tax and other liabilities of Corporation

Subsection (1) makes the Corporation liable (except as otherwise determined by the Treasurer) to land tax, pay-roll tax, and to stamp duty on real property transfers in respect of the period that commenced on 1 July 1995 and will end on the expiration of the day before the commencement of this measure.

Subsection (2) makes the Corporation liable (except as otherwise determined by the Treasurer) to water and sewerage rates in respect of the 1995-96 financial year and each succeeding financial year, but in respect of the financial years 1995-96 and 1996-97 that liability is limited to water and sewerage rates in respect of land of the Corporation held or occupied under lease by a person or body other than the Crown or a Crown instrumentality.

Subsection (3) makes the Corporation liable (except as otherwise determined by the Treasurer), in respect of the

financial year 1995-96 and each succeeding financial year, to local government rates in respect of land of the Corporation held or occupied under lease by a person or body other than the Crown or a Crown instrumentality.

Subsection (4) makes the Corporation liable (except as otherwise determined by the Treasurer), from the day of commencement of this measure, to all other State rates, duties, taxes and imposts as would apply if the Corporation were not a Crown instrumentality.

Subsection (5) makes the Corporation liable (except as otherwise determined by the Treasurer) to pay to the Treasurer such amounts as the Treasurer from time to time determines to be equivalent to Commonwealth wholesale sales tax and local council rates (other than those referred to above) that the Corporation would be liable to pay if it were not a Crown instrumentality.

Subsection (6) provides for amounts payable under subsection (5) to be paid at the times and in the manner determined by the Treasurer.

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

LOTTERY AND GAMING (SWEEPSTAKES) AMENDMENT BILL

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

That this Bill be now read a second time.

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

Leave granted.

The *Lottery and Gaming Act* defines 'lottery' to include any sweepstakes. A key feature of this definition is that the outcome of the lottery must be determined by lot or drawing, i.e., be dependent upon the element of chance.

Sweepstakes is also defined in the Act. However, the definition contains no explicit requirement for there to be a chance outcome. Consequently, there is some question as to whether, as the definitions are structured currently, schemes such as football tipping competitions, which meet the definition of 'sweepstakes', are therefore technically lotteries.

It is desirable to put it beyond doubt that the outcome of lotteries, including sweepstakes, must be dependent wholly or partly upon chance. The proposed amendment will remove the existing definition of 'sweepstakes' and provide a new definition which makes it clear that the outcome must be determined by drawing a chance to win. The proposed definition is entirely consistent with the operation of sweepstakes in practice, and clearly excludes those competitions where the prizes depend solely on the participants' skills in picking the winners of races or other sporting events.

Explanation of Clauses

Clause 1: Short title

This clause if formal.

Clause 2: Amendment of s. 4—Interpretation

This clause replaces the definition of 'sweepstakes' with one that states that the prizes in a sweepstakes must be dependent upon drawing the winning chances, whatever those might be, in relation to a sporting event.

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

LOCAL GOVERNMENT (CITY OF ADELAIDE) BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 250.)

The Hon. ANNE LEVY: Before detailing my remarks on this legislation, I declare an interest: the legislation deals with the City of Adelaide and I am both a ratepayer and resident of the City of Adelaide. The Opposition supports the second reading of this Bill, but wishes to move a large number of amendments when we reach the Committee stage so that the Bill, as it comes out of Committee, will be very different from that which goes into Committee.

This Bill is the culmination of an extraordinary saga whereby the Government has rumbled for many months about the possibility of sacking the Adelaide City Council. Long before it reached the public, I heard Liberal members of Parliament talking in corridors about the desirability of sacking the Adelaide City Council.

The Hon. Diana Laidlaw: Were you the only Labor member not doing the same?

The Hon. ANNE LEVY: I certainly was not.

The Hon. R.I. Lucas: Mike Rann was.

The Hon. ANNE LEVY: He certainly did not to me. I heard Liberal members discussing the desirability of sacking the Adelaide City Council. My response always was: what for? What on earth has the council done that it should be sacked? Sections 30 to 33 of the Local Government Act provide for the dismissal of local government councils under certain circumstances: if there is corruption; if the council clearly is not functioning; or if it is not capable of carrying out its responsibilities. The Government has the right, and indeed the duty, to appoint an investigator and, following the advice of the investigator, if felt necessary, to appoint an administrator. This is provided for in the Local Government Act. It has occurred twice in the past 16 years: first, the Victor Harbor council and, secondly, the Stirling council.

Minister Ashenden in another place got it quite wrong when he said that there had been two sackings of councils by Labor Governments. Of the two to which I have referred and which have occurred in the twentieth century, the first was done by a Liberal Government when the Hon. Murray Hill was the Minister, and the second, the Stirling council, was done by a Labor Government when I was the Minister.

On each of those occasions an investigation occurred. It was found that the provisions of sections 30 to 33 of the Act were complied with and there were grounds for dismissing the council—and in consequence it was dismissed and an administrator appointed. In fact, some members of Parliament were so concerned about the dismissal of the Stirling council that a select committee was set up to investigate its sacking. That select committee had not reported at the time of the last election and was reconvened after the election, this time with a Liberal majority on the committee, and its report was unanimous that the Labor Government had acted quite correctly in dismissing the Stirling council and was fully justified in so doing. I repeat that that was a unanimous report from a select committee with a Liberal majority.

I mention this to show that Minister Ashenden quite frequently gets things wrong, even on minor matters such as who has dismissed councils in the past. It is obvious that the Adelaide City Council has not breached any conditions of the Local Government Act and that it is not possible to invoke sections 30 to 33, dismiss the council and put in an administrator. I am sure that if the Minister felt that he was able to use sections 30 to 33 he would have done so and we would not have the Bill before us—he would have done it without any legislative sanction.

However, the Minister and the Premier decide that they must get rid of the Adelaide City Council. It has done nothing wrong under the Act, so the Minister has to introduce special legislation to take it out on the Adelaide City Council. It has not been accused of any wrongdoing. There have been various rumours that it has not acted properly—obviously nothing which could be substantiated, or the existing provisions of the Local Government Act could have been

applied. As the president of the Local Government Association has said, it has been tried by innuendo.

It is obvious that the Premier does not agree with the Lord Mayor. One might say, 'So what?' There are plenty of people who do not agree with the Lord Mayor and, equally, there are plenty of people who do not agree with the Premier. That is not a reason for sacking someone. Obviously the council is functioning as a council. Great play has been made of the so-called 'Libyan affair', but this involved not the Lord Mayor and members of the council but the Lord Mayor together with prominent Liberal Party members—ex-members of this Parliament. People connected with the Liberal Party were involved with the Lord Mayor in the so-called 'Libyan affair'. I cannot see how that, in any way, could provide justification for the sacking of the democratically elected City Council.

It has been claimed that the council is faction driven, that it is weak and indecisive, and that it has a perpetual leadership crisis. I think that that is a description of the Liberal Government, not a description of the Adelaide City Council.

The Hon. Diana Laidlaw: One council resigned on the basis of those problems.

The Hon. ANNE LEVY: Likewise it may be that there are members of the Liberal Party who may contemplate resignation because the parliamentary Party is so faction driven with weak, indecisive and crisis driven leadership.

Members interjecting:

The Hon. ANNE LEVY: It may be true of the Adelaide City Council. I am not pretending that the City Council is perfect, but that is not a reason for dismissing it. Many of the some 108 local councils that we presently have—soon to become a smaller number, but I think it is down to 108 local councils throughout South Australia—may be faction driven and many may be weak and indecisive and have crises with their leadership, but no suggestion has been made that that is a reason to sack the democratically elected council. It is for the electorate to decide whether such a council should or should not be supported, and it will be able to do so in a few months' time.

It has been suggested that the council members argue a great deal in their meetings. That would not surprise me in the slightest. If one wishes to see argument in meetings, I suggest that people spend a short time in the gallery of the Parliament. We argue on important matters of principle and are elected to do just that—to put different points of view in an attempt to arrive at the best possible decision for the citizens of South Australia. In the same way, I am sure that the city councillors would agree that when they disagree it is because they are trying to find the best possible procedures and decisions, as they see them, for the ratepayers and residents of the City of Adelaide. It is true that democracy can result in weak and indecisive government. One need look no further than the State Government to prove the truth of that remark.

Another claim has been made that the City Council has been holding up development, that it should have been doing a great deal more about development in the city. It is a fact that the City Council has just had the largest capital component of its budget in the budget brought down for the current financial year, which will certainly lead to a great deal more council-driven development than has occurred for a considerable time. However, I think the Premier is referring mainly to development approvals—the planning approvals which must be sought from a council before a developer can proceed.

Figures have been produced to show that, of the development proposals put to council, in the last 18 months 99 per cent have been approved. I should think that that is a pretty good record which can hardly justify any comment that the City Council is preventing development. I know that there is one development that it has not approved, and that is a five-storey car park on South Terrace as part of St Andrew's Hospital, which has caused enormous concern to residents in that part of the city and which goes against the existing development plan rules. I for one am happy that that is part of the 1 per cent of development applications which have not been approved. I add for those who have any particular interest in the south-east corner of the city that I understand further plans are being put forward which would not be as intrusive and discussions are continuing between the hospital, the council and local residents to see if a compromise can be found, as indeed I hope it can. The fact that the City Council has a 99 per cent approval rate for developments is contrary to the assertion that the City Council is in some way hindering development within the City of Adelaide.

Another furphy was that the City Council was holding up development by taking forever to approve any applications. Again this was in complete disregard of the facts. We now know that the average time for development approvals within the City of Adelaide is 21 working days. While this might sound a reasonably lengthy time, I am sure that is the average—and it is probably much less for the pergola which someone wants to put over their back door. But, if we want to make comparisons, I am told that the Sydney City Council is taking the equivalent of 36 working days as the average time for development approvals. On average, that is about 40 per cent longer than the Adelaide City Council is taking and no-one is suggesting that the Sydney City Council is hindering the development of Sydney.

There is no doubt that there are problems with the Adelaide City Council and within the area of the Adelaide City Council. There have been tensions between residents and developers for many years and it is indeed sad that they have not been able to work together for the benefit of the city. The number of residents in the city is not large. It is only about 12 000. I indicate that on the latest census figures available—which are those of the census in 1991 because the figures from the census held two months ago are not yet available—about half the residents of the City of Adelaide live in North Adelaide and about half live in south Adelaide. The census figures show over 7 000 in south Adelaide and 6 200 in North Adelaide. Of course, census figures include all those who were in hotel rooms on the night of the census. I am happy to agree that there would have been more transients in the hotels of south Adelaide than in the hotels of North Adelaide because there are more hotel bedrooms in south Adelaide, but it is not erroneous to say that about half the residents of the City of Adelaide live in North Adelaide and about half live in south Adelaide.

One of the complaints which the Government and indeed the *Advertiser* and other commentators have made is that the CBD of the City of Adelaide is dying. Other complaints include: there is a sad look about the CBD of the City of Adelaide; there are not the people now that there used to be; retailers are suffering; and urgent action is required. I would agree wholeheartedly that urgent action is required, but it does seem to me most hypocritical that such comments should come from a Government which has been largely responsible for the situation which now applies in the CBD of the City of Adelaide. When the development legislation

went through this Council the Government assured us that it was required urgently so that the considerable shopping development planned for Marion, Hilton and Gawler could occur. Obviously, these large shopping developments take retail trade away from the City of Adelaide.

The Government has dismissed very large numbers of public servants, many of whom worked in the CBD of Adelaide. The result is that there are now far fewer people (I think it is about 12 000 people less) who work in the CBD than before this Government came to office. Naturally, this will have an effect on the CBD, but it is certainly not due to the City of Adelaide council. It is due to action on the part of the Government. There is a great surplus of office space in the City of Adelaide and, again, this is largely due to downsizing of the public service on the part of the Government. It seems so ironic that it caused the problem and then blames the City of Adelaide council for not having fixed it. If we are looking at surplus office space and replacing city councils, perhaps it might be advisable to look at little more closely at the example of Melbourne which is so often quoted favourably by those who support the Bill as it comes before us.

Melbourne also, if you go into the CBD, has a tired, dreary look. There are great complaints from the retailers in the Bourke Street, Swanston Street and Collins Street areas that there is a lack of custom there. There are fewer people who work in the city—again due to the Victorian Government, not the Melbourne City Council. The office vacancy rate in Melbourne is greater than it is in Adelaide. People who sing the praises of Melbourne should consider that fact very carefully. As I understand it, the latest data shows that there is a vacancy rate in Adelaide of 18 per cent, whereas the vacancy rate in Melbourne is 21.1 per cent. That is over 3 per cent higher than in the City of Adelaide. So, for heaven's sake, let us not talk of Melbourne as an example which Adelaide should follow.

While the Opposition certainly does not agree that the City of Adelaide council should be sacked and replaced by non-elected commissioners, we agree wholeheartedly with the Government that there is a need for a review of the council and we support the appointment of people to carry out this review. If the Government wishes to call them commissioners, we are perfectly happy for them to have that title, though many others could be chosen. There is a need for a review on the governance of the City of Adelaide. Such a review should include looking at the boundaries of the City of Adelaide and the wards. Is there a need for aldermen as well as councillors when there is a small electorate? What should be the size of the council? How should its members be chosen?

Should the mayor be elected at large as applies not only to the City of Adelaide but to all city councils, or should the mayor become more like the chair of a district council and be chosen from among the members of the council? I suppose that might lead to arguments whether the title 'mayor' should apply and not 'chair' of the council. These things need looking at. Many suggestions have been made, and if I mention a number of them it in no way suggests that I support any particular one.

The Hon. Diana Laidlaw: New colleagues?

The Hon. ANNE LEVY: No. It is just that these matters have been suggested and should be looked at and considered. The MAG report made no suggestions about changing the boundaries of the City of Adelaide.

The Hon. M.J. Elliott: It was instructed not to do so.

The Hon. ANNE LEVY: Yes, but the Government did not accept the MAG report. Therefore, what is in the MAG report is totally irrelevant. One suggestion is that North Adelaide should be removed from the City of Adelaide and added to Walkerville and Prospect as it may have more community of interest with residents in those places than other areas of the city.

The Hon. Diana Laidlaw interjecting:

The Hon. ANNE LEVY: Earlier I said that many suggestions have been put forward. I am not advocating any particular one. However, I think they need to be looked at by an independent review. In today's *City Messenger* Michael Lennon, who is well known as a professor of urban policy and management, puts forward two possible scenarios for the City of Adelaide. One is that the boundaries should be expanded as far as Regency Road in the north, Cross Road in the south, Portrush Road in the east and South Road in the west. This would provide a much larger City of Adelaide and make it more comparable with, say, the City of Brisbane, which covers the majority though not the entire metropolitan area of Brisbane, and it would have a population—a growing population—of 70 000.

Another suggestion put forward by Michael Lennon in today's *City Messenger* is to have an Adelaide City Capital Commission, a hybrid body created by and responsible to the Parliament, in recognition of the specific circumstances of the central city area. Its terms of reference would be to implement the Adelaide 21 strategy, but that parish councils could be set up at neighbourhood level for the different residential precincts to perform the current municipal functions—perhaps contracted from neighbouring municipalities. That would be one way of accounting for the local government responsibilities of the residents of North Adelaide and of south Adelaide. In this case, the municipal functions would continue to be funded by property taxation, but other functions would have to receive money from other sources.

As Professor Lennon says, his two scenarios are certainly not the only possibilities. I think it is highly desirable that there should be a thorough review for the City of Adelaide which, while of immense interest to the residents and property owners of the area, would also be of interest and relevance to everyone who lives in the metropolitan area. Indeed, the shopping developments at Marion have shown how interrelated all parts of the metropolitan area are. The Adelaide City Council and its residents had no say at all in the shopping developments at Marion. Likewise, the residents of Marion have no say at all in what happens within the CBD of Adelaide. Yet the two areas interrelate and will affect the residents of the two different areas. We need to look at a greater metropolitan City of Adelaide or a different way of managing the CBD—and the CBD only—by making proper arrangements for the residents of both north and south Adelaide.

While the Opposition supports a thorough review of the governance of the City of Adelaide, including its boundaries, it does not support the suspension of the council for three years while this occurs. A review can be conducted more rapidly, particularly if those who are given the responsibility of the review do not have to worry about running the normal functions of the council at the same time. If commissioners are merely to conduct this review of governance, it will be possible for them to do so quite rapidly. They can produce a report, the Parliament can pass any resultant legislation and a new start can be made at the elections which are due next May. It is a tight schedule, but it would be possible for the

commissioners to have a preliminary draft ready in about three weeks of hard work. They could then spend a couple of months in consultation with all the stakeholders, including property owners, developers, residents, and so on, which would allow them a week or two to finalise their report in the light of their consultations and present it to the Government. It is a tight schedule, but it is possible.

I can promise the Government that the Opposition will cooperate to the utmost so that any necessary legislation can be passed early in the new year sittings of Parliament and become operative in time for the local government elections which are due at the beginning of May 1997. It would be wonderful to have a new system in place, a new council elected, and a fresh start for the City of Adelaide.

Instead, the Government has been proposing that the City of Adelaide should be in limbo for up to three years: that the residents would have no elected councillors representing them; that decisions would be made which had no accountability back to the residents; and that the commissioners would be able to be directed by the Minister and not be accountable to anyone but the Minister. In effect, it would be ministerial control for three years. There has been no indication of what line the Minister might like his commissioners to take. What would he instruct them about development—'Approve every harebrained development which comes up to you whether it agrees with the development plan or not'? Is that what is proposed? We have one of the proposed commissioners saying that he is prepared to look at development in the parklands, and that certainly has not reassured the residents of the City of Adelaide and, indeed, the residents throughout the metropolitan area, who make great use of the parklands as they are and have no wish to see great developments occurring in the parklands.

What the Government is suggesting is equivalent to sacking the Parliament for the next three years and just having the Ministers rule the State with no accountability whatsoever to the Parliament. I guess some might claim that might be more efficient, but it would certainly not be democratic, and I think democracy is a principle which is held to be of great importance not only by members of this Parliament, but by most citizens of this State. We certainly have not been given any information as to what the commissioners are to do, what directions will be given to them, other than that amongst everything else they are to review the governance of the City of Adelaide. With the amendments which we are proposing these commissioners will be able to devote their time to looking—with I hope a great deal of lateral thinking and consultation—at the governance of the City of Adelaide. They will not have to spend their time on the more routine matters of local government and the City Council can continue, perhaps with less bickering, perhaps with more. But it can continue to fulfil its duties as the council of the City of Adelaide until the elections occur next May. I think I can safely prophesy that the turn-out at the City of Adelaide local government elections next May will probably be a record, with the highest number ever taking part in expressing their opinion regarding what should happen with the City of Adelaide.

Since this matter was looked at in the Lower House the Government has suggested who the individual commissioners may be. I do not wish to in any way denigrate the qualifications or abilities of the three people who have been suggested. However, I do feel very concerned that not one of the three has any experience in local government. There are many experienced people around with knowledge and an understanding of local government. On the two occasions this century when councils have been dismissed and administrators appointed those administrators were from the area of local government. In the first place at Victor Harbor it was an ex-town clerk of Adelaide City Council who was appointed administrator. In the case of Stirling, it was an ex-president of the Local Government Association who undertook the responsibility of being administrator. And he fixed the problems of Stirling in three months. He certainly did not require three years to sort out the situation. He did it most satisfactorily in three months. He rightfully deserved all the thanks and compliments that were extended to him.

If the Government wishes to have three commissioners, I can certainly see advantages in having someone with legal knowledge, but I would insist that one of the three should have local government knowledge and experience, and I am sure that if the Minister cared to consult with the Local Government Association it could suggest the names of many people to him who would have the experience of local government and the sound commonsense to be part of a review of the governance of the City of Adelaide—and be disinterested in the process. I certainly do not oppose having residents from the City of Adelaide as part of the commissioners, although I am surprised that the Government has suggested two residents from North Adelaide and no residents at all from south Adelaide, particularly as the latter are the more numerous. I would hope that, on mature reflection, the Government will agree that if a group is to look at the governance of the City of Adelaide there should be someone with local government experience either from elected councillors or from officers of local government who can bring a knowledge and sensitivity of local government to the important task.

I hardly need remind members that the local government sector has been appalled by the Government's action. I have received correspondence from many councils around the State and from the Local Government Association, and I am sure that other members of Parliament have, likewise, received this correspondence. There is general concern that the Government could, without any tangible reason, decide to sack a democratically elected City Council and replace it with non-elected commissioners for a period of three years. This sends disastrous messages to local government throughout the State and it has responded accordingly. This action comes from a Government which gives a great deal of lip-service to the importance of local government but which does very little to sustain and support local government, a Government of a Party which opposed having local government recognised in the Federal Constitution and which does very little to support it in practical terms.

The Premier even talks about the great new memorandum of understanding which was signed between the Government and the Local Government Association in 1994, completely ignoring the fact that the first memorandum of understanding between the State Government and the Local Government Association was signed in 1989 with the then Labor Government. I was one of the signatories to it. That was the beginning of a new relationship between State Government and local government and the initiatives came from a Labor Government, not a Liberal Government.

The Hon. M.J. Elliott: They might have a new relationship now, too.

The Hon. ANNE LEVY: Yes. I am sure if anyone considers calmly in the last few years there is no doubt as to which of Labor and Liberal have given greatest support,

understanding and independence to local government in this State.

As I have indicated, I will be moving amendments when we reach the Committee stage to ensure that local democracy will continue in the City of Adelaide; that a democratically elected council will not be removed without valid reason, or indeed without any reason, by a capricious State Government; that local government will continue; and that democracy will be ensured in the City of Adelaide as it is in all other local government areas of this State.

I can assure the council that we completely support a review of the governance of the City of Adelaide—a thorough review by competent, well informed people—and that this should proceed as a matter or urgency so that necessary reforms can be in place in time for the local government elections next May. I support the second reading.

The Hon. P. HOLLOWAY: This Bill gives effect to the Brown Government's decision to dissolve the elected Adelaide City Council, suspend the elections for the council which are due next May and appoint three commissioners chosen by the Government. The light of democracy in our city will be turned off until May 1999. As the Brown Government is quick to tell us, similar action has been taken in other parts of Australia, but what is unprecedented is that the Brown Government cannot provide us with any legitimate reason why it is taking this action. Why are we sacking a council?

Members interjecting:

The Hon. P. HOLLOWAY: Exactly. Why are we sacking a council which, by the Government's own admission, has done nothing wrong? Why are we sacking a council when elections are due as soon as next May? Why are we sacking a council which has not breached any of the long-standing provisions of the Local Government Act which have enabled past State Governments to intervene when councils have acted corruptly or become unworkable? Why?

The speech prepared by the Government to support the Bill does not provide the answer. It and the response by the Minister for Housing, Urban Development and Local Government Relations are, in my opinion, pitifully inadequate attempts to justify actions by the Government which strike at the heart of democracy. I would like later to say more about the report and the Minister's response.

Members interjecting:

The Hon. P. HOLLOWAY: As I say, I would like to analyse some of those speeches in more detail later. Interestingly, in the corridors of this House members of the Liberal Party are expressing their disgust at the poor performance of the Minister for Housing, Urban Development and Local Government Relations in his second reading speech, and I will have more to say about that later.

This whole debate has been conducted as much in the media as anywhere else. After all, the campaign really began in the *Advertiser*. What reasons have the Premier and his hapless Minister for Housing, Urban Development and Local Government Relations given for wanting to sack the council? First, the Premier said he intended to sack the council not because of what it has done but because of what it has not done.

The Hon. T.G. Cameron: What hasn't it done?

The Hon. P. HOLLOWAY: When the Premier was asked that very question—what the council has not done—he replied, 'It has not provided leadership. That is why we are sacking it, because it has not provided leadership.' Well, I guess that is a matter on which the Premier of this State would be expert. The Premier of South Australia would certainly know about lack of leadership, and that is one thing he is well qualified to speak on. But in exactly what matters the council has failed to provide leadership, he could not or would not say and we did not hear that.

We have also been told during the debate that the council has held up development. The Government made similar claims in the debate on the Development Bill in the last session of Parliament when we were told that Adelaide City Council was obstructing development in the city and that the Government had to step in to overcome the log jam. However, council members soon revealed that this was not true and that the council approved 99 per cent of development applications that came before it.

Members interjecting:

The Hon. P. HOLLOWAY: I think about $122 million worth of development was passed and about $40 000 worth of development was rejected. More than that, the council has a good record for the speed with which it approves development applications. The time for planning and building approvals is no more than 21 working days.

As the Hon. Anne Levy said, in New South Wales the City of Sydney had an average approval time of 48 consecutive days or about 36 working days, so Adelaide provides approvals more than one-third quicker than Sydney.

We also heard during the debate that the problem was with the Lord Mayor. I do not know what happened to the regular meetings which I understand were supposed to be held between the Premier and the Lord Mayor, but obviously the Premier has failed, as he so often does, to negotiate a satisfactory outcome during those discussions.

The Opposition does not support the antics of the Lord Mayor and his magical mystery tour to Libya, but I would think that the Lord Mayor would be wary of going anywhere with such prominent Liberals as the Premier's mentor, Ted Chapman, who gave up his seat for the Premier, and the Deputy Premier's bagman, Abdu Nassar.

However, during this debate members of the council acted swiftly to dissociate themselves from the Lord Mayor and asked the Minister to come in and investigate the situation. They invited the Minister to come in and try to fix the problem, if there was one, with the Lord Mayor. Of course, the Government did not take up that option and the Lord Mayor was clearly acting by himself and not with the consent of elected council members.

The Hon. M.J. Elliott: How often did the council meet the Minister?

The Hon. P. HOLLOWAY: I understand that the council has not met with the Minister, who has met only with the Lord Mayor on a few occasions. He is judging them, but he will not talk to them.

The Hon. M.J. Elliott: Once after the announcement, I heard.

The Hon. P. HOLLOWAY: That could well be true. While few South Australians would be impressed at some of the goings on in the council involving the Lord Mayor, fewer people would accept that the council, no matter how factionalised or divided it might be, is solely responsible for the economic problems of the city. The Lord Mayor is but one individual on a council comprised of 16 members. If personal ambition and factionalism are reasons to sack a council, then the Brown Government should have sacked itself three years ago.

Why then does the Brown Government want to sack the Adelaide City Council? I believe the council is being sacked because the Premier thought he could make political capital out of the decision and take the heat off his Government for the lack of development in this State. After all, Jeff Kennett sacked his City Council and made himself look tough in the process and Dean Brown knows from public opinion polling that he is compared unfavourably with Jeff Kennett, so what better way to appear macho than to emulate Jeff and sack the council?

What a convenient excuse Henry Ninio and his council have provided, even if there was no substance in the Premier's assertions. Should anyone mistakenly believe that the Brown Government has genuine motives in wanting to sack the council, I simply ask them to consider what I see to be the fundamental flaw in the Bill.

The most amazing feature of the Bill is that it does not allow the commissioners, who are installed to replace the council which is supposed to be structurally unsound, to consider the boundaries or the rate structure under which the council operates. What issue is more fundamental to the future governance of the City of Adelaide than the boundaries under which the council operates? Yet this issue is excluded specifically from the commissioners' mandate. So, how can the Brown Government claim that it wishes to reform the City of Adelaide when it strikes the most important issue off the agenda?

During the debate, the Premier and his Minister have made a number of claims about how bad the City of Adelaide is managed and how we need to look interstate for models. In fact, the friends of the Government in the *Advertiser* said we should all take a bus to Melbourne to see what is happening there. I was not able to take their advice and take a bus to Melbourne, but I did read in last week's *Age* an interesting article subtitled 'Reviving the city' and headed 'Melbourne Headed for Heart Attack'. This just happened to be a review article at the back of the *Age* and contained a discussion of all the problems that Melbourne is having. Lo and behold they are the same things that are being said about Adelaide. The article states:

> Melbourne University academic, Miles Lewis, says the 'vibrancy is being been leached out of the city centre' largely through development south of the Yarra, notably Southgate and Crown Casino. And the yet to be opened permanent casino and its retail and cinema complex will worsen matters.

Melbourne has the problem of growing development outside the central business district taking business away, and all the retailers within the city precinct are concerned about what is happening. The article states:

> Swanston Street traders whose sales are dwindling because of an almost deserted city artery can't see this.

That is referring to developments outside the CBD. We have all these arguments over and over in Melbourne. Another more interesting aspect of this article was about what is happening in Melbourne, and it has some lessons for us. The article states:

> Other central Melbourne detractors turn to eyesores, such as the Queen Victoria Hospital site and the soon to be developed Federation Square near the Gas and Fuel buildings in Flinders Street, the Carlton United Brewery site and the Southern Cross Hotel site, both owned by the Nauru Government which lay dormant. Hailed as the site where the great civic 'something' would appear, the Queen Victoria site is being sold off in segments by its owner, also the Nauru Government. (The site is a temporary skateboard ramp and car park until its future is known. It has also been a weekend art and craft market.)
>
> Loud rumblings from all sectors are being heard about a Melbourne opportunity missed.

The Hon. R.D. Lawson interjecting:

The Hon. P. HOLLOWAY: It continues:

> Bardas says the council should buy the Queen Vic site because it has no debt—the only Australian Council to be debt free and build an underground car park. The rest would follow.

Someone is there talking about Melbourne and saying what needs to be done. The reason I am reading out this information will become obvious to the Hon. Robert Lawson in a moment.

The Hon. R.D. Lawson interjecting:

The Hon. P. HOLLOWAY: The article continues:

> Real estate agent, Alexander Robertson, who is selling by tender the allotments created through a subdivision approved by the former Melbourne city commissioners, says the council should still buy the entire site.

Apparently, everyone in Melbourne agrees that this site needs to be used for a car park and as a result some of the problems in Melbourne would be resolved. But what happened? The Melbourne city commissioners installed by Jeff Kennett had decreed that it be flogged off in small bits and pieces. In Melbourne, they are now trying to fix the problem left by the commissioners. I happened to read that article which appeared in the *Age* last week.

The Minister and Premier of this State try to tell us that everything is rosy in Melbourne, Sydney and Perth because the city councils were sacked and administrators were installed. It seems to me that is not the case.

The Hon. T.G. Roberts: What happened to the tallest building in the world? They announced that three times.

The Hon. P. HOLLOWAY: My colleague asks, 'What happened to the tallest building in the world?' We will have to wait probably a long time to see what happens in Melbourne.

As my colleague, the Hon. Anne Levy, read out earlier, the approval times taken by the Sydney council after the commissioners were appointed—it has been restored—are far longer than they are here. In terms of getting development off the ground, it is actually taking longer in Sydney than it is here in Adelaide.

Members interjecting:

The Hon. P. HOLLOWAY: The Hon. Robert Lawson asks, 'What development is taking place?' That is worth putting on the record because the implicit assumption in what the Hon. Robert Lawson is saying is that it is the duty of the City Council to go out to find development, to be entrepreneurial, to drag in developers and try to do it. The problem we are facing in this State is that in the three years since the Brown Government was elected a total of 15 000 public servants in this State have been sacked. No wonder we have a lot of empty space in the city buildings. We now have the situation—

Members interjecting:

The Hon. P. HOLLOWAY: Yes, and Westfield is spending millions in the suburbs. I will say a lot more about that in a moment. The Hon. Robert Lawson supports my point beautifully. The real problems that we face in the city—just like Melbourne—are developments outside the CBD over which the City Council has absolutely no control. We can replace the Adelaide City Council with commissioners, but what will they do? What will the city commissioners do about councils outside the CBD that are trying to promote activities within their areas, such as the Marion shopping centre?

Yesterday we heard that there will be 30 picture theatres at Westfield at Marion. What will that do to Hindley Street in the future?

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: Exactly: I think we all know what that will do. That is outside the control of the City Council, whether commissioners or elected councillors.

At the end of last Parliament, we passed an amendment to the planning and development legislation which the Brown Government insisted was essential to facilitate development in this State. It strengthened the call-in powers of the Government at the expense of local government and reduced the role of the courts to hold up development. The Minister specifically referred to appeals against suburban shopping centre developments as examples where previous planning laws had been used to frustrate development. In other words, the Minister is saying, 'We need to speed up and encourage more of these developments which are in direct competition with the central business district of Adelaide.'

The rapid growth of suburban shopping centres, particularly at Marion with its 30 picture theatres, is surely part of the problem. Why would people want to travel to the city to shop with all the associated problems of cost and inconvenience when they can obtain all the facilities they need under one roof with easier parking at the large suburban centres?

An honourable member interjecting:

The Hon. P. HOLLOWAY: No, I do not. On the contrary: it is the Brown Government which says that it wants to speed these up. The Brown Government has no development policy for the Adelaide metropolitan area. Three months ago it said, 'We need to speed them up.' It does not have any idea where it is going. That is the problem: it is the Brown Government, not the City Council. Just as strip shopping centres in the suburbs are struggling for survival, so is the city shopping precinct.

Also, there has been a fundamental shift in the captive customer base of the city. As I have just said, the Brown Government slashed thousands of public sector jobs. We will see more of this in the next year or two as the Federal Government follows suit. We know that Telstra will be getting rid of many workers; so also the Commonwealth Public Service. We also know that banks and insurance companies are about to embark on a big wave of downsizing. All these job losses will have another very heavy impact upon the city centre.

The Adelaide 21 report, to which the Government has referred, recognised all the fundamental problems facing the CBD. The Government claims that it is sacking the council because of the Adelaide 21 report. I do not see anywhere in the Adelaide 21 report where it said that the council should be sacked. However, it did state:

> The viability of city centre retailing is being undermined by growth of the regional centres in pursuit of market share (often targeted to compete explicitly against the city centre). Current metropolitan planning policies need urgent review to prevent damage to the heart of Adelaide.

This is Adelaide 21: this is what the Government is holding up as the justification for its policies. It states that current metropolitan planning policies need urgent review to prevent damage to the heart of Adelaide. It does not state that it is the Adelaide City Council not giving approvals; it states that 'current metropolitan planning policies [which are the State Government's responsibility] need urgent review.'

Three months ago, the Government claimed that developments, including those in direct competition with the CBD, should be less fettered. Now it wants to sack the City Council because there is insufficient development. There is a fundamental contradiction in the Brown Government's policies which its attack on the City Council will not mask.

I would also like to mention some other related concerns. I received today a letter from the Administrators Group of Inner-City Services for Homeless Adults. A number of organisations are affiliated to that group, such as the Aboriginal Sobriety Group, Hutt Street Centre, Salvation Army, Society of St Vincent de Paul Night Shelter and so on. The relevant part of this letter states:

> Our concern is that the plan to appoint commissioners to manage the governance of the City of Adelaide may put in jeopardy the council's current level of support to people who are homeless and living in the city. This concern is largely based on our reading of the objectives for the new governance of the City of Adelaide which has a very strong focus on the economic and business aspects of the city, with very little attention to the needs of the people. Whilst the former issues are important, they become irrelevant without people.
>
> The extent to which a society cares for its most needy citizens is a very accurate barometer of a healthy society and therefore one in which individuals and corporations will want to invest and be proud to be associated with.
>
> We seek your reassurance that the City of Adelaide council will continue to support people who are homeless and those agencies who service them in any new arrangements that may be put in place.

I think that that is an important consideration that has been overlooked in this debate. Sadly, I do not know that anyone here would seriously suggest that the three commissioners would have a great deal of empathy with the people represented by that letter.

I would not like to let this debate pass without making some reference to the *Advertiser* and its role in this campaign. After all, there is no doubt that the Murdoch media—the *Advertiser* and the *Sunday Mail*—have been very prominent in leading the fight in terms of advocating this measure. Just what is the role of the *Advertiser* with regard to this whole saga? I think we can ask, 'Is there some vested commercial interest behind the campaign being waged by News Limited to sack the council and vilify anyone who supports local democracy, or is it just sycophantic support, the sort of support we expect the paper to give to the Liberal Party? What is the reason behind it?' I believe that the Government owes the people of South Australia an explanation as to the real reasons for this measure.

It is also worth referring to an interesting comment which the Premier of this State made in the *Sunday Mail* of last week. He said:

> It's time the people realised how difficult it is to govern when you have an Upper House which has no regard for democratically elected Governments.

The Premier must have a very strong sense of irony to make that comment when this very debate is about this Upper House protecting the democracy of an elected local government body within our State. Indeed, it could well be said that this Legislative Council is perhaps the last bastion of democracy within this State, without this—

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: The Minister wants to talk about the governance issues of the City of Adelaide, and I am very happy to refer to that matter now because there is no doubt that one of the key issues in this debate is the form of governance which we should have in the city. It seems to me that the fundamental problem (to which I have already referred) is that the city has no control over most of the events which affect its viability—and for that matter nor will

the three commissioners or any other group which operates on the current boundaries.

Twelve months ago the Brown Government passed legislation to reform local government boundaries, and this was based on the MAG report. This legislation was largely supported by the Opposition and the Democrats, but the MAG report specifically excluded the Adelaide City Council boundaries from the reform process. Admittedly it had two-bob each way and said that there was a good case for changing them and a good case against, but in the end it said that it was all too hard and that it ought to be excluded.

The voting system for local government elections has a fundamental impact on the Adelaide City Council. If we are to look at the future of the Adelaide City Council obviously we need to address these issues, and that is why the Opposition strongly believes that we should retain the commissioners to look at the issues of governance, because there are important issues there, one of which is the boundaries—which, in my view, is the most fundamental of all. I think that it is farcical to have commissioners looking at the governance of the City Council when they are not to look at the boundaries. How can you have a reasonable review when you do not look at that? After all, every other council in this State is currently subject to boundary review under the Local Government Reform Board.

At the moment the Adelaide City Council—and I did some research on this a little while back—has about 14 300 electors on the roll for the City of Adelaide of which about 9 300 are residents and about 5 000 are non-residents, who largely, I guess, would be voters representing commercial interests. It is also my understanding that only about 10 per cent of property owners who live outside the ward have bothered to register as voters. At the last council election there was a fairly high turnout, but it was only 37.6 per cent.

The way the City Council is structured, the problem is that we have a residential sector and a number of voters representing developers. It appears to me and to most informed commentators on this matter that the divisions within the City Council are based largely along the lines of the so-called heritage faction and development faction. If we are to look at all these issues we need to look not only at the voting system but at the people it represents. If the Government is really saying that this multiple voting system needs reform—and I think that most members would say that it does need reform—what will it be replaced with? After all, if we have purely residential voting in a city area as small as Adelaide, it means that the CBD, which provides nearly 90 per cent of the rates for the city, would therefore be unrepresented.

There are some very important issues which need to be addressed: in my view it is not as easy a question as many of the commentators on this matter have tried to suggest. I have no problem with the two options which were referred to by my colleague, the Hon. Anne Levy, and those canvassed in the *City Messenger* today by Michael Lennon, when he talked about an enlarged City Council with boundaries to Cross Road, South Road and Regency Road. If we have a large council then the Adelaide City Council can operate similar to the way in which other councils operate and we will not have the problems that we have at the moment. On the other hand, if we have only the CBD and exclude residents I guess we could then focus the governance purely on the interests of the CBD.

At the moment it seems to me that the problem is that, with the size and boundaries of the Adelaide City Council as they are, there is this a fairly close balance between the two interests. If we are not to change that, if we are to stick with the situation as it is, what will we get out of this reform process and how will we really alter things for the future? It is for that reason that I believe that the commissioners have to look at these fundamental issues, which have been raised for years in the MAG and other reports, and look at boundaries.

What does the Brown Government plan to do to overcome this problem? If it wants development at all cost, as it appears, then it will override and disfranchise the interests of city residents. If its commissioners represent the views of the residents of the city then the lack of development which the Government laments will not take place. The whole problem again will be: 'Who will represent the interests of the residents within the City of Adelaide and who will represent the interests of developers?' That is the fundamental issue and, in my opinion, it will stay, whether or not we have commissioners.

The Local Government Association in one of its fact sheets (which has been circulated to all members of Parliament) points to a number of the errors with regard to what the Premier has stated. I will not go through those in detail, but basically it points out that many of the areas where the Adelaide City Council has been attacked for not doing anything are clearly the State Government's responsibility. Surely it is unfair to attack the City Council for not doing things when it has no constitutional responsibility over those areas.

The Hon. R.D. Lawson: Like what?

The Hon. P. HOLLOWAY: For example, the Mile End railyards development is not even within the City of Adelaide, yet in his article the Premier claimed that the State Government had to step in to develop that area because of the failure of the City Council in this regard—yet that area is not even in its boundary. There is just one example, to answer the criticism of the Hon. Robert Lawson.

Before I conclude I want to say something about the response of the Minister for Housing, Urban Development and Local Government Relations to the second reading debate. It shows just how confused and befuddled the thinking of the Government is on this. When referring to my colleague the shadow Minister on page 300 the Minister said:

> ...she asked why the Bill is necessary. All I can say is that she must have been living in a cocoon along with all her colleagues over the past few weeks. Either that or they did not switch on the radio or television, read a newspaper or listen to any of the debate.

That was all during the height of the Lord Mayor's visit to Libya. On page 303 the Minister referred to some points raised by the Deputy Leader of the Opposition and said:

> He alleged that the only reason the Government is taking this action is because of the Lord Mayor and the Libyan connection. If he really believes that a key Bill of this type can be brought in as quickly as that shows that he has no understanding of the government...

On the one hand, the Minister is saying that we should have been listening to the radio about all of this business about Libya and that is why we need to sack the council. Then, on the other hand, the Minister said that was not the reason. There were more examples of this in his response. It is even clearer on page 301 where the Minister said:

> Not once have I raised the issue of development approvals as a reason for what I am doing in relation to this council. I challenge members opposite to come back to me with words that I have used at any time which indicate that I am doing this because of development approvals.

Then on page 303 the Minister said:

I have also been asked why we should sack the present council. I have been contacted by developers and other investors in this city, not by one, not by two but by a number, who advised me that they will not lodge development applications for one reason, that as soon as a development application hits the floor, within 10 minutes every competitor knows about it. That is the sort of 'professionalism' in the Adelaide City Council...

The Minister says that he had never raised the issues of problems with development and then he says this is one of the key reasons. I wish I had more time to refer to a number of his other comments. I suggest to any member reading this debate that they go through the Minister's response to the second reading debate and they will see how confused the Minister is. Even at that late stage when the Bill was about to be passed by the House of Assembly the Minister was trying desperately to discover why he was actually doing it.

In conclusion, the Opposition accepts that there will need to be changes to the governance of the City of Adelaide and I have canvassed my views on some of those issues today. During the Committee stages of this Bill the Opposition will move a number of amendments which will provide that the commissioners who are to be set up by the Government will look at these key issues. Indeed, we will be expanding the areas at which these commissioners will be looking so that they can undertake a proper review of the governance of the City of Adelaide, unlike the very narrow and restricted view that the Government has provided for. However, we do not support the sacking of the Adelaide City Council. It is a reflection on democracy. It is unnecessary. There is no justification for it. With those comments, I look forward to the Committee stage of the Bill.

The Hon. M.J. ELLIOTT: I recall reading the *Advertiser*, which I have to do because of my job, during August and September and watching the—

The Hon. T.G. Cameron: You mean you would not read it otherwise?

The Hon. M.J. ELLIOTT: The honourable member could interpret it that way. The so-called Libyan affair was receiving a bit of attention and, on speaking with other members of the media, they were scratching their heads and saying, 'Well, there was supposed to be a story in here somewhere but we cannot work out why it is quite as big as this.' Other members of the media thought, 'Well, it is getting a fair sort of run in the *Advertiser* perhaps we should be working out what the story is, too.' Most members of the media could not see what the size of the story was. They were not saying there was not something to it, but they could not work out why it kept on getting the legs that it seemed to have.

I was a bit bemused too, until I had lunch with a few local government officials in about mid-September which was only days before the sacking. They said to me, 'Look, it will not take long before the Government sacks the council and this is all setting things up for it.' They were absolutely spot on. The arguments between the council and the Lord Mayor on the so-called Libyan affair should be absolutely irrelevant to the debate, although when the sacking of council was announced on the front page of the *Advertiser*, the Libyan affair still occupied the vast majority of the article. Here and there among this frontpage article were some hints—and hints only—about why the Government wanted to sack the council. The article stated:

Mr Brown said the decision to replace the council 'has been taken to breathe new life and vitality into the City of Adelaide'.

There is a nice little grab—very vague and general but a nice little grab. Further on in that same article, after wandering off and talking about Abdo Nassar, it gets back to the Premier saying that the measures were necessary because the council had not adequately reflected the broad interests of the key stakeholders of the city. The article further stated:

'It is equally apparent that the interests of these stakeholders, including residents, have not been adequately served with the ongoing problems of the council and the gridlock which arises from short-term, factional decision-making,' he said.

The Hon. R.D. Lawson interjecting:

The Hon. M.J. ELLIOTT: If the honourable member wants to know about the Oberdan site, I will explain that if he remembers to ask me at the appropriate moment. It is not appropriate right now, but we will get to it. When I get to the issue of development the honourable member should interject about Oberdan again and I will tell members all about it. That was it; that was the justification. This is the Premier announcing on the first day why he had done it. A rather glib 'breathing life into the City of Adelaide' and he talks about factional problems within council—that is it. One assumed that perhaps there was more substance to come. I was invited to speak at a public meeting in North Adelaide on 10 October, which was a couple of weeks after the sacking. Not only was I invited to speak but also Ms Annette Hurley from the Labor Party, the local member (Hon. Michael Armitage) and the Minister were invited to speak as well. I looked forward to that evening because I thought, 'Tonight I will find out why the council had been sacked, because there has not been much in the media so far,' and so, together with a very large number of Adelaide residents, I was present at Lincoln College on that evening.

The Hon. T.G. Cameron interjecting:

The Hon. M.J. ELLIOTT: That was in North Adelaide. I scanned the hall and I could not find the Hon. Dr Armitage or the Minister, although I did notice that the Hon. Jamie Irwin and Mr Joe Scalzi were in attendance. I was informed that Joe Scalzi was expected but the people who organised the meeting were informed that he would not speak, that he had only come to listen. I am not sure whether or not they were aware in advance that the Hon. Jamie Irwin was going to attend. Nevertheless, the meeting proceeded. The Labor Party and the Democrats put their views regarding what they thought was happening, but the residents were asking, 'Why is it happening?' It seemed a pretty reasonable question. That is the sort of question we have heard members ask in this place: why is it happening?

We could not get much of a clue out of the *Advertiser* or anything else that was coming out of the media. The Minister and the local member were not present but, I suppose in desperation, someone from the floor asked, 'Could the two members of the Liberal Party who were present perhaps tell us why the council is being sacked?' There was a lot of fidgeting, but I must say the Hon. Jamie Irwin did come forward. I felt very sorry for the Hon. Jamie Irwin, because—

The Hon. R.D. Lawson: He can do without your pity; he does not need your pity.

The Hon. M.J. ELLIOTT: It was not pity. He was in a dreadful position. I know that the Hon. Jamie Irwin is committed to local government and believes in the principles behind local government. He attempted to answer the question at first by perhaps not answering it, but he explained his sympathy for local government. There was a great deal of interjection, and he ended up shrugging his shoulders and saying, 'I don't know.'

I would have to assume that there have been at least three Party meetings since the announcement of the sacking and perhaps even one beforehand. Therefore, the Party was aware that it was going to happen. However, a person who was vitally interested in local government, a previous spokesperson for the Liberal Party on local government, a person with a long interest in local government, did not know why it was happening. He was absolutely honest and at that meeting: he said that he could not say more because he felt that he should say it in the Chamber first.

Joe Scalzi then stepped forward and said, 'This is democracy, and it is important that I am here to listen.' Some people interjected and asked, 'As part of the democracy, could you tell us why it is happening?' However, he insisted that he was there to listen. That did not take us much further. We left that evening with the clear impression that the backbenchers had not been told why it was happening. In fact, there was a very clear impression that some were extremely uncomfortable at what had occurred. This council is being sacked on the basis of broad generalisations and sweeping statements.

The issue of development has been raised from time to time. If the Hon. Mr Lawson would like to interject now, perhaps I could answer the question for him.

The Hon. R.D. Lawson: What development? Look at the cranes on the skyline!

The Hon. M.J. ELLIOTT: I recall that you asked about a particular development in North Adelaide, the so-called Oberdan development. It is an example of mythology in this city being repeated again and again around the table over a few chardonnays without bothering to get the facts. The facts are that that development had six separate development approvals from the council, but they were not proceeded with. That was not the fault of the council. The council was not changing the plans; the developer kept changing the plans. Ultimately he came forward with a plan that did not conform and it ran into problems with appeals. That was not the fault of the council, but somehow the mythology is that the Adelaide City Council is in some way to blame or even that local residents are to blame. The reality is that neither the council nor the residents were to blame for the problems of that development. Those problems were largely created by the developer.

Mythology usually goes on and picks up the House of Chow and a number of other cases. Anybody who cares to take the time to get the facts rather than repeat the myths over the chardonnays will quickly find out that they do not stand up. It is like the Development Act. It will be recalled that the Government was challenged to give examples, and when eventually it came up with them every one of them fell over under scrutiny. It is mythology which drives decision making in this town, and rarely are the facts allowed to get in the way.

The Hon. R.D. Lawson: Have a look at North Terrace, a principal boulevard: it is an absolute disgrace. There has been no development.

The Hon. M.J. ELLIOTT: It is interesting that we want to blame the Adelaide City Council. It is clear that the Hon. Mr Lawson has not listened to the two previous speakers who made the obvious points—points which were also made during the Adelaide 21 study—that the problems in Adelaide city are due to matters which are almost totally beyond the control of the Adelaide City Council.

We cannot blame the Adelaide City Council for the fact that State Governments over many years have allowed regional shopping centres to continue to grow. We have not seen the worst of it yet. The latest expansion of Westfield will mean that it will be a significant competitor for shopping and other recreation. There are to be 30 cinemas, and an extra 70 or 80 shops—indeed, it may be even more than that—will go into that centre. Without saying whether that is a good or bad thing, it will have a major impact on the city. I understand that Tea Tree Plaza has similar expansion plans on the board as well, and I do not believe that the Government will do anything to stop that happening. At the end of the day there are only so many dollars to be spent and only so many people to spend them. There is a growth in regional shopping centres and the Government, by turning a blind eye to it, is approving of it, so it cannot criticise the Adelaide City Council for its failure to attract people into the city.

I suppose that shopping is to a large extent the cream of what happens in the City of Adelaide and the bread and butter of people who work in the city. There has been a major falling away of employment, and the State Government has been the biggest single cause of the loss of employment in the Adelaide city area. What has the Government done when it has brought new employment to this State? Bankers Trust is going to Science Park, near Flinders University, and Westpac is going out to the western suburbs. The Government had an opportunity to encourage people to come into the 200 000 square metres of empty office space in Adelaide, but it has allowed new buildings to be put up in the suburbs to take them.

I do not know whether that is a good or a bad thing in terms of the locations to which they have gone, but that is what has happened. The Adelaide City Council had no control over that, but the State Government had a great deal of influence over it. Although the State Government is boasting about a building which is to be constructed in North Terrace, most EDS employees are sitting at desks in other offices in Adelaide. Most of those employees will not be new people coming into Adelaide city; most of them are in other buildings in the city already. They will simply be changing offices. All that has happened with the EDS contract so far is that their salaries are coming from EDS and the Government is paying money to EDS.

However, people are sitting in their same chairs. When that building is constructed, those people will shift; but the net benefit in the number of jobs in the city will be nowhere as great as might superficially appear to be the case. That building is going up for only one reason: so that the Government will have a couple of cranes on North Terrace for the next election. There are 200 000 square metres of empty space in Adelaide and the Government is trying to tell us that a new building can be put up and be cost competitive with those 200 000 square metres of empty space which I suggest is available at very cheap rates. That is a diversion.

The Premier, when he wrote in the *Advertiser*, listed a range of things that the State Government had done and the City of Adelaide had not and criticised it for that. The Local Government Association responded, as was mentioned by the Hon. Paul Holloway. However, it is worth looking at the list because it has not been put on the record. The first was mentioned by the Hon. Paul Holloway—the Mile End rail yards redevelopment. The Premier said that was the sort of thing that the City Council should have done. There is a slight problem in that it is not in its area.

The Premier criticised the council for the poor voter turnout, suggesting that about 1 000 voted. In fact, there was 560 per cent more than that—only a few orders of magnitude out.

He then started talking about law and order and security cameras, etc., in Rundle Mall. The fact that the Adelaide City Council made any contribution at all was something that the State Government should have seen as a real gain, because the council has no responsibility for law and order at all. The City Council could only be congratulated for the assistance it gave—certainly not criticised. Then there is the Art Gallery of South Australia, which is totally a State Government responsibility and not a council one, although it is worth noting that the Adelaide City Council does a lot for the arts.

The Hon. Diana Laidlaw: Sure, and we want more.

The Hon. M.J. ELLIOTT: You want more. So, you are suggesting that, when the commissioners get in, the first thing they will be doing is dipping into the ratepayers' tills.

The Hon. Diana Laidlaw: No. We, the arts community, want more.

The Hon. M.J. ELLIOTT: Right. But are you saying it is Government policy that you would like to dip into the till even further?

The Hon. Diana Laidlaw: No, I did not say that. I said we, the arts community, always want more, whether it is from State Government, local government, or the Federal Government.

The Hon. M.J. ELLIOTT: Nevertheless, I think the point needs to be made that the Adelaide City Council does make significant contributions to the arts, and well beyond that which you would get from any other council, and I think it recognises the crucial role that it plays in Adelaide.

Then the question of the River Torrens clean—up came up. The amount of burden that the State Government tried to put onto the Adelaide City Council was quite surprising, considering the area of the total catchment that it has compared to other councils. It was quite obvious again that the Adelaide City Council was seen as something of a milch cow, that it was a bit more cashed up than other councils. Ultimately, the Government then bragged about expansions to the University of South Australia which, as I understand, is all funded by the Federal Government and is neither a State nor a local government responsibility. In relation to TAFE, of course much of what has happened has been going on for some years now and was happening under the previous Government. So the issues raised by the Premier really were totally irrelevant.

Time went by, and I guess not having seen the Government lay out its case so far, one would have thought at least when the legislation comes in this is the big chance. This is when you give the second reading explanation and lay it all out. So, what happens? The Minister starts off with 'To give effect to the recommendations of the Adelaide 21 report...' I have looked at the Adelaide 21 report and I cannot find anything about sacking the council anywhere. It raises issues about Governments, and I will get to those a little later. But to suggest that one of the two major things happening in the Bill, and that is the sacking of the Adelaide City Council, is a consequence of the Adelaide 21 report is drawing a mighty long bow indeed. The Minister went on to say that there are concerns about the Adelaide City Council which are in two classes. He then says that the principal concerns are in relation to the emergence of factions and personal clashes within the council. Here we are—

The Hon. R.R. Roberts: Not like here.

The Hon. M.J. ELLIOTT: Not like Parliament and not like inside his own Party. You ought to see the brawl they are having over retail shop leases at the moment. It is unreal. There is blood on the floor at the moment.

An honourable member: Whose blood?

The Hon. M.J. ELLIOTT: The Attorney-General and the Premier are bleeding a bit at this stage. But they have a few rounds to go. The Premier thought he had won when he put out his press release two weeks ago, but now the Attorney-General is stalling. He reckons he will not get it in this session. Anyway, that is beside the point.

The principal concerns relate to the fact that there had been factions, as the Minister described it, and personal clashes. I find it interesting that when I talk to councillors they say this is the least factional council that has been around in quite some years. In fact, if I have heard any complaints, they are that there are not any factions and it makes it harder to tell how the votes will go. They are less predictable because there are not factions. Before you knew how the numbers stacked up. But to suggest that it is factional is fictional.

The Hon. Diana Laidlaw: One member in this State has resigned over the factions.

The Hon. M.J. ELLIOTT: No, that is not the case. I have in fact spoken with that member who has resigned and you are misquoting and misrepresenting her deeply. I suggest that you speak to her before you make those sorts of claims in here.

So, those are the principal concerns, and then you start wandering through the speech again because you think that there must be something more, because that is not going to hold water. Again, it is not there. This would have to be one of the worst speeches that has ever been put in place, particularly when you recognise the very significance of it. When you are talking about—

The Hon. R.R. Roberts: A terrible speech writer.

The Hon. M.J. ELLIOTT: It would have been a hard one. I am sure that the Minister did not write that. He has a couple of different writers. I do not know who did this one.

The Hon. T.G. Roberts: John Cleese.

The Hon. M.J. ELLIOTT: John Cleese could have. I have not seen whether the Minister does the funny walks, but he certainly does not chew gum at the same time.

I think the real reasons for these parts of the legislation are that the Government needs to blame other people. It has made no real progress in the last three years and needs to blame somebody else. The Adelaide City Council was a nice little scapegoat. There is no development in the city and—

The Hon. T.G. Roberts interjecting:

The Hon. M.J. ELLIOTT: I will get to that. It is nice to have the Adelaide City Council to blame. There is no development in the Adelaide city: it is the Adelaide City Council's fault. Good try. The other one is that Dean goes home at night and he has the hairs counted on his chest as well. But she says, 'No darling, there are no more.'

There has been some concern expressed about what might happen when you get rid of elected government. It is worth looking at the experience in Victoria. I quote from the *Bulletin* dated September 24—in fact the same day as the Premier was doing his little bit. I quote from an article on page 30 entitled 'City of the lost soul':

> Trevor Huggard, engineer and former lord mayor of Melbourne, is also pessimistic. He is worried about the City Link project and the casino, and he is desperately worried about the parks. He points out that there is not one park or garden in the city area that is not losing land. Albert Park has suffered damage from the grand prix; Royal Park is losing space for a 1 300 vehicle car park for the zoo. There is a plan to build the Women's Hospital beside the Children's Hospital, which in itself was a theft of 25 hectares. The new museum is going into the Carlton Gardens and a new grandstand is being built

at the Optus Oval in Princes Park [home of Carlton President John Elliott; it helps when you have friends]. 'It is really scary', says Huggard, 'if we continue at the 1996 rate of the loss of parkland it will all be gone in 31 years. Our parklands have never been under such an onslaught.'

The Hon. R.D. Lawson: What has that got to do with Adelaide?

The Hon. M.J. ELLIOTT: It gives you an example of the sorts of things that happen when you put in people with these sorts of mindsets, people who do not have any accountability.

I now quote from *The Age* dated 11 July 1996, page A15, an article from Dr Miles Lewis:

> Somebody needs to restate what parks are for. It needs to be understood that commercial activities must buy their own land rather than bludge off the public. It needs to be understood that vacant green space is a good thing to have, even when it is not put to any organised or commercial use. It needs to be accepted that any absolutely unavoidable use of parkland for other purposes must be matched by creating at least an equal amount of new parkland in an appropriate location.
>
> What goes for parks goes for the whole planning process. There needs to be established—or re-established—a common understanding that planning is for the common good and must conform to basic criteria like sustainability, equity, transparency and consistency. It needs to be understood that the public's wishes count; that private concerns must not be handed large windfalls by the planning system; that fair compensation must be paid to those who suffer adverse effects; that planning schemes should be exhibited, adopted and adhered to; that there must be a *bona fide* appeal process; and that the Minister should exercise reserve rather than executive authority.'

That is quite the opposite to what the Government is proposing to set up here where it will have three commissioners who will act under the specific instructions of the Minister and, if they do not act according to his instructions, they will be removed. They are there to do his bidding. No more do we talk about proper planning process or due process: this is all about the discretion of a single individual. It is an absolute outrage, and anyone who pretends to believe in democracy and due process could not support the legislation in its current form.

I know from my discussions with the Minister that one of the problems he has with the council is that it is too democratic and that its major concern is in responding to the needs of constituents, but so it should be. That is why people are elected: they are elected to do what their constituents want. It is worth considering what constituents want.

Since this issue blew up I have received no letters supporting the Government position at all, and our office has received two phone calls in support of what the Government wants to do. In comparison, letters and phone calls have been coming in on a daily basis, and even when I have been walking through the streets of Adelaide people have stopped me and said that they really want to make sure that this does not happen. I recall one lady grabbing me by the elbow and saying, 'I hope you will not let them sack the council. I ran away from that.' That woman spoke with an Eastern European accent and knew how democracy can be undermined; and it is undermined by degrees.

That leads to the fundamental question of what are the problems and, more importantly, whether they are problems that need fixing. It is fair to say that the area covered by the council has a special State interest.

The Hon. R.D. Lawson: Oh, surprising, surprising!

The Hon. M.J. ELLIOTT: We said that on the first day that we responded. In fact, we expressed it long before that when the Government announced that it wanted to carry out council amalgamations. Our response on that day was that we could not understand why the Government specifically had left Adelaide City Council out of those considerations. That was when the council amalgamation issue first came up, and on that first day the Democrats clearly flagged that we thought there were important issues about the council that needed to be addressed. One of those was the question of boundaries.

There is no doubt that there are times when the Adelaide City Council can make a decision which has an impact on the rest of the State. If it decides, for instance, to put in a lot more car parks, it is making a decision about public transport. It is making a decision about whether or not roads need to be widened elsewhere in the city. I have a personal opinion that perhaps too many car parks have been going in, and I express that as a personal concern only at this stage.

My point is that a decision about car parks is not just a decision for Adelaide city but is a decision about our transport system throughout the rest of Adelaide, and that needs to be recognised. There is no question that decisions made by the Adelaide City Council can have a State-wide interest. However, I suggest also that, if anyone went to a council meeting and sat through all the debates, discussions and votes, they would note that most of the stuff they talk about does not have a State interest. Most of the things that the City Council undertake with ratepayers' money and the decisions made are not of State importance, so why would we put in commissioners to make decisions about rubbish collections in Adelaide, social services in Adelaide and a whole lot of other things which the council does for its ratepayers but which do not impact on anyone else? How does the Government justify it?

The commissioners appointed would have no interest and would simply leave that to the administrative staff, who are not being called to account by anyone who has been elected. That is a real travesty. Even if we acknowledge that there are some matters of State interest, we must acknowledge also that many matters are not of State interest.The challenge for us is how we address the questions of State interest without interfering with those issues that are clearly of local interest only. That is the challenge for us.

That is why the Democrats have said that they are prepared to support part of the Bill, although probably still further amend it. We are prepared to support an inquiry which looks at the future of governance of the City of Adelaide. The fundamental questions that we will want answered before we vote on the Bill in Committee are what will be the structure of the commission that we set up; how will people get on it; and what will be their qualifications, so that we have confidence that the commission which is set up will act in an impartial manner with a balanced composition in terms of recognising State and local interests, and having an understanding of local government as well as other issues such as economic interests that are clearly driving the Government at the moment. So, there will be the question as to composition. The other fundamental question is the terms of reference that we give the commission. We need to take a much closer look at schedule 2 in relation to the terms of reference because at this stage the Government has not got them right. The boundary issue has been raised by other people as well. What should the boundaries of the City of Adelaide be like? That legitimate question needs to be answered. Some people have suggested shrinking, but I have a personal view that they should be expanded. However, I would rather the issue be canvassed through a public consultation process at this stage, as with a number of other

issues. In terms of those more detailed issues, most can wait until the Committee stage.

Obviously, the question of franchise needs addressing, and I believe that we could address that now. No person should carry more than one vote and, if anyone wants to defend a different position, I would like to hear from them. That issue could and should be addressed immediately. If the Legislative Council does not agree with that, it is an issue that should be put before the commission, as well as questions about the council's structure, whether there should be aldermen and a Lord Mayor, a position which is largely ceremonial and carries no power. I imagine that most ratepayers and voters would not be under the impression that the Lord Mayor had a great deal of power—influence, yes, but power, none.

There is the question of what happens when we have a Lord Mayor who may not have majority support. I am talking not about the current circumstances but about other circumstances. In State government the majority Party chooses the leader. In the Federal Parliament the majority Party chooses the Leader, and it is a legitimate question to ask whether or not it would be appropriate also in the City of Adelaide.

Over the next couple of days, before we go into the Committee stage, we need to focus on those two fundamental questions of the composition of the commission and precisely what it will look at. I believe the commission can report back to this Parliament by the end of February, which will give us ample time to get legislation through Parliament in time for elections at the usual time. I will not commit myself to any particular change. As other members do, I will reserve my right to look at the recommendations before making a decision on them.

There is a question of due process, and there is no question of our supporting the sacking of the council now or in the future. Perhaps the Premier should look at a bit of history as to why the Boston Tea Party and the American War of Independence occurred. It had a great deal to do with no taxation without representation, which is a fundamental issue, and the Government appears to be saying that taxation without representation should be occurring. The Government will find that the Boston Tea Party might have been rather gentle compared to what it will get here if it does not wake up to its senses.

With those words, I indicate my support for the second reading, noting that I will not support those parts of the Bill which lead to the sacking of the council. I will seek amendments to other parts to allow a commission of inquiry to occur so that Parliament can respond to a report prepared under what I consider to be due process.

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

RACIAL VILIFICATION BILL

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

ROXBY DOWNS (INDENTURE RATIFICATION) (AMENDMENT OF INDENTURE) AMENDMENT BILL

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

POLICE (CONTRACT APPOINTMENTS) AMENDMENT BILL

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

ADJOURNMENT

At 6.27 p.m. the Council adjourned until Wednesday 6 November at 2.15 p.m.