LEGISLATIVE COUNCIL

Wednesday 6 November 1996

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

PAPERS TABLED

The following papers were laid on the table:

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

Operations of the Auditor-General's Department—Report, 1995-96

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

Legal Practitioners Disciplinary Tribunal—Report of the Attorney-General and the Chief Justice pursuant to s.90A of the Legal Practitioners Act 1981 for the year ended 30 June 1996
Workers Rehabilitation and Compensation Act 1986—
Workers Compensation Tribunal Rules—
Notice of Dispute
Conciliation—Various.

LEGISLATIVE REVIEW COMMITTEE

The Hon. R.D. LAWSON: I bring up the third report of the Legislative Review Committee 1996-97.

QUESTION TIME

CHILD CARE

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

Leave granted.

The Hon. CAROLYN PICKLES: The National Association for Community Based Child Care Centres has initiated a campaign directed at having access to Commonwealth tied grants paid to South Australia on a dollar value per community based child care place. The association claims that in all other States and Territories the community based child care sector has direct access and only in South Australia are these funds controlled by the Government. The association also claims there is no consultation on how these funds are allocated and that funds have been accumulating. Therefore, my questions to the Minister are as follows:

1. How much will South Australia receive this year from the Commonwealth for community based child care grants?

2. How will these funds be distributed?

The Hon. R.I. LUCAS: I will need to get a briefing on the exact figures but the honourable member may well have misunderstood the way the system operates. I will get a detailed explanation and provide an answer to the honourable member. My understanding of the current situation is that it is exactly the same as the situation that operated prior to the Liberal Government's being elected: it was a system set in place by the Labor Government. I think the campaign that the community based child care sector is talking about concerns not necessarily Commonwealth funds but State funds. It is those funds which are being discussed, I suppose, by the community-based child care sector.

The advice that I have been provided with is that, for example, the State Government has used or is about to use $600 000 or so of State-based funding on providing what is known as KidsBiz, which is a management initiative to assist in the administration and management of community based child care sectors. That is being done in consultation with the community based child care sector. In fact, the community based child care sector has been lobbying the Government to extend the pilot program to all centres and the Government is already in the process of doing that. Some of the State based funding is also used in the overall administration and management of the scheme. I am advised that those general arrangements were set in place originally by the previous Labor Government and have not been changed significantly or substantively by me as the new Minister.

MIMILI SCHOOL

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Aboriginal Affairs, a question about planning powers in the Pitjantjatjara Lands.

Leave granted.

The Hon. R.R. ROBERTS: On 4 October 1996, the Anangu Pitjantjatjara Services Aboriginal Corporation, the body empowered under the Pitjantjatjara Land Rights Act 1981 to make such determinations, notified Services SA that an asbestos building placed at Mimili school be removed. The notification stated:

> The application for development on Anangu Pitjantjatjara Lands as submitted has been considered by the committee. The following is for your information.
>
> Resolution: Anangu Pitjantjatjara Services Governing Committee on 4 October 1996 has assessed the application for the placement of the structure at Mimili. The committee wishes to inform you that the application has been refused and that the structure is to be removed from the Lands and the site made clean on completion by 18 October 1996. This decision is final. The corporation has the power to recover the reasonable costs and expenses incurred by it in issuing this notice and taking any further action pursuant to its powers under the Anangu Pitjantjatjara Land Rights Act and the Construction Development Policy.

That notification was signed by the Director, the Chairperson and the Construction Coordinator. Members would be aware that this determination, which is in accordance with section 6 of the Pitjantjatjara Land Rights Act 1981, has been ignored by both Services SA and by the Minister for Education and Children's Services. My questions to the Minister for Transport, representing the Minister for Aboriginal Affairs, are:

1. Has the Anangu Pitjantjatjara Services Aboriginal Corporation acted in accordance with powers conferred upon it by the Pitjantjatjara Lands Rights Act 1981 in notifying Services SA to remove the asbestos classroom from Mimili school?

2. If the corporation has acted in accordance with the Act, does the Minister for Aboriginal Affairs believe it proper that Services SA and the Minister for Education and Children's Services should have ignored, and continue to ignore, the Anangu Pitjantjatjara Aboriginal Services Corporation order, and what action does the Minister for Aboriginal Affairs intend taking to ensure that the order is complied with?

3. Will the Minister ascertain whether approval was given for those delivering the building to enter the Anangu Pitjantjatjara lands prior to the delivery, and, if permission was not sought, why not?

Members interjecting:

The Hon. DIANA LAIDLAW: I suggest that the honourable member has had a rough recess, as the Hon.

Angus Redford suggests. Clearly he has decided to change tack and not continue to ask questions of the Minister for Education and Children's Services, who has knowledge in this area.

The Hon. R.R. Roberts: If he were the Minister for Aboriginal Affairs, I would ask him.

The Hon. DIANA LAIDLAW: I wonder whether the honourable member would be prepared to provide the terms of the letter to the Minister for Aboriginal Affairs, or possibly table it.

The Hon. R.R. ROBERTS: Certainly. I seek leave to table the letter, Mr President.

Leave granted.

The Hon. DIANA LAIDLAW: That is appreciated, because it may help in case the letter was not read in full, and we can have the full context of the issue. It is not that I think the honourable member would be selective. I will refer those questions to the Minister and bring back a reply.

HYDROCARBONS

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 waste hydrocarbon collection.

Leave granted.

The Hon. T.G. ROBERTS: One of the difficult recycling and/or waste management issues that is bugging the Government and the State is the handling of waste hydrocarbons in large volumes and the problems that presents to local government in arranging for collection in small volumes by people who may be interested in using it productively and making a profit from the collection of waste hydrocarbons, because they are presenting a difficult handling problem.

I have been contacted by a private sector company which operates a waste hydrocarbon collection program. It involves itself in the re-use, storage and resale of waste hydrocarbons. I understand that its storage problems and ability to handle the volumes in the marketplace have become saturated in that it can no longer store and/or resell the volumes which are being collected. This means that there will be large volumes in the marketplace and people will be tempted to dump them in unspecified ways in the environment.

I think that the Government has been contacted by private sector operators who are concerned about the difficulties that they, the Government, the State and the EPA face, and they would like some urgent attention to be paid to the details which have been put before the EPA and the Government and on which they want answers. My questions are:

1. Has the Government a plan or strategy for recycling or re-use of waste oil or waste hydrocarbons, because it does not appear that there is an overall strategy or plan?

2. Has the State Government been advised by the EPA of the critical situation within the waste oil and waste hydrocarbon collection industry in relation to the amount of oil being collected and recycled?

3. Why has not the EPA a documented set of specifications of acceptable levels in relation to percentage parts per million relative to properties being emitted when using recycled waste oil as furnace oil to assist industry to comply with the EPA's requirements, whatever they may be?

4. Does the State Government want to phase out the use of recycled waste oil for furnace burning, and, if so, what alternatives have been considered for the use, storage or recycling of waste hydrocarbons?

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

WIRRINA MARINA

In reply to **Hon. R.R. ROBERTS** (1 October).

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

1. The assessment of environmental effects for the construction of the marina took into account the document 'Wirrina Marina Construction of Breakwaters Monitoring Program for Dewatering Discharge'. The effects were assessed to be short term plumes of increased turbidity adjacent to the lease area.

The application for authorisation to discharge was advertised in both the Victor Harbor Times and the Advertiser from 1 March 1996, inviting public comment. No comments were received.

2. The proponents (MBfI Resorts Pty Ltd) are required to comply with the *Environment Protection (Marine) Policy 1994*. This includes the requirement to undertake monitoring and independent verification of any discharge and to use Best Available Technology Economically Achievable to reduce its effect on the marine environment.

3. There is no provision for compensation under the *Environment Protection Act 1993*.

4. The developers are required to comply with the *Environment Protection (Marine) Policy 1994*. EPA officers have inspected the work on a number of occasions to date and will continue to ensure that Best Practices are continued on site to minimise the turbid sea conditions associated with the project. Breaches of the *Environment Protection (Marine) Policy 1994* will be pursued in accordance with the provisions of the *Environment Protection Act 1993*.

DEAF-BLINDNESS DISABILITY

In reply to **Hon. P. NOCELLA** (4 June) and answered by letter on 28 October.

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

1. In 1995, the Vision and Hearing Impairment (VHI) Service, a service funded through the Disability Services Office, commissioned two questions in the Autumn 1995 Health Omnibus Survey. The questions asked were: Do you or anybody living in this house have both hearing and vision loss? Do you, or that person, access any of the following services because of that disability? (Respondents were then shown a card listing the services available to people with a vision or hearing loss).

As a result of that survey, it was identified that 12.9 per cent of households surveyed have someone living there who has both a hearing and vision loss. It was also identified that 30.2 per cent of households, where the respondent was 65 years of age or over, had at least one person with both a vision and hearing loss.

The main service used by people with a hearing and vision loss was the Optometrist (70 per cent), followed by their General Practitioner (37.4 per cent) and Specialist doctor (34.8 per cent). In addition, 15.5 per cent used hearing aid suppliers and 12.9 per cent used Australian Hearing Services. Surprisingly few (1.3 per cent) used VHI Services.

The Disability Services Office is currently analysing data from the Disability Support Needs Survey which will identify the support needs of people with disabilities, including those who are deaf/blind. In addition, in 1995, the Commonwealth Department of Health and Family Services, through the Office of Disability, prepared a Report on the Investigation into the Needs of and Services for People in Australia who are Deaf/blind. Subsequently, the Office of Disability provided funding to the National Federation of Blind Citizens of Australia to undertake further work in relation to this report.

The subsequent 'Deafblind Project Report' was released in May 1996. This is a national report which has made recommendations for implementation of services and initiatives to be pursued across Australia, by both State and Commonwealth Governments.

In conclusion, since 1989 a number of State and Commonwealth surveys have been undertaken which have clearly identified the prevalence of deaf/blindness in our community. These reports have also sought to make recommendations as to the needs of this group of people and services available to them.

2. The South Australian Government has recognised that people who are deaf/blind, and those who have less severe vision and hearing impairment, often require specialist support services due to

the difficulties they may face in communicating with others and in understanding and coping with their surroundings. In 1989, a working party was established by the SA Health Commission to review the needs of, and services for, people who are deaf/blind and to make recommendations.

As a result, the VHI Service was established in 1991 auspiced originally by Townsend House and subsequently by The Guide Dogs Association of SA and NT.

The VHI Service was transferred to the Options Co-ordination agency for people with sensory disability in 1995. Sensory Options Co-ordination purchases and arranges access to a range of support agencies, including mainstream services and specialist disability support services, on behalf of its clients. Sensory Options Co-ordination has now registered approximately 140 people who have a dual sensory loss. This figure does not include a number of people who live in institutions, such as the Strathmont Centre and Minda Incorporated, and who receive accommodation and support services from IDSC. The client service resources for the VHI client group have been quarantined within Sensory Options Co-ordination.

An Options Co-ordinator maintains a specialist focus for people who are deaf/blind or vision and hearing impaired within Sensory Options Co-ordination with staff recently visiting the Deafblind Care Association in Victoria to gain additional knowledge and update skills. However, in the long-term, it is expected that all Options Co-ordinators with Sensory Options Co-ordination will acquire skills and the special knowledge to assist this group of people. Sensory Options Co-ordination will continue to promote awareness of issues regarding combined vision and hearing impairments.

Services which are funded by the State Government and available to people who have a vision and hearing impairment include:

- Specialist education facilities (Kilparrin Unit and Townsend School) funded through the Department of Education and Children's Services;
- Townsend House which provides accommodation and respite services for school children; and
- AVAIL Inc which provides living skills and transitional accommodation programs, both funded through the Disability Services Office.

Some people who have an intellectual disability and a vision and hearing impairment are accommodated also at Minda Inc and the Strathmont Centre.

In conclusion, the South Australian Government has been sensitive to the needs of people who are deaf/blind and the needs of people who are deaf/blind will continue to be a focus of the Sensory Options Co-ordination Agency.

BUSHFIRES

In reply to **Hon. ANNE LEVY** (3 October).

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

We have, indeed, had a wet Winter, and the Minister for the Environment and Natural Resources understands from the Bureau of Meteorology that the rainfall for this Winter and the beginning of Spring has been above average.

However, the amount of growth in the Hills will depend very much on the weather from now until the end of the year. If we continue to get warm weather and wet periods the understorey, particularly the grass, will continue to grow and pose a higher danger than would occur if the weather warms up and the rain stops.

The responsibility for bushfire prevention rests with every member of the community and it is particularly important that residents in high risk areas, such as the Adelaide Hills, take all the measures necessary to protect their property from the threat of bushfires.

Not withstanding property owners responsibilities, Local and State Governments play a crucial role in bushfire prevention.

The Minister for the Environment and Natural Resources is pleased to inform the honourable member that a close and co-operative working relationship exists between the relevant Government agencies, (that is, Department of Environment and Natural Resources, Primary Industries (Forests), SA Water) Local Government and the CFS.

Following the serious bushfires in 1980 and 1983 the need for a more integrated approach to bushfire management was recognised and, through the Country Fires Act, District Bushfire Prevention Committees were established in each local government area, with regional committees coordinating the work of the district committees.

Membership on these committees is drawn from local government, CFS, and relevant land management agencies. The committees are responsible for developing Bushfire Prevention Plans for their Council area and for overseeing the implementation of the fire prevention strategies identified in each plan.

The Minister for the Environment and Natural Resources has been informed that the majority of Local Government Councils in South Australia have written fire prevention plans and that these are being implemented.

Local councils also employ a bushfire prevention officer who is responsible for working with the local community to ensure residents and local businesses are aware of, and implementing, the necessary bushfire prevention strategies.

As the honourable member can see there is already an integrated structure that addresses the issues she raised in her question. It would be counter productive to consider the establishment of another committee, however, the Minister for the Environment and Natural Resources thanks the honourable member for her interest and concern in this important issue.

WOMEN, REGISTER OF

In reply to **Hon. ANNE LEVY** (15 October).

The Hon. DIANA LAIDLAW: I provide the following information in relation to the honourable member's contribution to the Address In Reply debate regarding the cessation of the Federal Government's Register of Women.

The Federal Government remains fully committed to increasing women's participation in decision making processes and in their representation on Commonwealth bodies and boards. This is in line with the Federal Government's record increase in the number of women in the Commonwealth Parliament. Currently there are 23 women in the House of Representatives and 23 women in the Senate, women comprise 20.5 per cent of all Federal Parliamentarians. The South Australian figure is higher, at May 1996 21.7 per cent of State Parliamentarians are women.

Women comprise 28.9 per cent of Commonwealth bodies and boards. (The figure is 30.5 per cent, where the Commonwealth Government has some discretion in appointments made). The Korn/Ferry International 1996 report indicated only 4.2 per cent of private sector board members are women.

The Federal Register of Women has been used over a number of years to provide information on suitable women candidates for possible appointment to Commonwealth boards and bodies. The Federal Office of the Status of Women recently evaluated the effectiveness of the Register as a tool to achieve increased representation and as a result decided to discontinue its operation.

The Federal Government believes Ministers and Portfolios are in the best position to ensure that women's skills and achievements are properly recognised in appointments to Commonwealth bodies.

The Federal Government is looking to put effective arrangements in place to develop a departmental wide strategy and the Office of the Status of Women will have a key role in this strategy and will continue to monitor progress and report to both the Prime Minister and the Minister Assisting the Prime Minister for the Status of Women.

On the issue of the operation of the Office of the Status of Women's budget, the Prime Minister has decided that his department should concentrate on its core function of policy advice, rather than program operation and decisions have been taken accordingly.

MEDICAL EQUIPMENT

In reply to **Hon. T. CROTHERS** (28 May) and answered by letter on 12 October.

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

Following media publicity on this matter, as mentioned in the honourable member's question, the Minister for Health sought a further detailed briefing from the South Australian Health Commission.

It highlighted that the practice was not new, but had been undertaken for many years. Additionally, the range of items reused was significantly greater in larger metropolitan hospitals than in rural hospitals. This is clearly related to the significant differences in clinical practice between the two types of health units, and the economies of scale associated with reuse.

The briefing report highlighted the recent work of the Infectious Diseases Clinical Program, which made specific recommendations

in relation to the reuse of 'single use' items. Those recommendations were approved by the SAHC on 21 March 1996, and circulated to all recognised hospitals.

The National Health and Medical Research Council (NH & MRC) has released two documents on these matters, *Infection Control in the Health Care Setting,* and the *Report of the Expert Panel on Reuse of Medical Devices Labelled as Single Use.* These documents reflect the best expert advice available to health units on this matter, and the recommendations accepted by the SAHC are consistent with them. They are:

Re-processing and/or reuse of 'single use' items:

- Generally, items marked 'single use only' should not be re-processed.
- In particular, items with a long narrow lumen such as cardiac catheters cannot be appropriately inspected following cleaning. These items, therefore, should not be re-processed.
- Sterile items which are opened and not used, items purchased non-sterile but required to be sterile for use, and some solid items such as electrophysiology (E-P) catheters may be re-processed provided the clinician, the manager of the central sterile supply department and the infection control committee of the institution agree that this is appropriate.
- Responsibility for the functional integrity of the item rests with the clinician who requested re-processing.
- A protocol for cleaning and re-processing must be approved by the infection control committee in conjunction with the manager of the central sterile supply department and the clinician of the institution, and be prominently displayed in the areas concerned.
- Where appropriate, biological testing of the process should be carried out and documented.

Note: Implanted medical devices shall not be re-processed.

The very detailed NH & MRC reports establish standards for the prevention of transmission of infectious diseases, and obviously include many practices, not just this reuse of 'single use' issue. The Minister for Health has been advised that the standing of our current practice and guidelines in the area of reuse of 'single use' items is sound, and is not expected to change following a planned comparison with the NH & MRC standards. The Minister for Health adds that Professor Peter McDonald has been involved in the development of both our State and the NH & MRC policies, and that the existing Australian Standard AS—4187 on Cleaning, Disinfecting and Sterilisation Procedures has been in place for some time.

The processes outlined above are open to public scrutiny. It has been recommended by the Expert Panel that where items are reused, consent should be obtained from the patient. Experience has confirmed that the risk of cross infection under current practices is extremely low, particularly given that the reuse of some items is confined to the same patient. However, close vigilance will be maintained to ensure our standing in relation to patient safety remains at the highest possible level. As the Minister for Health indicated in his earlier reply cross infection has more to do with nursing and medical practice than any budgetary allocation.

WATER, POTABLE

In reply to **Hon. T. CROTHERS** (1 October).

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

Yes, the State Government is setting up systems for diverting stormwater to artesian basins for reuse. The State Water Plan released by the Government in September 1995 promoted the innovative use and reuse of stormwater and wastewater to enhance the availability of water supplies in South Australia. The new Water Resources Bill will encourage this approach and provide the legal framework for the better management of the State's water resources.

South Australia is a leader in the investigation and use of stormwater for replenishing our groundwater resources. South Australia has experimented with the diversion of stormwater and its storage in groundwater aquifers since the 1950's in both metropolitan Adelaide and the Northern Adelaide Plains, using water from overflowing metropolitan Adelaide reservoirs and high flows from the Gawler River. At the time, there were no adequate economic incentives to bring these initiatives into practice.

This practice is now commonly called aquifer storage and recovery. The first long term scheme commenced operation in the 1980's in the Angas Bremer Irrigation Area where groundwater salinities were rapidly rising due to the over exploitation of the resource. Aquifer storage and recovery provided an economic incentive to divert good quality river water into irrigation wells, particularly during periods of flood or high river flow. An additional incentive was provided in the 1980's when the local Water Resources Committee introduced the concept of a recharge credit to a licensed water allocation where aquifer storage and recovery is used. From the mid 1980's to early 1990's, recharge volumes increased from about 400 megalitres per year to over 1 300 megalitres per year, via about 25 bores.

Since then small scale schemes have been trialled by Mines and Energy SA at a number of sites around Adelaide. These schemes store water during winter to irrigate ovals and parks during summer in conjunction with local councils and schools.

A major initiative was the Andrew's Farm development in 1993 where Hickinbotham Homes Pty Ltd in partnership with Mines and Energy SA, the Department of Environment and Natural Resources, the CSIRO Centre for Groundwater Studies and the Munno Para Council trialled and developed the local recycling of stormwater by using the underlying aquifer for temporary storage and reuse for agriculture. This removed the need for costly stormwater drains and avoided damage to the marine environment. Research at this site, by the Centre for Groundwater Studies, resulted in the development of National Guidelines for the quality of stormwater and treated wastewater for injection into aquifers for storage and reuse.

Another significant initiative was the commissioning of the Regent Gardens aquifer storage and recovery scheme in November 1994. This was developed to dispose of stormwater from the urban development at Northfield, which would have been beyond the capacity of the existing infrastructure. The savings generated by not duplicating the existing drainage infrastructure compensated for the cost of a wetland retention basin, which also provided aesthetic benefits.

Other uses and benefits of the diversion of treated stormwater to groundwater aquifers are being explored. One trial includes the storage of potable water for subsequent reuse to augment the town water supply at Clayton.

The South Australian Government is actively promoting and developing opportunities with the private sector and local government for the reuse of treated stormwater.

CROUZET TICKETING SYSTEM

In reply to **Hon. T.G. CAMERON** (2 October).

The Hon. DIANA LAIDLAW:

1. The Crouzet ticketing system asset was originally transferred to the Passenger Transport Board (PTB) on 1 July 1995 from TransAdelaide at a written down value of $5.7 million. During 1995-96, TransAdelaide identified and transferred an additional $0.9 million of Crouzet ticketing system equipment to the PTB. This equipment had been ordered in the previous financial year by TransAdelaide but was not paid for until the 1995-96 financial year.

Both of the figures reported by TransAdelaide and the PTB are therefore correct, as at 1 July 1995 the original estimated value of the Crouzet ticketing system transferred from TransAdelaide to the PTB was $5.7 million. An additional $0.9 million transferred for the Crouzet ticketing system equipment during 1995-96 from TransAdelaide resulted in a total transfer of $6.6 million for the 1995-96 financial year.

Debt associated with the value of the Crouzet ticketing system was also transferred from TransAdelaide to the PTB in a similar fashion. Therefore, as at 1 July 1995 the PTB recognised $5.7 million of debt but an additional $0.9 million of debt was transferred during the 1995-96 financial year.

2. The original cost of the Crouzet ticketing system was $10.4 million.

SERCO CONTRACT

In reply to **Hon. T.G. CAMERON** (5 June).

The Hon. DIANA LAIDLAW:

2. The total cost resulting from the employment of external independent consultants, materials and equipment for the evaluation of all nine tenders received in response to the Passenger Transport Board (PTB) Request for Tenders 95001 and 95002, was $114 240.25.

This cost recognises that the first evaluation process involved additional costs as the members of the independent evaluation committee developed the necessary assessment protocols. The cost of evaluating any one tender cannot be separately identified. In addition to external consultants, a small number of PTB staff were involved in the evaluation process. This involvement was as part of

their normal employment duties. No staff were specifically recruited to the PTB for the purpose of undertaking the evaluation.

3. The following improvements to pre-existing services were identified by Serco as part of their tender for the Outer North services:

- Bus route 206, two additional trips week days plus one changed trip.
- Bus route 222, three additional trips week days.
- Bus route 224, three additional trips week days.
- Bus route 226, eleven additional trips week days.
- Bus route 227, one additional trip week days plus an altered service.
- Bus route 229, four additional trips week days plus an altered trip.
- Bus route 229, six additional trips on Sundays and public holidays.
- Bus route 400, introduction of 'hail and ride' service.
- Bus route 402, combination of route 402 and route 402B.
- Bus route 404 and 405, two additional trips week days.
- Bus route 411, three additional trips plus some altered services.
- Bus route 415, one additional trip week days plus some altered trips.
- Bus route 440, five additional trips week days.
- Bus route 441, eight additional trips week days.
- Bus route 442, five additional trips week days.
- Bus route 450/451, three additional trips week days.

In addition, Serco highlighted that the following service innovations would be introduced:

- drivers dedicated to routes, to enable them to become better acquainted with their passengers and their needs;
- cleaner buses, inside and out;
- new Serco livery on buses;
- smart new uniforms for drivers and field staff;
- an enhanced helpful and a caring approach by all staff;
- on-board passenger information sheets;
- the presence of customer information/liaison staff at Elizabeth and Salisbury Interchange during peak periods;
- a taxi call service on night buses from 9 p.m.;
- the establishment of a community club; and
- a helpline for blind, frail or elderly persons (not confined to wheelchairs) whereby their time and place of boarding and alighting will be radioed to Serco buses, so that drivers will be aware of the needs of these passengers at particular stops and are thus able to provide assistance as required.

SHOP LEASES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Attorney-General a question about retail shop leases.

Leave granted.

The Hon. M.J. ELLIOTT: On Tuesday 22 October the Premier announced that his Government would introduce legislation into the Parliament in the first week of November to give 'a better deal for retail tenants and landlords in South Australia'. I quote from the release, as follows:

> It will also include a provision that if a lessor issues a new lease for particular premises an existing tenant will have the first right of refusal, except in defined circumstances.

This measure was among a number recommended by the joint parliamentary select committee investigating retail leases which were supported by members of all three Parties. However, it is noted that not all recommendations, including the first right of refusal of lease renewals, were supported by the Attorney-General.

It has been noted that the announcement in relation to the Bill came from the Premier's office and not from the office of the Attorney-General, who has responsibility for the portfolio. However, the Bill has not yet appeared and a newspaper report now suggests that the Bill will be examined by a committee of Liberal backbenchers before anything is introduced to the Parliament. My questions to the Attorney-General are:

1. Is it a fact that the Bill will now not be introduced to the Parliament this week?

2. Is it just a matter of the legislation being refined, but the first right of refusal on lease renewals remaining in the Bill, as promised by the Premier, or does it mean that this particular issue is also being reviewed?

3. What is the expected time frame for introduction?

4. Who of the Property Council, the Retail Traders Association and the Small Retailers Association have been consulted in relation to the draft Bill?

The Hon. K.T. GRIFFIN: I am not prepared to disclose what discussions are occurring at the present time. The fact of the matter is that a Bill will be introduced into the Parliament. It may not be this week. The issues which are being addressed are complex issues. All will be revealed in due course.

The Hon. M.J. ELLIOTT: I repeat the last question: Who of the Property Council, Retail Traders Association and Small Retailers Association have been consulted on the draft Bill?

The Hon. K.T. GRIFFIN: I have already answered that, Mr President.

The Hon. M.J. Elliott: You won't answer the question?

Members interjecting:

The PRESIDENT: Order!

GUARDIANSHIP BOARD

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

Leave granted.

The Hon. P. HOLLOWAY: It has been brought to my attention—

An honourable member interjecting:

The Hon. P. HOLLOWAY: It is, yes. It has been brought to my attention that hearings by the Guardianship Board of appeals by patients detained at Glenside Hospital and other psychiatric hospitals by hospital psychiatrists have been held at the hospitals themselves. Apparently, this practice is aimed at reducing costs associated with such hearings. This is in contrast to the practice of the Mental Health Review Tribunal under previous legislation. Under the tribunal such hearings were always held at an independent location on the grounds that justice not only be done but also be seen to be done.

Concerns have been expressed to me that some patients may feel vulnerable and intimidated by the surroundings of a mental hospital, especially when there they are being detained for treatment that they may not wish to receive. Consequently, they may not be in a position to present their best case to the board. My questions are:

1. Does the Attorney agree that it is desirable that hearings, such as those Guardianship Board appeal hearings (to which I have referred), be held at an independent location?

2. Will the Attorney ask the relevant Minister to review the current practices of the Guardianship Board in relation to these matters?

The Hon. K.T. GRIFFIN: As I interjected, the Guardianship Board does not come under my responsibility. There is an appeal from the Guardianship Board, and that is presided over by a member of the District Court and to that extent that then comes within my area of responsibility, although assessors who sit with the District Court judge, whilst

appointed with my approval, are generally the subject of recommendations by the Minister for Health. They are generally psychiatrists, and that area falls under the jurisdiction and expertise of the Minister for Health.

In terms of the practice of the Guardianship Board, I am not aware of the practices: that technically would be a matter that would be the subject of consideration by the Minister for Health. I will arrange to have the matters investigated by the Minister for Health and either I or the Minister representing the Minister for Health in this place will bring back a reply.

ANTI-ASIAN ACTIVITIES

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the increase in anti-Asian activities in schools.

Leave granted.

The Hon. BERNICE PFITZNER: It has been reported to me that there has been an increase in anti-Asian activities in some schools. There have been two particular incidents in an Adelaide private or independent school. The first incident related to a year 11 boy being hit on the head deliberately just because he was Asian; and the second incident involved a group of year 10 Asian boys being 'waterbombed' by their Anglo-Australian peers. Whilst these incidents in themselves do not appear to have caused great physical damage, the psychological damage to the children and the wider school community of unacceptable anti-Asian racism is considerable.

I do not wish to identify the school as there are similar schools which depend, to a significant extent, on these Asian paying students. I understand that the latest statistics on Asian students' contributions to the Australian community is $3.6 million. It also provides a tremendous opportunity for school children to meet with people of diverse cultures. My questions are:

1. What action can be taken by the school to deal with this problem?

2. What curriculum is in place to encourage school children to understand diverse cultures?

The Hon. R.I. LUCAS: The honourable member has identified the fact that at least one of the schools involved is a non-government school. Whilst as Minister I do not have direct control over the operations of non-government schools, we work cooperatively and collaboratively in many areas. The Department for Education and Children's Services will be pleased to work with the systems' authorities—the Independent Schools Board or the Catholic Education Office—in terms of the sorts of practices and procedures that Government schools adopt to combat harassment or racist attitudes within a school or schoolyard. The department has a very strong anti-racism policy. It also has a very strong anti-harassment policy. This does not mean—

The Hon. Anne Levy: And sexism policy

The Hon. R.I. LUCAS: We have all those policies, yes, but at this stage I am talking about racial harassment rather than sexual harassment. As I said, whilst I do not think any schoolyard in Australia or the world could claim to have a completely harassment free schoolyard or school site, we believe that through our teachers, our staff and our departmental officers we are doing as an effective job as we possibly can in making it quite apparent to our young people that that sort of behaviour is unacceptable within a school and in the community. It is an important aspect of what we try to teach within our teaching and learning programs in schools. It is also important to note that we cannot expect our schools to solve the problems of the world. They can be an important part of changing attitudes and developing new behaviour patterns in young people but the community, and parents in particular, must accept part of the responsibility—

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: The media as well.

The Hon. Carolyn Pickles: And some politicians.

The Hon. R.I. LUCAS: The community, including political leaders and commentators—everyone. But let me talk about parents and families as well, in particular, who must accept some responsibility in terms of changing any unfortunate behaviour patterns that young people within our schools might have when they arrive at school. Sometimes children arrive at school with an attitude towards other Australians or South Australians that has come from their family background. In relation to what we can do with non-government schools, as I said, we cannot direct anything, but we are prepared to work collaboratively with the schools. If the honourable member—without obviously identifying the school publicly because that is not required—would like to contact the school and, if it would like advice or assistance from our departmental officers, we would be more than prepared to see what we can do to provide advice or maybe copies of materials and the sorts of programs being used within our Government schools.

The only other point is that, because this is an important issue at the moment, as Minister I have to say we are receiving isolated anecdotal reports along the lines to which the honourable member has referred. But I would have to say, pleasingly, I hope—touch wood and all those sorts of statements—I do not believe that we are seeing a widespread outbreak within our Government schools in South Australia such as some of the unfortunate stories being claimed about other States in relation to behaviour patterns. No comprehensive research has been done on it—and I do not purport to claim that that has been the case—but the anecdotal reports being received at the moment would seem to indicate that they are isolated incidents and, frankly, we had isolated incidents prior to the recent outbreak, in terms of the public debate nationally as a result of statements made by Pauline Hanson and other prominent Federal commentators.

COMMONWEALTH BUDGET

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made today in another place by the Treasurer on the subject of the impact to the Commonwealth budget on South Australian Government finances.

The Hon. Anne Levy: A supplementary budget on the way?

The Hon. R.I. LUCAS: No, no supplementary budget on the way.

Leave granted.

TEACHER NUMBERS

In reply to **Hon. M.J. ELLIOTT** (1 October).

The Hon. R.I. LUCAS: In 1994 I stated that, based on the information available, there would not be a significant shortage of teachers in South Australia in 1996, however, there would be a potential problem during the latter part of this decade and early next century which the Government would have to address. This has proven to be accurate.

Because there are currently in excess of 1 100 permanent teachers against temporary vacancies (PATs) and 3 086 applicants for permanent employment, it is unlikely that there will be problems in filling permanent teacher vacancies until the end of the decade other than in some highly specialist areas such as Asian languages.

There will be increasing difficulty in filling temporary vacancies which result from teachers taking various forms of leave. A working party has been established within the Department for Education and Children's Services (DECS), Personnel Division, to work with the universities and the South Australian Institute of Teachers (SAIT) to address these growing difficulties of filling temporary (contract) vacancies in country schools.

EDUCATION, COST

In reply to **Hon. M.J. ELLIOTT** (2 October).

The Hon. R.I. LUCAS: The Auditor General's comment that little improvement had been achieved in relation to a number of the issues which were raised in previous years was noted with concern by the Department for Education and Children's Services (DECS).

There were however a number of achievements by the department since the last report on its financial and management operations. These include the development of an improved delegations document (to improve the understanding and application of purchasing and expenditure delegations), the review into all of the department's working accounts, and the review into the WYSE and FIGTREE Version 10 workers compensation management systems.

The recommendations of the Auditor-General in relation to accounts payable and salaries and wages were agreed. The preferred solution for many of the areas of concern in relation to weaknesses in procedures relating to accounts payable (e.g. incorrect debiting, appropriate certification) is a training program to improve the knowledge and understanding of account classifications. This will be undertaken as part of the implementation of Computer Associate's Masterpiece 2000 general ledger. A new chart of accounts is being developed for the department as part of the Masterpiece 2000 implementation and as part of the implementation of accrual accounting.

A significant training program will accompany the introduction of the new chart of accounts. While awaiting that re-training opportunity, the problems of incorrect debiting will be discussed with the divisional finance officers (Management Accounting Group Information Committee), to develop and implement immediate solutions within their areas of responsibility.

As acknowledged by audit, a compensating control does exist in the accounts payable process through the monthly budgetary monitoring process (i.e. through a review of cost centre reports by divisions).

In relation to salaries and wages, the 'Common Operating Procedures' held by audit staff differ from the copy held by the Payroll Services Team, and according to the copy held by audit, the formal departmental procedures are not being applied. This issue has carried over from the 1994-95 audit review. It is noted however, that audit staff have agreed that the methods being applied in relation to AUO40 and AUO50 reports contain adequate controls.

I am advised the common operating procedures were written approximately 17 years ago, when EDMIS was first implemented in the department. It cannot be established which of the copies currently on record is the most recent as both are about 10 years old.

Given that the process applied by payroll is recognised to provide a sufficient audit trail and adequate controls, it has been proposed that the common operating procedures held by Payroll Services be accepted as the official procedures. Negotiations with the Auditor-General's staff is occurring to resolve this issue.

The implementation of the Auditor-General's recommendations will be monitored by the Manager, Accounting Services, and the Manager, Payroll Services, and will form part of a new formal performance management procedure to be implemented for Accounting Services and Payroll Services officers.

In relation to the Family Day Care fee relief system, I am advised staff have been reminded of the accepted procedures and the Family Day Care managers will monitor the full implementation of the audit recommendations. The Family Day Care Project Officer is developing procedures for the General Ledger Reconciliation to Quarterly Commonwealth Childcare D-Sups Claims to ensure that each variance identified in the fortnightly records is investigated by the responsible regional officer and accounted for with the quarterly claim.

As a result of the 1994-95 Audit Report into workers' compensation claims, it was recognised that an improved software system for the management of compensation claims was required and that an improved software system would address many of the internal control issues raised by audit. The department investigated the use of the WYSE and FIGTREE Version 10 software systems to manage compensation claims, and approval has been given by the Department for Industrial Affairs to proceed with the FIGTREE Version 10 system.

Based on this approval, the development of a claims procedure manual is a current high priority of the Occupational Health Services (OHS) Unit. Two senior officers within the unit have been given this responsibility and the manual will be developed in conjunction with relevant training for claims officers.

The volume of claims submitted to the Occupational Health and Safety Unit is considerable, with some 1 400 new claims per year and hundreds of accounts per week. A draft delegation of authority document has been developed by the Director, Personnel. The delegations within this document have been fixed having regard to the varying levels of complexity of claims and the potential liability from injuries.

It is the Chief Executive's intention during 1996-97 to ensure ongoing improvement in the Department's internal control and risk management and the Audit reports were particularly useful in informing the improvement process.

Further, the tabling of progress reports on the issues raised in the 1995-96 audit reports at meetings of the DECS Audit Committee will enable the committee to monitor the progress of the implementation of audit recommendations. This committee is chaired by the Chief Executive and includes representatives from the Auditor-General's Department.

TELEPHONES, MOBILE

In reply to **Hon. P. HOLLOWAY** (2 October).

The Hon R.I. LUCAS: As indicated by the Auditor-General in his report to the Department for Education and Children's Services (DECS), the utilisation of mobile phones is now a generally accepted method of conducting business. Mobile phones have been introduced into DECS to assist officers in the performance of their duties and it has been recognised that in certain circumstances the mobile phone can improve productivity, customer service and staff safety.

However, as stated in the department's policy document 'the cost of mobile telephone services are generally more expensive than wired telephones and managers should be prudent in the use of public funds and make recommendations accordingly'.

A copy of the department's 'Mobile Telephones Policy and Procedures' document has been provided to the honourable member.

YOUNG FARMERS INCENTIVE SCHEME

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to table a ministerial statement made by the Minister for Primary Industries in another place today on the subject of the Young Farmers Incentive Scheme.

Leave granted.

FIRE BLIGHT

In reply to **Hon. T. CROTHERS** (15 October).

The Hon. K.T. GRIFFIN: The Minister for Primary Industries has provided the following response:

1. I recognise that the issue of an import protocol for apples and pears from New Zealand is a matter for the Commonwealth Government, but one which I am very much aware of, and have already given my support to the stance taken by the SA Apple and Pear Growers Association. The Minister for Agriculture and Fisheries New Zealand has applied on behalf of the NZ apple and pear industry to the Australian Quarantine Inspection Service (AQIS) for access to the Australian market. The SA and Australian pome fruit industry is gravely concerned about the risk of fire blight being transmitted to Australia in association with NZ fruit.

As part of the process of considering the NZ application, AQIS Quarantine Policy Branch have released an issues paper on importation of New Zealand apples to Australia. Public responses and technical information relating to the NZ application will be considered on technical merit by AQIS through the AQIS Risk Assessment Working Group.

The AQIS Issues Paper was open to public consultation, closing on 30 September, although an extension by a further two months was recently announced by Senator Brownhill.

2. Primary Industries staff have already undertaken a review of the technical merit of the AQIS Issues Paper and provided a report to AQIS. This report highlighted some serious deficiencies in the issues paper and came to the conclusion that the Australian apple and pear industry could be exposed to an unacceptable risk from fire blight and imports should not be permitted from New Zealand.

PISA staff have also been supporting the SA apple industry through representation at national forums addressing specific technical issues relating to the NZ apple import application.

3. I have also been communicating with the Hon. John Anderson the Federal Minister for Primary Industries and Energy on behalf of the SA Apple and Pear Growers Association. Issues tackled include extension of public comment time on the AQIS Issues Paper and industry representation on the AQIS Risk Assessment Working Group.

I will be continuing to monitor progress of the NZ apple imports issue as it progresses through the various stages of the AQIS review process.

RIGHT TO SILENCE AND PRESUMPTION OF INNOCENCE

In reply to **Hon. A.J. REDFORD** (16 October).

The Hon. K.T. GRIFFIN: I have discovered that, in late 1995, the Deputy Commissioner of Police proposed that the Evidence Act be amended so that a judge could comment on the failure of the accused to answer, or answer accurately, questions put to him or her by police. I responded to the effect that, while the High Court in Weissensteiner (1994) 68 ALJR 23 had permitted a trial judge to comment to the jury about the silence of an accused at trial, silence at the investigatory stage is an entirely different matter and that I was unpersuaded that the law needed to be changed.

TRANSPORT FUNDING

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

Leave granted.

The Hon. T.G. CAMERON: Recent figures from the Australian Institute of Petroleum of July 1996 show that, for every litre of unleaded petrol bought in Adelaide, 9.8¢ goes to the State Government in tax. South Australia now has the highest State petrol tax in Australia and this compares to 6.9¢ a litre in Sydney and 5.7¢ a litre in Perth. The average commuter using 34.5 litres of petrol a week will pay $3.38 each week—more than $175 a year—to the State Government in petrol tax. The petrol tax unfairly disadvantages people who rely on motor vehicle transport. In particular, it hits low income earners who live in Adelaide's outer northern and southern suburbs. It is a consumption tax that promotes inequality. It has been estimated that for 1996-97 more than $160 million will be raised by the State Government through the State petrol tax.

Having the highest State petrol tax in the nation would lead most people to think that we would be correspondingly spending more on our roads. According to the latest figures released by the ABS, on a percentage basis South Australia spends far less than any other State or Territory on roads. In 1994-95 New South Wales spent 7.8 per cent of its budget on roads, Queensland spent 9.4 per cent and the average for Australia was 7.7 per cent. On the other hand, South Australia spent just 5.2 per cent of its budget on roads. We have the outrageous situation where, under this Government, the State petrol tax has increased from 9¢ a litre in 1993 to 9.8¢ a litre in 1996, the highest in the nation, yet spending on our roads is the lowest in the nation. My questions to the Minister are:

1. Why does South Australia have the highest State petrol tax in the nation while the Government spends less on our roads percentage-wise than any other State?

2. Will the Minister increase the funding spent on our roads to the national average and, if not, why not?

The Hon. DIANA LAIDLAW: There is a very simple answer to why we have the highest fuel franchise fee—the Labor Government ensured that it was so.

The Hon. T.G. Cameron: Lower it.

The Hon. DIANA LAIDLAW: The honourable member says, 'Lower it.' That is fantastic. You forget that you left us almost in bankruptcy and now, without being informed, which is typical of this member, he asks why we have the highest fuel franchise fees in Australia. The honourable member rarely does his homework and, if he had, he would not ask the question, because it is an embarrassing story for the Labor Party, which increased the fuel franchise fee by 3, 2, 1 cents a litre and did not arrange for that to be spent on roads. It did not dedicate those funds for roads when it increased the fuel franchise but put those funds towards the local government-State Government reform fund. In setting up that reform fund it simply did not seek to find replacement funds. It kept the budgets of those agencies at the same levels and took out what it wanted to transfer to the new local government-State Government reform fund through the new 3, 2, 1 cents per litre tax on fuel.

The then Labor Government signed a memorandum of understanding with the Local Government Association of the day which has now set up all sorts of expectations which this State Government continues to endeavour to meet. We signed an extension of that memorandum of understanding with the Local Government Association but the local government-State Government reform fund set up by the Labor Government is based on 3, 2, 1 cents per litre from the fuel franchise fee and was contained in a budget measure in about 1991 or 1992. Even the honourable member would agree that, whatever the persuasion of the Opposition, in this place it could not refuse supply. That is there thanks to Labor.

In terms of road funding, we have provided more in real terms than the past Government did over many years. Today about $30 million more has been spent on roads over the past three years than was the position when we came into office. There is not a council or community in this State that does not applaud the efforts that the Government has made to increase funding for road construction and maintenance—

Members interjecting:

The Hon. DIANA LAIDLAW: Don't be ridiculous. It has gone up by about $30 million.

Members interjecting:

The Hon. DIANA LAIDLAW: That is so.

The PRESIDENT: The Hon. Terry Cameron was heard in complete silence. I suggest that he listen to the answer and, if he does not like it, he can see the Minister afterwards rather than interjecting. All you are doing is wasting your own Question Time.

The Hon. DIANA LAIDLAW: He was heard in silence because we were all speechless about this further example of lack of research by the honourable member.

The Hon. T.G. Cameron: They're all your figures!

The Hon. DIANA LAIDLAW: Yes, but what you do not acknowledge in your question—your rather naive question—is the reason for the fuel franchise fee being so high. At the time the Labor Government introduced the fee with CPI.

Members interjecting:

The Hon. DIANA LAIDLAW: We are seeking to rein in Government expenditure, thanks to the work of the previous State Labor Government. It is not a time, when we have made commitments not to increase or introduce new taxes and we are seeking to reduce our debt, to change this measure. I repeat: we have the highest fuel franchise fee because of Labor, but much of that fee is dedicated to the local government-State Government reform fund, and we have invested heavily in this State through an increase in funding of about $30 million. That is reason for applause.

Members interjecting:

The Hon. DIANA LAIDLAW: I appreciate that finally members in country areas respect what is happening.

The Hon. R.R. ROBERTS: I desire to ask a supplementary question. When will you be lowering the fuel tax?

The Hon. DIANA LAIDLAW: If we lower the fuel tax we will be taking out about $50 million from local government. The 3, 2, 1 money is spent on the local government-State Government reform fund and, if you want to take out about $50 million from local government, that is what would happen. That money goes to local government in terms of a whole range of projects. It provides library funds, as the Hon. Anne Levy would know, of about $24 million. Do you want to cut that funding by reducing the fuel franchise fee? That is entirely your issue. You may be seeking to be nice to the Adelaide City Council now but it would be really pleased to see your agenda in terms of closing the City of Adelaide library.

The Hon. T.G. Cameron: Listen to your back bench.

The Hon. DIANA LAIDLAW: I have: they say, 'Don't touch those local government funds.'

DE FACTO RELATIONSHIPS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Attorney-General a question about the De Facto Relationships Act.

Leave granted.

The Hon. R.D. LAWSON: The De Facto Relationships Act was assented to on 1 August 1996 and will come into operation on a day to be fixed by proclamation. To date, no such date has been fixed. This Act will empower the court, after a *de facto* relationship ends, to make an order relating to the division of property between *de facto* partners. The Act will also enable the execution of enforceable cohabitation agreements between *de facto* partners. Section 4 of the Act provides that it does not apply to a *de facto* relationship that ended before the commencement of the Act. I am not able to suggest that there are persons presently living in *de facto* relationships and remaining so awaiting the commencement of this Act. However, I have had inquiries from a number of legal practitioners and other persons involved in this area of the law who have expressed concern about the delay in its commencement, especially having regard to the fact that its beneficial provisions will not apply to *de facto* relationships that end before its commencement. My questions to the Attorney-General are: will he inform the House, first, when the Act will come into operation and, secondly, whether there are any impediments to that process?

The Hon. K.T. GRIFFIN: I would like to see the legislation brought into operation as soon as possible. I am waiting on rules of court to be forwarded to me from the courts. I know that the Chief Judge of the District Court has been absent for some time but has now returned to the office. I hope that it will be before the Christmas-New Year period. As soon as I have some clear indication I will let members know.

ARTS, CHIEF EXECUTIVE OFFICER

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the appointment of the new CEO.

Leave granted.

The Hon. ANNE LEVY: Some weeks ago it was announced that Mr Tim O'Loughlin will become the new CEO of the Department for the Arts and Cultural Development. I have congratulated him on his appointment. I understand that he is expected to take up the position in three or four weeks. But various questions have been put to me regarding the process of Mr O'Loughlin's selection. I appreciate that the Minister has complete discretion in choosing her CEO, but it was obvious that the position was advertised and a number of people applied. A selection process was gone through, including an interview panel being established. As I understand it, one name only, that of Mr O'Loughlin, was recommended to the Minister from the selection procedure.

However, it has been alleged to me that Mr O'Loughlin was not interviewed by the interview panel which was established for the position; in fact, three people were interviewed by the interview panel and one of those three was recommended as a result of the interview. I appreciate that the appointment of Mr O'Loughlin is completely within the discretion of the Minister and I am not casting any aspersions whatsoever on Mr O'Loughlin, but could the Minister give some indication of the procedure which was gone through whereby an interview panel was established, interviewed three people of whom one was recommended, and then a completely different person was recommended who had not been interviewed by the interview panel?

The Hon. DIANA LAIDLAW: I can not only indicate but also give the honourable member an absolute assurance that only one recommendation was made to me.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: That is right; only one recommendation was made to me after interview and checking of references, and that was Mr Tim O'Loughlin. That recommendation was made to me on behalf of the selection panel by Mr Graham Foreman, Commissioner of Public Employment. He suggested to me that one outstanding candidate, Mr Tim O'Loughlin, had applied and I should interview him. I interviewed him and told Mr Foreman that I considered that Mr O'Loughlin would perform superbly well as CEO. The honourable member has suggested the same and congratulated him.

As is the standard approach, Mr Foreman then went to the Premier, said that there was one outstanding candidate after interview and checking of references, that a recommendation had been referred to me and that I had interviewed Mr O'Loughlin, and the recommendation to the Premier was that he be appointed. As the honourable member would know the Premier makes the appointments.

The Hon. ANNE LEVY: I have a supplementary question. Will the Minister discuss the procedure that was used to recommend Mr O'Loughlin to her, given that an interview panel was established which interviewed three people, recommended one of them, and that Mr O'Loughlin was not one of the three people interviewed by the interview panel?

The Hon. DIANA LAIDLAW: All I can confirm is that only one recommendation was given to me. That was after interviewing of candidates and checking of references. Only one candidate was referred to me as outstanding from the field of applicants. It was that one applicant whom we have run with on the recommendations that came through the interview and reference checking processes.

The Hon. ANNE LEVY: I have a supplementary question. Will the Minister provide information as to the procedure used from the time of calling for applications to the time that one name was presented to her, as I understand that an interview panel was established which interviewed three people, recommended one of them, and that Mr O'Loughlin was not one of the three people interviewed by the interview panel?

The Hon. DIANA LAIDLAW: I cannot say it more clearly: for the third time, only one recommendation came through to me following interview.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Well, I am telling you the facts. The question may be very loudly put but may not be well based. The fact is that the recommendation came through to me after interview.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Listen! After interview of applicants and checking of references only one recommendation came through to me.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: I said 'after the interview'. He was interviewed and all references were checked.

The Hon. Anne Levy: Not by the interview panel.

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: Only one recommendation came through to me.

Members interjecting:

The PRESIDENT: Order! Can I suggest that all members put their questions through the Chair. I cannot control the situation; it will get out of control and someone will get hurt if you do not put your questions through me.

The Hon. T.G. Cameron: Hurt?

The PRESIDENT: Including the Hon. Mr Cameron.

The Hon. CAROLYN PICKLES: As a supplementary question, was Mr O'Loughlin interviewed by the interviewing panel?

The Hon. DIANA LAIDLAW: That I will discover. All I know is that he was interviewed, as were—

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: The Commissioner for Public Employment indicated to me that he was interviewed and that, after interviewing and checking of references of all the applicants, he was the outstanding applicant. If the honourable member wants me to refer those processes to the Premier, I can do so, because the appointment is the responsibility of the Premier.

The Hon. K.T. Griffin: You don't even have to have a panel.

The Hon. DIANA LAIDLAW: I know I don't have to have a panel.

Members interjecting:

The PRESIDENT: Order!

BUSES, SUBURBAN STREETS

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport—

The Hon. Anne Levy interjecting:

The PRESIDENT: Order! If the Hon. Anne Levy continues, she will not get that opportunity next time. The Hon. Sandra Kanck.

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport a question about buses in suburban streets.

Leave granted.

The Hon. SANDRA KANCK: It has been drawn to my attention that 277 buses turn around in Pennington Terrace, North Adelaide, every day. This is the result of the recent diversification in the management of Adelaide's public bus services. In the past, buses ran through routes that saw them terminate at depots dotted around the suburbs, but with the routes now circumscribed the buses are forced to turn around in suburban streets.

Apparently the situation in Pennington Terrace is to be resolved with the southern or War Memorial Drive car park of the Adelaide Oval being used to provide a turning circle for these buses, but I am informed that the cost of the construction of a turning bay will be about $100 000. My questions to the Minister are:

1. Will there be any further incursions into the parklands as a consequence of the need for terminating buses to turn around?
2. What portion of the $100 000 cost will the Government bear?
3. Will the private bus companies using this facility be contributing to the cost of providing the turning circle; and, if not, why not?
4. Has the Passenger Transport Board at any stage prepared an impact statement on the effect of the buses terminating in Pennington Terrace?
5. Were local residents consulted before the decision was made to allow buses to turn around in Pennington Terrace?
6. Has the Passenger Transport Board undertaken a detailed study of the impact that privatisation of the bus services will have on other through routes becoming terminating routes; and, if not, will the Minister instruct them to do so?

The Hon. DIANA LAIDLAW: I will get the answers to the detailed questions that the honourable member has asked. I can indicate that, as she implied, there has been an impact on Pennington Terrace. That was why we looked at a number of other options, including the one that I understand has been settled upon, which is the turning bay by the Victor Richardson gates. I think it is in that area, which is already bituminised. However, I will get further advice on that matter and bring back answers to the other questions that the honourable member asked.

COUNCIL FOR INTERNATIONAL TRADE AND COMMERCE

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

Leave granted.

The Hon. P. NOCELLA: The Council for International Trade and Commerce was established in July 1994 with an expected life of three years. Members will know that this organisation provides the physical environment which allows 24 bilateral Chambers of Commerce and Business Councils

to operate from shared premises on Greenhill Road. It also provides assistance to a further five non-resident Chambers of Commerce and Business Councils which derive services from the organisation.

The governing body of the council is the board, which consists of nine members: a Chairperson appointed by the Premier, five elected members and three *ex officio* members, namely, the CEOs of the Employers' Chamber, the Office of Multicultural and Ethnic Affairs and the former EDA.

The Chairperson of the council resigned somewhat abruptly about five months ago, and in consequence the board has not met for about four months. This is particularly concerning because it has taken place at a critical time in the life of this organisation as it approaches its third year. It is well into its second year, and this is a time when the Chairperson and the board should be working together to analyse the performance of the organisation, to draw some conclusions and to formulate recommendations for future development after June 1997.

Will the Minister look into this as a matter of urgency and undertake all necessary actions with a view to putting the Council for International Trade and Commerce in a position to function properly at this delicate time of its existence?

The Hon. R.I. LUCAS: I will refer that question to my colleague in another place and bring back a reply.

PRISON, NEW

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Emergency Services, a question about prisons.

Leave granted.

The Hon. G. WEATHERILL: There has been discussion on both television and radio about prisons in South Australia being full to overflowing, and there has also been talk of building a 600-bed prison at Gillman. The last time this State built a major prison was at Mobilong. At that time submissions were taken by the Public Works Committee which enabled people to put their points of view and make suggestions as to where the prison should best be located. At that time I gave evidence to that committee and, if another prison is to be built, I should also like the opportunity of suggesting where it should be located. Will the Minister take submissions through the Environment, Resources and Development Committee so that people may have an input before any decision is taken on where the prison will be located?

The Hon. K.T. GRIFFIN: I will refer that question to my colleague in another place and bring back a reply. I understand that any new development would have to go before the Public Works Committee, as the appropriate committee of the Parliament, if any such development should occur at some time in the future.

MATTERS OF INTEREST

ONE AUSTRALIA

The Hon. BERNICE PFITZNER: The matter of interest on which I want to speak is One Australia. In the past few weeks questions have been asked about the kind of Australia in terms of racial mix we want not only for ourselves, but also, more importantly, for our children and our children's children.

We note from the latest statistics, which I have taken from the facts sheet of the Federal Department of Immigration and Multicultural Affairs, that the top 10 source countries in 1994-95 by country of birth of settlers were, in order of number of migrants, the United Kingdom, New Zealand, the former Yugoslavia, Vietnam, Hong Kong, Philippines, India, China, South Africa and Iraq.

Further to this facts sheet we note that from the UK we had 10 689 migrants, which comprised 12.2 per cent of the intake; from New Zealand there were 10 498, comprising 12 per cent; from Yugoslavia there were 6 665, comprising 7.6 per cent; from Vietnam we had 5 097, comprising 5.5 per cent; from Hong Kong, 4 135, or 4.7 per cent; from the Philippines, 4 116, or 4.7 per cent; from India, there were 3 908, which was 4.5 per cent; from China, 3 708, or 4.2 per cent; from South Africa, there were 2 792 migrants, which made up 3.2 per cent of the migrant intake; and from Iraq there were 2 539 migrants, comprising 2.9 per cent.

We note that from the UK at 12.2 per cent, New Zealand at 12 per cent and the former Yugoslavia at 7.6 per cent, the total of these was 31.8 per cent. We also note that from Vietnam, Hong Kong, the Philippines, India and China the total was 23.9 per cent. Therefore, what I call people of Anglo-European descent still make up the majority of migrants. People of Asian descent make up a lesser percentage. However, as I have said before, they are relatively more numerous than we have seen in any other period of time. This, I believe, might be the cause of the insecurity and anxiety that some of us Australian citizens are feeling.

If we look at the issue in economic terms, we find that inbound tourism is one of Australia's biggest export earners. The figure for 1995 was $14.4 billion. Further, in an article published in the *Advertiser* on 29 October this year it was stated that visiting friends or relatives—which is a category of people coming across here from Asian countries—spent $1 462 each on average, or a total of $924 million, which, as they say, is a conservative estimate. The article looked at migrants entering in the business skills category and found that more than 80 per cent have set up new businesses and that on average more than six new jobs are created for every new migrant business.

Further, education experts have reported that Asian students contribute $3.6 billion to the Australian economy. Therefore, the myth of migrants taking jobs from Australians cannot be substantiated. With these facts in place, the latest concern about our racial mix could not be due to economics because on that score migrants—and, in particular, Asian migrants—fare quite well.

What is it, then? Surely it could not be based on racism. Surely our mainstream Anglo-Australian community does not believe that a certain race is inferior in terms of abilities, skills, or intellectual strength to any other. I have no indication of this when mixing with mainstream Australians. They value cultural diversity and they understand the richness of each culture, including Anglo-Celtic. If the concern is due to a few unhappy and dissatisfied people, let us then be open and frank and debate fully the issues of immigration, multiculturalism and Aboriginal development without fear or favour.

The PRESIDENT: Order! The member's time has expired. I call on the Hon. Ron Roberts.

MIMILI SCHOOL

The Hon. R.R. ROBERTS: I rise to bring to the attention of the Parliament a matter relating to the Mimili school and the goings on over the last couple of weeks. It is indeed a rare opportunity to have the opportunity to recant some of the remarks made by the Minister for Education and Children's Services, so ably supported by the prattling of the back bench over this matter in the last couple of weeks.

We see the Minister arrogantly and contemptuously putting aside the affairs of those people in the Pitjantjatjara lands. This is the same Minister who piously moved a motion in this House recently in respect of multiculturalism and sought the support of the Parliament for multiculturalism. One of the important aspects was that this Council respects the right to education and health and the wellbeing of the Aboriginal people in our community.

After three years in government and numerous requests for a new building at the Mimili school, we now have an asbestos clad building tagged by the department as being dangerous. It has been dropped on the site at the Mimili school without any approval by the people in charge—and that is the Anangu Pitjantjatjara Council—who are given the power for planning in those lands under the Anangu Pitjantjatjara Land Rights Act and the construction development policy which was promulgated in 1981.

The Minister for Education blithely puts aside any criticisms of the department by the Council. He makes the wrong assumption that this is an education policy issue and nothing to do with the Council. He makes the mistake of thinking that this is Education Department land. However, this is land owned and controlled by the Anangu Pitjantjatjara Council, which has made legitimate and legal orders to the Minister and the department to remove certain structures from their lands, which orders have been completely and totally ignored.

When those complaints are raised in this place the Government attacks the community development officer and everybody else. It talks about the community development officer being shifted off. What we have here is a situation that is clearly and legally the responsibility of the council up there. Whenever this Minister has been challenged about this matter, he relies on the prattling back bench, the two bob lawyers who would not know night from day when it comes to the legal intricacies of this particular Act. He has not even looked at it, Mr President—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: Has not even looked at it, Mr President.

The PRESIDENT: Order! I am not sure that the reflection on honourable members' capacities is clever.

The Hon. R.R. ROBERTS: Neither are the interjections, Mr President.

The PRESIDENT: Order!

The Hon. R.R. ROBERTS: I do not mind an even-handed approach to these matters, Mr President.

The PRESIDENT: Order! I would ask that the honourable member not use language like that. It does not make him look any better in this Chamber and it does not do anything for this place.

The Hon. R.R. ROBERTS: What we see is attacks on individuals. There is no addressing the issue, no addressing the legalities of this particular matter and no concern for the health and wellbeing of the children. We saw the disgraceful act where, with the Minister's consent, those children were sent back into that school when there was a concern about the health status of that building.

I am also informed that another part of this structure from the Camden school will now be transported to the Ernabella school. I ask the Minister for Education and Children's Services to ensure, first, that he gets permission from the council to enter the lands and to erect a structure. I also ask him to respect the health and wellbeing of those people at Ernabella to ensure that, before that asbestos clad building is transported to Ernabella, it is reclad with a suitable healthy covering so that the health and wellbeing of the people at Ernabella will not be jeopardised in the same cavalier way as were those of the teachers and the school children at Ernabella, and I hope that, for a change, the department and the Minister respect the legal rights of the Pitjantjatjara Council in the Pitjantjatjara lands.

The PRESIDENT: Order! The honourable member's time has expired. I call on the Hon. Michael Elliott.

YUMBARRA NATIONAL PARK

The Hon. M.J. ELLIOTT: I rise to speak on the subject of national parks, in particular the issues surrounding Yumbarra. It appears that in South Australia, up until this time, the only areas that have become national parks are those areas that are no good for anything else: if they were no good for farming, building towns or anything else—if there is no possible value for the land—it then became a national park. As a consequence, we have a very small percentage—an unrepresentative percentage—of the State dedicated to national parks, and even within that only a very small part of it carrying full protection. In fact, at this stage only 4 per cent of the State is fully protected from commercial activities, in particular damaging activities such as mining—I stress, a mere 4 per cent.

It is worth looking at a survey which was carried out by the Australian Heritage Commission and which was reported in the *Advertiser* of 5 September. The survey noted that a study of 1 059 metropolitan and rural people found that 98 per cent wanted wilderness areas protected and 80 per cent wanted mining, four-wheel drive vehicles and development banned in these areas. This contradicts some people who want to put the economy before the environment at all times. Even the Federal Minister, Senator Hill, acknowledged that when he said:

> There really is an extraordinary level of public support, and it gives great confidence to the Government in its determination to press ahead with providing better management for areas already reserved.

Senator Hill is there expressing better management protection for those areas already reserved. It is quite clear from that survey how the vast majority of Australian and South Australians feel. We have to ask ourselves: 'Are we prepared to take some parts of South Australia and say that they are protected for their own values and not because they are not, or potentially not, any good for anything else?' Quite plainly, there are ecosystems and species which exist in areas that, at some time in the future, may be seen to have another economic value. The question for us is: 'Are we prepared to say that those areas will be protected for their own natural values?'

With regard to Yumbarra, we know that biologically it is an extremely important area. I note that the Minister for Mines and Energy, when he announced that they wanted to

do survey work within Yumbarra, said, 'It is not rainforest.' One does not have to be a genius to work out that there is no rainforest in 10 inch rainfall country—in fact, I think it is 8 inch rainfall country. I presume the implication was that this area is not ecologically diverse.

If that was the implication, the Minister was showing a great deal of ignorance. In fact, biologically, this area is highly complex and, although very little scientific work has been done in the area, a reasonably comprehensive survey was carried out over a two-week period in April two years ago. However, that is about the worst time of the year to carry out a survey because most of the annual plants are not there and the smaller animal species are largely absent and difficult to find. Nevertheless, on the basis of that two-week survey, and a couple of other minor works done within Yellabinna and Yumbarra, we know that this park is as diverse in reptiles, birds and a large number of other species as any other national park in South Australia. It has as much diversity in birds as we find in the Belair National Park, which is in a very high rainfall area.

I think that there is a simple ignorance and lack of understanding. I even saw that in the committee, where I appeared as a witness, when one of the committee members suggested, 'There has been a bushfire in the area. They want to carry out their drilling. It has already been destroyed. Why can't they go in?' That showed an absolute ignorance of the fact that bushfires are part of the environment, that certain species of plants will grow only after fires and that certain species of animals rely on those plants. Fires are part of the regime and biology. I hope that this sort of ignorance and concentration on economic issues alone does not mean that we are not prepared to protect that very small part of South Australia that is currently enjoying protection.

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

KESAB

The Hon. A.J. REDFORD: Members would have received recently a copy of the 1995-96 Keep South Australia Beautiful (KESAB) annual report. I congratulate the President of KESAB, Colin Hill, his management committee, his CEO, John Phillips, and his staff on a very successful and important year. Members who have not had an opportunity to read the annual report should note that the mission statement of KESAB is:

> To inspire the South Australian community to restore, preserve and improve our total environment through active participation in dynamic programs.

A principal objective of KESAB is:

> To encourage people and communities of, and visitors to, South Australia to keep South Australia beautiful.

In that regard the principal focus of KESAB is an environmental one. In going through the annual report I note that the President of KESAB said:

> Again, it has been a tough year for funding: potential sponsors are still feeling some pain from the recession and are, of course, receiving requests from an increasing number of organisations.

He went on and congratulated the Hon. David Wotton, the Minister for the Environment and Natural Resources, and the Hon. Diana Laidlaw, the Minister for Transport, for the assistance that they have given to the organisation this year. However, when one looks at the annual report provided by the Chief Executive Officer, he said:

> Of concern to KESAB is the increased demand by Government agencies and statutory bodies seeking sponsorship over and above levies and funding which is budgeted through the tax system. This form of double dipping does not produce improved services or levels of community education and certainly restricts income potential for community associations, including KESAB.

When I read that I viewed that with some concern in that, if private organisations which are working for the community good are competing with Government agencies for funding, and the Government agencies are succeeding, we run a real risk of discouraging these independent and separate community organisations from proceeding down the path of implementing their charter. I wrote to the Chief Executive Officer, John Phillips, asking if he could advise me of some examples of Government agencies and statutory bodies seeking sponsorship funds which he sees as detrimental to the position of organisations such as KESAB. In his response of 11 October he said:

> KESAB has genuine concerns regarding a number of issues which are impacting on the success of a most worthy South Australian 'work horse'.

He then indicated that the Department of Environment and Natural Resources gives them $150 000 per annum and that KESAB raises through sponsorship some $300 000 to $350 000 per annum plus 'in kind', which represents a 4:1 return for every Government dollar. However, he pointed out:

> KESAB's view is that the Government should establish a clear position on our organisation's role and benefits received.

He challenges the Government as follows:

> What cost to the State if KESAB goes to the wall. . .

He pointed out that a variety of agencies are seeking sponsorship subsidies, and said:

> Only last week DECS advertised for a promotions officer . . . Tourism SA has sponsored a new scoreboard proposed for Football Park. DENR and the EPA often seek sponsorship. . .

and he gave the example of Bazza's Environment Trail and said that catchment boards are funded via a ratepayers' levy, and Recycle 2000 recently advertised for a fundraiser to chase sponsorship dollars, one would assume in direct competition with KESAB. He gives other examples of sponsorship as well, which time will not permit me to go through.

Given the role that KESAB plays in this State, it seems to me that the Government needs to carefully consider not cutting across KESAB seeking sponsorship funds. Indeed, I think the challenge to the Government is to develop a clear and settled policy for the chasing of sponsorship funds by Government bodies so that non-government bodies performing good works are not unduly interfered with or hindered in the good tasks that they perform.

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

POLITICAL CAMPAIGN MATERIAL

The Hon. P. HOLLOWAY: Yesterday during Question Time the Hon. Bernice Pfitzner made some allegations against Mr Tom Koutsantonis, who is the Labor candidate for Peake and who, I might say, is a very good, very energetic and capable candidate and a person who will be a great asset to the House of Assembly after the next election, I am sure. What Mr Koutsantonis was doing was using the political process to warn electors in Peake about the consequence, as he saw it, of the prostitution legislation. He is entitled to do that.

As to the allegations that what he said was misleading. I suggest he was defending the industrial areas of the western suburbs. What is misleading is what a member of the Liberal Party, the member for Elder, has put out in his electorate. In his latest newsletter the member for Elder said:

> The first bit of good news is that employment for Elder residents has gone up a whopping 37 per cent since the change in Government. At least 37 per cent more of our residents have jobs who didn't before.

What an unbelievable claim that, apparently in the electorate of Elder, at least 37 per cent more residents have jobs than previously. That is an absolutely outrageously dishonest claim. How did he come to this conclusion? He put out a newsletter a couple of months before in a different area, and we can see how he got the figures. He claims that apparently in February 1994 5 200 people were receiving unemployment benefits from the Edwardstown DSS. In June 1996 it was 3 300. He has then translated a 37 per cent decrease in the number of people receiving unemployment benefits to saying that many more people in his electorate have got jobs. What an outrageously dishonest use of statistics!

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Does the Hon. Angus Redford believe that it is acceptable and politically honest to so grossly distort statistics as the member for Elder has done? I note that the Minister for Education and Children's Services is in the Chamber at the moment. In the same newsletter Mr Wade happened to attack the Minister and say that he was wrong. He says that the Minister has used wrong statistics in relation to South Road Primary School. The question ought to be asked: who is not telling the truth? Is it the member for Elder or is it the Minister for Education and Children's Services? One of them must be telling lies; they cannot both be right. One of them is not telling the truth.

In relation to the employment statistics used by the member for Elder, what he does not realise is that during its last couple of years in office the Federal Labor Government introduced the mature age allowance under which people who were 55 or over did not have to go through the same procedures as other unemployed people; that is, put in forms every two weeks. So, the mature age allowance was introduced. If you take in those people—

The Hon. A.J. Redford: What, are you criticising that?

The Hon. P. HOLLOWAY: No, it was a very good measure by the former Labor Government. Also some training schemes were introduced by the Labor Government during that period which specifically targeted the long-term unemployed. That is why a lot of people got off the unemployment list. It was a tribute to the policies of the former Labor Government. The point is that with the mature aged allowance, if you add the two statistics together, it really gives the lie to this outrageous claim made by the member for Elder that employment in his electorate has gone up by 37 per cent. I do not know that it will particularly fool anyone who lives down there. The claim is so outrageously incorrect that I think it would offend most of the electors, who not only will know that it is not true but will be upset that their local member has so distorted statistics in that way.

I noticed at the previous election that there were claims that the Labor Party had made some incorrect claims—and it is true, we did—in some of our pamphlets. For example, one of the claims was that the Liberal Party would cut the Public Service by 10 000. We were wrong; it was actually 13 000. We said it would cut health by $40 million. We were wrong, I confess; it has actually cut it by $70 million—and on it goes.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Yes, that is right, we did make a lot of errors. We underestimated the impact of this Government.

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

SOUTH AUSTRALIAN COOPERATIVE BULK HANDLING LIMITED

The Hon. CAROLINE SCHAEFER: I draw members' attention to a fairly major economic development in this State which appears to have gone relatively unnoticed. On Tuesday, I attended the opening of the granting of the tenders for the $10 million storage expansion program of the South Australian Cooperative Bulk Handling Company. The major upgrades of both Roseworthy and Arno Bay bulk handling facilities were announced at that function, to the value of $10 million, as I said, over the next nine months. I believe that they will be operational for harvest next year. These will add an additional 90 000 tonnes of storage space. They will be state of the art buildings which will be environmentally much improved because they will be able to use non-contact rather than contact fumigants which will increase again our competitive advantage when selling a clean, green product overseas.

There is to be $6.3 million spent at the Roseworthy facility which will add 60 000 tonnes of storage capacity at that facility and which will triple its current permanent storage capacity. There is to be $3.9 million spent at Arno Bay, which will double the handling capacity to over 30 000 tonnes and which will double the ability to accept grain from 350 tonnes an hour to 750 tonnes an hour.

Mr President, as you would know, grain is still the major export dollar earner in this State, yet the grain growers and, indeed, investment such as this seems to go unnoticed. As an aside, within the past few days the overseas price for grain has dropped by another $15 a tonne, which will cause a loss of $40 million at farmgate to the State's income for the next financial year. I can just imagine any other industry suffering a projected loss of $40 million from its anticipated income and there being no mention of it in any paper! It amazes me, and I sometimes wonder where the actual money in this State comes from because it certainly appears to go unnoticed.

Minister Kerin says that $10 million is a substantial investment and will result in valuable jobs for Eyre Peninsula and the Lower North—you bet it will, Sir. An investment of $10 million by a private company in these areas is worth a lot of money but, further to that, it is the beginning of a five year expansion program by that company throughout South Australia, with an estimated expenditure of at least $10 million per year over that extended time. I congratulate the board members of the SACBH on their vision and on their continuing efforts to make the grain growing industry as competitive overseas as it possibly can and particularly on the expansion that they have mooted over that time. I hope that we as a Government can give what support we can to what is a major investment in the future of this industry which provides the majority of the export dollars for this State.

FAUNA, STATE

The Hon. T.G. ROBERTS: I refer to another perhaps potential damaging loss to this State through inactivity by the Government in countering a plan in Victoria to boycott South Australia's tourist industry through beating up a claim that South Australia's exploitative fauna laws are somehow endangering our fauna in this State. Internationally, a campaign is being started by a Victorian organisation. I will read the *City Messenger* (6 November) article, by Joanne Pegg, which describes the circumstances driving the campaign. The report states:

> An international campaign urging tourists to boycott South Australia and local produce is being devised by a Victorian-based wildlife group, claiming South Australian native fauna laws are cruel and exploitative. The draft brochure—

it probably is daft—

> is already being circulated in Australia, encouraging tourists and backpackers to boycott South Australian restaurants, cafes and hotels, South Australian-made wines, beer and motor vehicles, and all other South Australian products. The Australian Wildlife Protection Council based in Melbourne, with members nationwide, said the final touches were being added to the campaign before 'Boycott South Australia, a sad place for wildlife' would be launched world wide.

The council President is then quoted as saying that South Australia had the 'poorest record in the nation' for wildlife. The report continues:

> 'In South Australia, you've. . . been known for your lack of concern for wildlife—everybody outside Australia knows about it. . .

The worrying aspect is that, although we know about the campaign that has been started, we do not know anything that the Government is doing to overcome it. South Australia's wildlife laws are probably no better or worse than those of any other State. As to kangaroo populations, we have a particular problem in our pastoral lands that perhaps Victoria and certainly other States do not have with the numbers that build up seasonally. Permits then have to be obtained for the culling to proceed; otherwise we would have to turn over the whole of the northern regions and in some cases the mid-north and Flinders Ranges to total national parks and not have any agricultural pursuits in those areas.

In a bipartisan way, I think that South Australia has laws as good as those elsewhere in relation to a balance between agriculture, horticulture and wildlife protection. Perhaps there are areas that could be turned over to greater protection of some of our birds, particularly our long and short billed corellas and other birds in the South-East that are impacting on crops foreign to that area where there has been an explosive build-up of wildlife that has created problems for agriculture. Certainly, there needs to be a more humane way of balancing those uneven explosions of growth. In the main we have a fairly humane way of dealing with these problems in balancing our wildlife numbers.

If we add to the inactivity by the Government since it has taken power a boycott of our tourist industry through a phoney campaign, the loss of the Commonwealth Games when the previous Government got to within a small number of delegates in securing the Commonwealth Games for this State, the loss of the Grand Prix which we lost almost as soon as the seats were warm on the new Government's benches, and the most recent loss of the Davis Cup round when we could not even win a 50:50 proposition, then I am concerned. I note in the *Advertiser* today that Government backbenchers are concerned about the direction in which South Australia is going. Opposition members share that concern, although I am not sure that brawling about the Party line will do anything constructive about changing the attitudes that South Australians have about themselves or stopping the exodus of our people to other States, but I am sure that, if the Government has any concerns at all about the potential damage that a boycott could do to our tourist industry through a campaign run by a State body through an international organisation, then it should be stopped now.

NOBEL PEACE PRIZE

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

> That this Council congratulates the joint recipients of the 1996 Nobel Peace Prize, Bishop Carlos Belo and Jose Ramos Horta, recognising the work done to establish a just and lasting peace for East Timor.

It gives me great pleasure to move the motion to congratulate the two recipients of the Nobel Peace Prize. It came as some surprise to me and perhaps other members in the Chamber that the prize was awarded to two activists involved in the East Timor crisis that has racked that small island for the past 21 years. I received the information, as did everyone else, via the radio, and thought that I would have to tune into another radio station to get the report confirmed because I did not believe the report when I heard it. The issue of East Timor has been a vexed question for Australia. A number of other international struggles are going on in the rest of the world involving smaller nations facing annexation by larger nations and a number of awards have been made to activists involved in those struggles.

Many people in the peace movement were expecting Nobel Prizes to go perhaps to people struggling in Burma against the oppressive Burmese regime, or the oppressive regimes trying to hold down the independence movement in Tibet, or to the Tiananmen Square activists so harshly treated when they were peacefully demonstrating for change in the Chinese regime. The Australian history of collaboration with Indonesia on the transfer of East Timor to the Indonesian Government did not cover anyone with glory in our Foreign Affairs Department or in the Government of the day, the dying days of the Whitlam Government. Over the past 20 years there has been no movement by any Government since to try to change the circumstances in which the East Timorese people found themselves. Basically, the struggle was left to activists within East Timor to try to get their points of view heard through the United Nations and friendly countries prepared to have activists operate within those countries to advertise the perilous position in which the East Timorese people found themselves after annexation when Indonesia transferred about 100 000 Javanese to East Timor. Indonesia suppressed any democratic activities by the East Timorese people in pushing for a position where they had some self determination. That in itself is not an outcome but a process and that was always being frustrated by the Indonesians in not allowing the self determination process to be put forward.

Along with the activities of the Indonesian Government transplanting Javanese people to East Timor, the more difficult it became for the East Timorese to have a democratic outcome. Once the transmigration of people from other islands starts to occur to any large degree the democratic processes are dulled and the outcomes are not indicative

when that process occurs. We then have build-ups of different cultural and religious groups within a small island and it makes self determination outcomes fuzzier and more difficult. We then get outcomes as we have seen in the Middle East, the former Yugoslavia, Cyprus and other countries where the dangers of artificial democratic outcomes start to be layered down and where governments tend to hide the real reasons for the dissatisfaction of large majorities in smaller countries.

East Timor has a population of 700 000 people. It is larger than some of the United Nations affiliates and other protectorates that are affiliated to the United Nations. It would have to have support and assistance from other countries to survive economically and to set it on its feet. Everyone acknowledges that. But there is no reason why self determination should be denied to East Timor, or why a show of democracy by an internal ballot looking at self determination could not be achieved.

One of the winners of the Nobel peace prize, Bishop Carlos Belo, is a Roman Catholic bishop who has dedicated himself to picking up many of the pieces in East Timor since 1975. The other recipient, Mr Ramos Horta, has been responsible for organising resistance to the annexation of East Timor into the Indonesian Government. The first statements which were made by Mr Ramos Horta and which I heard on radio suggested that perhaps he should not have received the prize; that perhaps others who had preceded him or been involved in the struggle for independence over a longer time, and perhaps who had suffered even more than he, would have been more appropriate winners. He did name Mr Xanana Gusmao as being a more worthy recipient than himself but acknowledged that you did need to have internationally recognised leaders in a struggle such as the struggle against the Indonesian annexation of East Timor.

The press at the time the awards were made were congratulatory and the *Advertiser* exceeded my expectations in a bi-line by Tony Baker which describes many peoples' views on the difficult circumstance of dealing with a neighbour like Indonesia that is moving very slowly into a mature democracy, and how to protect the interests of 700 000 people and not put them at further risk by antagonising the Indonesian Government by statements that inflame the position. A balancing act must be performed but in most cases where international peace experts have looked at the actions, particularly those of the Australian Government, they tend to condemn successive governments for inactivity in not being stronger in protecting the interests of East Timorese against the Indonesian Government.

Indonesians themselves are starting to look at their own Government to demand greater democracy and they are starting to make demands not only through the ballot box but also in the street to bring about democratic change within their own country. With the pressure that the international community can bring on Indonesia to change its attitude to East Timor and bring about circumstances where self determination can be examined, we hope that internal democratic pressure through Indonesians themselves putting pressure on the Government to bring abut those changes may occur simultaneously.

The article by Tony Baker in the *Advertiser* on 23 October states:

> In December, 1975, Australians were massively distracted. That was the immediate aftermath of the dismissal of the Whitlam Government. Passions were high; quite a lot of rage was being maintained. I like to think this was one of the reasons behind the colossal misjudgment in condoning Indonesia's invasion of East Timor and all that has ensued. This thought is, of course, prompted by the award of the Nobel peace prize to Bishop Carlos Belo and Dili activist Jose Ramos Horta [who is now based in Australia, I think].
>
> The East Timor story almost defies belief. It is reported that, since the invasion, 200 000 people have been killed or died in the famine which followed it. That is one-fifth of the entire population of Adelaide and, moreover, it is not somewhere relatively remote like Tibet or Rwanda. It is next door. Finding this figure hard to credit, I checked with Amnesty International, the organisation which works for prisoners of conscience and victims of torture around the world. Amnesty's Adelaide office says that, while the figure cannot be verified, there are substantial grounds for believing it to be accurate.
>
> I count myself a realist, aware of the imperatives of realpolitik. But this is monstrous. Remember the fuss we made—as indeed we should—over the Tiananmen Square killings, the Prime Minister in tears and so on? Remember how we went to war when Saddam Hussein annexed Kuwait? I cannot recall any Australian Prime Minister being other than silent or terse on the matter of East Timor. To this case, we are alone in the world of recognising Indonesian sovereignty.
>
> The charges against the Suharto Government or the junta which represents it in East Timor are grave. They include the settlement of 100 000 Javanese on the stolen property, suppression of the local Tetum language, repression, show trials, the lot. On 12 November 1991, the occupation army slaughtered nearly 200 unarmed demonstrators in Dili. Timorese resistance leader Xanana Gusmao is serving a 20-year sentence 'for conspiracy to set up a separate State', which is rich, indeed, since until the Indonesia army came to town, it was a separate State though it is now classified as Indonesia's twenty-seventh province.
>
> The Nobel peace prize is a strange sort of award. It has been bestowed on some people whose credentials as peacemakers are questionable to say the least. However, it does have enormous value in raising awareness, recognising courage and, to some extent, helping to protect political leaders from their oppressors. In 1996, it has certainly raised my awareness of the issue to the extent I feel distinctly uncomfortable in my previous lack of concern.
>
> President Suharto, who went to East Timor for a carefully managed brief visit—amid maximum security—after the awards were announced, will not be prompted into concessions by them. But it just might prove to be a turning point. I do not know whether an independent nation is feasible, though there are enough smaller states and statelets in the world. Mr Ramos Horta insists that independence is the goal. Bishop Belo has said all the Timorese want is to sit at the table with the Indonesian Government and negotiate a peaceful exercise of self determination. A modest enough ask.
>
> As for ourselves, ever since I heard the figure of 200 000 and then found it had substance among people who have inquired into conditions in East Timor, I have come to think of our silent acquiescence as Australia's shame.

That article by Tony Baker is not only on the awards but also on Australia's attitude to the annexation since 1975. That covers many Australians' viewpoint: although they are opposed to the annexation, they have not been active enough in their anger to be able to change any Government's view at a Federal level to that position, and that includes the current Federal Government. The position I have adopted through the years has been one of maintaining my act of rage against the annexation.

I have on a number of occasions addressed the question by invitation from the East Timorese groups in Adelaide, in recent years I have worked with the Hon. Bernice Pfitzner in addressing those people who have rallied on the anniversaries of the annexation and of the Dili massacres, and I have done as much as possible as an individual within a State Parliament to raise the issues to a higher level. I congratulate other people in Adelaide who have done that consistently: the organisers of the meetings and the organisers of refugee protection and integration into Australian society in Adelaide and the rest of Australia.

There is a large contingent of Timorese in Darwin who, I am sure, were a little dumbfounded but very excited when the Nobel prizes were allotted, and there was a great deal of

celebration in Australia when the decisions were made. They believed that it would put the issue on the international map again. Certainly, the American Government is of the view that self-determination is a possibility, and many other countries representing independent interests within the United Nations believe the same. We can only hope that the Nobel prize recipients are able to maintain the good work that they have done and that they will be protected from any potential victimisation that may occur in future by a higher international recognition and presence.

I hope that Australia and other nations will be able to influence the Indonesian Government in getting the self-determination talks, which are so much warranted, off the ground as soon as possible so that they may lead to a changed attitude within that Government. It does not appear, by the actions of the Indonesian Government, to be a possibility at the moment, but if pressure is maintained there may be a changed attitude further down the road.

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

VOLUNTARY EUTHANASIA BILL

The Hon. ANNE LEVY obtained leave and introduced a Bill for an Act to provide for the administration of medical procedures to assist the death of patients who are hopelessly ill, and who have expressed a desire for the procedures subject to appropriate safeguards. Read a first time.

The Hon. ANNE LEVY: I move:

That this Bill be now read a second time.

I introduce this Bill today to change the law in South Australia so that voluntary euthanasia may be legal and accessible for those who want it, under the strictest of safeguards.

There has been much debate throughout Australia in recent times on the subject of voluntary euthanasia. The Northern Territory has enacted legislation to permit it in certain circumstances, and there is a Bill in the Federal Parliament retrospectively to remove the right of the democratically elected Northern Territory Parliament to enact such a law. None of this activity affects the law in South Australia. I believe it is time that the Legislative Council considered this issue and decided on the best euthanasia legislation for South Australia. I hope that members will support the basic principle of voluntary euthanasia, and then I propose that the Bill should be referred to a select committee so that citizens can present their views and the fine details can be examined in a dispassionate manner. I will give the contingent notice of motion at the earliest opportunity.

The Bill is based on the Northern Territory legislation, but it takes into account the practice of voluntary euthanasia in the Netherlands and also the wishes of those who want to make advance provision for voluntary euthanasia should they reach a stage in their dying when they are unable to communicate their wishes. It is also influenced by legislation passed by this Parliament in the Consent to Medical Treatment and Palliative Care Act, in enabling trustees to be appointed to ensure that the wishes expressed in an advance request are followed as far as practicable.

However, my Bill differs from the Consent to Medical Treatment and Palliative Care Act in that the trustees will not have power to make any decisions on behalf of a hopelessly ill person, and their function is merely to ensure that the previously expressed request is observed when the stated conditions are fulfilled.

In this Bill voluntary euthanasia is permitted only for adults of sound mind. Two types of formal request are described: a current request by a hopelessly ill person, which is to take effect without further deterioration in the person's condition, and an advance request, which is intended to take effect at some future time when the person becomes hopelessly ill and their condition deteriorates to the point described in the advance request. A current request will always override an advance request, and either request can be revoked at any time, orally or in writing, whether the person is of sound mind or not. A register is to be kept for advance requests, to which access is limited to medical practitioners attending a hopelessly ill patient in relation to that patient.

Any formal request must be in writing or, if the person is unable to write, it may be made orally, with witnesses reducing the request to writing and, if practicable, a videotape being made of the oral request. Before any request can be formally made, a medical practitioner must ensure that the person is fully informed of the diagnosis and prognosis of their condition, of all the treatments which are available for the condition, of the alternatives to voluntary euthanasia, including appropriate palliative care until death occurs, and of the methods and risks of voluntary euthanasia procedures.

The formal request must be made in the presence of the medical practitioner and two other witnesses, all of whom must certify that the person appeared to be of sound mind, understood the implications of the request and was not acting under duress. The medical practitioner must also certify that the person did not appear to be suffering from treatable clinical depression.

There must be at least 48 hours between the time of the formal request being made and the administration of voluntary euthanasia, and a second medical practitioner, not involved in the day-to-day care of the person, must confirm that the person is indeed hopelessly ill and not suffering from a treatable clinical depression.

All supporters of voluntary euthanasia agree that strong safeguards are necessary in any enabling legislation to ensure that the request is indeed voluntary, is not made under duress, is made by a person who is mentally competent and fully informed of all the possible alternatives and that it can be revoked at any time. I trust that the safeguards in this Bill will reassure those who fear capricious misuse of the legislation to the disadvantage of those who do not sincerely wish to make use of its provisions. If further safeguards are considered desirable, I am more than happy to consider amendments to strengthen these provisions.

The Bill contains conscientious objection provisions which ensure that no medical practitioner or other person need in any way take part in the provision of voluntary euthanasia if they do not wish to and that no detriment can result to them from such refusal. Similarly, any hospital, hospice, nursing home or other institution may refuse to permit euthanasia on its premises. In such case, the person must be informed of the views or policy of the medical practitioner or institution so that he or she can make other arrangements if desired.

Whenever death by voluntary euthanasia takes place the Coroner must be informed within 48 hours and provided with a copy of the formal request for euthanasia. The Coroner must forward copies of all reports to the Minister, who must report annually to Parliament on the operation and administration of the Act.

Euthanasia can be provided only by the medical practitioner, who can either administer drugs to end life painlessly and humanely, provide drugs for self-administration for a painless and humane death or withhold or withdraw treatment such that a painless and humane death ensues.

The Bill also provides that payment of life insurance policies cannot be refused if death has occurred through voluntary euthanasia and that an insurer cannot request information as to whether an advance request for voluntary euthanasia has been made.

The foregoing gives the main provisions of this Bill, but not the philosophy underlying it. My main motivation in introducing this Bill is to provide for autonomy and choice for individuals. If a person is hopelessly ill and knows that recovery is impossible, then he or she should be able to choose the time of their inevitable death if they wish to. There is nothing compulsory about voluntary euthanasia, and those who for any reason wish to let nature take its course are, of course, entitled to do so.

I realise that there are some in our community who oppose voluntary euthanasia on religious grounds. I respect their views but maintain that the consequences of their religious views should not be imposed by law on those who do not share them.

There are also some who will say that voluntary euthanasia is unnecessary, as palliative care and pain relief can cope with all possible situations. I am certainly not decrying the value of palliative care and pain relief. However, experts in these fields admit that there is a small proportion of cases where full pain relief is not possible and great distress results. And we should not forget that mental as well as physical anguish can be caused by a terminal illness such as cancer or motor neurone disease.

People are concerned about their dignity as well as the effects of pain, about losing all physical control of their bodily functions, of not being able to consider themselves as human and self-directing beings. What is tolerable for one person may be totally intolerable to another, and we should not make judgments about what others should or should not have to put up with.

A specialist oncologist told me that about 50 per cent of those diagnosed with untreatable cancer initially ask him whether euthanasia will be available if they request it. As death approaches, about 7 per cent of cancer patients seriously beg to have their lives ended, but the law does not permit him to accede to their requests, whatever he may feel is the merciful and compassionate course to take. I cannot see any good reason why we should prevent him acceding to such a request when he feels it is medically in the best interests of his patients and the most humane action to take.

I would also like to draw the attention of honourable members to the many opinion polls which have been conducted on voluntary euthanasia. In response to a clear question as to whether terminally ill people should be able to receive a lethal injection if they request it, the overwhelming majority of Australians in all States and Territories say 'Yes.' The latest Morgan poll in 1994 gave 78 per cent in favour, and other polls have consistently recorded similar figures. The 'Yes' response is the majority one for all the major religions, too: 73 per cent of Roman Catholics, 84 per cent of Anglicans, 77 per cent of Uniting Church adherents, 81 per cent of Presbyterians and 87 per cent of non-believers.

I mention these opinion polls for two reasons. I am not arguing that, because a majority of people support voluntary euthanasia, Parliament should automatically legislate for it; but all politicians are sensitive to public opinion, and the polls do show that there is unlikely to be an electoral backlash against politicians who pass such legislation, as it has the clear prior support of the overwhelming majority of the electorate. Indeed, we are likely to be applauded for our courage and social concern.

My second reason for mentioning the polls is to indicate that I do not favour holding a referendum on voluntary euthanasia. It would be an expensive way of determining what we already know from the numerous opinion polls themselves. As members of Parliament, we have a duty and responsibility to consider serious issues such as this as unemotionally as possible and to devise the best possible legislation with the tightest safeguards we feel desirable, without trying to duck the issue to someone else.

I am sure that during the debate the question of the Remmelink report in the Netherlands will be raised. This report shows that 1.8 per cent of all deaths in the Netherlands resulted from voluntary euthanasia, and a further 0.8 per cent of deaths were non-voluntary euthanasia—a matter of concern to everyone. However, I understand that further examination showed that this 0.8 per cent involved people who were overwhelmingly very near death, anyway, who were not in a position to request euthanasia but who had earlier spoken of the possibility of it. So it appears that 2.6 per cent of deaths in the Netherlands resulted from euthanasia. Some people have attempted to draw different conclusions from the data in the Remmelink report, but Remmelink herself has denied that these conclusions are valued and she objects to such misuse of the data.

I also wish to draw attention to opinions on voluntary euthanasia held by the medical profession. The AMA officially opposes legalisation, but it has never surveyed its membership on the matter. Independent surveys of medical practitioners in Victoria and New South Wales show that 60 per cent of doctors agree that it is sometimes right for a doctor to bring about the death of a patient who has requested the doctor to do this. Some 50 per cent of the doctors had at some time received a request for euthanasia, and 15 per cent had complied with such a request. The majority of those who refused the request did so because it was illegal to comply, and 60 per cent of the respondents favoured a change in the law to permit euthanasia in certain circumstances and under certain conditions.

Similar results have been found in surveys of medical practitioners in many Western countries. It is apparent that legalisation of voluntary euthanasia would enable many doctors to act at the request of their patients, and there would no longer be the secrecy and lack of honest and open discussion with patient and family for the few cases where voluntary euthanasia is currently illegally but compassionately administered.

Finally, I wish to discuss two particular cases. Most of us knew Mr Gordon Bruce, our previous President, and admired him greatly. He retired at the last election and died 13 months later of motor neurone disease, instead of having the long and happy retirement he had planned. He wrote a letter a couple of months before he died, and although many of us would have seen this letter I would like to read it into *Hansard*. It expresses the personal view of someone who had always opposed voluntary euthanasia but was suddenly faced with a personal situation which changed his attitude. The letter, dated 19 November 1994, states:

> During March of 1994 I was diagnosed with motor neurone disease (a terminal illness). By May I was having trouble breathing

and my neck muscles had failed. By July I was on a bi-pap machine at night as that was the only way I could sleep. I could not breathe while lying down. By November, while in a weakened condition, life is getting harder. While not ready to die yet I am most concerned that as the disease gets a stronger hold on me I have no say as to whether I can have a doctor assist me through euthanasia.

It is my firm belief that people who have incurable diseases should be assisted by the medical profession when the time comes when the patient wishes to call it a day, while safeguards should be in place so that there is no abuse of the systems. It seems strange to me that if you have a dog or cat you have no compunction to put them down, but human beings have to suffer it right out.

Unfortunately while you are healthy you don't tend to think of when you get a terminal illness. But having experienced it, I would now be in full favour of being able to have euthanasia for people in my position.

During my illness I have been in touch with the Euthanasia Society and I am amazed that it has been so difficult to get something done. I am therefore forwarding this letter to the Euthanasia Society to use as they see fit to further their aims. No doubt being an ex-politician this letter will eventually land on politicians' desks.

All I would ask is that you would give fair consideration should you have a Euthanasia Bill to consider. If there is a God I feel sure he would not want us to suffer the way we do with terminal illness. If there isn't a God it seems sheer stupidity to suffer the results of terminal illness when the going gets too tough.
(signed) Hon. Gordon Bruce, ex-MLC and President of the Legislative Council.

The second case I wish to mention is that of my own husband, who died 20 years ago from cancer. I watched him slowly dying, inch by inch, hating to leave his fulfilling life and family of wife and two young children. He spoke often of wishing to say when he had had enough, of not having to continue beyond what he thought was reasonable. The time certainly came when he felt his innings should be completed and he was ready to die. Why should not the law allow his wish to be granted at that time, with the assistance of a sympathetic doctor? What purpose does the law serve in saying that he had to continue for a few more miserable weeks? It is in the memory of my husband and his death that I dedicate this Bill. I seek leave to have the detailed explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Definitions

This clause contains definitions necessary for the purposes of the proposed new Act. A person is 'hopelessly ill' if the person has an illness or injury that—

(a) results in permanent deprivation of consciousness; or

(b) seriously and irreversibly impairs quality of life so that life has become intolerable to that person.

Clause 4: Who may request euthanasia

This clause establishes the basic right to make a request for euthanasia. A person who is to make a request for euthanasia must be an adult (*i.e.* of or above the age of 18 years) and of sound mind.

Clause 5: Kinds of request

This clause divides requests for euthanasia into two categories. A request for euthanasia may be a current request *i.e.* a request that is intended to be effective without further deterioration of the person's condition. Alternatively, a request for euthanasia may be an advance request *i.e.* a request that is intended to take effect when the person who makes the request becomes hopelessly ill, or after the person has become hopelessly ill and the person's condition has deteriorated to a point described in the request. A request for euthanasia overrides an earlier request and, in particular, a current request overrides an advance request. The forms for a current request and an advance request are set out in schedules 1 and 2.

Clause 6: Information to be given before formal request is made

This clause deals with the information that must be given to a person who proposes to make a request for euthanasia. If the person is currently hopelessly ill, or suffering from a condition that may develop into a hopeless illness, a medical practitioner must ensure that the person is fully informed of—

- the diagnosis and prognosis of the person's condition; and
- the forms of treatment that may be available for the condition and their respective risks, side effects and likely outcomes; and
- the extent to which the effects of the illness could be mitigated by appropriate palliative care.

If the request is a current request (*i.e.* one that is to take effect without further deterioration of the patient's condition) the medical practitioner must provide information about the proposed euthanasia procedure, the risks associated with the procedure, and feasible alternatives to the procedure—including the possibility of providing appropriate palliative care until death ensues without the administration of euthanasia.

If the request is an advance request, the person making the request must be informed of feasible euthanasia procedures and the risks associated with each of them.

Clause 7: Form of request for euthanasia

This clause imposes formal requirements with which a request for euthanasia must conform. The request is to be made in writing unless the person making the request is unable to write, in which case the request may be made orally. If a request for euthanasia is made orally, the request must be reduced to writing by the witnesses and, if possible, a videotape recording of the request must be made.

Clause 8: Procedures to be observed in the making and witnessing of requests

This clause deals with the witnessing of a request for euthanasia. The request must be made in the presence of a medical practitioner and 2 other adult witnesses. All witnesses must certify that the person making the request appeared to be of sound mind, appeared to understand the nature and implications of the request and did not appear to be acting under duress. The medical practitioner must also certify that the person making the request was given the information required under the new Act and, in the case of a current request, that medical practitioner, after examining the person for symptoms of depression, had no reason to suppose that the person was suffering from treatable clinical depression.

Clause 9: Appointment of trustees

This clause empowers the appointment of one or more adult persons as trustees of a request for euthanasia. The functions of a trustee of a request for euthanasia are to ensure that the preconditions for the administration of euthanasia have been satisfied and to make necessary arrangements to ensure, as far as practicable, that euthanasia is administered in accordance with the wishes of the person who made the request for euthanasia.

Clause 10: Revocation of request

This clause deals with the revocation of a request for euthanasia. A written, oral or other indication of withdrawal of consent to euthanasia is sufficient to revoke the request even though the person may not be mentally competent when the indication is given.

Clause 11: Register of advance requests

This clause provides for the keeping of a register of advance requests for euthanasia. The registrar must, on request, register an advance request for euthanasia, or the revocation of an advance request for euthanasia. The registrar must, at the request of a doctor who is attending a hopelessly ill patient inform the doctor whether the patient has made a request for euthanasia and, if so, give the doctor a copy of the request.

Clause 12: Administration of euthanasia

This clause deals with the administration of euthanasia. A medical practitioner may administer euthanasia to a patient if—

- the patient has made a request for euthanasia under the new Act and there is no reason to believe that the request has been revoked; and
- at least 48 hours have elapsed since the time of the request; and
- the patient is hopelessly ill; and
- the medical practitioner is satisfied, after examining the patient, that there is no reason to suppose that the patient is suffering from treatable clinical depression; and
- if the patient is mentally incompetent but has appointed a trustee of the request for euthanasia, the trustee is satisfied that the preconditions for administration of euthanasia have been satisfied; and
- another medical practitioner who is not involved in the day to day treatment or care of the patient has personally examined the patient and has given a certificate in the form prescribed by Schedule 4 confirming that the patient is hopelessly ill and there is no reason to suppose that the patient is suffering from treatable clinical depression.

Euthanasia may only be administered in one of the following ways—

- by administering drugs in appropriate concentrations to end life painlessly and humanely; or
- by prescribing drugs for self-administration by the patient to allow the patient to die painlessly and humanely; or
- by withholding or withdrawing medical treatment in circumstances that will result in a painless and humane end to life.

In administering euthanasia, a medical practitioner must give effect, as far as practicable, to the expressed wishes of the patient or, if the patient is mentally incompetent but has appointed a trustee of the request who is available to be consulted, the expressed wishes of the trustee—so far as they are consistent with the patient's expressed wishes.

Clause 13: Conscientious objection

A medical practitioner may decline to carry out a request to administer euthanasia on grounds of conscience or other grounds. However, in that case a medical practitioner who has the care of a hopelessly ill patient must inform the patient or the patient's trustee of another medical practitioner who may be prepared to entertain the request.

A nurse or other person may decline to assist a medical practitioner administer euthanasia without prejudice to employment or other adverse discrimination.

The administering authority of a hospital, hospice, nursing home or other institution for the care of the sick or infirm may refuse to permit euthanasia within the institution but, if it does so, must take reasonable steps to ensure that the refusal is brought to the attention of patients entering the institution.

Clause 14: Protection from liability

A medical practitioner who administers euthanasia in accordance with the new Act, or a person who assists a medical practitioner to do so, incurs no civil or criminal liability.

Clause 15: Report to coroner

A medical practitioner who administers euthanasia must make a report to the State Coroner within 48 hours after doing so. The report must be in the form prescribed by Schedule 3 and must be accompanied by the request for euthanasia or, if the request is registered, a copy of the request, and the certificate of confirmation given by another doctor certifying that the preconditions for the administration of euthanasia exist.

Clause 16: Cause of death

If euthanasia is administered in accordance with the new Act, the death is to be taken to have been caused by the patient's illness and not to be a form of suicide or homicide.

Clause 17: Insurance

This clause deals with insurance aspects of euthanasia. An insurer is not entitled to refuse a payment that is payable on the death of the insured on the ground that the death resulted from euthanasia.

A person is not obliged to disclose an advance request for euthanasia to an insurer, and an insurer must not ask for such a disclosure.

Clause 18: Annual report to Parliament

The Minister must report annually to Parliament on the administration and operation of the new Act.

Clause 19: Regulations

This is a regulation-making power.

SCHEDULE 1: *Request for euthanasia (Current request)*

This schedule sets out the form of a current request for euthanasia.

SCHEDULE 2: *Request for euthanasia*

This schedule sets out the form of an advance request for euthanasia.

SCHEDULE 3: *Report to the State Coroner*

This schedule sets out the form of the report to be made to the State Coroner by a medical practitioner after administering euthanasia.

SCHEDULE 4: *Certificate of confirmation*

This schedule sets out the form of the certificate to be given by the medical practitioner who is not involved in the day to day care of the patient, nor in the administration of euthanasia, confirming that the preconditions for administering euthanasia exist.

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

WATER SUPPLY, NORTHERN

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

That the issues associated with the protection, availability and use of surface and subterranean water in the northern regions of the State be investigated by the Environment, Resources and Development Committee.

The major reason for my moving this motion is to ensure that the use, protection and availability of water in our northern regions is subject to an investigation by a committee which is able to look at the matters associated with the difficult issue of water, its use and protection, and the way in which we view the northern part of our State.

On paper we have a number of potential users of water from the mining industry, pastoral industry, small communities and Aboriginal communities. We have the possibility that the water in which we put so much faith in the northern regions is used properly and not wasted, and that the underground water supply that we have and its potability and availability is protected.

Also, we have a major expansion to a major project that the State requires—that is, the Olympic Dam project near Roxby Downs—and it has made an application for an extension to mine and mill. A number of other potential mining projects in the northern regions will be making applications for water use. In the western part of the northern regions we have applications for gold mining and milling; the potential for pig iron mining; the potential to extend our coalfields; and the potential use of water by pastoral interests.

There are already competitive use arguments taking place all over the northern part of our State in relation to water. We have disputation in the western regions of our State over access and equity to water. We have had an inquiry by the ERD into a major problem associated with the tailings dams at Olympic Dam, where a large volume of tailings dam water seeped through the surface into the underground supply. The committee investigated that and, while doing so, touched on some of the potential problems that could occur through draw down on the Great Artesian Basin not only as a result of the application by Western Mining for its Olympic Dam project but from other mining projects if they are given the go-ahead. If there are major problems associated with that draw down, the impact would be immeasurable not only for the entire centre of South Australia but the centre of Australia generally.

The other issue needing to be faced is that it is not a problem for South Australia alone. The Great Artesian Basin and the Cooper Creek river systems have their beginnings and potential futures in a number of States, including Queensland, New South Wales and, to some extent, the Northern Territory. In some cases, Western Australia would also have a vested interest in looking at the outcomes of our deliberations. What I would like to see in looking at the issues associated with protection, availability and use of water in the northern regions is cooperation from the Commonwealth Government, other State authorities, local government, potential users and current users of water in those areas so that situations are not set up where we have potential competitive users and existing users trying to get access to the scarce resource, to the detriment of either other users or the nation and the State as a whole.

Hopefully, we will be able to get the best scientific evidence placed before the committee on the potential problems that may emanate from exploitative use or overuse. We need to draw our conclusions from the best scientific evidence available at this moment and, if the scientific evidence which we require is not available on which to make our deliberations on future use, administration and protection of the environment, we need to ensure that it is carried out.

We need to have the best possible advice on the conclusions that could and should be drawn to ensure that we do not leave a legacy to any future South Australians or Australians in carrying out activities that only have a now proposal to them; that is, that this generation of South Australians or Australians takes more out of the State or the nation than what it is reasonably entitled to.

Mining, milling and, in some cases, agricultural pursuits have the potential for damage. It should be incumbent on us to recognise that, if there are limits to growth in these areas, then either alternative supplies have to be found or different ways of creating potable or useable water for those areas need to be enacted. It may be that the ore bodies milling process may have to be shifted south to areas where adequate water is available. That would mean looking at transport systems and the potential movement of ore bodies associated with those activities. I am certainly not advocating that we start moving the ore bodies of low grade mining of copper, uranium and so on into the southern regions but, if there are finds of perhaps lead, silver, zinc and so on, then Port Pirie, Port Augusta or Whyalla may be the beneficiary of future finds. If the economies of scale and the systems for moving those ore bodies are valuable enough and of high quality, it could provide jobs and the lifeblood for a region in this State which is slowly dying.

It may be that the issues at which we look are not just the areas associated with protection of availability, use of services and subterranean waters, but that we look at a number of other issues associated with development in this State. The Environment, Resources and Development Committee is certainly the best committee to do that and, hopefully, we will be able to get the cooperation of the bodies I have mentioned; that is, Commonwealth bodies to supply best possible information for us, the State bodies, the private sector and those people already involved in collecting information. It is timely that this Parliament starts to look at the future development of the State to provide jobs and secure a future for people who live in those areas, to ensure that the environment is protected at the same time and that we do not continue to have a piecemeal approach, which is what we appear to have at the moment, under a whole succession of Governments—that is, to look at projects individually, give it the go ahead and get individual EISs where they have been deemed to be appropriate put together for examination.

What we need is a total management plan for our northern regions. Let us hope that we can get other States and the Commonwealth to cooperate so that we can have a management plan that takes into account all the issues of development and protection and we come away with a balance that allows all South Australians and Australians to benefit now and in the future from some of the possible mineral finds which, apparently, occur in our northern and western regions. Let us hope that we can put together a policy of mining, milling and extraction which allows for generations of South Australians to benefit and that the balance between employment opportunities, growth and environmental protection are foremost in our deliberations.

The other issue that needs to be looked at specifically—and one that is raised regularly—concerns protection of the mound springs, the pressure of the existing underground water and the quality of the existing underground water at the moment, and also the debate around the future cotton growing in the Cooper Creek system. The Queensland Government, I understand, has made a decision not to allow the cotton growing within its particular area of the Cooper Creek catchment zones, but I do not think it will stop companies from other States making formal applications to do the same. Those sorts of pursuits need to be looked at and ruled out, or at least the best scientific evidence provided to rule out any potential competitive use which presents those sorts of difficulties to the existing users and the potential future users of water in this State.

I hope members of the Council see fit to support the motion. Although the Environment, Resources and Development Committee is a hard-working and at this stage extremely stretched committee with a number of briefs before it, I hope that within a reasonable time frame it is able to come down with recommendations for the Government to move on and for other States and the Commonwealth to provide the cooperation that we sorely need to allow us to come away with appropriate deliberations.

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

VOLUNTARY EUTHANASIA (REFERENDUM) BILL

The Hon. SANDRA KANCK obtained leave and introduced a Bill for an Act to provide for a referendum on the question whether voluntary euthanasia should be allowed subject to appropriate safeguards. Read a first time.

The Hon. SANDRA KANCK: I move:

That this Bill be now read a second time.

Most disappointingly, last year a private member's Bill in the House of Assembly did not even get past the second reading stage. I have been told of a number of members of Parliament who voted against the Bill, despite the fact that they personally support voluntary euthanasia, and I have been told that their motivation was based on their fear of either a loss of votes at the next State election or a threat of reprisal in preselections due in the ensuing 12 months. On that basis members will ask why I am now introducing this Bill. The failure of that Bill could certainly be used as a justification not to introduce further legislation, but this is not the same Bill.

This Bill asks Parliament to deliberate on the question of whether or not the public should have a right to a say on this issue via a referendum. The value of having such a referendum is that, in each electorate, the sitting MP would know how strong that support is and can test it against any threats of withdrawal of support. I believe that such a referendum would produce an overwhelming result in favour of voluntary euthanasia, thereby providing security to Lower House MPs at a later stage when the next voluntary euthanasia Bill is introduced, because I am certain that this issue—like votes for women—will not go away. Perhaps, like the votes for women issue, we may have to introduce about eight different Bills and motions before we get something through.

My Bill requires that the referendum be held at the same time as the next State election. This has a particular advantage in that it is likely to save considerably on the costs of having a stand alone referendum. I recall in late 1995 when I introduced a Bill for a referendum on whether or not South Australia's water supply management should be privatised, the Hon. Mr Lucas—

The Hon. R.I. Lucas interjecting:

The Hon. SANDRA KANCK: Absolutely. I really value the research of the Hon. Mr Lucas, who told the Council that holding a referendum was a costly exercise and that a stand

alone referendum would cost about $5 million. Having a referendum at the same time as the State election means that costs would be considerably reduced; the halls and electoral staff will have already been hired and the only extra real cost would be the printing of the arguments for and against the referendum question and the printing of the ballot papers.

The question that I have put for people to answer at the referendum is one that took a lot of time. When I first announced about six weeks ago that I would be introducing this Bill I was asked whether or not it would be associated with particular legislation. At that time I told people that I would have to do further investigation and I have come down in favour of having a simple question of principle rather than a Bill. My referendum question is: do you support the enactment of legislation to regulate and control the practice of voluntary euthanasia subject to stringent safeguards?

I have chosen not to attach the referendum to a Bill because I have learnt a lesson from history. One only has to look at what happened in the United States when referendums were held on this issue. Proposition 161, which was attached to a Bill, was defeated in California largely by the lobbying of the Catholic Church, which set up a front organisation with experienced, personable and convincing spokespersons, which appeared to be a public lobby group.

The Hon. R.R. Roberts: Are you saying that no-one else would do that?

The Hon. SANDRA KANCK: I do not know, but I do know that is what happened in the United States. A group was recently formed in Australia to support the Kevin Andrews Bill and is called 'Euthanasia No'. I wonder whether the Catholic Church is behind that, given the US experience. The Catholic Church funded that campaign from donations from its collective congregation and it would certainly be difficult for parishioners at a church service not to contribute when the collection plate was passed around and parishioners were told, 'This money is being collected to defeat this referendum.' Which parishioner would not have put something in the plate as it passed around? To not contribute would have been seen as an act of absolute conspiracy. As well as that, the church used moneys from assorted church charities to defeat the referendum and the figures show that the front organisation outspent the organisation supporting voluntary euthanasia by 10 to 1.

Despite the fact that the Bill that went with that referendum contained safeguards to ensure that euthanasia was truly voluntary, the advertising exhorted the public to vote against the proposal on the basis that there were 'no real safeguards', and that slogan was given saturation coverage. I have seen some of the advertising used and it was scaremongering at its worst. One of the TV ads, deliberately shot in black and white with impending doom type of music, shows a Lucifer like character dressed as a doctor filling a hypodermic syringe and slinking down a corridor, arching one eyebrow at the camera before entering the apartment of a sweet little old lady, whose face turns frame by frame from showing a welcoming smile to sheer horror. A voice then intones a message to the effect that 'you could be next' and finishes with the message that 'proposition 161 has no real safeguards'.

Prior to the referendum public opinion polls showed a majority of the population supported voluntary euthanasia, but this very dishonest campaign turned the result around. After the referendum, people who had voted against the proposal were asked why they had voted that way, and they parroted, 'No real safeguards.' When asked whether they had read the legislation, which had been sent out, they indicated that they had not. The lesson for me is that there is more opportunity for mischief making if the referendum question is attached to a Bill. It seems that the more reading that the public has to do, the less likely they are to do it and the more they can be manipulated. Therefore, I have opted for the simple question about the principle of Parliament passing such legislation. As worded, the question implicitly recognises that voluntary euthanasia is occurring at present. Members should make no mistake about it: voluntary euthanasia is happening and it is happening on a daily basis, without any controls or regulations.

Members will recall in March last year that seven Victorian doctors wrote to the Victorian Premier stating that they had actively assisted patients to die. In 1993, a survey of 1 667 doctors in the ACT and New South Wales found that 28 per cent of them had taken active steps to hasten the death of a patient. It is happening now and the wording of the referendum question acknowledges that this is so, so voters can make a decision to bring what is happening under control or they can vote 'No' and turn a blind eye to it.

I then had to turn my attention to the question of who should draw up the cases for and against the referendum question for distribution to the public. I have nominated the South Australian Voluntary Euthanasia Society to prepare the 'Yes' case, should the Bill be passed. It is an obvious choice for the role, but I have not yet nominated a group willing to prepare the 'No' case should the Bill pass. As I expect that the most vociferous opposition will come from the churches, I am approaching them, and at the Committee stage of debate I will be able to add that information.

I note that the Hon. Anne Levy has today introduced a Voluntary Euthanasia Bill. This begs the question of the relationship of this Bill to her Bill. It is a question of whether or not her Bill can pass. I suspect that it could pass the Legislative Council but, as we are nearing an election, I do not think that her Bill has a snowball's chance in hell of passing the House of Assembly. Given that the Quirke Bill was defeated 18 months out from a State election and there was fear of electoral backlash, when we are looking at an election perhaps in six months there is not a chance that those members would support it this time round.

We must do everything we can to assist the House of Assembly members to feel safe in supporting such legislation at a later time. Unfortunately, the timing of the Hon. Miss Levy's Bill will give them no space for comfort. I do believe, however, that the two Bills can be complementary at this time. When I first talked of introducing my legislation, I had some fears that members might get distracted from the central question of whether or not a referendum should be held to allow members of the public to express their view and become distracted instead on the question of the merits of voluntary euthanasia itself. By having the Hon. Miss Levy's Bill at the same time I hope that that confusion will not arise for members.

I put on record that I am a strong supporter of voluntary euthanasia and my membership of the South Australian Voluntary Euthanasia Society has been declared each year on my Parliamentary Register of Interests. I have a passionate belief in obtaining the right to euthanasia for myself. I will not go into the reasons for that now, but will address that when I speak on the Hon. Miss Levy's Bill. I hope that members will not be distracted from the real debate about the Bill. We should be centring on the question of whether each of us supports giving members of the public the right to a say

on whether or not voluntary euthanasia legislation should be passed by State Parliament.

The Hon. Diana Laidlaw: What do you think they would say?

The Hon. SANDRA KANCK: The public will overwhelmingly say that it should, and that is where it gives strength to members of the House of Assembly. Rather than rely on a public opinion poll, each of the 47 members will know the extent of support in their electorate and could comfortably support legislation knowing that there will not be the retribution that has been threatened.

In the interests of democracy, I am urging members of this Council to support the Bill and to allow the public to have a say. They are most keen to have that say. Your support for a referendum on voluntary euthanasia will provide the backbone that is needed at a later stage for the House of Assembly to pass a voluntary euthanasia Bill.

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

PETROLEUM AND MINING WORK

The Hon. CAROLINE SCHAEFER: I move:

That the regulations under the Occupational Health, Safety and Welfare Act 1986, concerning petroleum and mining work, made on 22 August 1996 and laid on the table of this Council on 1 October 1996, be disallowed.

I move this motion as a result of representations made to both the Speaker in another place (who is the local member for the area) and me by the South Australian Miners Association, which has some concerns as to the workability of some of these regulations as they now stand.

The South Australian Miners Association participated in the extensive consultation process as part of the development of the specific mining regulations. The process comprised a review of the draft regulations, which were prepared by a consulting mining engineering firm with extensive experience in the South Australian mining industry, and was undertaken by a tripartite working group. The resulting modified draft was considered by the Occupational Health, Safety and Welfare Advisory Committee and released for public comment in late December 1995.

The department received 15 submissions from the public, including one from the South Australian Opal Miners Association. At its meeting on 18 March this year, the advisory committee recommended that the working group review the submissions and modify the draft legislation as necessary. The working group completed this work by May and the advisory committee considered the content of the draft legislation and recommended its presentation to the Parliament. Nevertheless, some concern has arisen since these regulations have been circulated amongst the wider community of miners with regard to how they can be implemented practically in some instances.

The miners are concerned about the need to have winches conform to relevant Australian standards within 12 months. Many of these winches are homemade and fitted to the back of four-wheel drive vehicles, and are operated by a single operator. There is general agreement among many of the miners that some of the winches currently being operated do not comply. However, they also have some concerns that they can comply within 12 months.

There are additional concerns with regard to reporting mechanisms and the definition of a 'mine manager'. I am sure that we all agree that we must do all in our power to provide for a safe work place, but regulations of this kind need to be introduced within the bounds of good common sense and with a view to people being able to practise their trade on a commercial basis.

With a view to common sense and consensus amongst the mining community, the Minister has agreed to defer these regulations subject to a further meeting with representatives from the mining community so that we can sit down with departmental officers, the Minister and miners to reach a compromise which is both practical to the miners and acceptable to occupational health and safety standards as they now stand. With that in mind I move this motion.

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

DAYLIGHT SAVING

Adjourned debate on motion of Hon. R.R. Roberts:

That the regulations under the Daylight Saving Act 1971 concerning dates in 1996, made on 11 July 1996 and laid on the table of this Council on 23 July 1996, be disallowed.

(Continued from 16 October. Page 141.)

The Hon. M.J. ELLIOTT: This motion is a nice little stunt: that is the only way it can be described. A regulation comes in on 11 July this year and then, with no warning, on 16 October, some three months later, we have a motion, after daylight saving has started, probably after—

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: Within a couple days of daylight saving.

The Hon. R.R. Roberts: A fortnight before.

The Hon. M.J. ELLIOTT: It was not a fortnight before. It comes in on 16 October, some three months later, and there was no notice beforehand of which I am aware that the motion was to be moved. There was no chance to give it any due consideration.

The Hon. R.R. Roberts interjecting:

The Hon. M.J. ELLIOTT: I think that if he was going to do something like this the honourable member should have informed people in July and not wait three months until daylight saving was imminent. I imagine that many airline schedules and things like that would have been printed and that many other things would have happened by that stage.

The Opposition obviously had this as a last moment thought. Opposition members said, 'We can have a bit of fun with this one.' I know that the Hon. Mr Roberts has been on the country media, but if he tries to take this stunt any further we will expose him, because it is nothing more than a stunt. We will expose him absolutely for the massive delay in bringing the motion in the first place.

It was obviously too late to give any realistic consideration to the implications of South Australia's going to a different time frame from Victoria for a three-week period. It is absurd that we should be changing away from daylight saving with a different time from other States. There is enough confusion as it is with some States opting in and others not, without having States which go in for daylight saving doing it at different times. That really does create chaos. That is not an argument about whether daylight saving is a good or a bad thing. That is not the debate that we are having here; the debate is about transition times. It is clearly chaotic to attempt to change daylight saving times at different times in different

States. I would agree with the Hon. Ron Roberts and many others that daylight saving is finishing too late. I do not appreciate daylight saving going for the length of time that it does.

The Hon. Carolyn Pickles: Start it earlier.

The Hon. M.J. ELLIOTT: Well, if other States did; but not to make the change at the same time as other States is to create chaos and is absolute nonsense. If I were asked for my personal preference as to when daylight saving should end, I would prefer it to finish earlier than it does. However, I cannot support something which creates chaos in time zones, and that is what the outcome of the motion would be. Even more so, this motion is moved three months after the regulation was first promulgated, which, as I said, exposed it for the stunt that it was.

It is worth noting that there was a report from a select committee which looked at the issue of time and suggested that South Australia should be going back half an hour so that our time zone fell in the middle of the State and we were an hour behind the Eastern States.

The Hon. R.R. Roberts: That would cause chaos.

The Hon. M.J. ELLIOTT: It will not cause chaos, because we would always be an hour out from the Eastern States.

Members interjecting:

The Hon. M.J. ELLIOTT: Perhaps the honourable member will let me finish. He does not understand. He is squealing because his stunt has been exposed and he is not enjoying it. If we changed to a sensible Central Standard Time and were always an hour behind Eastern Standard Time, including daylight saving, it would act as an offset for the problems that daylight saving causes in some areas. I think that would be a sensible offset.

If the Hon. Ron Roberts really cares about the impact of times on country residents, let him introduce a Bill to change the time zone, because the Hon. Sandra Kanck, who normally handles this issue, has told me that she is prepared to commit the Australian Democrats to support him.

The Hon. CAROLINE SCHAEFER: I cannot but agree with the Hon. Mr Elliott that this is a stunt. It is a disappointment to me because, by and large, I try to treat people in this place with respect. I try not to make fun of them, and I try to treat them as honourable people. I was warned when I first came in here that that was often not the case. However, in the case of the Hon. Ron Roberts, I was a slow learner. I thought that the man had some honour and wished to represent rural people. This is clear evidence that the honourable member has sought not to represent rural people, but to embarrass me, personally rather than politically, and to poke fun at rural people. I find that offensive in the extreme.

The Hon. Ron Roberts has sought to disallow the regulations. He has appeared in the rural press, giving fallacious reasons why daylight saving has been extended. He has also indicated to people that it will be extended for three weeks longer than ever before. In fact, he has sought to pull the wool over the eyes of those in the public who care. The Hon. Mr Roberts began his speech by saying that 'a select committee into daylight hours ought to be established', and that he was disappointed with the Hon. Caroline Schaefer, who was the Chairperson of that committee. The Hon. Mr Roberts served on that committee. The terms of reference of that committee were:

> To consider and report on the economic and social viability and long-term implications of altering the time zone for South Australia to either 135° East or 150° East.

There is no mention whatsoever there of daylight saving. We were at pains throughout the report to continue to say that although a number of people gave very strong views on daylight saving, with which I agree, there was nothing in our terms of reference to deal with daylight saving. Either the Hon. Mr Roberts has chosen dishonourably to misrepresent the findings of that committee or he did not understand its findings, even though he served on it.

The Hon. Diana Laidlaw: Possibly both.

The Hon. CAROLINE SCHAEFER: Quite possibly both. The other interesting thing is that he attended the committee for considerably less time than anyone else, so perhaps that is why he does not understand what it is all about. The Hon. Ron Roberts again talks fallaciously about this three-week extension being for the Moomba Festival when he knows perfectly well that it is to endeavour to have some conformity with the other States.

Personally, I disagree with this. Everyone in this Chamber and most people in the State who know me know that I am against daylight saving and that I argue against it in the Party room. I lost in the Party room. I am sure that the Hon. Mr Roberts knows what that is like, because I do not think he has had many wins in there for some time.

The Hon. M.J. Elliott: He has come second.

The Hon. CAROLINE SCHAEFER: A bad second. I understand that he is the head of a faction of about one at the moment. The Hon. Mr Roberts also went on to talk about Dean Brown supporting Eastern Standard Time. One might think that Dean Brown got the whip out on this matter because he favours Eastern Standard Time. However, it is well documented that Dean Brown does not favour Eastern Standard Time, unlike the Hon. Ron Roberts' Leader and Deputy Leader, both of whom have said, 'Let's go to Eastern Standard Time.' They are in the paper as saying, 'The sooner we get to Eastern Standard Time, the better.' It will be interesting to see what the Hon. Ron Roberts will do if they win in Caucus. Mr Roberts' whole contribution to this—

An honourable member: 'The Hon. Mr Roberts'.

The Hon. CAROLINE SCHAEFER: The Hon. Mr Roberts—although that in itself is indeed a question for debate—

An honourable member: That's a reflection on an honourable member.

The Hon. CAROLINE SCHAEFER: Okay, I will withdraw that. Mr Roberts has continued to demean country people throughout his contribution. Mr Roberts said:

> I thank the Hon. Caroline Schaefer, because it was due to her in-depth explanation during the sittings of the select committee—

it was not that; I presided over that committee; I did not give evidence—

> on how daylight saving really does affect the fading of curtains on the West Coast.

How would you like that, if you happened to live on the West Coast, if it really was an emotionally important thing to you, to be denigrated in that way—to be made fun of in the Parliament of South Australia? This whole contribution—

The Hon. R.R. Roberts interjecting:

The Hon. CAROLINE SCHAEFER: I am sorry, I did not say that.

The Hon. R.R. Roberts: Yes, you did.

The Hon. CAROLINE SCHAEFER: That is an untruth. The Hon. Ron Roberts now speaks untruths within the Parliament, and that is typical of what I said earlier. I once thought he was a man of good conscience—

An honourable member: And you were right.

The Hon. CAROLINE SCHAEFER: But I was right only once.

The ACTING PRESIDENT (Hon. T. Crothers): Order! I just ask both honourable members to stop reflecting on each other.

The Hon. CAROLINE SCHAEFER: I will not go on for too much longer, except to say that the Hon. Mr Roberts also knows that this disallowance of regulations, were it to pass, would be brought into the Lower House within the next half an hour. We would be to-ing and fro-ing and we would be having the same dance as we had over net fishing. He knows that this cannot be won under any circumstances. And I have refused to say how I will vote: whether I will vote to support my own views or whether I will vote to support the views of my Party. However, hypothetically, if I were to cross the floor he knows that that would have absolutely no effect on the extension of daylight saving.

This is a stunt, as I said, which is aimed at discrediting me and other rural members. However, he forgets that rural people have long memories and they will wake up to him. It might take some time, but they will wake up to him.

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

FOOD (LABELLING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 142.)

The Hon. DIANA LAIDLAW (Minister for Transport): I speak to this Bill, which was introduced by the Hon. Sandra Kanck and which is for the purpose of ensuring that either genetically engineered or irradiated food is labelled to that effect. The Government supports the principle of the public's having information about the food they eat to enable them to make informed choices. However, the issue in considering this Bill is really one to do with timing and appropriate mechanisms.

Since 1991 South Australia has been a party to the National Food Standards Agreement, which commits all Australian States and Territories and, recently, New Zealand, to adopt uniform food standards as approved by the Council of State and Territory and New Zealand Health Ministers without variation.

Standards are developed and recommended to these Ministers by the Australia New Zealand Food Authority (ANZFA) in consultation with States and Territories and New Zealand industry and consumers. Under the agreement no State or Territory is permitted to establish or amend a food standard other than via the ANZFA process, or where it determines that the issue affects public health and safety and, in the latter case, the amended standard can only apply for six months and must be reviewed by ANZFA within that period.

Food sold for human consumption is regulated by the South Australian Food Act and regulations. The Food Standards Code adopted as a regulation under this Act prescribes labelling and composition standards of food offered for sale. In other words, the mechanism already exists to incorporate labelling requirements.

ANZFA is currently reviewing the regulation of gene technology in the food supply, and this will include consideration of labelling. This is the issue that the Hon. Sandra Kanck has raised. As part of this process ANZFA convened a conference on 1 August 1996 involving consumers, industry and regulatory authorities to discuss the use of gene technology in the food supply and the provision of information to consumers. A discussion paper regarding the issue was released in September 1996. This State had a Health Commission officer attend the meeting to which I have just referred, and that officer will be participating in the review based on the discussion paper over the coming months as that process progresses.

In relation to irradiation of food, I am advised that this practice is currently subject to a ban prescribed by State legislation (other than for examination of packaged food if the absorbed dose does not exceed 10 milligray). ANZFA has a proposal under development, and I am advised that if the proposal is adopted and irradiation of food is approved the proposal would require appropriate labelling.

In summary, while acknowledging the sentiments behind the Hon. Sandra Kanck's Bill, the Government does not support its passage. As I have outlined, South Australia is party to a national system, and mechanisms to deal with labelling already exist. There is a good deal of work and discussion going on nationally, and this has not yet been brought to finality.

We therefore do not support the Bill because, under standards which I indicated earlier, developed and recommended by Ministers from the Australia New Zealand Food Authority (ANZFA), we must work on this in uniformity with other Governments.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

ROAD TRAFFIC ACT REGULATIONS

Adjourned debate on motion of Hon. P. Holloway:

That the principal regulations under the Road Traffic Act made on 29 August 1996 and laid on the table of this Council on 1 October 1996 be disallowed.

(Continued from 23 October. Page 239.)

The Hon. DIANA LAIDLAW (Minister for Transport): I want to raise a number of matters in relation to this motion. The reason why the Hon. Mr Holloway has moved this motion relates to the obsession of the member for Spence, Mr Michael Atkinson, for Barton Road. When speaking to this motion the Hon. Mr Holloway read a letter dated 6 September that had been forwarded to me by the member for Spence. I replied to that letter earlier this week, and I will read my reply into *Hansard* so that the Council has the benefit of both pieces of correspondence. It states:

I refer to your letter of 6 September 1996 regarding the recently published Road Traffic Regulations 1996, and specifically regulations 2.02, 3.07 and 4.09. You will be aware that the Subordinate Legislation Act 1978 provides that regulations will expire within a specified time frame. The purpose of this legislation is to ensure that regulations are periodically reviewed and that unnecessary regulations are removed from the statute books.

Regulations under the Road Traffic Act 1961 were previously made in 1974. Their expiry under the Subordinate Legislation Act 1978 had been deferred pending resolution of the proposed Australian Road Rules, which would replace most of the road traffic regulations. Unfortunately, the Australian Road Rules have not yet been finalised and the option of again extending the Road Traffic

Regulations 1974 was not available. Consequently, new regulations were promulgated on 1 September 1996.

Minor changes were made to some regulations to incorporate gazettal notices or reflect changes to various Australian standards and Australian design requirements for motor vehicles and to adjust penalties. However, regulations 2.02, 3.07 and 4.09 were not altered or amended at the time of their inclusion in the Road Traffic Regulations 1996.

I am advised that the present wording of regulation 2.02 is that which was promulgated on 26 June 1986 by regulation 116 (*Government Gazette* pages 1664-1667) while the last amendment to regulation 3.07 was that required to facilitate the introduction of the Road Traffic (Small-Wheeled Vehicles) Amendment Act 1995. This amendment was published in the *Government Gazette* on 7 December 1995 pages 1587 to 1588.

Inclusion of the 'substantial compliance' provision in regulation 2.02 enables signage requirements to be amended to accord with variations to national and international standards without the need to immediately replace existing signs. This permits signs to be replaced on a gradual basis, as the need arises, while retaining their legal significance until replacement becomes necessary at the end of their design life. The provision has no other purpose than to allow an orderly replacement of signs when the design or standard of a particular sign is varied to improve understanding or to meet advances in technology.

The phrase 'or a mark to the same effect' also appears in the definition of 'No U-Turn'. It is intended to facilitate the change to symbolic signage to meet international standards. In the past, the 'No Entry' and 'No U-Turn' signs used in this State included words as well as symbols and the wording of the regulation reflected this. Hence the phrase 'bearing the words' in the definitions.

As international standard signs rely on symbolic messages without the use of words, it was necessary for the regulation to provide for signs bearing marks or symbols only. Parliamentary Counsel has apparently opted to use the word 'mark' rather than 'symbol' but the result is the same.

Regulation 4.09 was amended on 7 March 1996 (*Government Gazette* pages 1557-1563) to include the present schedule of bus lanes and this was reproduced in the Road Traffic Regulations 1996, without alteration.

While regulation 4.09 defines a bus lane in the manner you described [the member for Spence], the Supreme Court has held that a portion of road which is to be designated as a bus lane must be prescribed by the Governor under section 176(1)(c) of the Road Traffic Act 1961. The making of regulations is a function of the Governor in Executive Council and this process is not available to local government except through the Office of a Minister of the Crown. Therefore councils cannot create bus lanes in the manner you envisage.

Barton Road, between Hill Street and Mildred Road, does not appear in the schedule to regulation 4.09. Consequently, this section of road is not a bus lane for the purposes of this regulation.

I signed this letter on 4 November. It is important to go back over some of the history of the saga of closing Barton Road, North Adelaide. For the record, I provide the following information:

1. The Adelaide City Council instituted a bus exempt road closure of Barton Road in November 1987 despite objections from the residents of Hindmarsh.

2. In July 1990, a successful appeal against a police prosecution led council to apply to the Surveyor-General to close the road under the Roads (Opening and Closing) Act 1991.

3. Early in 1993, after considering a report from the Surveyor-General, the then Minister of Environment and Land Management declined to confirm council's closure under the Roads (Opening and Closing) Act. The Surveyor-General advised the Minister that the closure was essentially a traffic control measure and therefore beyond the scope of the Roads (Opening and Closing) Act. This Act is intended to provide a mechanism for disposing of roads which are no longer required and serves to totally extinguish the road title. Council was advised to use its powers under other appropriate legislation to implement traffic controls.

4. Subsequently, council utilised section 359 of the Local Government Act to formalise the bus exempt road closure. This section was inserted into the Local Government Act in 1986.

5. There were suggestions at the time that the then Minister of Transport Development should utilise section 18 of the Road Traffic Act and direct council to remove the traffic control devices used to effect the road closure and thereby frustrate council's resolution to close this road.

6. The Crown Solicitor advised that council's resolution under section 359 was valid and the removal of the traffic control devices would not affect that liability; that is, notwithstanding any reluctance by the police to enforce the bus exempt road closure, the road remains legally closed to all vehicles except buses.

The Hon. Sandra Kanck interjecting:

The Hon. DIANA LAIDLAW: No, this power is not in doubt. The Adelaide City Council has legally enforced the closure of the road, except for buses, and the only people who do not seem to respect the law are the member for Spence and his constituents. The Adelaide City Council and the Government are not at odds in relation to this, nor are they at odds with the law. The only one at odds and who continues to be defiant—and unrealistically so—is the member for Spence. It continues:

7. The Crown Solicitor also advised that, pursuant to section 359 of the Local Government Act, the power of the Minister for Transport under the Road Traffic Act to approve the installation of traffic control devices necessary to give practical effect to a road closure does not constitute a power to review the council's resolution to close a road. In other words, the Minister cannot use his or her power of approval of the necessary road traffic devices to defeat a council's intention to close a road.

8. In addition, section 790 of the Local Government Act makes it an offence for any person to act contrary to orders or directions contained in a council resolution. If a Minister were to order the removal of the traffic control devices, and the council's road closure resolution remained in place, he or she could contribute to drivers breaching section 790 of the Local Government Act and committing offences.

9. A small area of parkland was reclassified as road reserve early in 1995. The road alignment in this location had been altered over time to the point where a small portion of the existing road pavement encroached onto parkland. As a road reserve and the parkland are both under the care, control and management of the Adelaide City Council, the reclassification. . . [deemed necessary] was merely to correct the title reference for the land.

10. The broad withdrawal of prosecutions by police of motorists who drive through Barton Road was based on a particular issue. Since that time, the advice of the Crown Solicitor has been sought which has clarified the position for police. I understand that prosecutions for offences associated with Barton Road will continue.

I indicate to all honourable members that, notwithstanding the zeal of the member for Spence, the Adelaide City Council has acted legally. The Minister cannot override by resolution that act by the Adelaide City Council and we should respect the resolution legally made by the council in this matter. I earlier outlined—and also to reinforce some of the concerns by the Hon. Mr Holloway—that some of these matters require uniformity in terms of the national road rules. Progress has not been as fast as one had hoped, but this matter will be addressed at much greater length at the next Transport Ministers' conference and I understand the next Local Government Ministers' conference and we should have some resolution sooner than later on some of these matters. They seem small matters but in many communities are seen as very big issues. I trust that the letter as read by me into *Hansard* will satisfy the honourable member and his colleague the member for Spence.

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

DAYLIGHT SAVING

Adjourned debate on motion of Hon. R.R. Roberts (resumed on motion).

(Continued from page 349.)

The Hon. K.T. GRIFFIN (Attorney-General): The Government opposes the motion. What the Hon. Ron Roberts is doing is trying to pull a stunt. I must say that I am disappointed that the honourable member seeks to disallow the regulation on a very specious basis. The fact is that last year daylight saving extended into March an extra four weeks. The Government is of the view that there ought to be a consistency of approach. I think anyone who listens to the community will know that there are differing points of view and not just all the country against city or city against country, but even within the city and within the country areas. One also finds that people are heartily sick of the five different time zones which exist in Australia during the summer period. To seek to change South Australia's position at the end of daylight saving to bring it back earlier than New South Wales, Victoria and Tasmania for this current season and then perhaps to go back to an extended period the following year when the Festival of Arts is on only serves to demonstrate that South Australia would not be in touch with reality and would not be recognising that that in itself would create significant problems as we change the daylight saving period from year to year.

The motion of the Hon. Ron Roberts does contradict the Labor Party's policy and actions when it was in Government. Previous motions for disallowance were not supported by Parliament. It seems to me to be quite inexplicable why it should be trying this on again. Maybe it has some axe to grind, some issues to demonstrate but, quite obviously, if it thinks it has, it is out of touch with the general community. Daylight saving was introduced by the Labor Party in 1971. Support for it was confirmed by a general referendum at the instigation of the Tonkin Liberal Government in 1982. Over 70 per cent of South Australians supported daylight saving at the referendum. There is no reason to suppose that the community's overwhelming support for daylight saving has reduced since the referendum, although I recognise that there are, as I say, some people who have different points of view, whether from the country or the city. The fact is there are differing points of view and there are different lifestyles to which people adapt or with which they are familiar.

Sometimes those lifestyles make it difficult to conform with the daylight saving provisions which are now in effect and, although in March next year I recognise that 6 o'clock in the morning central summertime will be darkness for those on the West Coast, as a whole the Government believes that it should not be adjusting the period to make it different from New South Wales, Victoria and Tasmania. There is no doubt that there are significant economic and social advantages to the State as a whole to have this extended period of daylight saving. I do not think any of the major political Parties challenge that. From the tourism perspective, the Tourism Commission strongly supports the Government's position. It is of the view that extended daylight leisure time enables greater use of outdoor recreational amenities and facilities and provides more time for sightseeing and other tourist activities, many of a commercial nature.

I am advised that there is a further opportunity to extend the economic benefits flowing from daylight saving this year by continuing the uniformity of the starting and finishing times with other States—Victoria, New South Wales and the ACT. I know that Tasmania started its daylight saving period four weeks earlier, but it too will revert to standard time on Sunday 30 March 1997. I repeat that the Government opposes this motion for disallowance and believes that this regulation is a responsible use of the flexibility which is inherent in the current provisions of the Act. Specifically, it properly caters for the Government's desire to achieve uniformity in the south-eastern sector of Australia which comprises a significant amount of the business, professional and tourism communities.

The Hon. R.R. ROBERTS: I thank members for their contributions to the debate. I am particularly interested in the contribution of the Hon. Mr Elliott in creating a reason for not supporting people living in rural South Australia. He said there was not enough time because the regulation was introduced in July and my motion was not lodged until a week and three days before the enactment of the new regulation. He also made the criticism that we did not ask permission or tell him that we were going to move the motion. I am pleased to note that every time the Democrats move a motion for disallowance they will ask our permission. He claimed he did not have enough time—

The Hon. M.J. Elliott interjecting:

The Hon. R.R. ROBERTS: —and now interjects that he only had a week and one day to consider his position. There would not be too many other issues that have had more debate in this Council than daylight saving. There would not be many other issues on which members of the Liberal Party have created so many excuses to espouse their love and support for people in country areas and then find hundreds of reasons why they cannot support the motion.

The Hon. Mr Elliott reckons he did not have enough time and the Hon. Caroline Schaefer did not have enough time to talk but wanted to hear what the Hon. Mr Elliott had to say. Surprisingly, members in the Lower House did not have as much time: they had much less warning that the motion was to be moved. The disallowance motion was moved on the Thursday morning and that House—with 47 members—handled the debate and made a decision. However, members opposite—including the Democrats—having had a week's notice could not act. One Democrat member sat on the select committee. As the Hon. Caroline Schaefer pointed out, this matter was not one of the terms of reference but the one issue of daylight saving dominated th e committee's sittings. It is no surprise that the majority of people who made contributions, including their concerns about daylight saving, came from the area where the Hon. Caroline Schaefer lives. Most of them were personally known to the Hon. Caroline Schaefer.

The Hon. Caroline Schaefer: That's not true.

The Hon. R.R. ROBERTS: Well, they all said, 'Hello Caroline, how are you?' when they walked in. They were all mates and all went to the same school. They were all pals. In one week, with all their experience and involvement on this subject the Hon. Mike Elliott and the Hon. Caroline Schaefer could not make a decision. The Hon. Mr Elliott made another inaccurate assertion that the motion was not moved until after the implementation date of the regulation. That is not true: that is patently wrong. When I went to the Hon. Mr Elliott and asked whether he could proceed with the motion he said, 'You have had three months to do this. We have only had a week to consider it.' I said, 'Mr Elliott, the regulation starts on Sunday night and this should be done before the implementation.'

As to the Hon. Caroline Schaefer's contribution, I will not lower the dignity of the Council and get into personal attacks as the Hon. Caroline Schaefer did with regard to me, because I honour my status and I would not stoop to that. The Hon. Caroline Schaefer claimed that she had not recounted a

situation involving curtains and she attacked me about it. This was the situation: I commented during the committee sittings—but not in session—that there were some arguments I could not understand. One argument was how daylight saving could fade curtains and the Hon. Caroline Schaefer said there was a logical reason because, in getting up earlier, she told other members and me, people pull the curtains over and there is half an hour more of sunlight. That is the truth.

The Hon. K.T. Griffin interjecting:

The Hon. R.R. ROBERTS: That is not misrepresentation. It is an exact representation of what took place. Government members can level all the accusations they like. They believe the motion is a stunt but I have said on country radio—

Members interjecting:

The Hon. R.R. ROBERTS: I have admitted that I am a convert on this subject.

Members interjecting:

The Hon. R.R. ROBERTS: Along with all these squawking country representatives opposite, last year I was involved when this very subject was debated on the basis of whether an extension of daylight saving should take place because we had the Festival of Arts in South Australia. Then the Council's will was that, because the Adelaide Festival of Arts was on, we should support it. Those tolerant people on the West Coast, Yorke Peninsula, the South-East and the north of South Australia reluctantly accepted that that was the situation.

The Hon. K.T. Griffin: What about next summer?

The Hon. R.R. ROBERTS: Next summer I will be supporting the same motion. Those people accepted that, whilst the Adelaide Festival was not their festival, but being parochial and loyal South Australians, they accepted that it was a festival year. This year we see daylight saving being extended in Victoria because it has a festival. That is fine for Victoria. If it wants to do that, fine. The Hon. Mr Elliott claims that, if we do not fall in line, there will be absolute chaos. I am certain that people in South Australia will survive if we do not kowtow to Jeff Kennett. If Dean Brown is frightened of Jeff Kennett, members on this side are not frightened of him. We have not whipped our Caucus into line on this issue.

What about the people on the West Coast? What do the farming communities think about it? Do they believe the motion is a stunt or do they believe that daylight saving is a serious question? The truth is that for an extra three weeks young children have to travel on buses over long distances—and they have to do more and more of that because this Government has been closing schools all around South Australia and the bussing arrangements are being changed even as we speak—and we have five-year-old children getting up in the dark and coming home in daylight.

I have a press release from the South Australian Farmers Federation which was put out on Tuesday 5 November and which states:

> The South Australian Farmers Federation has written to Liberal members of Parliament expressing 'complete disappointment' at their support of a proposed three-week extension to daylight saving from March next year. The federation has called on the Australian Labor Party and the Democrats to use their voting strength in the Upper House to overturn the move.
>
> 'Over many years we have told parliamentarians of how time zones affect people in rural areas of State, especially the West Coast,' federation president, Wayne Cornish, said. 'The present daylight saving situation on Eyre Peninsula is already taking its toll on families,' he said. 'We have people who are juggling primary production work, which is dependent on hours of daylight, with general business administration, education and other commitments which are instead tied to the clock. In this climate, an extension of daylight saving would see rural children enduring another three weeks of travelling to school in the dark, and going to bed during the daylight hours. It is really a ridiculous plan.'

That is not my point of view; that was the point of view expressed by the Farmers Federation. I also received a letter today from the Executive Assistant, Community Services, which was written on 5 November and which states:

> I am writing to express the South Australian Farmers Federation concern over the proposed three-week extension of daylight saving for a month.

They sent personal letters. I will not read the whole letter, but it concludes:

> We therefore urge you to use your voting strength in the Upper House to overturn the move to extend daylight saving by three weeks.

We must remember that when the referendum took place there was almost complete opposition by the people on the West Coast, and the people on Yorke Peninsula and in the South-East were opposed to it. Quite clearly, the proposition had specific rules and specific starting and finishing times. This proposition extends it for no good reason for South Australians.

The Hon. Caroline Schaefer in her contribution said that this motion is doomed because if we 'knock it off' in this House, to use that expression, it will be put back in the Lower House the next day and be repromulgated. That is not quite true; she has the story wrong. The Cabinet will reinstitute it tomorrow—another case of contempt. It is the absolute contempt of this Government for the standing of the Legislative Council. It is a mirror image of the disgraceful way in which it has treated the parliamentary process in this House and in this Parliament in relation to the fishing regulations for recreational fishers. Twice this Council exercised its constitutional right in a bicameral system, as a House with equal powers.

This Premier, this Government and this Ministry, who stand up and praise the Legislative Council when in Opposition and treat it with absolute contempt when in Government, are also treating the people of rural South Australia with absolute contempt. The Hon. Caroline Schaefer is right: this Government is contemptuous of not only the Parliament but also the people of the West Coast, people like the neighbour of the Hon. Caroline Schaefer who put pen to paper recently and wrote to me and finished her letter by saying—

The Hon. Caroline Schaefer: Is it signed?

The Hon. R.R. ROBERTS: I will not tell you because you are a vindictive lot: you will go and kick a cow. The letter concludes:

> I appreciate you bringing this matter to the attention of the *Country Hour* so it can be aired to us country folk. Thanks a lot—much appreciated.

I am sure that her neighbour from Kimba will not be too appreciative if the Hon. Caroline Schaefer does not vote with us. I rather think that, as a stunt, she might do it. But she has already exposed herself. She is not in support of this: she thinks it is a stunt and she thinks that the well-being and comfort and amenity of those people on the West Coast, in particular, are not of great concern. This is a motion not to cut out daylight saving; this is a motion about an unwarranted extension that ought to be rejected.

The Council divided on the motion:

AYES (9)

Cameron, T. G. Crothers, T.

AYES (cont.)

Holloway, P.	Nocella, P.
Pickles, C. A.	Roberts, R. R. (teller)
Roberts, T. G.	Schaefer, C. V.
Weatherill, G.	

NOES (10)

Davis, L. H.	Elliott, M. J.
Griffin, K. T. (teller)	Irwin, J. C.
Kanck, S. M.	Laidlaw, D. V.
Lawson, R. D.	Pfitzner, B. S. L.
Redford, A. J.	Stefani, J. F.

PAIRS

Levy, J. A. W.	Lucas, R. I.

Majority of 1 for the Noes.

Motion thus negatived.

[Sitting suspended from 6.5 to 7.45 p.m.]

OUTSOURCING

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

That the Legislative Council requests that the South Australian Government supplies to each of the following select committees on—

1. Contracting out of State Government information technology;
2. Tendering process and contractual arrangements for the operation of the new Mount Gambier Prison;
3. The proposed privatisation of Modbury Hospital; and
4. Outsourcing functions undertaken by EWS Department,

an authentic summary, according to the protocol negotiated by the Liberal Party and Australian Labor Party, of the relevant outsourcing contracts,

which the Hon. Anne Levy had moved to amend as follows:

Leave out 'the Liberal Party and Australian Labor Party' and insert 'the Government and the Opposition'.

(Continued from 23 October. Page 240.)

The Hon. K.T. GRIFFIN (Attorney-General): I do not think that this motion is technically necessary, but it is on the Notice Paper and I do not intend to oppose it. It relates to the production of summaries of contracts specifically identified in the motion in accordance with a protocol which was negotiated between the Government and the Opposition.

Honourable members will recall the history of this request by committees of one House of the Parliament for the production of contracts relating to outsourcing arrangements, the Government being concerned about their production, particularly in the context of material which could genuinely be regarded as commercially sensitive. In consequence, there were some discussions with a view to trying to resolve the impasse.

In a number of these contracts there will always be some issues of commercial sensitivity. It may be intellectual property which, if in the public arena, might give an advantage to a competitor of the corporation which might have entered into a contract with Government. It may be that it would even prejudice the Government. It may be other material of a price sensitive nature, which, as a result of full public disclosure, might prejudice the capacity of any Government to get the same or even a better deal in future or even prejudice the corporation which might have entered into a contract with the Government in its capacity to bargain with others nationally or internationally.

There is a range of issues which may genuinely be commercially sensitive, not only from the political perspective. For example, in the Federal arena, we have seen Foreign Investment Review Board officers before a Senate Estimates Committee, or another committee, being required to answer questions but being given a direction by their Minister not to do so, and an impasse developed which ultimately could have resulted in the officers being summoned to the Bar of that particular Chamber and being required to answer questions which they did not answer and then being punished by that House. That is always a possibility in any Legislature if there is that impasse between the Executive and the Parliament. Whilst that has not occurred frequently, it is always the potential outcome of that sort of stand-off.

The Government took the view that, if it was possible rationally to work through a protocol which would enable the production of as much information as possible but to maintain the confidentiality of that material which was commercially sensitive, that would be in the interests of all parties. As a result, I undertook negotiations with the Opposition. I informed the Australian Democrats that it was in the interests of everybody to endeavour to reach a conclusion, but it was clear from the outset that they would be holding out for the production of the full contracts. That was not the case with the Opposition, and the protocol which was finally negotiated and released publicly was, I think, a sensible approach to a very difficult issue.

It is important to recognise that in the exchange of letters it was acknowledged that the arrangement does not limit Parliament's rights or responsibilities. If a committee believes that matters should proceed further, Parliament may call for the full contract. Equally, from the Government's point of view, if the Parliament requires the production of the full contract and the Government reserves its right to refuse to produce the contract, then the matter is subject to the political and constitutional process: back to the impasse to which I referred earlier.

That is a commonsense recognition that no Party, no Government or no Opposition wants to close its options at some later time. However, in the normal course, if an accommodation can be reached which satisfies the requirements in the majority of cases, that would help to relieve tensions and eliminate some areas of potential dispute. However, it is recognised that an Opposition having access to material on a confidential basis can be compromising.

It is also recognised that there may be occasions when politically a member of Parliament may wish to push to the limit the requirement to produce a contract. In those circumstances, it was recognised in the negotiations that some accommodation had to be reached on that issue as well as on the broader issue. So, the negotiations were conducted in the context of reality, not theory.

The other issue which I think is important to note in the exchange of letters which reflected the protocol is that the Auditor-General does have a role. I notice in the debate that there has been some exchange about whether it is the Auditor-General who prepares the summary or whether he merely signs off.

With respect to those who have raised that issue, I do not think that is a relevant consideration. Ultimately, it is the Auditor-General who will have to acknowledge that the summary is authentic, and he will also give attention to those matters which have been excluded under the claim of 'commercial in confidence'. If the Auditor-General does not agree, quite obviously, the Auditor-General will say so.

The Hon. M.J. Elliott: How much will be excluded? What percentage are we going to see?

The Hon. K.T. GRIFFIN: I have no idea. The summaries in relation to these matters are already in the course of preparation. I do not know. That will be an issue which will be addressed by the Auditor-General. If he does not think it is reasonable then, quite obviously, the Government reserves the right to have some discussions with the Auditor-General.

I think it is important to recognise that we have tried to build into this at least a recognition that no-one will be happy with the Government saying that this is commercial in confidence. It was important to bring some other statutory office or other mechanism into play to attempt to give some sense of confidence to those who were receiving the contract that genuinely this is the appropriate summary and that there were matters which are genuinely commercial in confidence. We will see how it works out in practice, but this recognises the reality of the situation.

There is a reference in the agreement to a trigger for the operation of the arrangement, which may be a resolution of a House of Parliament or a requirement of a select or standing committee. I said at the outset that I did not think that technically this motion was necessary, and I add that I do not think it is really necessary for the reason that the summaries are in the course of preparation at the present time.

The Hon. M.J. Elliott: When did you start working on them?

The Hon. K.T. GRIFFIN: Quite a while ago. That is a fair enough question. I do not know when the officers started working, but it was some time ago, and I as Attorney-General will certainly be looking at them. But the Auditor-General ultimately will sign off.

The other point I want to make is that in the context of what is commercial in confidence the Auditor-General and I have had some discussions about how we should determine what is commercial in confidence and what is not. Although we have not made any sort of progress, mainly because we both have not had sufficient time to sit down and work through the categories, it is intended that we will endeavour to identify some categories within which matters would be regarded as commercial in confidence.

I am not saying that everything within that category would be commercial in confidence, but what we think would be desirable is to establish those categories if at all possible so that it will help to focus the mind and crystallise the issues when looking at summaries and will give some guidance to everybody, particularly to the Auditor-General and to officers who have the task of working through some of these issues, what falls within that category. But I repeat: it is not intended in the discussion about those categories, if they can be identified satisfactorily, that that is the final answer as to what is or is not commercial in confidence.

I conclude by repeating the observation I made earlier, namely, that this agreement does attempt to provide a reasonable basis upon which the Opposition, the Democrats and the public will have information; it is a genuine attempt not to compromise the business interests of the State, but recognising that on the borders there may be some disagreement about some of those issues without compromising ultimately the right of individual members and, of course, Houses of Parliament to seek access to even more information.

As I said, I hope that this will help in the consideration of these sorts of issues. I do not profess that it will solve all issues, but it may save time, effort, energy and public posturing, so that we will not get ourselves to a point of no return in a deadlock over the information which should be available and information which might, if released, be prejudicial to the commercial interests of the parties to a particular contract. So, I was pleased with the way in which the protocol came out and that particularly the Opposition was prepared to work through some of these issues and to bring this matter to a satisfactory conclusion. The Hon. Anne Levy asked—rhetorically, I suspect—if the Cabinet had been involved, and I can indicate that the Cabinet was involved in signing off on the protocol.

So, I hope that this will provide a satisfactory basis for resolving these issues. Quite obviously, if they do not, members will trumpet that loud and clear. I would hope that in the spirit in which this has been negotiated it can be honoured, certainly on the Government side and also for those who are in the non-government Parties.

I indicate that I am prepared to support the amendment which has been moved by the Hon. Anne Levy and which refers to the Government and the Opposition because that is appropriately, in the context of this agreement, the reference that should be made to those two groups within the Parliament.

The Hon. M.J. ELLIOTT: I rise to close this debate and stress that the fundamental issue in all this is accountability—something which the Government promised before the last election but which it appears to avoid at every turn.

The contracts that the Government has signed and a few that are still on the table are absolutely unprecedented in their size (and when I say 'size' I mean in terms of the amount of money which is involved), the complexity of those documents and also the very length of some of those contracts. The combination of those three have the potential to have significant implications for the State.

The Government would argue that those implications are positive. Many people have raised reasonable questions which suggest that there is the potential, at least, for them to have a significant negative effect. It is only right and proper that those contracts be properly analysed. If the Government had been spending those sums of money, in the ordinary course of events, the dollars would have been scrutinised in very great detail through the estimates process.

Instead, we have had committees operating, in some cases, for more than 12 months now. The EDS Committee, which I admit has probably been going for closer to nine to 10 months, in terms of taking evidence, I do not think it has made very much progress whatsoever.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: That certainly saves some trouble, at least. We are having people coming in from department after department who simply cannot answer some of the fundamental questions which need answering if we are to make any estimate as to what the cost implications will be for the State, be they positive or be they negative.

It became evident quite early on that without seeing the contract it was going to be difficult, and I can only say that everything that has happened since has just underlined it. In fact, if anything, it has been far worse than I expected in terms of being able to get the really useful and important information.

What I see here has been a deliberate effort to frustrate and delay, and I know for a fact that if the Liberal Party had been in Opposition they would have been insisting on seeing the full contracts; I have no doubt whatsoever about that. Having spent eight years with them in Opposition and

working with them to try to make the Labor Party accountable, I know that—

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: I have no doubt, having watched the previous Government make some substantial mistakes, that if the Liberal Party had been in the position of the Labor Party at the same point in history it would have been screaming for accountability and saying, 'Why have we not learnt from the past?' That is what it would have been saying in Opposition if it had been there—but it is not. The Labor Party—

The Hon. T.G. Roberts interjecting:

The Hon. M.J. ELLIOTT: I think you should look at the history of, say, the State Bank. The Hon. Ian Gilfillan was asking questions in here until the State Bank sued him for what he said outside, and he was told that if he opened his mouth one more time he would be taken to the cleaners. He showed a damn sight more courage on the State Bank than the Liberal Party, which told the one person in its Party who dared to speak up to shut up. It gagged Jennifer Cashmore and told her to stop bagging the State Bank. There is the comparison.

I have no doubt that the Liberal Party, which was quite a good Opposition Party most of the time—not so good in Government—would have insisted on seeing the full contracts. There is no doubt about that at all. I think it really did know, I suppose because it had done it for quite a while. I do not say that in a mocking sense: it really did understand the process of Opposition, the process of accountability and the processes that were available.

Instead, we went through a circus within the committees. Eventually it comes to the Parliament and we go through a circus here—there are more protracted delays—and then an agreement was reached, the detail of which, as I said when I spoke two weeks ago, I was not aware of until it had been circulated at that point, months after the agreement had been reached—and only then did I discover that even to see a summary of the contract it had to be requested. That was clearly what the understanding seemed to say.

While the Attorney-General is now saying that this is technical and inferring that it is unnecessary, on the history of delay and procrastination that we have faced so far I am afraid that this motion does not appear unnecessary or technical. According to history, we really do have to insist that it happens. Even from what I am hearing from the Attorney-General when he spoke today, I do not know how long before we will see it. He suggested that there is a possibility that if we are not satisfied we might still be seeking the full contract.

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: I would be most surprised if these committees get to see the summary of the contracts this side of Christmas, and perhaps even this side of the next State election—or, if we do get them, and are not satisfied with them, I can guarantee that it will take another six months of fighting to get to see the contracts at that point.

I find this most disappointing. I note that the Attorney-General did not respond to the point I made when I spoke in introducing this motion that the Hon. John Olsen, right at the beginning of this Government, distributed a document which was going out to people who were applying for contracts and made it quite plain that, despite the fact that there may be commercial in-confidence material contained within contracts, it was possible that either the Parliament or the committees may seek to see it.

The companies were warned of that in this document which John Olsen circulated at the time. He has not responded to that. The talk around the House is that John Olsen has always been happy for the contract to be seen and that Dean Brown has put his foot down and has said that he is not happy for the contracts to go to the committees. As with so many issues at this stage, they seem to be getting bogged down in the internal politics of the Liberal Party—but that is another point. I am glad to see that this motion will be carried. I hope that the Government starts behaving like an accountable Government and produces these summary documents quickly and not the other side of Christmas, which is probably more likely.

Amendment carried; motion as amended carried.

AUDITOR-GENERAL'S REPORT

Adjourned debate on motion of Hon. K.T. Griffin:

That the Report of the Auditor-General 1995-96 be noted.

(Continued from 23 October. Page 242.)

The Hon. T.G. CAMERON: There is no officer of this Parliament more important than the Auditor-General. He is an independent, non-partisan officer who deserves bipartisan support. Instead, we have the extraordinary situation where, less than 24 hours after the tabling of the Auditor-General's Report, the Premier was on the radio criticising the Auditor-General for being 'short-sighted. . .simplistic. . . and attempting to rewrite history'. I hope the Auditor-General remembers these words of praise when he examines the EDS fiasco.

This is the total disgrace. An attack on the role of the Auditor-General is an attack on the Parliament itself. Without the information provided by the Auditor-General about the activities of Executive Government, Parliament becomes nothing more than a rubber stamp. I can find no other occasion in the history of this or any other State where such an attack against an officer of the Parliament has occurred.

It really says more about the character of the Premier that whenever he is caught out or found out he always chooses to blame someone else, whether that be the former Government, the Federal Government, the Keating Government, the Howard Government, the Adelaide City Council, his Ministers or his staff—anyone will do, as long as it is not Dean Brown.

Now we have the disgraceful situation where, because the Auditor-General has the audacity to challenge the views of the Premier and his Government's headlong plunge into outsourcing, he is vilified by the Premier. If the Premier does not believe the Auditor-General is up to the job and feels that strongly about his 'naive' views, maybe he should consider introducing a Bill into Parliament to replace him with three commissioners!

For the second year running the Parliament and the public have been treated to a travesty of having a mock debate on the Auditor-General's Report. This year we were allowed just 15 minutes to ask questions of each Minister, followed by another farcical debate. This was only a fraction of the opportunity provided by the previous Labor Government for the questioning of Labor Ministers. We provided two full weeks of questioning, and during the Estimates Committees the Opposition was given copies of the Auditor-General's Report as the basis for the questioning. I guess one has to ask: 'What has this Government got to hide?' Let us look at what the Auditor-General said about what it may be hiding. The Auditor-General stated:

> Ministerial statements and annual reports in large can be said to be self-serving because no-one will seek to advance issues which will be self critical.

In other words, they may not tell the full story or give an accurate picture. So, it is extremely important that the Auditor-General's Report be given bipartisan support by the Parliament, and the Premier has brought great discredit to himself by his recent actions.

Let us look at some of the major recommendations of the Auditor-General in this year's report. With regard to contracting out liabilities, the Auditor-General has clearly warned the Government and the people of this State that the Brown Government is steering South Australia towards new risks and liabilities with its move to outsource, that the Government's large scale outsourcing may leave the Government and the public liable for the actions of private contractors. He stated:

> . . . the South Australian Government may incur liabilities through the contracting out of 'core Government' services which it would not otherwise have had. The contracting out of Government services may also involve legal and financial risk to the State in tort where the law would impose non-delegatable duties to the State.

That is a direct quote from the Auditor-General's Executive Summary on page 10. On page 82 the Auditor-General recommends that, as a precondition to contracting out of Government services, a liability impact assessment should be carried out—a recommendation that would appear to be very sensible. It can only be hoped that this Government of economic rationalist zealots will take heed of the Auditor-General's advice and implement his recommendations before the next report is due. Page 13 of part A of the Auditor-General's Report states:

> In terms of presentation of State finances, I would observe that the discussion of $300 million recurrent savings in the 1996-97 Financial Statement cannot be readily reconciled to the trends in the preceding data.

What the Auditor-General is really saying is that it is important for the Government to ensure that commentary supporting the financial statements must be appropriately supported by relevant and clearly detailed data. According to the Auditor-General, he has strong reservations about that.

On page 21 of part A of the report the Auditor-General refers to a $4 million difference between interest saved through sale of principal assets sold in 1994-95 and 1995-96 and the revenue forgone to the public from their sale. The Auditor-General said:

> It seems. . . that the sale of Government businesses has not contributed significantly to the State's underlying deficit outcome. . . resulting in no net improvement in the deficit.

In effect, what the Auditor-General is saying is that the Brown Government is selling off the Crown jewels leading to a loss of income streams for the Government, but which has not resulted in any net reduction of the deficit! On page 126 the Auditor-General is also concerned about the Asset Management Task Force which is responsible for the asset sale process. He states the nature of the AMTF's activities involves the input of considerable internal and external resources and negotiations with any number of prospective purchasers and their advisers and that this presents the potential for conflicts of interest. This is another point that the Government should follow up. Instead of lampooning the Auditor-General, the Premier would be well advised to take note of what he says in his report.

On page 132 of the report the Auditor-General raises serious concerns that during 1995-96 he was supplied with inaccurate information. He states:

> Whilst audit professional standards require the auditor to exercise an independent judgment regarding the acceptability of the explanation made regarding a particular matter, it is not expected that the explanation will, for whatever reason, be incorrect and/or misleading in material particulars. . . An experience where inaccurate information was communicated has arisen in the course of the 1995-96 financial year.

The Auditor-General felt strongly enough about this issue to say that he would take formal action against the agency concerned should this happen again. In light of this incident, I am very concerned about the lack of compliance by Government agencies with requests for information from the Auditor-General and the implications this has for open and honest government. We can only guess what agency he is referring to because the report does not say. The reference to it is on page 132 of the report. It is absolutely essential that the Brown Government ensures that the Auditor-General has appropriate evidentiary basis upon which to base the audit opinion.

The Auditor-General noted on page 33 of his report that private sector funding of infrastructure only makes sense if:

> . . . the Government is not underwriting a large part of the income stream for a long period; or the tax treatment is such that, despite underlying economic considerations regarding ownership risk, cheaper after tax financing is available to the financier which can be passed on to the Government agency.

That is a pretty commonsense suggestion which the Auditor-General makes. In relation to the Mount Gambier Health Service and the Port Augusta Hospital he states:

> . . . the South Australian Health Commission and the Department for Treasury and Finance have evaluated that the private sector funding of the projects result in net additional cost to the Government of approximately $4 million and $2.5 million respectively.

Where are the savings from these deals? Where is the public benefit? This particular sleight of hand has more to do with the Government wanting to appear to be reducing debt than with any other possible savings. Even the Auditor-General in his conclusion states:

> On the basis of Government agency analysis, some projects have been entered into which result in a net additional financing cost to the Government compared with the use of public sector funding.

So much for all the touted savings which no-one can really put a handle on—not even the Auditor-General—and which this Government claims every time it outsources another Government service or contracts out Government services. There is one figure that appears in every press statement that it releases; that is, how much money it will save, but there is never any attempt to substantiate the figures. Despite intense questioning by members of the Opposition, the Government always seems to avoid providing any financial data with which we could check the veracity of the somewhat outrageous claims being made—now running into hundreds of millions of dollars worth of savings. I am delighted that the Auditor-General has decided to have a close look at some of these claimed savings. It would appear from the few that he has had a look at so far that there is little substance to the claims by the Government of the tens of millions of dollars that it is stating publicly every time it outsources another Government service.

In his conclusion on page 35 of the report the Auditor-General states:

> . . . on the basis of Government agency analysis, some projects are being entered into which result in a net additional financing cost

to the Government when compared with the use of public sector funding.

Why is this? Why would this Government opt for a deal that is costing South Australian taxpayers some $6.5 million more than it needed? The answer I believe is quite simple. It is because the real agenda of the Brown Government is not to deliver better services but to transfer resources from the public to the private sector and wherever possible to ensure that the private sector is the driving force of the economy. This Government is ideologically opposed to a public sector. It is fanatic in its attempts to reduce the size and the role of the public sector, no matter what the price or cost in terms of quality of services to the South Australian taxpayer.

Let us have a look at what the Auditor-General says about assistance to industry. Last year's audit report was critical of inadequate performance reporting and monitoring of the achievement of assistance objectives, while the recent Industry Commission report was sharply critical of the lack of publicly available information about these industry packages. I have promised to finish within an hour tonight, Mr President, so time does not permit me to detail these as much as I perhaps would have liked to.

This year's audit report (part A, page 122) found that while there had been a briefing of the Minister and Premier on the content of the assistance packages there is still no 'formalised periodic reporting of all aspects of the respective assistance packages'. I understand that during Question Time in the other place today quite a bit was said about how forthcoming the Premier is on what assistance packages are being provided to industry, which led to Kevin Foley being ejected from the Parliament. It is obvious how sensitive the Government, and in particular the Premier, is about ensuring that these assistance packages which are being handed out willy-nilly are kept secret and about which no details whatsoever are provided.

It will be interesting in the years to come when people look back on just how much money this Government has provided in the three years that it has been in office with assistance packages. It is pretty hard to get an accurate figure on it, but I believe the figure, if it is not already over $400 million, would be close to it. This amounts to $188 per head for every man, woman and child living in South Australia. It is the highest on mainland Australia. Those figures come from the Industry Commission Report (page 11) of 1996. The Industry Commission (page 16) concluded:

> Any gains from assistance are small at best and the effects on the nation are adverse.

There are real concerns over this Government's plunge into handing over hundreds of millions of dollars in incentives to the private sector to try to get industry to South Australia. I can accept that, because of the geographic position of South Australia, there will be a need for the Government to provide assistance from time to time. However, what concerns me is the secrecy in which these assistance packages are shrouded: no-one is allowed to know how much money is being given out, to whom and for what. We are merely advised, as is often the case, with the reporting of the savings. A press report will be issued about the brilliant negotiations of the Premier or John Olsen—it depends who wins the fight to have his name on the bottom of the press release—and we are given figures only about how many jobs will be created. Time will tell and, although I accept that there is a need for assistance packages, why they have to be shrouded in so much Government secrecy is beyond me. My only conclusion is that the Government is going to extraordinary lengths to hide from the people of South Australia the true nature of the industry assistance being provided.

There are many real problems when State Governments become involved in industry assistance and I will outline just a few. By far the greatest problem is that the States are never in a position of acting on their own. First, success by any individual State invariably precipitates copying or retaliation by others. Secondly, the successful development and implementation of selective policies requires a high degree of detailed knowledge on the part of policy makers. This information is rarely available and Governments are often dependent on the firm seeking assistance to supply such information. Thirdly, Governments are risk adverse in decision making in relation to business and their tendency is to target activity that has a likelihood of occurring anyway. Fourthly, there is pressure for short run political successes through the attraction of major projects or special events. Hence we saw the announcement of a $70 million investment project in a building for EDS on North Terrace.

I can only speculate that the timing of that announcement was somehow to try to embarrass Adelaide City Council and say, 'Here we go, we have to get rid of the Adelaide City Council. Look at the cranes on the skyline. The council is not bringing any investment in major projects to the city, so have a look at this. I have a $70 million investment from EDS.' Already the subsidies, payroll tax and land tax exemptions offered to EDS are starting to unravel even before building construction has started. Eventually we will get to the truth of what the real cost is going to be of the EDS building. I cannot imagine the Premier entering into this arrangement for financial reasons: it just does not stack up. Clearly, the only conclusion that the Opposition can come to is that he wanted to show what a hero he was through how much investment he could drag into this State and the project was rolled out at the very time when the Premier was trying to get rid of Adelaide City Council.

Finally on this point, selective assistance tends to favour large firms at the expense of small firms and assistance is often at the expense of the State's already existing businesses, as can be clearly seen with the Brown Government's policies.

Once again, I have promised to keep my speech to under an hour tonight, so time does not permit me to go into all the details. We hear stories about $35 million being given to Westpac to set up here and another $20 million to Galaxy. As I have already said, these industry packages now run into hundreds and hundreds of millions of dollars, yet at the same time tens of millions of dollars are being handed out to companies and I question whether they need financial assistance. We have $30 million being handed to Westpac, yet it announced yesterday that it has so much cash on hand that it wants to buy back $600 million of its own shares. I wonder why this selective assistance money is being handed out to large corporations, most with head offices interstate or overseas. It is being handed out to other interstate firms, yet we have small business in South Australia desperately in need of support from the Government but being given little assistance whatsoever.

Time does not permit me to go into the details, but it is an established fact that small business is the employment generator in our economy. More often than not large corporations put their hands out for assistance from one Government, shut down their operations interstate with a loss of jobs and yet jobs are created here and I question whether some of the big Australian corporations are playing State Governments

on a break, playing one against the other to extract more often than not—with the promise of jobs or the threat of jobs lost—the maximum money and concessions from the State Government. I refer to the results of the recent survey undertaken by the Small Retailers Association: 49.7 per cent stated that profits were down; 54.8 per cent said rents were going up; 50.3 per cent believed the value of their businesses was down; 78 per cent thought the cost of goods was up; 49.2 per cent said the price of goods was up; 65 per cent said that the cost of staff was static; and, when asked to nominate how they saw their future, 67.8 per cent believed it to be either static or declining or that they had no future at all.

The critical question they were asked was: given all the problems facing small retailers, should there be a Government inquiry into the industry? In response, 98.2 per cent said 'Yes.' The Government should certainly be looking at industry assistance for large corporations but what about the small business sector? This Government probably received its highest vote ever from the small businessman and woman at the last State election, yet it has treated them with complete disdain in its three years in office. I would have thought that if this Government wanted to continue to get the support of small business retailers and business people throughout the State it would start shifting its focus away from large corporations such as Westpac, Galaxy and EDS and have a close look at some of the problems facing small business, the pressure on its profitability and the struggles that thousands of small businesses are facing to keep their doors open and their profits up.

The Brown Government has continued to rely, primarily, on offering whatever subsidies or tax breaks are necessary in order to attract investment to South Australia. This Government does not have a comprehensive strategy for industry development, other than to shoot at whatever is flying past and hope it falls down. The Government's vision for South Australia lacks credibility and substantiation. Its policy of enticing industry through secret incentive assistance packages will duly force South Australia into competing with other States in a 'Dutch auction' as the two distinguished University of Adelaide economists, Rodin Genoff and James Juniper, have recently argued:

> While supermarkets compete through cost and price wars, sophisticated economies compete on quality, design and superior performance. . . Brown's fistful of dollars approach to economic development may mean that South Australia is destined to remain a 'rust belt' economy characterised by continuing population loss and decline.

We have seen over 20 000 people leave this State since this Government was elected. I would hope that the Government is conducting research into why people are leaving the State, and it might find that a significant proportion of these people who are fleeing our borders are small business men and women who have found out that they are operating in an environment where they were promised the world and given nothing by a Government which has little focus on them, pays little attention to them and, when it comes to handing out assistance, is more prone to rewarding large corporations listed on the stock exchange than helping the small battling business men and women struggling to keep their heads above water.

In the time available today, I have covered briefly some of the issues raised by the Auditor-General in his report. The Auditor-General has done a great service in producing another useful report. He represents us all. He has done, and continues to do, an excellent job. We need to ensure that his recommendations are implemented as swiftly as possible. The Premier should wake up to himself and apologise to the Auditor-General for his abuse. I support the motion to note the Auditor-General's report.

The Hon. R.D. LAWSON: I support the motion relating to the Auditor-General's Report. The Auditor-General and his staff are to be congratulated on a comprehensive report. I must say, however, that I have some reservations about the tone of some of the comments in the Auditor-General's Report. The Auditor-General is required by the statute under which he is appointed, namely, the Public Finance and Audit Act, to audit the public accounts of the State in respect of each financial year and also to audit the accounts of each public authority. If requested by the Treasurer, he can also examine the accounts of certain publicly funded bodies.

It seems to me that there is a danger if the Auditor-General or his staff see themselves as the font of all wisdom in relation to public policy and public administration. Reading the Auditor-General's Report, I thought that, on a number of occasions, some parts of the report came close to the Auditor-General's setting himself up as some sort of expert on every aspect of public policy in this State. I am not saying that the Auditor-General overstepped the mark, but in some places it seemed to me that the remit of the Auditor-General was very widely construed by him.

The Hon. T.G. Cameron: Can you give us an example where he overstepped the mark?

The Hon. R.D. LAWSON: There is a danger in laying down generalised warnings to Government—and I will come to some of the warnings in a moment. Making motherhood statements about prudence in public administration is really of dubious value in an Auditor-General's Report. It is the function of the Auditor-General to examine the accounts of the State. He is not the judge or jury of public administration. The very high regard in which the Auditor-General is held by the South Australian community and by the Parliament can be jeopardised if his reports begin to sound like positioning documents where the Auditor-General lays down a lot of warnings so that at some time in the future he is able to say, if something goes wrong in any particular case, 'I told you so. All the strictures I laid down were not followed.'

I am sure that the Auditor-General is well aware of the danger of becoming not merely a reporter of the state of affairs, but an arbiter of policy, a participant in the process of public debate. The Auditor-General is not a business guru, nor is he the font of all wisdom. These comments might be seen as a little harsh. They are not intended to be. They are not intended to be in the nature of a warning to the Auditor-General, but I do think that we should all be aware of the limitations of this type of process.

Under the previous Administration in this State a great deal of money was lost, not only in the State Bank fiasco but in a number of other activities. It is probably fair to say that prior to those catastrophes there was little warning from the Auditor-General about what was happening. The Auditor-General was required to undertake an investigation into the State Bank and produced a large number of reports on that matter. No doubt, the Auditor-General is anxious to avoid criticism being levelled at his office in the future if some activities of any Government in the future get the State into similar circumstances. I do think that there is a balance to be drawn between what is useful to the Parliament and what merely sounds like carping.

To illustrate the point about the extent to which the Auditor-General is now going out of the realm of examining the public and other accounts of the State, I refer to the section in part A—Audit Overview—entitled, 'The Crossman catalogue: audit responsibilities regarding maladministration'. Page 118 of the report refers to a statement of Mr Richard Crossman in the House of Commons in 1966 relating to the Ombudsman's Act. Mr Crossman, as he then was, on that occasion identified a number of elements of maladministration which have been described as the Crossman catalogue, matters such as bias, neglect, inattention, delay, incompetence, inaptitude, perversity, turpitude, arbitrariness, etc. The conclusions reached by the Auditor-General in relation to this catalogue are:

> At the very least the matters referred to in the Crossman catalogue lead to inefficiencies, and, having regard to the degree of concern by audit, to substantially increased audit costs. At worst they are unlawful and result in potential liability and loss for the Crown.

That is the conclusion of the one-page section on the Crossman catalogue. Frankly, that is interesting enough in itself, but the Auditor-General is not an ombudsman. It is not incumbent upon him to examine matters such as incompetence, ineptitude, perversity, turpitude, arbitrariness or the like. The function of the Auditor-General is to examine the accounts of the State, to report upon them and to report appropriately to the Parliament. In my opinion, the effectiveness of the report is largely undermined if one allows generalised comments of that kind to get in the way of what should be a pointed and helpful report.

The Auditor-General has a chapter on asset sales at page 124 and following in the same volume. There is in that a catalogue or narrative of some of the asset sales which have taken place. The conclusion on this important matter is as follows:

> With some major sales having recently taken place, and more anticipated in the 1996-97 financial year, asset sales continue to be a significant feature of the Government's budget and debt reduction strategy. As a result there is a continuing need for the sales to be underpinned by sound sale processes that exhibit appropriate accountability mechanisms. Audit will continue to monitor such processes.

That is reassuring, but it seems to me to be a somewhat platitudinous statement. It does not tell the reader much of use.

Likewise in relation to a number of other areas of interest where the Auditor-General has sent in staff to examine various Government activities. For example, there is an extensive section on information technology. Whilst it is reassuring to learn that Audit will continue to keep an eye on the outsourcing of information technology, I doubt that the description given by the Auditor-General in a very generalised narrative is of much assistance in establishing Government policy.

There is yet another section in the report at page 677 entitled, 'Crown Immunity and the Contracting Out of Government Services'. This is quite an interesting excursus. It relies upon the advice of the South Australian Solicitor-General, it notes the shift to contracting out of services and it raises some issues relating to the extension of Crown immunity and privilege to third parties. These are interesting comments, but they are not really comments on the accounts of the State; they are generalised observations. I feel that in making observations of this kind there is a real danger that any reader of the report will detect a measure of criticism or scepticism of Government decisions. It does not seem to me to be appropriate for the Auditor-General to be embarking upon an exercise of that kind.

There is yet another interesting section of the report on national competition policy—the Hilmer report. A number of observations are made relating to a national competition policy. Reading the observations and comments of the Auditor-General, it seems to me that he is commenting on Government policy. Executive Government is entitled to implement policies according to law, and it is not the function of the Auditor-General to comment on those policies, except in so far as they impact directly on the public accounts of the State.

Whilst on the subject of national competition policy, there is a section entitled, 'Justiciability of Agreements'. The Auditor-General comments that 'it is clear that the South Australian Government is relying upon the Commonwealth' making the compensation and grant payments. He also comments that 'included in the 1996-97 Financial Statement Forward Estimates are competition payments' of certain amounts.

It seems to me that the nature of a statement of this kind, 'it is clear that the South Australian Government is relying upon the' receipt, is an oblique and negative comment upon the arrangements that the Government has entered into.

As I said at the outset, the Auditor-General is to be congratulated upon his report, but not without comments upon some of the risks that the Auditor-General may run if he transgresses into the area of becoming an arbiter of Government policy rather than an examiner of the accounts of the State and a reporter upon them.

The Hon. Terry Cameron, in his diatribe against the Government, accused it of fanaticism in its opposition to the public sector. What a lot of nonsense! The Government has been assiduous in its attempts to reform the public sector of this State. The Government is not opposed to the public sector. Time and again Ministers emphasise the importance of the public sector to this community and the Government's reliance upon and commitment to effective public administration.

The fact that the Government sees room for improvement in and the need for reform of the public sector does not mean for one moment that it does not value the public sector. It does. The public sector is obviously an important and critical part of this State's economy and administration, and the Government is committed to nurturing and improving it.

In so far as the Auditor-General's Report contains material which will assist in improving administration, it is to be applauded. I support the motion.

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

EQUAL OPPORTUNITY (APPLICATION OF SEXUAL HARASSMENT PROVISIONS) AMENDMENT BILL

In Committee.

(Continued from 16 October. Page 149.)

Clause 2—'Sexual harassment.'

The Hon. K.T. GRIFFIN: I spoke at the second reading stage of this Bill in the last session, and the Bill has now been restored to the Notice Paper. The Hon. Carolyn Pickles made some observations in relation to this clause in the Committee stage, and it is appropriate that I reiterate what I had to say

at the second reading stage and, in addition to that, make some further observations.

As I indicated at the second reading stage, the Government supports the principle in this Bill and agrees that sexual harassment is unacceptable and that sexual harassment by members of Parliament, members of local councils and members of the judiciary should be unlawful. However, the Government has concerns about the scope of the Bill and, in particular, the effect on the constitutional principles of judicial independence and parliamentary privilege.

I note the amendments filed by the Leader of the Opposition. The amendments make clear that matters arising from the exercise, or purported exercise, of judicial powers or functions or the discharge of judicial duties are not covered by the Act. In addition, the Commissioner cannot require the production of any papers, documents, etc., in relation to the exercise of judicial powers or functions or the discharge of judicial duties. While these amendments deal with the matters raised by the Chief Justice, they do not touch on the processes which should be followed or on the issue of parliamentary privilege.

In addition to the amendments moved by the Leader of the Opposition in relation to the exercise of judicial functions, etc., the Government considers that the legislation should provide a process for dealing with complaints against members of the judiciary and the magistracy. For example, where a complaint is lodged against a member of the judiciary or a magistrate, the legislation could provide that the Commissioner should refer it to the Chief Justice.

If the Chief Justice considers that the attempted resolution of the complaint under the Equal Opportunity Act may interfere with the judicial independence of the officer he should advise the Commissioner. The Chief Justice would then determine how to deal with the matter. If the Chief Justice considers that the complaint does not interfere with judicial independence, he would advise the Commissioner and the complaint would be dealt with in accordance with the normal procedure under the Act.

The Government also considers that any Bill to deal with sexual harassment by members of Parliament should provide that matters arising from parliamentary proceedings are not covered by the Act. In addition, the Commissioner should not be able to require the production of any papers, documents, etc., relating to parliamentary proceedings.

That, I think, relates to the issue of parliamentary privilege. So many people, when they hear the word 'privilege', think of perks or benefits or some framework within which there is a personal or pecuniary benefit available to members. Parliamentary privilege has no such meaning. Parliamentary privilege is the inherent protection given to members of Parliament by virtue of the fact that they are members of Parliament and sit within the Parliament as representatives of the people to pursue issues without fear or favour and without being subject to any control by the courts of this State in the case of the South Australian Parliament. So, one should not confuse the issue of parliamentary privilege with those other sorts of issues which have reached the headlines recently, such as travel and other benefits.

I think it is important to recognise that. There has been some publicity only in the last few days about parliamentary privilege and events in New South Wales, and it demonstrates quite clearly that members of Parliament have a sensitive and responsible position in our society and that it is important that they can, in appropriate cases, pursue the interests of their constituents in a way which demonstrates no fear and no favour. But, of course, on other occasions it is required that there be caution in the way in which the privilege of the Parliament is used in pursuing issues.

So, it is important in that context to note the extent to which the law, such as the Industrial Conciliation and Arbitration Act, the Workers Compensation Act and the Equal Opportunity Act, applies to members of Parliament in the performance of their duties within the framework of that broad constitutional concept of parliamentary privilege.

The legislation should make clear that a member of Parliament should not be required to attend at any proceedings, conference, etc., or be required to answer any questions or produce any documents where that would impinge on parliamentary privilege. A simple example is that a member could not be required to attend a conciliation conference when Parliament is sitting; nor, for that matter, should there be a power in an inspector, or the Equal Opportunity Commissioner to intrude upon the proceedings of the Parliament or the matters which are peculiarly within the province of the Parliament.

The Government also considers that the legislation should provide a process for dealing with complaints against members of Parliament. The legislation could provide that where a complaint under the Act may impinge on parliamentary privilege it would be referred by the Commissioner to the relevant presiding officer. The presiding officer would consider whether it impinges on parliamentary privilege. If it does, the presiding officer would then consider the appropriate course of action on the complaint. The presiding officer should be able to request the assistance of the Commissioner for Equal Opportunity in dealing with a matter. Complaints against members of Parliament that do not impinge on parliamentary privilege would be dealt with under the Equal Opportunity Act 1984 in the normal way.

One of the areas where I think there is both difficulty and sensitivity is that of the Hon. Carolyn Pickles' Bill that extends the law relating to sexual harassment to an action by a member of Parliament against another member of Parliament and by a council member against another council member. That is particularly sensitive because it may have some political consequences. It may be a member of one Party in respect of a member of another Party; it may be a member of a Party in respect of a member of the same Party. It is difficult to see how the tensions which undoubtedly arise in the political arena might be appropriately dealt with where there is an allegation of sexual harassment by a member of Parliament against another member of Parliament.

It is, I think, important to note what Mr Brian Martin QC said in relation to aspects of sexual harassment, and this issue in particular. He based his recommendations regarding sexual harassment on the issue of power and equality. He said:

> While there is always room for exceptions, in my view the South Australian legislation should continue to concentrate upon covering those areas of public life where a power inequality is likely to exist and to result in unfairness to the person harassed.

He went on to deal specifically with members elected to Parliament and local government bodies who are ultimately answerable to the electors by stating:

> They are in a different position from the normal workplace participant. They are frequently adversaries in the public eye. Other means of coping with offensive behaviour are readily available and there are dangers associated with an attempt to intrude into these relationships.

The Government and I recognise that this is a difficult issue and it may be that members who allege sexual harassment by

another member of Parliament might feel intimidated by the prospect of complaining within his or her own Party or even to members of another Party. I suspect that probably the only effective way that that can be dealt with is to endeavour to set up a process which does ultimately involve the Leaders of the respective Parties who should be able to deal with this in a way which is responsible, reasonable and fair. The difficulty in involving the Equal Opportunity Commission, for example, is that it immediately brings in an officer of the Executive arm of Government with very wide-ranging powers to deal with an issue which, in relation to member to member allegations of sexual harassment, potentially can impinge upon the issue of parliamentary privilege but also intrude into the political environment.

So it is a difficult issue, it is acknowledged, and what we are endeavouring to do is to work through what should be the appropriate process to deal with that. While the Government supports the principle of extending the Equal Opportunity Act to cover sexual harassment by members of Parliament, members of the judiciary and members of local councils, it does consider that there are a number of important issues which are still to be addressed—as I said earlier, particularly the process for dealing with sexual harassment by judicial officers and members of Parliament, taking into account the special nature of the positions in the context of judicial independence and parliamentary privilege.

The Government has been working through these issues and has been undertaking, through Parliamentary Counsel, the drafting of appropriate provisions that will deal with this. It is not yet finally resolved, but I hope that I will soon be able to inform the Leader of the Opposition and the Leader of the Australian Democrats when the drafting has been completed. I recognise that there is, at least on the principle, bipartisan approach to recording and the principle in law, but there may well be a difference of approach in relation to those issues of judicial independence and parliamentary privilege. They are not easy issues to resolve: the Government is endeavouring to do so, and I hope soon to be in a position to indicate the final drafting of the outcome of those consultations and considerations within Government.

The Hon. SANDRA KANCK: I did not have an opportunity to speak on this debate at the second reading stage. I indicate my strong support for the Bill. I was part of the Joint Committee on Women in Parliament which made recommendations on this matter. The Hon. Ms Pickles, when she introduced the Bill, said that if we need to explore specific examples of transgressions by members of the groups covered by this Bill then that could be done in Committee, so I will take this opportunity to raise a couple of examples without revealing any names.

In the first case I can say that the person on the receiving end was myself: I am going back about 13 years in this place. I hopped in the lift at the ground floor and pushed the button, and a male member of Parliament entered the lift. As I was lifting my hand off the button he grabbed my hand and called me dear, and started to stroke my hand. I got out of the lift at the first floor as quickly as I could. I was fairly astounded by what had happened. At that stage I was employed by the Hon. Ian Gilfillan, and I went straight into the room and said, 'You will never guess what just happened in the lift.' He picked up the phone, rang that member of Parliament and demanded that he apologise, and that occurred straightaway—with the phone being handed over to me—with the excuse that he always called all the women who worked around Parliament House 'dear'.

I was not particularly frightened by that incident, but I think it illustrates the situation which the Hon. Ms Pickles talked about, that is, the power imbalance that exists in that situation. All sorts of things went through my head at the time, but the thing that was really going through my head more than anything else was 'no-one will believe me that this has happened. It will be his word against mine.' That was something that was resolved very quickly in that case.

I also worked for a while with another employee who had transferred from an office because of continued harassment by her employer, who was a member of Parliament. She was subjected to the traditional 'My wife doesn't understand me' number. Even when she moved out of his office and out of his 'employ'—and I say that in inverted commas, because that is the big issue in this whole matter—he still persisted in ringing her, dropping into the office and forcing his attentions upon her.

I will now talk about a case that is happening at this moment, to show that it is not just something that happens occasionally. Again I will not give any names, but a person who is employed under the Public Sector Employment Act came to me some time ago to report a problem that she was having. She came to speak to me because she felt that she did not want to go to either a Labor or Liberal member to explain her problem because she felt it would be used to political advantage by one group and, in the other case, would be covered up. So, she came to me for some advice.

I will not give the details of that at this stage because I do not have her permission to do so: I simply want to let members know that this is happening right now. It is not something that used to occur, and we have all got better and understand how not to do it: it is something that is happening on a not infrequent basis. Either within the bounds of Parliament House or outside of it, it does occur and I believe we need to address it. It is not something that people make up. It is a very serious issue if you are on the receiving end of it. I think it is most important that we get legislation through this Parliament very quickly.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I will take this opportunity to respond to some of the comments made by the Attorney, and then I intend to report progress. The Attorney raised the matter of comments that have been made about the difficulties of parliamentary privilege. I acknowledge what the Attorney said but I hope that the issue of parliamentary privilege, if this Bill should not succeed in both Houses, will not be used as a cover up.

The Hon. K.T. Griffin: I have levelled with you about the difficulties. I have no intention of covering anything up.

The Hon. CAROLYN PICKLES: With all due respect to the Speaker and President, if I was a member of Parliament with a complaint of sexual harassment against another member of Parliament, I am not sure that that would be the appropriate process that I would want to have deal with my complaint. I would rather it was dealt with by an umpire outside the parliamentary structure. Those issues that some people have felt do not exist—that is, the difficulties between one member of Parliament and the other—are very real issues. They were canvassed at some length by the Joint Committee on Women in Parliament. We felt that we wanted to go that one step further and to include the issue of harassment against one member of Parliament to the other. We did have evidence given to us and, admittedly it was off

the record, but it is a case that is well-known publicly—and I do not wish to mention any names but neither of the members are in the Parliament any longer—where a woman member of Parliament was slapped on her rear end or pinched on her rear end (I am not quite sure which) by a male member of Parliament in the parliamentary bar. That is quite disgusting behaviour and, quite frankly, I think this female member of Parliament was very restrained in just throwing her glass of water all over him. I would have done something a bit more violent if it had been me and hoped that he ended up on the floor, quite frankly, because I do not think that anyone—be they male or female and particularly at our level—should have to put up with that kind of behaviour.

In dealing with this legislation, I would apply this law to members of local council and to the judiciary. Quite a number of examples are known to me and have been brought to me of women members of councils who have complained bitterly about the treatment they have received from some of the male members. We are all in public office and it is contingent upon us to behave in a proper manner and, I believe, set an example to the rest of the public, and not be treated any differently at law than any other member of the public. This is the reason why I felt I wanted this legislation to say, 'We are not above the law, we should be treated equally.' Some people have criticised me for not bringing in this legislation earlier. As the Attorney has pointed out, this is a complex issue. I believe that the Attorney's committee has been looking at this for some two years now and the Attorney has many more resources at his fingertips than I have.

The Hon. Sandra Kanck: It cannot be that complex that it takes two years.

The Hon. CAROLYN PICKLES: No, I do not think it is that complex. Personally, the question is: is it legal or is it illegal? It should be illegal to behave in an inappropriate manner. If it is all right for the rest of the community it should also be applied to us. I take the points that the Attorney has made. I am happy to report progress at this stage, but I would prefer to at least see the Bill pass through this Chamber. I do not believe it will pass the other Chamber because no doubt it will be held up until the Government's Bill is introduced. There is an indication that it can pass through this Chamber, and obviously it will with the support of the Australian Democrats. It would be an indication that we in the Parliament, and on all sides of politics, view the issue of sexual harassment very seriously.

I have known of staff members on all sides of politics who have been subjected to some gross indignities in this place and we should not have to put up with that kind of behaviour. These people—they have all been women—who have complained to me about these issues have not really had a proper process to deal with it, and that is a serious problem. It is a serious problem particularly for staff. One might say that we as Parliamentarians are big enough to stand up for ourselves on those occasions, but there is a power ratio that is inherent in the relationship between a member of Parliament and his or her staff, and particularly as we have a large number of female employees in this building. There is also the difficulty of a member of Parliament who has an electorate assistant working in an electorate office who is isolated from—

The Hon. K.T. Griffin: I do not think that that is in any way covered by parliamentary privilege. I do not think that is an issue.

The Hon. CAROLYN PICKLES: But again it is not covered by the Act.

The Hon. K.T. Griffin: Yes, I agree with you; it is not covered by the Act.

The Hon. CAROLYN PICKLES: It is not covered by the Act at the present time and it would be under this piece of legislation. I feel that those women—and I have worked in an electorate office—are very isolated from other people with no-one to consult if this kind of behaviour occurs. We all know that it has occurred in the past and I believe that it sets a terrible example to the rest of the community. As far as the judiciary is concerned, again we have a power ratio. I have taken on board the issues raised by the Attorney in relation to that and the issues raised with me by Chief Justice Doyle. I have moved amendments along those lines which will take into account his concerns. I believe that I will cover that. I would like to feel that we are all big enough now to recognise that this is a very serious issue in our community and that we as members of Parliament, as I have said before, should set an example to the rest of the community and say that, wherever this occurs, we intend to stamp it out. If it occurs between one of us, then we should be particularly vigilant about ensuring that we make it illegal.

Progress reported; Committee to sit again.

RETAIL SHOP LEASES (SELECT COMMITTEE RECOMMENDATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 16 October. Page 150.)

The Hon. ANNE LEVY: I support the second reading of this legislation. It comes from the Select Committee on Retail Shop Tenancies which reported in July of this year. The Bill before us seeks to implement a number of the recommendations from that select committee. I should indicate that I will move amendments to the Bill in the Committee stage. The Bill resulting from the select committee should implement the committee's recommendations but not go further and, in a couple of places, the Hon. Mr Elliott is going further than the committee's recommendations. In general, I certainly support the second reading of the Bill. The committee made 16 recommendations, and 14 have legislative implications. Those 14 have been covered by the Bill, plus others.

The Bill changes the title of the principal Act from the Retail Shop Leases Act to the Retail and Commercial Leases Act. It applies the recommendation that the conditions regarding leases do not apply to those for terms of less than one month. It alters the conditions regarding lease renewal which are in the principal Act but it is here that, to some extent, I part company with the Bill. The committee's recommendation indicated that a lessor would be obliged to offer first option for a lease to an existing tenant when the lease expired subject to a number of conditions. This Bill suggests that the existing tenant has first right to a new lease on existing terms. That qualification on existing terms was never a recommendation of the committee. The clause suggests that, if the lessor wants a change in tenancy mix in a group of shops or a shopping centre, the lease need not be offered to the existing tenant. Likewise, first right of refusal should not apply if there have been breaches of any lease conditions. I certainly agree with that.

However, the Bill does not contain a couple of conditions which the committee recommended as reasons why the lessor need not offer the lessee a renewal of a lease on its expiry, one of these reasons being if the lessor can show that he could obtain a higher rent from some other tenant. Also, the

committee's recommendation said that the lessor did not have to give right of renewal if the lessor planned redevelopment of the group of shops or the shopping centre. I am indeed happy to support a Bill which implements the recommendations of the committee but I am not prepared to support the few clauses proposing measures not recommended by the committee.

The select committee made a number of recommendations about a disclosure statement prior to taking out a lease and these are all included in the Bill. It needs to be made clear to prospective tenants that oral representations from a landlord are not sufficient, that the disclosure statement needs to spell out clearly the legal consequences of any breach of the conditions and the disclosure statement should also tell a prospective tenant that he or she should seek independent legal and financial advice before signing a lease. I am glad to see that those provisions are included in the Bill as I feel that, if any prospective tenant takes note of the disclosure statement and uses their sense, some of the pitfalls which have occurred in some landlord/tenant relationships in the retail trade industry will be avoided.

Provision is made about notification of what is the current tenancy mix and any changes which may be planned to it at the time a tenant takes a lease and whether, during the term of the lease, any fitout will be required and the cost of it. While it is normal in retail trading circles to talk about fitouts, in legal parlance this is termed a 'capital payment', so that the word 'fitout' is not necessarily used in the legislation. But that is what capital payments are referring to. The fact that conveyancer costs can be added as part of the cost of getting a lease is a recommendation reflected in the Bill and, likewise, there is simplifying of the requirements for an audit, if the only outgoings which a tenant is required to pay are water, sewerage, council rates and insurance. These were certainly non-controversial recommendations from the committee.

Likewise, a recommendation from the committee was that, if a lease is not being renewed, the tenant can require written reasons for the non-renewal. That also was recommended by the committee and included in the Bill. Clause 13 amends section 47. It refers to the written request from the lessee for the reasons a renewal or extension of lease is not being offered. The Magistrates' Court, on application by the lessee, may order the lessor to grant a renewal for extension of the lease on terms approved by the court. Likewise, a recommendation by the committee is that the Magistrates' Court can change the rent which is charged under a lease if it is deemed to be harsh and unconscionable. To be harsh and unconscionable is fairly extreme and it is unlikely that the Magistrates' Court will lightly say that any rent is harsh and unconscionable and consequently apply a different rental. However, it was certainly a recommendation of the select committee that that should apply or that that recourse should be available to a tenant if the rent charged was harsh and unconscionable.

A few items in the Bill were not part of the select committee report. New section 36B provides that a court has the power to alter the rent if the tenancy mix changes. This matter was discussed at considerable length by the select committee but was not a recommendation of the committee. In consequence, I do not support its inclusion in Bill before us. New section 36C (in clause 14) deals with the cost of a fitout relative to the remaining rent which can be charged under the lease. This also was not a recommendation of the select committee and I will move amendments relating to this matter when we reach the Committee stage.

In general, the Opposition supports the second reading of the Bill. The select committee which brought down the 16 recommendations was very thorough. It took a great deal of evidence from a large number of people and brought down its recommendations after a great deal of deliberation and discussion by the six members. All 16 recommendations on pages 38 to 40 of the report from the select committee were majority recommendations: many were unanimous, some were not.

The Hon. M.J. Elliott interjecting:

The Hon. ANNE LEVY: Of the 16 recommendations, 12 were unanimous; the remainder were agreed either as a five-one majority or four-two majority on the joint select committee of the two Houses. I certainly endorse the attempts of the Hon. Mr Elliott to put those 14 recommendations into legislative form. As I have indicated, a couple of recommendations were not part of the majority report and I do not support their being enacted into law. The select committee considered the issues thoroughly indeed. Not only did we take a great deal of evidence but we considered that evidence very seriously and had serious discussions relating to the possible recommendations which we could make. While there was not unanimity on four of those recommendations, no-one could suggest that they had not been carefully considered by the select committee and adopted after much thought as to the competing interests which could be affected by implementation of each of the recommendations. It was a well-considered report and I certainly support legislation which implements the recommendations of the select committee. I support the second reading.

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

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

A quorum having been formed:

ELECTRICITY BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

This Bill represents a further underpinning of the Government's program of bringing South Australia into the competitive National Electricity Market in Australia. The changes made in the 1990s have seen ETSA undergo major reforms and restructuring to ready it for the competitive market.

Indeed, the emphasis has been on preparing for the day when ETSA must perform purely as a Government Business Enterprise in competition with other utilities, both from across State borders and from new entrants to the South Australian electricity market.

The supply of electricity to most parts of the State has had a special priority in South Australia over the last fifty years. Much of South Australia's economic development has been triggered or facilitated by a reliable, affordable electricity supply. Electricity underpins many of this State's industries and much of its employment.

This Bill, combined with the *National Electricity (South Australia) Act 1996* which was passed earlier this year, paves the way for the continuing development of the electricity industry in South Australia within the new competitive environment.

As Honourable Members would be aware, the Bill is introduced against a national background of legislative and other reforms

targeted at creating the National Electricity Market to provide greater customer choice and improved services.

South Australia supports these national changes and the Government welcomes the onset of national competition with the potential benefits that this offers.

Suppliers of electricity in South Australia will come under increasing pressure to meet competition from suppliers from other States, and buyers of electricity will face new opportunities as the competitive market is phased in.

The Bill has been prepared to provide a commercial and technical regulatory framework for a rapidly changing industry. Central to these objectives is the intention to make the *Electricity Act* consistent with the National Electricity Market arrangements and with the National Electricity Code (the Code) in particular.

South Australian legislation does not presently confer a statutory monopoly on ETSA for generating electricity in South Australia. As is the case elsewhere, electricity networks are seen as a natural monopoly, and a key feature of the Bill, as of the Code, is the foreshadowing of new entrants seeking access to those networks. It is for this reason that separate licence provisions are made for the several roles within the electricity supply industry, namely generation, transmission, distribution and retailing.

The new arrangements under the National Electricity Market are expected to encourage new entrants in several ways; for instance, the continued expansion of cogeneration activities as part of other business operations will mean that certain energy which is currently going to waste can be harnessed. We can expect to see additional cogeneration projects in the future, as well as new ventures in renewable energy generation, electricity retailing and new network investments, particularly in the form of interstate connections to make fuller use of interstate trade opportunities.

This will bring revenues to existing and new companies and assist in the supplementation of the State's energy needs.

This State does not have an embarrassing surplus of generation capacity like some eastern States, and the supplementation of existing capacity from such avenues is potentially of great value to the State's future.

A fundamental element of this Bill is the creation of a Technical Regulator. The Bill formalises the move from ETSA to the Department of Mines and Energy of responsibility for a number of safety and technical issues, as a part of the program of reform.

Under the reform initiatives agreed to by CoAG, the current structure in South Australia whereby ETSA provides electricity and undertakes regulation activities is no longer appropriate.

This Bill also makes corresponding changes to the *Electricity Corporations Act 1994* to formalise the transfer of responsibility which occurred on 1 July 1995 through previous amendment to the *Electricity Corporations Act 1994*.

In addition to this Bill and the *National Electricity (South Australia) Act 1996*, there are two other Acts which have a direct influence on South Australia's electricity industry.

The first is the *Electricity Corporations (Generation Corporation) Amendment Act 1996* which this Parliament passed in order to effect the separation from ETSA Corporation of the generation activities and assets into a new GBE, SA Generation Corporation.

This Act signalled strongly the Government's intention to honour the spirit and the letter of its CoAG commitments, and it represented a close regard to the advice of the Industry Commission which the Government sought as South Australia moved closer to entering the National Electricity Market.

The other Act, the *Government Business Enterprises (Competition) Act 1996*, makes provision for Commissioners with pricing investigation powers.

Under that legislation a Commissioner may inquire into monopoly GBE prices and provide advice to the Government on the prices proposed to be charged by monopoly GBEs in this State.

The price of electricity to be charged by ETSA to non-contestable or tariff-based customers is one of the identified monopoly GBE goods and services.

These other Acts are mentioned so that Honourable Members will be able to appreciate the inter-relationships between this Bill and other measures, and their ramifications for South Australia.

These legislative changes set the scene for a new era in the electricity supply industry in South Australia.

This *Electricity Bill* provides a framework to enable the licensing of participants in all aspects of electricity supply activities, including generation, transmission, distribution and sales, both those connected to the national grid and those in off grid situations such as remote area self-contained systems.

Very importantly, the Government expects ETSA Corporation to remain the operator of the State's transmission and distribution networks, and the main seller of electricity to domestic and small business customers in the State.

However, the provision for other licensees in these activities could enable, for example, a new retailer entity to be established in the South Australian market or a new privately-owned transmission link to be built between States, as well as facilitating new generation initiatives, such as co-generation and solar or wind power projects.

The legislative package previously outlined includes important measures for the protection of smaller customers who will continue to be supplied by the ETSA for the foreseeable future. This Bill provides for consumer protection to be structured into licence conditions by way of supply terms and conditions to apply to such customers, and for appropriate consultation with the Commissioner for Consumer Affairs on such matters.

This Bill also provides other protection measures for users of electricity in South Australia. As Honourable Members would be aware, electricity by its nature has a capacity to cause injury and death. Unsafe installations can be associated with property damage especially through fire. It is critical that safety standards are appropriate in the electricity industry and enforced.

This Bill, in addition to transferring several powers from ETSA to the Department of Mines and Energy, and thus continuing and strengthening the current provisions for safety, also introduces a certificate of compliance program relating to electrical installations.

These measures will provide for, as the name suggests, the certification by an electrical contractor of electrical installation work performed. These certificates indicate the work done and by whom, and detail the tests performed to ensure the electrical safety of the work. This facilitates the identification of responsibility for faulty work, as well as protecting electrical contractors from wrongful accusations where a fault is said to stem from their work but in fact does not.

The Bill will also ensure that electrical contractors and other persons who install or amend electrical wiring meet appropriate industry standards.

The Bill confers on authorised officers the necessary powers to carry out the tasks committed to them. The Bill also contains measures emanating from Cabinet's consideration of the Environment, Resources and Development Committee's review of vegetation management around power lines in non-bushfire risk areas.

Local Government will become responsible for vegetation clearance in those areas, with the transfer of funds saved by ETSA to Local Government. At the same time, the regulation of street tree planting for these Council areas will be brought to an end, something which they have been pursuing for some time.

These measures will be phased in as existing contracts expire.

The reforms forming this Bill and the other measures outlined are far reaching. They are intended to foster and encourage major changes in the South Australian electricity supply industry. They are also designed to protect the interests of South Australian individuals and the general economy.

I commend the Bill to honourable members.

Explanation of Clauses

PART 1—PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Objects

This clause provides that the objects of the Act are as follows:

- to promote efficiency and competition in the electricity supply industry; and
- to promote the establishment and maintenance of a safe and efficient system of electricity generation, transmission, distribution and supply; and
- to establish and enforce proper standards of safety, reliability and quality in the electricity supply industry; and
- to establish and enforce proper safety and technical standards for electrical installations; and
- to protect the interests of consumers of electricity.

Clause 4: Interpretation

This clause contains definitions of words and phrases used in the Bill and, in particular, defines a non-contestable customer, an electrical installation, an electricity entity, electricity infrastructure, the National Electricity Code and network services.

Clause 5: Crown bound

This proposed Act will bind the Crown (including an electricity corporation as defined in the *Electricity Corporations Act 1994*).

Clause 6: Environment protection and other statutory requirements not affected
This proposed Act is in addition to and does not derogate from the provisions of the *Environment Protection Act 1993* or any other Act.

PART 2—ADMINISTRATION

Clause 7: Technical Regulator
There is to be a *Technical Regulator* to be appointed by the Governor.

Clause 8: Functions
The Technical Regulator has the following functions:
- the administration of the licensing system for electricity entities; and
- the monitoring and regulation of safety and technical standards in the electricity supply industry and with respect to electrical installations; and
- the monitoring of plans to increase or reduce electricity generation, transmission or distribution facilities or capacities and the likely effect on consumers of electricity; and
- any other functions assigned to the Technical Regulator under this proposed Act.

The Technical Regulator must, in performing any functions of a discretionary nature, endeavour to act in a fair and even-handed manner taking proper account of the interests of participants in the electricity supply industry and the interests of consumers of electricity.

Clause 9: Delegation
The Technical Regulator may delegate powers to a person or body of persons that is (in the Technical Regulator's opinion) competent to exercise the relevant powers. Such a delegation does not prevent the Technical Regulator from acting in any matter.

Clause 10: Technical Regulator's power to require information
The Technical Regulator may require a person to give the Regulator information in the person's possession that the Regulator reasonably requires for administrative purposes. A person guilty of failing to provide information within the time stated in the notice may be liable to a maximum fine of $10 000.

Clause 11: Obligation to preserve confidentiality
The Technical Regulator is under an obligation to preserve the confidentiality of information that could affect the competitive position of an electricity entity or other person or that is commercially sensitive for some other reason.

Clause 12: Executive committees
Regulations may be made to establish an executive committee to exercise specified powers and functions of the Technical Regulator.

Clause 13: Advisory committees
The Minister or the Technical Regulator may establish an advisory committee to advise the Minister or the Technical Regulator (or both) on specified aspects of the administration of this proposed Act.

Clause 14: Annual report
The Technical Regulator must deliver to the Minister a report on the Technical Regulator's operations in respect of each financial year and the Minister must cause a copy of the report to be laid before both Houses of Parliament.

PART 3—ELECTRICITY SUPPLY INDUSTRY

DIVISION 1—LICENSING OF ELECTRICITY ENTITIES

Clause 15: Requirement for licence
A person who carries on operations in the electricity supply industry for which a licence is required without holding a licence authorising the relevant operations is guilty of an offence (penalty—$50 000).

The operations in the electricity supply industry for which a licence is required are—
- generation of electricity; or
- operation of a transmission or distribution network; or
- retailing of electricity; or
- other operations for which a licence is required by the regulations.

Clause 16: Application for licence
An application for the issue or renewal of a licence must be made to the Technical Regulator.

Clause 17: Consideration of application
The Technical Regulator has, subject to this proposed provision and the regulations, discretion to issue licences on being satisfied as to the suitability of the applicant to hold a particular licence. Examples of the matters that the Technical Regulator may consider are the applicant's previous commercial and other dealings and the standard of honesty and integrity shown in those dealings and the financial, technical and human resources available to the applicant.

Clause 18: Authority conferred by licence
A licence authorises the person named in the licence to carry on operations in the electricity supply industry in accordance with the terms and conditions of the licence. The operations authorised by a licence need not be all of the same character but may consist of a combination of different operations for which a licence is required.

Clause 19: Licence term and renewal
A licence is granted for a term (not exceeding 10 years) stated in the licence and is renewable. Subject to this proposed Division and the conditions of the licence, the Technical Regulator must, on due application, renew a licence unless satisfied that the applicant—
- has been guilty of a contravention of a requirement imposed by or under this proposed Act or any other Act in connection with the operations authorised by the licence such that the licence should not be renewed; or
- would no longer for any reason be entitled to the issue of such a licence.

Clause 20: Licence fees and returns
A person is not entitled to the issue or renewal of a licence unless the person first pays to the Technical Regulator the annual licence fee or the first instalment of the annual licence fee. (The Technical Regulator may determine that an annual licence fee be payable in equal instalments.)

The holder of a licence issued for a term of 2 years or more must—
- in each year lodge with the Technical Regulator, before the date prescribed for that purpose, an annual return containing the information required by the Technical Regulator by condition of the licence or by written notice; and
- in each year pay to the Technical Regulator, before the date prescribed for that purpose, the annual licence fee, or the first instalment of the annual licence fee.

Clause 21: Licence conditions
A licence held by an electricity entity will be subject to—
- conditions determined by the Technical Regulator requiring compliance with specified standards or codes or other safety or technical requirements; and
- conditions determined by the Technical Regulator requiring the entity to produce and implement plans and procedures relating to safety and technical matters and to conduct compliance audits; and
- any other conditions determined by Technical Regulator.

If a person holds a licence or licences authorising both the operation of a transmission or distribution network and the retailing of electricity, the Technical Regulator may make the licence or licences subject to conditions requiring that the person's affairs in relation to the operation of the transmission or distribution network be kept separate from the person's affairs in relation to the retailing of electricity in the manner and to the extent specified in the conditions.

Clause 22: Licences authorising operation of transmission or distribution network
The Technical Regulator may make such a licence subject to conditions (in addition to those imposed under proposed section 21) relating to the operation of a network; for example, a condition allowing other access to the network by other electricity entities on fair commercial terms.

Clause 23: Licences authorising retailing
A licence authorising an electricity entity to carry on retailing of electricity may confer on the entity an exclusive right to sell and supply electricity to non-contestable customers within a specified area and be subject to conditions (in addition to any imposed under proposed section 21) requiring—
- standard contractual terms and conditions to apply to the sale and supply of electricity to non-contestable customers or customers of a prescribed class; and
- the entity to comply with specified minimum standards of service in respect of non-contestable customers or customers of a prescribed class and requiring monitoring and reporting of levels of compliance with those standards; and
- a specified process to be followed to resolve disputes between the entity and customers as to the sale and supply of electricity.

The Technical Regulator must, on the grant of a exclusive retailing rights, and before determining, varying or revoking conditions under, consult with and have regard to the advice of the Commissioner for Consumer Affairs and any advisory committee established under proposed Part 2 for that purpose.

Clause 24: Licence conditions and Code participants
If an electricity entity is registered in accordance with the National Electricity Code as a Code participant, the Technical Regulator must, in determining the conditions of the entity's licence, have regard to

the provisions of the Code and the need to avoid duplication of, and inconsistency with, regulatory requirements under the Code.

Clause 25: Offence to contravene licence conditions

There is a maximum penalty of $50 000 if an electricity entity contravenes a condition of its licence. If an electricity entity profits from contravention of a condition of its licence, the Technical Regulator may recover an amount equal to the profit from the entity on application to a court convicting the entity of an offence against this proposed section or by action in a court of competent jurisdiction.

Clause 26: Notice of licence decisions

The Technical Regulator must give an applicant for the issue or renewal of a licence written notice of any decision on the application or affecting the terms or conditions of the licence.

Clause 27: Variation of licence

The Technical Regulator may vary the terms or conditions of an electricity entity's licence by written notice to the entity.

Clause 28: Transfer of licence

A licence may be transferred with the Technical Regulator's agreement (with or without conditions imposed).

Clause 29: Surrender of licence

An electricity entity may surrender its licence.

Clause 30: Register of licences

The Technical Regulator must keep a register of the licences issued to electricity entities under this proposed Act.

DIVISION 2—SYSTEM CONTROLLER

Clause 31: System controller

The Governor may make regulations—

- appointing or providing for the appointment of a system controller to exercise system control over a specified power system;
- establishing a body corporate with a view to the appointment of the body as a system controller.

Clause 32: Functions of system controller

A system controller for a power system must—

- continuously monitor the operation of the power system; and
- control the input of electricity and the loads placed on the system to ensure that the integrity of the power system is maintained and the power system operates efficiently, reliably, and safely; and
- carry out the other functions assigned to the system controller by regulation.

Clause 33: Power of direction

A system controller for a power system has power to direct electricity entities that contribute electricity to, or take electricity from, the power system in addition to any other powers conferred on a system controller by the regulations.

Clause 34: Remuneration of system controller

A system controller will be entitled to impose and recover charges in respect of the performance of the system controller's functions.

Clause 35: Obligation to preserve confidentiality

A system controller is under an obligation to preserve the confidentiality of information that could affect the competitive position of an electricity entity or other person or that is commercially sensitive for some other reason.

DIVISION 3—STANDARD TERMS AND CONDITIONS FOR SUPPLY

Clause 36: Standard terms and conditions for supply

An electricity entity may, from time to time, fix standard terms and conditions governing the supply of electricity by the entity to non-contestable customers or customers of a prescribed class. These standard terms and conditions are contractually binding.

DIVISION 4—SUSPENSION OR CANCELLATION OF LICENCES

Clause 37: Suspension or cancellation of licences

The Technical Regulator may, if satisfied that the holder of a licence—

- obtained the licence improperly; or
- has contravened a requirement imposed by or under this proposed Act or any other Act in connection with the operations authorised by the licence; or
- has ceased to carry on operations authorised by the licence,

suspend or cancel the licence.

DIVISION 5—TECHNICAL REGULATOR'S POWERS TO TAKE OVER OPERATIONS

Clause 38: Power to take over operations

If an electricity entity contravenes this proposed Act, or an electricity entity's licence ceases, or is to cease, to be in force without renewal and it is necessary to take over the entity's operations (or some of them) to ensure an adequate supply of electricity to customers, the Governor may make a proclamation authorising the Technical Regulator to take over the electricity entity's operations or a specified part of the electricity entity's operations.

Clause 39: Appointment of operator

When such a proclamation is made, the Technical Regulator must appoint a suitable person (the operator) (who may, but need not, be an electricity entity) to take over the relevant operations on agreed terms and conditions. It is an offence for a person to obstruct the operator in carrying out his or her responsibilities or not to comply with the operator's reasonable directions (maximum penalty—$50 000).

DIVISION 6—DISPUTES

Clause 40: Disputes

If a dispute arises between electricity entities or between an electricity entity and another person about the exercise of powers under this proposed Act, any party to the dispute may ask the Technical Regulator (who has a discretion whether to mediate or to decline to mediate) to mediate in the dispute. This proposed section is not intended to provide an exclusive method of dispute resolution.

PART 4—ELECTRICITY ENTITIES' POWERS AND DUTIES

DIVISION 1—ELECTRICITY OFFICERS

Clause 41: Appointment of electricity officers

An electricity entity may (subject to the conditions of the entity's licence) appoint a person to be an electricity officer to exercise powers under this proposed Act subject to the conditions of appointment and any directions given to the electricity officer by the entity.

Clause 42: Conditions of appointment

An electricity officer may be appointed for a stated term or for an indefinite term that continues while the officer holds a stated office or position on the conditions stated in the instrument of appointment.

Clause 43: Electricity officer's identity card

Each electricity officer must be issued with an identity card in a form approved by the Technical Regulator.

Clause 44: Production of identity card

An electricity officer must produce his or her card for inspection before exercising any of his or her powers.

DIVISION 2—POWERS AND DUTIES RELATING TO INFRASTRUCTURE

Clause 45: Entry on land to conduct surveys, etc.

An electricity entity may, by agreement with the occupier of land or on the Technical Regulator's authorisation, enter and remain on land to conduct surveys or assess the suitability of the land for the construction or installation of electricity infrastructure subject to such conditions as the Technical Regulator considers appropriate.

Clause 46: Acquisition of land

An electricity entity may acquire land in accordance with the *Land Acquisition Act 1969*. However, an electricity entity may only acquire land by compulsory process under the *Land Acquisition Act 1969* if the acquisition is authorised in writing by the Minister.

Clause 47: Power to carry out work on public land

Subject to this proposed section, an electricity entity may—

- install electricity infrastructure on public land; or
- operate, maintain, repair, alter, add to, remove or replace electricity infrastructure on public land; or
- carry out other work on public land for the generation, transmission, distribution or supply of electricity.

Clause 48: Power to enter for purposes related to infrastructure

An electricity officer for an electricity entity may, at any reasonable time, enter and remain on land where electricity infrastructure is situated to inspect, operate, maintain, repair, alter, add to, remove or replace the infrastructure or to carry out work for the protection of the infrastructure or the protection of public safety.

DIVISION 3—POWERS RELATING TO INSTALLATIONS

Clause 49: Entry to inspect, etc, electrical installations

An electricity officer for an electricity entity may, at any reasonable time, enter and remain in a place to which electricity is, or is to be, supplied by the entity—

- to inspect electrical installations in the place to ensure that it is safe to connect or reconnect electricity supply; or
- to take action to prevent or minimise an electrical hazard; or
- to investigate suspected theft of electricity.

If in the opinion of an electricity officer an electrical installation is unsafe, he or she may disconnect the electricity supply to the place in which the installation is situated until the installation is made safe to his or her satisfaction.

Clause 50: Entry to read meters, etc

An electricity officer for an electricity entity may, at any reasonable time, enter and remain in a place to which electricity is, or is to be, supplied by the entity—

- to read, or check the accuracy of, a meter for recording consumption of electricity; or
- to examine the electrical installations in the place to determine load classification and the appropriate price for the sale of electricity; or
- to install, repair or replace meters, control apparatus and other electrical installations in the place.

Clause 51: Entry to disconnect supply
An electricity officer who has proper authority to disconnect an electricity supply to a place may, at any reasonable time, enter and remain in the place to disconnect the electricity supply.

Clause 52: Disconnection of supply if entry refused
If an electricity officer seeks to enter a place under this proposed Division and entry is refused or obstructed, the electricity entity may, by written notice to the occupier of the place, ask for consent to entry stating the reason and the date and time of the proposed entry. If entry is again refused or obstructed, the electricity entity may disconnect the electricity supply to the place.

The electricity entity must restore the electricity supply if the occupier consents to the proposed entry and pays the appropriate reconnection fee and it is safe to restore the supply.

DIVISION 4—POWERS AND DUTIES IN EMERGENCIES

Clause 53: Electricity entity may cut off electricity supply to avert danger
An electricity entity may, without incurring any liability, cut off the supply of electricity to any region, area, land or place if it is, in the entity's opinion, necessary to do so to avert danger to person or property. If the cut off is to avert danger of a bush fire, the Country Fire Services Board should be consulted before doing so.

Clause 54: Emergency legislation not affected
Nothing in this proposed Act affects the exercise of any power, or the obligation of an electricity entity to comply with any direction, order or requirement, under the *Emergency Powers Act 1941*, *Essential Services Act 1981*, *State Disaster Act 1980* or the *State Emergency Service Act 1987*.

PART 5—CLEARANCE OF VEGETATION FROM POWERLINES

Clause 55: Duties in relation to vegetation clearance
An electricity entity has a duty to take reasonable steps—
- to keep vegetation of all kinds clear of public powerlines under the entity's control other than public powerlines referred to in proposed subsection (2); and
- to keep naturally occurring vegetation clear of private powerlines under the entity's control,

in accordance with the principles of vegetation clearance.

A council whose area is wholly or partly within an area prescribed by the regulations (a "prescribed area") has a duty to take reasonable steps to keep vegetation of all kinds clear of public powerlines that are—
- designed to convey electricity at 11 kV or less; and
- within both the council's area and a prescribed area; and
- not on, above or under private land,

in accordance with the principles of vegetation clearance.

The occupier of private land has (subject to the principles of vegetation clearance) a duty to take reasonable steps to keep vegetation (other than naturally occurring vegetation) clear of any private powerline on the land in accordance with the principles of vegetation clearance.

If vegetation is planted or nurtured near a public powerline contrary to the principles of vegetation clearance, the entity or council that has the duty under this section to keep vegetation clear of the powerline may remove the vegetation and recover the cost of so doing as a debt from the person by whom the vegetation was planted or nurtured.

If a council or occupier should have (but has not) kept vegetation clear of a powerline under an electricity entity's control in accordance with a duty imposed by this proposed section, the electricity entity may carry out the necessary vegetation clearance work (but the entity incurs no liability for failure to carry out such work).

Any costs incurred by an electricity entity in carrying out vegetation clearance work under proposed subsection (5) or repairs to a powerline required as a result of failure by a council or occupier to carry out duties imposed by this proposed section may be recovered as a debt from the council or occupier.

This proposed section operates to the exclusion of common law duties, and other statutory duties, affecting the clearance of vegetation from a public powerline or a private powerline, and so operates with respect to vegetation clearance work whether the work is carried out by the person having the duty under this section to keep vegetation clear of the powerline or by a contractor or other agent acting on behalf of the person or in pursuance of a delegation.

Clause 56: Role of councils in relation to vegetation clearance not within prescribed area
An electricity entity may make an arrangement with a council conferring on the council a specified role in relation to vegetation clearance around public powerlines that are not within a prescribed area.

Clause 57: Power to enter for vegetation clearance purposes
An electricity officer for an electricity entity or a council officer may, at any reasonable time, enter and remain on land to carry out vegetation clearance work that the entity or council is required or authorised to carry out under this proposed Part.

Clause 58: Regulations in respect of vegetation near powerlines
The Governor may, with the concurrence of the Minister for the Environment and Natural Resources, make regulations dealing with the clearance of vegetation from, or the planting or nurturing of vegetation near, public or private powerlines.

PART 6—SAFETY AND TECHNICAL ISSUES

Clause 59: Electrical installations to comply with technical requirements
It is an offence for a person who connects an electrical installation to a transmission or distribution network mot to ensure that the installation, and the connection, comply with technical and safety requirements imposed under the regulations. (Maximum penalty: $10 000.)

Clause 60: Responsibility of owner or operator of infrastructure or installation
It is an offence if a person who owns or operates electricity infrastructure or an electrical installation does not take steps to ensure that the infrastructure or installation complies with (and is operated in accordance with) the technical and safety requirements or that the infrastructure or installation is safe and safely operated. (Maximum penalty: $50 000.)

Clause 61: Certain electrical work
A person who carries out work on an electrical installation or proposed electrical installation must ensure that—
- the work is carried out as required under the regulations; and
- examinations and tests are carried out as required under the regulations; and
- the requirements of the regulations as to notification and certificates of compliance are complied with.

(Maximum penalty: $5 000. Expiation fee: $315.)

If a person has a licensed electrical contractor carry out the work, this proposed section does not apply to the person but applies to the contractor. If a person (other than a licensed electrical contractor) has a registered electrical worker carry out the work, this proposed section does not apply to the person but applies to the worker.

Clause 62: Power to require rectification, etc, in relation to infrastructure or installations
The Technical Regulator may give a direction requiring rectification, the temporary disconnection of the electricity supply while rectification work is carried out or the disconnection and removal of electricity infrastructure or an electrical installation if it is unsafe or does not comply with this proposed Act. Failure to comply sith such a direction may result in necessary action being taken to rectify the situation and a fine of $10 000.

Clause 63: Reporting of accidents
If an accident happens that involves electric shock caused by the operation or condition of electricity infrastructure or an electrical installation, the accident must be reported and the infrastructure or installation must not be altered or interfered with unnecessarily by any person so as to prevent a proper investigation of the accident. (Maximum penalty: $2 500. Expiation fee: $210.)

PART 7—ENFORCEMENT

DIVISION 1—APPOINTMENT OF AUTHORISED OFFICERS

Clause 64: Appointment of authorised officers
The Technical Regulator may appoint suitable persons as authorised officers subject to control and direction by the Technical Regulator.

Clause 65: Conditions of appointment
An authorised officer may be appointed for a stated term or for an indefinite term that continues while the officer holds a stated office or position on the conditions stated in the instrument of appointment.

Clause 66: Authorised officer's identity card
Each authorised officer must be given an identity card.

Clause 67: Production of identity card
An authorised officer must, before exercising a power in relation to another person, produce the officer's identity card for inspection by the other person.

DIVISION 2—AUTHORISED OFFICERS' POWERS

Clause 68: Power of entry

An authorised officer may, as reasonably required for the purposes of the enforcement of this proposed Act, enter and remain in any place, accompanied or alone.

Clause 69: General investigative powers of authorised officers

An authorised officer who enters a place under this proposed Part may exercise any one or more of the following powers:

- investigate whether the provisions of this proposed Act are being or have been complied with;
- examine and test electrical infrastructure, electrical installations or equipment for safety and other compliance with this proposed Act;
- investigate a suspected electrical accident;
- investigate a suspected interference with electrical infrastructure or an electrical installation;
- investigate a suspected theft or diversion of electricity;
- search for, examine and copy or take an extract from a document or record of any kind as reasonably required for the purposes of the enforcement of this proposed Act;
- take photographs or make films or other records of activities in the place;
- take possession of any object that may be evidence of an offence against this proposed Act.

Clause 70: Disconnection of electricity supply

If an authorised officer finds that electricity is being supplied or consumed contrary to this proposed Act, the authorised officer may disconnect the electricity supply. If an electricity supply has been so disconnected, a person must not reconnect the electricity supply, or have it reconnected, without the approval of an authorised officer.

Clause 71: Power to require disconnection of cathodic protection system

If an authorised officer finds that a cathodic protection system does not comply with, or is being operated contrary to, the regulations, the authorised officer may take reasonable action, or give a direction (in writing) to the person in charge of the system or the occupier of the place in which the system is situated to take reasonable action, to disconnect the system so as to make it inoperable. A person to whom such a direction is given must comply with the direction. (Maximum penalty: $10 000.)

Clause 72: Power to make infrastructure or installation safe

If an authorised officer finds that electricity infrastructure or an electrical installation is unsafe, the officer may—

- disconnect the electricity supply or give a direction requiring the disconnection of the electricity supply;
- give a direction requiring the carrying out of the work necessary to make the infrastructure or installation safe before the electricity supply is reconnected.

Failure to comply with such a direction or to reconnect the electricity supply without authority will attract a maximum penalty of $10 000.

Clause 73: Power to require information

An authorised officer may require a person to provide information or produce documents in the person's possession relevant to the enforcement of this proposed Act. Failure, without reasonable excuse, to comply with a requirement under this proposed section may lead to a fine of $10 000. However, a person is not required to give information or produce a document if the answer to the question or the contents of the document would tend to incriminate the person of an offence.

PART 8—REVIEW OF DECISIONS AND APPEALS

Clause 74: Review of decisions by Technical Regulator

An application may be made to the Technical Regulator—

- by an applicant for the issue, renewal or variation of a licence for review of a decision of the Technical Regulator to refuse to issue, renew or vary the licence; or
- by an electricity entity for review of a decision of the Technical Regulator to suspend or cancel the entity's licence or to vary the terms or conditions of the entity's licence; or
- by a person to whom a direction has been given under this proposed Act by the Technical Regulator or an authorised officer for review of the decision to give the direction; or
- by a person affected by the decision for review of a decision of an authorised officer or an electricity officer to disconnect an electricity supply or to disconnect a cathodic protection system.

The administrative details of implementing such an appeal are set out.

Clause 75: Stay of operation

The Technical Regulator may stay the operation of a decision that is subject to review or appeal under this proposed Part unless to do so would create a danger to person or property or to allow a danger to person or property to continue.

Clause 76: Powers of Technical Regulator on review

The Technical Regulator may confirm, amend or substitute a different decision on reviewing a disputed decision. Written notice of the decision and the reasons for the decision must be given to the applicant.

Clause 77: Appeal

A person who is dissatisfied with a decision of the Technical Regulator on a review may appeal against the decision to the Administrative and Disciplinary Division of the District Court for a fresh hearing of the matter.

Clause 78: Stay of operation

The Court may stay the operation of a decision that is subject to appeal unless to do so would create a danger to person or property or to allow a danger to person or property to continue.

Clause 79: Powers of Court on appeal

On an appeal, the Court may—

- confirm the decision under appeal; or
- amend the decision; or
- set aside the decision and substitute another decision; or
- set aside the decision and return the issue to the primary decision maker with directions the Court considers appropriate.

No appeal lies from the decision of the Court on an appeal.

PART 9—MISCELLANEOUS

Clause 80: Power of exemption

The Technical Regulator may grant an exemption from this proposed Act, or specified provisions of this proposed Act, on terms and conditions the Regulator considers appropriate.

Clause 81: Obligation to comply with conditions of exemption

A person in whose favour an exemption is given must comply with the conditions of the exemption. (Maximum penalty: $10 000.)

Clause 82: Application and issue of warrant

Application may be made to a magistrate for a warrant to enter a place specified in the application and the magistrate may issue one if satisfied that there are reasonable grounds for doing so.

Clause 83: Urgent situations

Applications may be made to a magistrate for a warrant by telephone, facsimile or other prescribed means if the urgency of the situation requires it.

Clause 84: Unlawful interference with electricity infrastructure or electrical installation

A person must not, without proper authority—

- attach an electrical installation or other thing, or make any connection, to a transmission or distribution network; or
- disconnect or interfere with a supply of electricity from a transmission or distribution network; or
- damage or interfere with electrical infrastructure or an electrical installation in any other way.

(Maximum penalty: $10 000 or imprisonment for 2 years.)

A person must not, without proper authority, be in an enclosure where electrical infrastructure is situated or climb on poles and other structures that are part of electrical infrastructure. (Maximum penalty: $2 500. Expiation fee: $210.)

A person must not discharge a firearm or throw or project an object towards electrical infrastructure or an electrical installation if there is significant risk of damage to the infrastructure or installation, or interruption of electricity supply. (Maximum penalty: $2 500. Expiation fee: $210.)

Clause 85: Unlawful abstraction or diversion of electricity

A person must not, without proper authority—

- abstract or divert electricity from a power system; or
- interfere with a meter or other device for measuring the consumption of electricity supplied by an electricity entity.

(Maximum penalty: $10 000 or imprisonment for 2 years.)

A person must not install or maintain a line capable of conveying an electricity supply beyond the boundaries of property occupied by the person unless the person is an electricity entity, the person does so with the approval of an electricity entity responsible for electricity supply to the property or the line is authorised under the regulations. (Maximum penalty: $10 000.)

Clause 86: Erection of buildings in proximity to powerline

A person must not, without the approval of the Technical Regulator, erect a building or structure in proximity to a powerline contrary to the regulations. (Maximum penalty: $10 000.) If a building or structure is erected in contravention of this proposed section, the electricity entity may do either or both of the following:

- obtain a court order requiring the person to take specified action to remove or modify the building or structure within a specified period;
- obtain an order for compensation from the person.

Clause 87: Notice of work that may affect electricity infrastructure

A person who proposes to do work near electricity infrastructure must give the appropriate electricity entity at least 7 days' notice of the proposed work if—

- there is a risk of equipment or a structure coming into dangerous proximity to electrical conductors; or
- the work may affect the support for any part of electricity infrastructure; or
- the work may interfere with the electricity infrastructure in some other way.

(Maximum penalty: $2 500. Expiation fee: $210.)

If the work is required in an emergency situation, notice must be given of the work as soon as practicable.

Clause 88: Impersonation of officials, etc

A person must not impersonate an authorised officer, an electricity officer or anyone else with powers under this proposed Act. (Maximum penalty: $5 000.)

Clause 89: Obstruction

A person must not, without reasonable excuse, obstruct an authorised officer, an electricity officer, or anyone else engaged in the administration of this proposed Act or the exercise of powers under this proposed Act. Neither may a person use abusive or intimidator language to, or engage in offensive or intimidator behaviour towards, an authorised officer, an electricity officer, or anyone else engaged in the administration of this proposed Act or the exercise of powers under this proposed Act. (Maximum penalty: $5 000.)

Clause 90: False or misleading information

A person must not make a statement that is false or misleading in a material particular in any information furnished under this proposed Act. The maximum penalty if the person made the statement knowing that it was false or misleading is $10 000. In any other case, the penalty is $5 000.

Clause 91: Statutory declarations

A person may be required to verify information given under the proposed Act by statutory declaration.

Clause 92: General defence

It is a defence to a charge of an offence against this Act if the defendant proves—

- that the offence was not committed intentionally and did not result from any failure on the part of the defendant to take reasonable care;
- that the act or omission constituting the offence was reasonably necessary in the circumstances in order to avert, eliminate or minimise danger to person or property.

Clause 93: Offences by bodies corporate

If a body corporate is guilty of an offence against this proposed Act, each director of the body corporate is, subject to the general defences, guilty of an offence and liable to the same penalty as may be imposed for the principal offence.

Clause 94: Continuing offence

Provision is made for ongoing penalties for offences that continue.

Clause 95: Immunity from personal liability for Technical Regulator, authorised officer, etc

No personal liability attaches to the Technical Regulator, a delegate of the Technical Regulator, an authorised officer or any officer or employee of the Crown engaged in the administration or enforcement of this proposed Act for an act or omission in good faith in the exercise or discharge, or purported exercise or discharge, of a power, function or duty under this proposed Act. Instead, any such liability lies against the Crown.

Clause 96: Evidence

This clause provides for evidentiary matters in any proceedings.

Clause 97: Service

The usual provision for service of notices or other documents is made in this clause.

Clause 98: Regulations

The Governor may make regulations for the purposes of this proposed Act.

SCHEDULE 1: CONSEQUENTIAL AMENDMENTS

This schedule consequentially amends the *Electricity Corporations Act 1994* and the *Local Government Act 1934*.

SCHEDULE 2: TRANSITIONAL PROVISION

Schedule 2 contains clauses of a transitional nature.

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

PAY-ROLL TAX (SUPERANNUATION BENEFITS) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to amend the definition of 'superannuation benefit' under the provisions of the *Pay-roll Tax Act 1971*. The amendment being proposed in this Bill is necessary to provide clarification to the intention of the legislation that the pay-roll tax base includes both contributions paid by an employer in respect of a funded superannuation fund or scheme, and the employer contributions that would be payable in respect of the accruing employer liability, as if the superannuation scheme were not an unfunded or partly funded arrangement.

The *Pay-roll Tax Act* was amended in 1994 to broaden the definition of 'wages' to include a 'superannuation benefit' provided by an employer on behalf of an employee. The 1994 amendment recognised that employer contributions towards superannuation are a component of the remuneration for labour, and it was considered no longer appropriate for the pay-roll tax treatment of this employment benefit to be treated differently from other components of remuneration.

The extension of the pay-roll tax base in 1994 was undertaken in concert with a reduction in the marginal rate of pay-roll tax from 6.1 per cent to 6.0 per cent.

The original amendment in respect of employer superannuation support was always intended to cover all superannuation arrangements, including those that were unfunded or partly funded. Unfunded or partly funded schemes are those where the employer does not fund for its contingent liability as the employee's retirement benefit accrues. However, legal opinion has indicated that in terms of the present wording of the definition of 'superannuation benefit' under the Act, there is an argument that the definition may not adequately cover an unfunded or partly funded arrangement. This technical deficiency has principally arisen in respect of universities, where some employees are members of the State Superannuation Scheme. In respect of university employees who are members of the State Scheme, the Commonwealth Government provides funding for a substantial part of the accrued liability when the employee retires.

This means that unless the *Pay-roll Tax Act* is appropriately amended to ensure that the tax liability also applies to employer contributions payable under unfunded superannuation arrangements, the three universities in particular, would be in a more favourable position with regards to pay-roll tax than other employers in South Australia.

Most employees belong to schemes where the employer contributes to a superannuation fund on an on-going basis as the benefit accrues.

To ensure that employers with unfunded or partly funded superannuation schemes are placed on the same footing as other employers, it is therefore proposed that the *Pay-roll Tax Act* be amended to make it clear that the tax base includes in all cases, contributions paid, or payable in respect of employees.

The proposed amendment also makes a more specific amendment to address the issue of the university employees who are members of the old or new schemes under the *Superannuation Act 1988*. The more general provision will cater for any other unfunded schemes which exist in the community.

Consultation has taken place with South Australia's three universities in respect of the proposed amendment.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

It is intended that the commencement of this proposed Act will be retrospective so that it will be deemed to have come into operation on 1 July 1996 (the commencement of the financial year).

Clause 3: Amendment of s. 3—Interpretation

New definitions of partly funded scheme of superannuation, superannuation benefit and unfunded scheme of superannuation are proposed to be inserted. The new definition of superannuation benefit retains most of the current definition with an addition. In the case of a person who is a member of the old or new scheme under the *Superannuation Act 1988* or of any other unfunded or partly funded scheme of superannuation, a superannuation benefit is the Treasurer's estimate of the contingent liability of the person's employer for superannuation benefits under that Act in respect of that person.

It is proposed to insert new subsections that set out how the Treasurer reaches an estimate of the above contingent liability of an employer. New subsection (3a) provides that, for the purposes of the *Pay-roll Tax Act 1971*, wages that are comprised of the Treasurer's estimate of an employer's contingent liability for superannuation benefits will be taken to be payable as soon as the contingent liability accrues.

New subsection (3b) sets out the assumptions on which the Treasurer's estimation must be based and provides further that the estimation must make allowance for the fact that the liability of the employer will effectively be reduced because part of the benefits paid to or in respect of the employee will be charged against the employee's contribution account.

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

INDUSTRIAL AND EMPLOYEE RELATIONS (PRESIDENT'S POWERS) AMENDMENT BILL

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

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

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to ensure the validity of the appointment of His Honour Judge Jennings as President of the Industrial Relations Commission of South Australia.

From time to time it is necessary for the President of the Industrial Relations Commission to exercise the powers of an Industrial Commissioner, particularly an Enterprise Bargaining Commissioner. There is only one full-time Commissioner appointed which is sufficient, but on occasions during this Commissioner's absence from duties it is necessary for someone to exercise his powers. Consequently, the President was appointed as an Enterprise Bargaining Commissioner.

However, uncertainty has arisen whether the President of the Commission may simultaneously hold the Office of Commissioner.

This uncertainty has arisen following the comments of members of the High Court in the recent case of *Wilson v The Minister for Aboriginal and Torres Strait Islander Affairs*. Honourable Members may recall the case. It was the successful challenge to the appointment of Justice Mathews to advise the Minister on the Hindmarsh Island Bridge.

The case raised the issue of one person holding inconsistent public offices. It is also an issue raised by the Auditor-General in his most recent report.

While there is no specific provision in the Industrial and Employee Relations Act which expressly prevents a person from holding the Office of President and the Office of Commissioner, common law principles apply.

The principle is that an appointment to a public office vacates the appointment to a previous office when the duties of the two offices cannot be faithfully and impartially discharged by the same person. The principle will apply if the duties of the two offices are inconsistent.

It is the Government's view that the duties of the two offices, that of President and Commissioner are not inconsistent and can be properly discharged by the one person, but there is an element of doubt which should be eliminated to ensure that there are no challenges to the acts of the President or the present validity of his appointment. This is the purpose of the Bill.

Clause 2 of the Bill inserts into the Industrial and Employee Relations Act a provision which states that the President may exercise any of the powers of a Commissioner. Further, this provision is taken to have come into operation at the commencement of the Act, thereby validating any exercise by the President of the powers of a Commissioner.

The present validity of the appointment of Judge Jennings as President of the Industrial Relations Commission is ensured by Clause 3 which cancels his appointment as a Commissioner, which appointment is taken never to have been made. No question of inconsistent appointments can arise now, as the President by virtue of this clause will be taken to have never been appointed as a Commissioner.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Insertion of s. 36A

Clause 2 inserts new section 36A which provides that the President may exercise any of the powers of a Commissioner. Subclause (2) provides that the amendment is to be taken to have come into operation immediately after the commencement of the principal Act (*i.e.* on 8 August 1994).

Clause 3: Cancellation of appointment

Clause 3 cancels the purported appointment of the President as a Commissioner and provides that the appointment is to be taken never to have been made.

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

ADOPTION (MISCELLANEOUS) AMENDMENT BILL

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

ROAD TRAFFIC (INSPECTION) AMENDMENT BILL

The Hon. DIANA LAIDLAW (Minister for Transport) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

The Hon. DIANA LAIDLAW: I move:

That this Bill be now read a second time.

This Bill facilitates the appointment of inspectors from the private sector for the conduct of roadworthiness inspections for the removal of defect notices. It is complementary to the Motor Vehicles (Inspection) Amendment Bill 1996 which deals with the appointment of authorised agents and inspectors from the private sector for the conduct of identity inspections.

Roadworthiness inspections for the removal of a defect notice are currently carried out by the Department of Transport. As it is not necessary for inspectors from the private sector to have the same range of powers as Department of Transport inspectors and police officers (for example, the power to enter premises), it is intended that the powers of inspectors from the private sector will be limited.

The Bill therefore proposes an amendment to section 160 of the Road Traffic Act so that the Minister may authorise an inspector only to exercise or discharge that part of the powers conferred by this section that is necessary to undertake the inspection.

It is also proposed that the appointment of inspectors from the private sector be subject to a "criminal record check". The Bill therefore proposes an amendment to the Road Traffic Act to require the Commissioner of Police to provide information that may be relevant to the question of whether a particular

person is a suitable person to be appointed as an inspector under the Road Traffic Act.

The Bill also proposes that inspectors from the private sector be given protection from personal liability, so that they will not incur civil or criminal liability in exercising or discharging the powers, provided that they have acted, or omitted to act, in good faith and with reasonable care.

The fee for a roadworthiness inspection for the removal of a defect notice is already prescribed in the road traffic regulations. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 160—Defect notices

This clause makes a number of amendments to section 160 of the principal Act as follows:

- The definition of inspector is deleted from the section and replaced with a power for the Minister to authorise a person to exercise any specified powers of an inspector under this section.
- Subsection (1a) is replaced with a provision providing for the Commissioner of Police to provide the Minister with information in relation to whether a person is fit and proper to be authorised as an inspector under this section.
- Subsection (4a) is deleted.
- New subsections (9) and (10) are inserted providing for immunity from liability for persons authorised to exercise powers under the section.

The Hon. T.G. CAMERON secured the adjournment of the debate.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

The Hon. K.T. GRIFFIN (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Legal Practitioners Act 1981. Read a first time.

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

That this Bill be now read a second time.

This Bill makes minor, uncontroversial amendments to the Legal Practitioners Act 1981. The amendment to section 11 of the Legal Practitioners Act 1981 was prompted by the recommendations of a committee appointed by the Law Society of South Australia to review the professional indemnity scheme established by the Law Society. The scheme run by the Law Society is the only provider of insurance for civil liability arising in connection with legal practice and civil liability incurred by a legal practitioner in connection with the administration of trust funds.

The committee recommended that the management committee of the scheme, the underwriters to the scheme and the panel of solicitors who undertake litigation should be separate entities to prevent an appearance of conflicting interests. While there are no suggestions of impropriety in the running of the scheme, the current practices do give rise to an appearance of conflict. In response, the Council of the Law Society proposes to delegate its powers over the professional indemnity scheme to a company wholly or majority owned and controlled by the Law Society. However, section 11 of the Legal Practitioners Act 1981 only allows the Council of the Law Society to delegate its powers to committees consisting of people the council thinks fit, or to an officer or employee of the society. Therefore, without amendment to the Legal Practitioners Act 1981 the council is unable to effect this delegation.

The amendment will ensure that certain powers that need to be exercised with some independence, such as the running of the professional indemnity scheme, will be independently administered by a company that is still accountable to the Law Society yet does not have the appearance of creating a conflict of interest.

The Guarantee Fund established in Part 4 Division 3 of the Legal Practitioners Act 1981 comprises money paid into it from various sources including the statutory interest account and a prescribed proportion of the fees paid in respect of the issue or renewal of practising certificates. This money can then be applied in accordance with the purposes listed in section 57(4) of the Legal Practitioners Act 1981.

The amendment to section 57(4) will increase the purposes to which the money in the guarantee fund may be applied by including educational and publishing programs conducted for the benefit of legal practitioners or members of the public. This is consistent with the current purposes to which money in the guarantee fund can be applied and which can be generally categorised as expenses related to alleged and actual improper conduct or negligence of legal practitioners.

It is anticipated that the intended educational and publishing programs will improve the standard of the legal profession by creating awareness of the misconduct or negligence of practitioners and through training which will teach legal practitioners to deal with problems before they lead to misconduct or negligence. I seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Amendment of s. 11—Management of Society's affairs

This clause inserts a new paragraph into section 11(2) allowing the Council to delegate its powers (relating to the management of the Law Society) to a company that is a subsidiary of the Law Society.

Clause 4: Amendment of s. 57—Guarantee fund

This clause amends section 57(4) to allow money from the guarantee fund to be used for educational and publishing programs conducted for the benefit of legal practitioners or members of the public.

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

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

This Bill sets out proposed amendments to the *Roxby Downs (Indenture Ratification) Act 1982* (the *Indenture Ratification Act*) and includes provision for ratifying amendments to the Olympic Dam and Stuart Shelf Indenture. The amendments are required in order to facilitate the proposed major expansion of the Olympic Dam mine and processing plant announced by WMC in July, 1996 and to anticipate the future development of the project.

I will first give some brief background to the project and the expansion and then outline the proposed amendments.

By 2001, WMC proposes to more than double the annual production at the Olympic Dam mine from the current level of 85 000 tonnes to around 200 000 tonnes of refined copper and associated uranium, gold and silver. It is expected that WMC will invest approximately $1.25 billion to accomplish this and will

consolidate Olympic Dam as a world class mining and milling operation and bring the total investment on the ground to over $2.3 billion.

The Olympic Dam mine has made a significant contribution to the State's economy since production commenced in 1988 and the expansion will provide additional benefits to South Australians. For example, it is expected to give rise directly to a further 200 permanent jobs on the site. This will bring the total to nearly 1 200 jobs. As well, an average of approximately 1 000 construction jobs will be created during the next 4 years. Due to the economic multiplier effect of such a large, complex operation, thousands of South Australian families will benefit through the increased economic activity resulting from the project.

Royalty payments to the State are currently around $12 million each year. Royalty payments should more than double following expansion. In addition to these increases, the State will also benefit from other taxes and duties. Exports of Olympic Dam products will also more than double—from the current level of $270 million to around $600 million.

The Olympic Dam orebody is one of the world's largest orebodies. As a consequence of the expansion, the benefits outlined will continue to flow to the people of South Australia for at least 100 years at the proposed expanded rate of production.

The *Indenture Ratification Act* sets out the rights and obligations of the Joint Venturers and the State, especially in regard to the provision of infrastructure and services for the Olympic Dam operation and for the town of Roxby Downs.

The Indenture was originally negotiated on the basis of a conceptual project producing up to 150 000 tonnes of copper per year. Accordingly, the original Environmental Impact Statement (EIS) was for an annual production rate of up to 150 000 tonnes of copper. That EIS was recently re-endorsed by the Commonwealth following a public review. As was the case with the original Indenture and Act, the amendments attempt to anticipate future development of the project. Therefore, the amendments address issues for a conceptual project producing up to 350 000 tonnes per annum (tpa) of copper and associated products. Accordingly, WMC intends producing a comprehensive statement addressing the environmental issues for such a project but, as a result of the time required to collect the necessary data and carry out associated studies, this statement will not address fully issues relating to water supply and tailings disposal beyond those needed for the proposed expansion to 200 000 tpa.

Although WMC has no current plans to increase mine output above 200 000 tpa of copper and associated products, WMC will have smelting and refining capacity above this which WMC may use to treat copper, gold and silver in forms such as concentrates sourced from outside Olympic Dam. Such smelting and refining will not contribute significantly to water consumption or the production of solid residues. Clearly, if WMC later decides to expand the mine beyond 200 000 tpa, additional work will need to be done on tailings disposal and water. These will be the subject of a separate environmental study in the future.

The *Indenture Ratification Act* modifies the operation of several Acts and the list of these Acts has been brought up to date without significant additional modifications to the operations of the majority of those Acts. I will however mention four Acts, where new issues under the amendments to the Indenture have arisen.

Development Act 1993

Current section 7(2)*(a)* of the *Indenture Ratification Act* makes the *Planning and Development Act 1966* subject to the Indenture in respect of the development, division, zoning and use of land. This Act was repealed by the *Development Act 1993* and the amendments provide that the provisions of the *Development Act* are subject to the provisions of the Indenture.

It is proposed that the Indenture be amended to provide for the conduct of environmental assessments in keeping with normal practice for mining operations within South Australia. However, it is recognised that the Commonwealth Government can independently call for an environmental assessment under the provisions of the *Environmental Protection (Impact of Proposals) Act 1974* (Cth) and it is therefore proposed to avoid a duplication of processes by the State in the event that a Commonwealth environmental assessment is required. Under section 7(3) of the *Indenture Ratification Act*, the Minister for Mines and Energy exercises powers normally exercised under other Acts but only with the agreement of the Ministers responsible for those Acts. This arrangement will obviously continue and apply to the amendments. In this instance, it is the Minister for Mines and Energy who may require Environmental Impact Statements or Public Environmental Reports pursuant to the *Development Act*.

Water Resources Act 1990

Current section 7(2)*(h)* of the *Indenture Ratification Act* makes the *Water Resources Act 1976* subject to the Indenture. This Act was repealed by the *Water Resources Act 1990* and the amendments provide that the provisions of the new Act are subject to the provisions of the Indenture. This will ensure the continuation of rights, given to WMC under the Indenture, in relation to the drawing and taking of water.

Residential Tenancies Act 1995

Current section 7(2)*(n)* of the *Indenture Ratification Act* makes the *Residential Tenancies Act 1978* subject to the Indenture with respect to the provision of residential accommodation for employees, contractors or agents of the Joint Venturers where such accommodation is owned by the Joint Venturers. This Act was repealed by the *Residential Tenancies Act 1995.* The amendments to the Indenture will also apply to residential tenancy agreements in which the Joint Venturers or an associated company are acting as a landlord.

Petroleum Act 1940

The *Indenture Ratification Act* and the Indenture do not currently provide for the grant of a petroleum pipeline licence. The need for one was not envisaged at that time. WMC now consider that such a licence may be required to meet the gas supply needs of an expanded project in the future. To provide WMC with adequate certainty, provisions have been included in the Indenture for the issue of a pipeline licence under the *Petroleum Act*. The amendments to the *Indenture Ratification Act* in respect of the *Petroleum Act* give the Minister power to grant and renew a pipeline licence in accordance with new clause 19A of the amended Indenture. This will assure WMC of the grant and subsequent renewal of a pipeline licence.

Finally the Bill proposes ratification and approval of amendments to the Indenture. The proposed amendments to the Indenture address a number of issues and I will outline the most important of these.

Conceptual maximum production rate

As noted earlier, the expansion involves raising ex-mine production to approximately 200 000 tpa of copper in the first instance. The Indenture currently addresses production only up to 150 000 tpa of copper and it is proposed to raise this to 350 000 tpa in order that the Indenture may cater for further expansion. Consequentially, there are numerous requirements to amend references to 150 000 tpa in the Indenture to 350 000 tpa.

Non-minesite material

WMC will now be able to source from outside the Special Mining Lease copper, gold, silver and other minerals approved by the Minister in various forms including concentrates and limited amounts of ore and treat them at Olympic Dam under the provisions of the Indenture. This will enable the company to utilise spare, short-term processing capacity while mine production is ramped up to 200 000 tpa of copper, a process that will take some time. With the construction of a new smelter, WMC will have a capacity to treat substantially more than 200 000 tpa as long as the old smelter is operated in conjunction with the new smelter. While WMC has no immediate plans for expanding mine output beyond 200 000 tpa, it may wish to treat concentrates, ores and other substances by utilising the old smelter, suitably refurbished, after mine production is ramped up.

Royalties in respect of non-minesite material

WMC will have to pay additional royalties to the State in respect of any ore treated or processed at Olympic Dam that is extracted within South Australia but from outside of the Olympic Dam area. The provisions will ensure that royalties paid on any ore treated at Olympic Dam is at the same rate irrespective of whether it is sourced from Olympic Dam or from elsewhere in the State. Currently, the rate is above the rate generally applicable in the State.

Compliance with Codes

At all times, the most up-to-date standards and Codes of Practice on radiation protection, safe transport of radioactive substances and management of radioactive wastes are used, as soon as they are adopted at a National level. References in the Indenture have been updated to reflect the most up-to-date codes, already in use.

Potable water supply

The amendments replace a lapsed right to the supply of treated water from Port Augusta. WMC may negotiate a commercial arrangement with SA Water for the treatment and delivery of water from the Morgan take-off to Port Augusta. Because of limitations on availability of water from the River Murray, WMC will be required to purchase entitlements to water on the open market.

Power supply

The provisions of the Indenture originally provided for the supply of a maximum of 150 megawatts of electricity. The proposed amendments aim to raise this to 250 megawatts. The amendments provide a basis for ETSA Corporation and the Joint Venturers to enter into a commercial, arms-length agreement for the additional 100 megawatts. These amendments will not have any affect once a competitive electricity market is established at a State or national level.

Access to electricity transmission

The amendments give WMC a more specific right than that already contained in the Indenture, for access to ETSA Corporation's transmission system. This provides a basis for ETSA and WMC to enter into a commercial, arms-length agreement for access to and the use of ETSA's transmission and distribution system so that it may sell any surplus electricity it generates.

Roxby Downs health and medical facilities

The Government will be providing substantially upgraded health and medical facilities at Roxby Downs township. This will include an upgrade of existing services with particular focus on acute care and birthing facilities.

WMC's proposed investment is the single largest investment in this State for many years. The Olympic Dam mine is a major contributor to the State's economy, producing high value products. The contribution will continue for many years—for more than 100 years at the proposed rate of production. This Bill provides the legislative basis for the continued development of this project, which is obviously of great importance to this State.

I commend the Bill to Honourable Members.

Explanation of Clauses

The provisions of the Bill are as follows:

Clause 1: Short title

This clause is formal.

Clause 2: Interpretation

Indenture is defined as the *Olympic Dam and Stuart Shelf Indenture* (a copy of which is set out in the schedule of the principal Act).

Clause 3: Amendment of s. 7—Modification of State law

Section 7 provides that the laws of the State are modified so far as is necessary to give full effect to the Indenture. If any provisions of State law are inconsistent with the provisions of the Indenture, the provisions of the Indenture prevail. The proposed amendment revises the names of Acts listed in subsection (2) and provides that the Minister has power to grant and renew a pipeline licence under the *Petroleum Act 1940* in accordance with clause 19A of the Indenture.

Clause 4: Amendment of Indenture

The Indenture is amended in the manner set out in the schedule of the Amendment Deed contained in the schedule of this proposed Act. The amendments of the Indenture are ratified and approved (by force of this proposed Act).

SCHEDULE—Amendment Deed

The Schedule contains the Amendment Deed.

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

POLICE (CONTRACT APPOINTMENTS) 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.

This Bill contains amendments to the *Police Act 1952*. The amendments are designed to allow for the Commissioner of Police, the Deputy Commissioner of Police and Assistant Commissioners of Police to be employed on contract.

Presently the Commissioner of Police and the Deputy Commissioner of Police are appointed and hold office until they either die, resign, or retire upon attaining the age of 65 years, or if they are removed from office for incompetence, neglect of duty, misbehaviour or misconduct, or mental or physical incapacity.

Assistant Commissioners are appointed and hold office unless they resign, retire or are dismissed for a proven breach of regulations, or physical or mental incapacity.

The Government in line with its policy of best practice standards across government intends that the positions of Commissioner of Police, Deputy Commissioner of Police and Assistant Commissioners be filled by the best person and that there is provision for ongoing management development.

There has been a trend in other Australian States, namely Northern Territory, Western Australia, New South Wales, Queensland and the Australian Federal Police to move towards filling senior positions on a contractual basis and generally advertising nationally and in some cases internationally to attempt to fill these positions. The process in other States has been to fill such positions for a term of say 3, 5 or 7 years. Three years would seem to be too short for anybody to effectively achieve significant aims and outcomes. Five or seven years is a more realistic and desirable length of time to allow the incumbent to effectively manage the force. The Public Sector Management equivalent for the appointment of chief executive officers in South Australia is five years.

Moving the Commissioner of Police, the Deputy Commissioner of Police and Assistant Commissioners to contract employment will bring the South Australia Police, into line with the rest of the public sector and some other State and Territory police forces.

The Bill will bring the role of the Commissioner of Police, the Deputy Commissioner of Police and Assistant Commissioners in line with executive officers under the Public Sector Management Act where it is appropriate. In particular the following section of the Public Sector Management Act is applicable.

Section 10(4) of the *Public Sector Management Act* provides that, the Chief Executive Officer will be entitled to some other specified appointment in the Public Service. . . in the event that he or she is not re-appointed at the end of the term of appointment or in other circumstances specified in the contract

It is not appropriate to relocate either the Commissioner of Police or the Deputy Commissioner of Police to another appointment in the Public Service. Therefore, the Commissioner of Police and Deputy Commissioner of Police will be subject to a five year contract with a renewal option. At the end of the five years the member will either cease to be Commissioner or Deputy Commissioner or be reappointed.

Clause 7 enumerates the issues that the contract for the Commissioner of Police must specify. These are:

- a term not exceeding five years with option to renew
- that the Commissioner meet the performance standards as set by the Minister
- remuneration and other benefits
- sums representing the values of the benefits (other than remuneration)
- total remuneration package value

Clause 8 allows for the appointment of a Deputy Commissioner of Police and clause 9 allows for the appointment of Assistant Commissioners.

Clause 9A specifies the conditions of appointment of the Deputy and Assistant Commissioners of Police to be set with the Commissioner of Police. These are:

- a term not exceeding five years with option to renew
- performance standards as set by the Commissioner
- remuneration and other benefits
- sums representing the values of the benefits (other than remuneration)
- total remuneration package value

Clause 9B allows the Governor upon certain ground to terminate the appointment of either the Commissioner, Deputy or Assistant Commissioners. They are:

- guilty of misconduct
- convicted of an offence punishable by imprisonment
- engaged in remunerative employment, occupation or business outside

  the duties of the position without the consent of the Minister
- becomes bankrupt
- due to mental or physical incapacity has failed to carry out the duties of the position satisfactorily or failed to meet performance standards
- for any other reason failed to carry out the duties of the position satisfactorily or to the performance standard specified in the contract

Clause 9A(5)(a)-(d) allows for an Assistant Commissioner who is not reappointed to revert to their previous rank held within the South Australia Police or if the Assistant Commissioner did not hold a previous rank within South Australia Police then their employment ceases.

The appointment of the Commissioner of Police on contract will permit greater accountability to the community through the government process. In a similar manner the employment of the Deputy and Assistant Commissioners on contract will provide the Commissioner of Police with the ability to manage the performance of the most senior officers of the Police Force.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure is to be brought into operation by proclamation.

Clause 3: Amendment of s. 4—Interpretation

This clause makes amendments to various definitions contained in section 4 of the principal Act. The amendments are all consequential on the new provisions proposed by *clause 4* which would make Assistant Commissioners of Police subject to appointment and termination processes similar to those to apply to the Commissioner and Deputy Commissioner. As a result, Assistant Commissioners would no longer be subject to the general provisions applying to commissioned officers.

Clause 4: Substitution of ss. 6 to 9C

Proposed new section 6 (*Appointment of Commissioner of Police*) provides for appointment of the Commissioner of Police by the Governor.

Proposed new section 7 (*Conditions of Commissioner's appointment*) introduces a process for the conditions of appointment of the Commissioner to be subject to a contract between the Commissioner and the Premier.

As with appointments of Chief Executives under the *Public Sector Management Act 1995*, such a contract must specify—

- that the Commissioner is to be appointed for a term not exceeding five years specified in the contract and is eligible for reappointment
- that the Commissioner is to meet performance standards as set from time to time by the Minister
- that the Commissioner is to be entitled to remuneration and other benefits specified in the contract
- the sums representing the values of the benefits (other than remuneration)
- the total remuneration package value of the position under the contract.

The clause requires that the decision whether to reappoint to the position at the end of a term of appointment must be made and notified to the Commissioner not less than three months before the end of the term.

As in the current provision of the principal Act, the remuneration and other monetary benefits under the contract are to be a charge on the Consolidated Account of the State which is to be appropriated to the necessary extent.

The clause requires the Commissioner's performance standards to be tabled before both Houses of Parliament.

Proposed new section 8 (*Deputy Commissioner*) provides for appointment of a Deputy Commissioner of Police by the Governor.

Subclauses (2) and (3) correspond to existing provisions of the principal Act.

Subclause (2) provides that the Deputy Commissioner must exercise and perform such of the powers, authorities, duties and functions of the Commissioner as the Commissioner may direct (either generally or in a special case).

Subclause (3) provides that when the Commissioner is absent from duty because of illness or for any other reason, or during a vacancy in the office of the Commissioner, the Deputy Commissioner may exercise and perform all the powers, authorities, duties, and functions conferred or imposed on the Commissioner by or under any Act.

Proposed new section 9 (*Assistant Commissioners*) provides for appointment by the Governor of as many Assistant Commissioners of Police as the Governor thinks necessary.

As under the existing provisions of the principal Act, when the Deputy Commissioner is absent from duty because of illness or for any other reason, or during a vacancy in the office of the Deputy Commissioner, the Assistant Commissioner who is the most senior Assistant Commissioner on duty at the time may exercise and perform all the powers, authorities, duties and functions conferred or imposed on the Deputy Commissioner.

Proposed new section 9A (*Conditions of appointment of Deputy and Assistant Commissioners*) provides that the conditions of appointment of the Deputy Commissioner or an Assistant Commissioner are to be subject to a contract between the Deputy or Assistant Commissioner and the Commissioner.

Any such contract is to have the same features as are proposed for the contract for the Commissioner.

Performance standards for the Deputy and Assistant Commissioners will be as set from time to time by the Commissioner.

The decision whether to reappoint to the position at the end of a term of appointment must be made and notified to the Deputy or Assistant Commissioner not less than three months before the end of the term.

As for executive positions in the Public Service, if the contract so provides, an Assistant Commissioner will be entitled to some other specified appointment in the police force in the event that he or she is not reappointed at the end of a term of appointment or in other circumstances specified in the contract.

Alternatively, if there is no contract provision dealing with the matter and no contract provision excluding such an arrangement, an Assistant Commissioner not reappointed at the end of a term of appointment will be entitled to be appointed to a position in the police force of the same rank as the position he or she held immediately before being first appointed as an Assistant Commissioner.

Proposed new section 9B (*Termination of appointment of Commissioner or Deputy or Assistant Commissioner*) sets out the grounds for such termination which is to be a matter for the Governor. The grounds will be that the Commissioner or Deputy or Assistant Commissioner—

- has been guilty of misconduct
- has been convicted of an offence punishable by imprisonment
- has engaged in any remunerative employment, occupation or business outside the duties of the position without the consent of the Minister
- has become bankrupt or has applied to take the benefit of a law for the relief of insolvent debtors
- has, because of mental or physical incapacity, failed to carry out duties of the position satisfactorily or to the performance standards specified in the contract relating to his or her appointment
- has, for any other reason, failed to carry out duties of the position satisfactorily or to the performance standards specified in the contract relating to his or her appointment.

Resignation from the position of Commissioner or Deputy or Assistant Commissioner is to be by not less than three months notice in writing to the Minister (unless notice of a shorter period is accepted by the Minister).

Clause 5: Amendment of s. 10—Appointment of officers

This is a consequential amendment.

Clause 6: Transitional provisions

The amendments made to the principal Act by the measure are to apply only in relation to an appointment of a Commissioner, Deputy Commissioner or Assistant Commissioner made on or after the commencement of the measure.

The existing provisions of the principal Act are to continue to apply in relation to the holder of such a position appointed to that position before the commencement of the measure.

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

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

Adjourned debate on second reading.

(Continued from 5 November. Page 311.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. In these times of privatisation and sell-offs, Governments across Australia have adopted a policy for those statutory authorities we actually retain such that their financial relationships with Governments are to be as equivalent as possible to private sector corporations *vis-a-vis* Government. In other words, we now speak of a tax equivalent regime and the extraction of the dividends from our statutory corpora-

tions. National competition policy demands this, although the process was evolving under Labor Governments previously, in any case. In the context of commitment to competition policy around the country, the Opposition will not delay this Bill and we support the second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the Leader of the Opposition for her indication of support for the Bill.

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

LOTTERY AND GAMING (SWEEPSTAKES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 November. Page 311.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. On the face of it you could not get a more simple Bill than this. It simply amends the definition of 'sweepstakes' to ensure that the definition requires the outcome of each particular accounting exercise to be dependent to some extent upon chance. Presumably, the definition has clarified a recommendation of Crown Law officers, and the Attorney may wish to enlighten the Council whether the passage of this Bill will assist in prosecutions under the Lottery and Gaming Act.

Of course, there is an interesting philosophical debate about whether schemes such as footy pools are truly a matter of chance or whether they are enterprises of skill and foresight. I must say that, although I do not normally discuss what goes on in the Labor Caucus, it had quite a debate about this issue.

It is fortuitous that we debate this Bill the day after the 135th Melbourne Cup race. There would have been quite a few thousand sweepstakes going on in Australia yesterday. I hope that they were not relying on this Bill to pass to catch those particular sweepstake participants.

I am not a betting person but I would like to advise members to put some money on the Labor Party to win the next State election because they are fairly good odds at present, although they are shortening all the time! The Opposition supports the second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the Leader of the Opposition for her support for the Bill.

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

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 October. Page 883.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. In the view of the Opposition, this Bill contains a number of sensible amendments which will improve the operation of the Police Complaints Authority and the manner in which police complaints are dealt with generally.

The proposals to confirm the power of the Police Complaints Authority to resolve matters informally are welcomed. We all know that the Police Complaints Authority is heavily burdened with work, given its existing resources, and it makes sense to simplify resolution of minor matters so that the serious matters can get the prompt attention they deserve. For the same reasons, the person designated in the position of Police Complaints Authority should be able to delegate duties and responsibilities to his or her capable officers.

Changes are made to the means by which police behaviour can be brought to the attention of the complaints authority. The Opposition cannot see any reason why complaints should not be able to be brought to fellow police officers. This point may need be to addressed if the procedure is abused by malicious complainants, but the very fact that fellow police have a convenient means of bringing any improper practices to light in itself may act as a deterrent to misbehaviour.

The other change to jurisdiction, brought in by clause 11, allows the complaints authority to investigate possible irregularities on its own initiative. If police need any reassurance that this new jurisdiction will not lead to earth shattering changes in the way things are done, I again point to the fact that the complaints authority is under-resourced for the workload it handles, and the fact is that the authority is not going to embark on any witch-hunts unless there are truly extraordinary circumstances which somehow come to light publicly.

The Opposition appreciates that a balance has been struck between the Police Complaints Authority and the Internal Investigation Branch of the Police Force. The Bill gives more power to the complaints authority in some ways, but there is still the role that the Commissioner plays in the complaints system. The Commissioner can disagree and effectively limit intervention by the complaints authority with the Minister as ultimate arbiter of disagreements between the complaints authority and the Commissioner.

The amendments to sections 25, 26 and 48 of the principal Act are sensible. The Opposition agrees that there need be no blanket ban on disclosure by witnesses of every aspect of an investigation in which they have given evidence, although the complaints authority should certainly have the discretion to forbid disclosure.

There are certain other provisions of the Bill to which I have not referred. They are mostly to tidy up various matters, refining the system further, following changes in 1993. Ultimately, all this is about improving public confidence in the police. We have been fortunate in South Australia in having an extremely low incidence of corruption or impropriety in our Police Force, certainly when one compares our police to some problems that are experienced interstate. With an effective but fair Police Complaints Authority, we hope to keep it that way. We support the second reading, but we are still consulting with some of the parties concerned about matters covered in the Bill. At this stage I would confirm that we do not have any amendments.

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

MFP DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 October. Page 287.)

The Hon. M.J. ELLIOTT: I rise to support the second reading and note that the changes we are now seeing in this legislation are a reaction to the fact that the Commonwealth Government essentially has pulled the plug on the MFP—it has completely lost its patience with it. I note that in the other place there were amendments, which have been removed, to delete the requirement for the MFP Corporation to report to the Standing Committee on Environment, Resources and Development and the Economic and Finance Committee.

In the original legislation the MFP was required to report to both those committees twice a year. That was changed (I think last year as I recall) to reporting only once. The MFP was not even happy with doing that. I think that that is a great pity. It is the old avoidance of accountability routine. It is my view that if the MFP had taken a bit more note of what the ERD Committee was saying to it it might have been a little more focused in what it was doing.

It has been quite plain to me, as a member of the ERD Committee essentially since the Act went through, that the MFP has not been very well focused. That has been a problem from the very beginning. I was going to make a few comments about the history of the MFP, and I was digging through the files the other day and pulled out a press release that we put out on 14 February 1992, just six weeks before the legislation was in the Parliament. There were two important things we were saying at that stage—and the first was that we were critical of the site. In fact, we said that using the greenfield wetlands area around Port Wakefield was not a terribly bright idea and suggested an alternative site.

Our suggestion was that the land to the east of Port Wakefield Road around Technology Park as far as the Parafield Airport should become the site for the development of the MFP. In fact, we tried to persuade the Parliament of that but at that stage neither the Government nor the Opposition were convinced that that was a terribly good idea. I can only say that history has proven us right and that development—what development there is—is now occurring in the very area we suggested back on 14 February 1992.

Another concern we expressed was that the MFP, even at that stage, was very much into PR, very much into trumpeting its causes, and at that stage still had no idea where it was going and came up with all sorts of quite crazy ideas. I recall the Hon. Ian Gilfillan speaking in this place about this plan it had to grow giant strawberries. I am not quite sure where that plan got to, but that was one of the ideas it had when it was first getting started, but it has been lost with so many other things.

The Democrats have been supportive of the concept of the MFP. From the very beginning it has been very poorly focused. More time has been spent talking about possibilities and working on public relations than it has on achievement. I hope that over the next year or so the MFP starts getting a few more runs on the board—and there are some signs of it. I have not had an opportunity to see what is precisely planned for the housing development; I only hope that it will be a genuine application of technology that gives us something that is world leading. The first MFP development—the low energy village in the Port Adelaide area—was a dismal failure and was nothing like a leading edge application of technologies. I am aware that the Government has been in protracted negotiations over this housing development on the MFP site, and I can only hope that the reason it was protracted was because it was insisting on much higher standards and on something which is genuinely world leading.

I am not disappointed that the EDS headquarters is coming into the City of Adelaide. I have grave reservations about the site that has been chosen and little doubt that a heavy subsidy is occurring, and that the only reason it is being built there is so that there are a couple of cranes on the skyline at the time of the next election. That aside, I would like to see a lot more MFP development happening, and not only at The Levels.

If we are to try to produce technologies to export, I do not think the technologies that will be applied to greenfield sites are the major export opportunities: the major export opportunities will be how you retrofit a city, how to take a city like Adelaide and existing urban areas and make them world leading. That is a challenge for the MFP, and that is the sort of challenge we should be taking up. The development of greenfield sites can be very exciting and you can try all sorts of new technologies but, at the end of the day, it is the application of those technologies to existing urban areas that will be the major challenge.

As I said, I am not at all unhappy that the EDS development will not be on the MFP site despite having reservations about the site that it has chosen, and more particularly I have reservations as to the likely economic implications in terms of cost to the State. The Democrats support the second reading of this Bill.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank members for their support for the second reading of this Bill.

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

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

A quorum having been formed:

SUBORDINATE LEGISLATION (COMMENCEMENT OF REGULATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 5 November. Page 306.)

The Hon. R.D. LAWSON: I support the second reading of this Bill which amends the Subordinate Legislation Act. The provision which is to be now removed from the Subordinate Legislation Act was introduced in 1992 as a result of the efforts of the former member for Elizabeth. As the Attorney pointed out in his second reading explanation, the rationale for the insertion of section 10AA into the Subordinate Legislation Act which provides that regulations do not come into effect until four months after the day on which they are made or from such later date as is specified in the regulation were as follows. First, to give the public and business the opportunity of examining regulations that will affect them and to prepare their business affairs or their personal affairs so as to accommodate the regulation.

The second rationale was to provide Parliament with the opportunity to examine the regulations during the 14 sitting days for which they lay on the table and were available for disallowance. It was perceived that, if the four month rule was implemented, Parliament would have an opportunity to examine the regulations without imposition of the stricture that the regulations had already come into operation and disallowance would mean, in effect, undoing that which had been done, thereby creating confusion.

The Legislative Review Committee has, on a number of occasions, had occasion to comment upon the unsatisfactory operation of section 10AA. Since this section came into operation some 75 per cent of the regulations made have been accompanied by certificates under section 10AA. Those certificates have been given by the relevant Minister to the effect that 'it is necessary or appropriate that the regulation come into operation on an earlier date'. The fact that some 75 per cent of regulations have been accompanied by such certificates indicates that the measure has not had its intended effect. In the vast majority of cases the four months have been overridden and the public and business have not had any opportunity to examine in detail regulations before their immediate implementation.

In saying that, I am mindful of the fact that in many cases regulations have been the subject of consultation by Ministers with interest groups before they are made. So, no particular criticism is intended by that remark. The second rationale, namely, to give the Parliament an opportunity to examine regulations before they came into operation, has clearly not been satisfied because of the widespread use of certificates. The Legislative Review Committee in its report for the year ended 30 June 1996 and tabled in this place on 2 October this year stated:

> This year, once again, it is necessary for the committee to note that a large preponderance of regulations are accompanied by ministerial certificates for early commencement. Rarely is anything but a perfunctory reason given for early commencement. The widespread use of these certificates leads the committee to conclude that they are in danger of becoming (if they have not already become) a mere *pro forma* which serves no useful purpose.
>
> The committee repeats the request made in its 1994-95 annual report that Ministers refrain from issuing certificates under section 10AA(2)(a) except in cases of genuine urgency. If this provision is not applied more rigorously, it ought to be repealed.

The Government has taken the decision and, in my view the wise decision, of repealing the measure. The fact of its repeal will not unduly affect the capacity of the Legislative Review Committee to examine regulations and, where appropriate, recommend to either House disallowance thereof.

The proof of that fact arises from the way in which the committee has been able to do its job—and do it effectively, in my opinion—notwithstanding the fact that most regulations now being introduced come into force at a time earlier than four months from the making of the regulation. It is fair to say that in the past couple of years the Legislative Review Committee has been active in recommending, where appropriate, disallowance of regulations. The existence of certificates by Ministers has not adversely affected the capacity of the committee to do its work effectively. In many cases it may be necessary for the committee to give notice of motion of disallowance (so-called holding motions) for the purpose of completing deliberations on particular regulations. If it is ultimately the view of the committee and of the Parliament that the regulations should be disallowed, disallowance will have the effect of revoking that which has already been made and may, in many cases, have been in operation for some months; but that is not a heavy price to pay. I support the second reading and I support the measure.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

LOCAL GOVERNMENT (CITY OF ADELAIDE) BILL

Adjourned debate on second reading.

(Continued from 5 November. Page 323.)

The Hon. R.R. ROBERTS: I take this opportunity to contribute to this debate. I must say that I rather looked forward to having a debate about this little mess that the Premier has created. One has to look back at how all this came about. Did it come about just by some whimsy of the Premier? Was it in response to an insult that may have been directed his way by the Lord Mayor or was there some other sinister reason?

My mind goes back to a particular delegation that was going to shoot off to Iran. The delegation included the Lord Mayor and friends of the Premier. Mr Abdu Nassar, a great supporter of the Premier, was going to go. Another supporter was going to meet them over there, Mr Ted Chapman, the Premier's benefactor who gave up his seat in order to give the Premier a run. This is the person who ran the little slush fund to which Mr Abdu Nassar donated $1 100.

Given those sorts of criteria, when the delegation was to go away, one would have thought that the Premier only too willingly would sign a letter of introduction, as has been done on numerous occasions for delegations going overseas. These people were going to bring export dollars into South Australia, something this Government has failed miserably at in three years of trying. It was all going swimmingly well until the *Advertiser* intervened and said, 'This may be a terrible thing.' Then the Premier decided that he would not sign the letter and he ratted on his mates. As for Abdu Nassar, he would not even take his phone calls. This is the man who disrupted the Labor Party meetings and paid $1 100 into the slush fund that Dean Brown did not know about. He claimed he had a loss of memory.

That is the problem that the Premier has had: the Premier has a selective memory. The Council does not have to take my word that the Premier's memory is not reliable because we need only go to the case where a judge commented on the reliability of the Premier's memory and said:

> As the oral evidence unfolded it rapidly became apparent that there were significant divergences in factual details which arose as between the applicant and the Premier. In the event I unhesitatingly prefer the evidence given by the former to that given by the latter.

In other words, he took Dr Blaikie's word before that of the Premier and continued:

> I hasten to say that, in so doing, I by no means imply that the Premier was doing other than conscientiously giving evidence to the best of his memory. For reasons which I shall express, I simply conclude that he is mistaken as to some aspects which occurred at the time. Indeed, Mr Moss, the counsel for the respondent, very properly conceded that that must be so.

That is a kind way of saying that the judge did not believe the Premier and that he was unbelievable. On page 8 the judge goes on to state:

> I am also of the impression that some aspects of his evidence—

this is the Premier's evidence—

> may have been influenced by a degree of *ex post facto* reasoning. This is particularly so as there were important matters of detail testified to by him in the course of his oral evidence. . .

The PRESIDENT: Order! There is a point of order. The honourable member will resume his seat.

The Hon. L.H. DAVIS: Mr President, on a point of order I draw your attention to the fact that this has nothing to do with the Bill.

The PRESIDENT: The honourable member is stretching it a long way. If he likes to sum up quickly what he is on about, I will let him continue. If he continues on with it, I will have to rule him out of order.

The Hon. R.R. ROBERTS: Mr President, I am following the example set by the Hon. Mr Lucas in a contribution in this place a couple of weeks ago when he took great delight in saying that when assertions were made about the credibility of some witnesses it was deemed necessary to read the evidence. I have two remaining lines, because this matter is all about the credibility of the person making unfounded allegations against Adelaide City Council. The last sentence states:

> This is particularly so as there were important matters of detail testified to by him in the course of his oral evidence which found no expression at all in his affidavits sworn on 18 May 1995.

This is the Premier who was asked to support his mates and refused to do so. Having gone down that track we found that the *Advertiser* took over the case. The *Advertiser* did not like the case, so what did the Premier do? He said, 'I will go with the big boys, attack the delegation and refuse to sign the letter of introduction.' The Lord Mayor (Mr Ninio) made some very strong remarks about the credibility of the President and how much guts he had.

The Hon. L.H. DAVIS: Mr President, I rise on a point of order and again draw your attention to the fact that this has nothing to do with the Bill.

The Hon. R.R. ROBERTS: It is the reason why this measure is before us.

The PRESIDENT: Order! I know that the Hon. Ron Roberts is enthusiastic to get to the meat of the issue, and I suggest that he goes to the meat of the Bill because he is bordering on the edge by commenting on matters that have nothing to do with the Bill. I will allow him to proceed for the present.

The Hon. R.R. ROBERTS: Mr President, I am leading to the reason why we are here today. Members opposite squeal like rats when they feel the lash. They are pretty good at dishing it out but, like Murphy's dog, they cannot take it back. To conclude the story, we saw a rift develop between the Premier and the Lord Mayor. The Premier said, 'I will not stand for this and I will sack the lot of them.' It really makes you wonder, coming into an election year, who if anyone was advising the Premier or whether he had his political brain in gear at the time, because why he would want to start a third world war with local government within 12 months of a State election beats me, but then most things he does tend to puzzle me. In this regard I guess I am in a similar boat to the Hon. Jamie Irwin, the only member opposite who has shown any decency in this matter, in any of the debates, meetings or events that have taken place. I look forward to the Hon. Jamie Irwin coming over here and voting against this obnoxious legislation. I am confident he will do so because he is a man of some decency and is out of place over there.

The most plausible explanation is that the Premier is simply a bully. He is being kicked in the head by John Howard with his budget cuts and now the Premier is seeing who he can bully in turn. Of course, it is a wonder that the Premier is able to find the Adelaide City Council, given that he thinks the Mile End railyards are in the city. It is a wonder that, when the Premier discovered his error, he did not try to correct it by sacking the Thebarton and West Torrens council in whose area the railway yards are situated.

Who on earth is advising the Premier on these matters? Why do they not own a street directory? Perhaps they could borrow one from the library. I can let Government members into a secret: Adelaide City Council boundaries are drawn with little black dashes with two dots between them. The Gregory's directory contains a front index if members get into trouble. Also, who told the Premier that 1 000 votes elected the Lord Mayor? I guess it was Michael Armitage, who must think that 5 600 votes in the Adelaide electorate are insignificant. The Hon. Michael Armitage ought to know that it was 5 600 votes because as soon as the ruckus started he whipped off a letter to all his constituents which stated:

> The Government maintains. . . differential rating [read there 'rate rebate'] for residential properties will continue—explanation of clause 18, Local Government (City of Adelaide) Bill.

He says that is what the Government will maintain. I will not read the whole contribution because he talks about a contribution by Michael Atkinson, ALP member, in the Parliament on 2 October. The closing paragraph states:

> If you want your residential rate rebate to continue, as the Liberal Government's legislation provides, please ring my electorate office [and he gives the number], so that I can inform my parliamentary colleagues. Michael Armitage, member for Adelaide: working to maintain your residential rate rebate.

Therein we can begin to see the lies. These were the people who were going to put in these independent commissioners and they are going to tell them before they have had one day's deliberation that they will not change the rate rebates.

The Hon. T.G. Cameron: Or the boundaries.

The Hon. R.R. ROBERTS: Or the boundaries. How did the Premier get his Government into this invidious position? Is it that the Premier is not taking advice? Perhaps the backbench committee is to blame; perhaps the Hon. Angus Redford and the Hon. Caroline Schaefer would like to take the blame for this; perhaps the Hon. Jamie Irwin was absent from the backbench committee when this recommendation was made. It certainly was not the advice of the member for Ridley, Mr Peter Lewis. In response to inquiries about his concerns, he writes:

> Let me reassure you and all members of council that I totally support the concepts of responsible discharge of duty for local government as outlined in the Local Government Act. The law contains adequate provisions to ensure that this, our third tier of Government, is adequately and properly accountable; that is, through the audit of its accounts; through the ballot box for its decisions; and through the law and the courts for any corruption. That's it. It should be left that way! [Signed] Yours sincerely, Peter Lewis, AFAIM, MAIAST, RDA(Hort), JP, MP.

It was not the member for Ridley because, clearly, he has been belted around the ears in the caucus room and told what he will do. Perhaps the Premier made this call by himself without discussing it with the backbench committee. Does the Premier regard the backbench committee as insignificant? I look forward to listening to the Hon. Mr Redford on this score. You would have to ask: is this the same Premier who, on behalf of the Crown, signed a memorandum of understanding with the Local Government Association promising 'a cooperative approach to the development of the State' with local government. I do not believe that the Premier has ever met the LGA and I do not think that he would know John Ross from a bar of soap. He would not know him if he walked through the door.

In fact, my biggest concern is that no-one in local government believes the Premier's word can be trusted. Here

is an agreement with the Premier signed 'for and on behalf of the Crown' and it agreed to 'a process of negotiation based on open, respectful and cooperative interaction and exchange of information'. What a laugh! Did the Premier exchange any information with the LGA on Adelaide City Council? Was he open? Was he respectful? Certainly not. Where was the cooperative interaction?

I suggest that the Premier never intended working with local government and now after 2½ years he is showing his true colours. He has no vision for local government. He has not one shred of desire to work in partnership. He is simply a bully and a centralist. The only good decision is one which the Premier makes. Is that not right? None of the members opposite, except the Hon. Mr Irwin, has the guts to take the Premier on and tell him that he has it wrong.

We read in the paper that there was a ruckus in the caucus meeting, loud opinions were exchanged, but none of them will have the guts to buck this bully Premier who is telling them that we must sack the Adelaide City Council for no good reason. It is not just a memorandum with the LGA that the Premier ignores. The Local Government Act reflects an attempt at separation of powers between the State and local government. It specifically limits the way in which a State Minister can intervene in council business. It provides two circumstances in which the Minister can trigger the sacking process: a failure to carry out the responsibility of some kind or an irregularity in processes.

Has the Premier sought to use these mechanisms at all? No, he has not sought to use those mechanisms for very good reason: because they do not exist. These bully boys want to change the Act and then say, 'You are guilty.' It is retrospective guilt. While he stands up and says, 'This is only about the Adelaide City Council,' his Minister introduces another Bill to amend the Local Government Act—the Miscellaneous Provisions Bill. It has a mechanism which effectively broadens his powers to investigate and sack councils. It is another subterfuge to kick local government, once again, where it hurts most. How could anyone in local government believe the word of either the Premier or his Minister for Local Government Relations? What else has this Government dumped on local government? We have the State's water catchment levy dumped on councils—a levy to raise the funds for Crown instrumentalities to carry out a State function; managing water quality—they do that by a back door trick and dump the cost on local government which has to wear the odium for rate increases. Where is the transparency in that process?

Then we have the outrageous boundary reform legislation which first woke up the Local Government Association to what this Government was on about. Between the Local Government Association, the Opposition members and the Democrats in this House, 76 amendments were made to the legislation to make it halfway workable and still we have a Minister who at one minute is threatening to force amalgamations and then later trying to convince councils that it is a voluntary process. The gem is the 10 per cent cut in all council rates. That would have made the Premier look good. Where did it leave the councils? Did the Premier think that the council workers would collect only about 90 per cent of the rubbish? Did he want every tenth kilometre of roadway left as dirt? Did he want every tenth library book removed from the shelves, or every tenth parkland left unwatered? It took this Chamber to cut the 10 per cent back to zero. We contrast that with a 45 per cent rate rebate in Adelaide. It is a sham.

Then we had the Development Act. The Government wanted the power to take over from councils anything in which they had 'an interest'—not just matters of State significance, of economic importance to the State, but anything in which they had an interest. Not happy with the legislative insult to councils, the Premier then started bullying them in the media. 'I'll fix up any council that gets in my way', he said.

Then we get the real statistics and they show the Minister for Transport and the Minister for the Environment and Natural Resources are the real hold up; that the State takes longer than local government to manage these approvals. Once again, we saw the Government forced to make significant amendments. You would think the council would have learnt by now; I guess it would like to get on with its work. It does not sit around wondering where the State Government will hit it next. It leaves that to the LGA. But it does not have to sit around for long with this crowd. The only problem is that, because there is no strategy or plan, you never know where they will hit. They are like guerrillas—

The Hon. L.H. Davis: Gorillas of the Mist.

The Hon. R.R. ROBERTS: —of both kinds, the terrorist type and hairy armpit brigade, and some are more like that than others, especially those who take to wearing bow ties. Is it the Food Act where they will strike next? Is it the Water Resources Act? Is it the Swimming Pool Safety Act? Is it the Local Government Act or the Ombudsman's Act? You know it is coming, but you never quite know where it will come from. The funny thing is that the Government does not know, either. The Government does not even know where it is, let alone know where it is going.

The Local Government Association is left guessing, trying to work out from which front the next attack will come and where it will have no point in its councils next. 'Respectful and cooperative interaction' is another quote. This Premier does not understand those words. I do not think that this Premier has even read the memorandum of understanding. We know that he does not read most of what he signs. I do not think he has read the South Australian Constitution Act, either, or perhaps he has read it too well. He knows that the reference to local government in the Constitution is pretty weak. After all, it was put there by another great Liberal Leader, David Tonkin. There is a token reference in the Constitution that you can ignore when you are in the mood for rape and pillage—and they are good at that.

This Government is treating local government like patsies—a dumping ground for the rubbish that it does not want and a source of revenue to bolster the State's position. This is an interventionist Government with no regard for local democracy, and this is a classic example of that disregard for any form of local democracy.

Where is the case against the Adelaide City Council? Where are the criteria? Where is the evidence? I suggest that there is none. All I read is that the Premier has discovered that the Art Gallery is in the city. Hopefully he now knows where the Mile End railway yards are. This Bill is a testimony to the Government's inability to work with local government. It is as clear a warning as councils are going to get. Mark my words, it does not matter which Act it is: it will be an affront to local democracy and to all the voluntary hours contributed by elected members throughout South Australia. This is not just about the Adelaide City Council: that is only the first step. This Government has far wider horizons than that.

What is the Government's grand vision for the city? Again, we do not know. 'Plant more trees,' says the Premier. I am told that Adelaide planted 12 000 last year, but, of course, it planted them in the wrong place: it planted them in the parklands. We are told that the Premier wants swamps and development in the parklands. I believe that in the time that the City of Melbourne had commissioners not one of Melbourne's parks was left untouched by development. Is that really what we want in the City of Adelaide? Is this what Light's vision was? I thought Light's vision was for parklands and open spaces, not a blinkered approach to development and cranes on the horizon at any cost, no matter where they go.

Of course, it now also starts to come out that the City of Melbourne is 'On the Move'. Victoria has a higher office vacancy rate than dear old Adelaide in 'Going All the Way'. That is another myth that has been exploded.

We have an unmitigated mess. We have the Government stimulating negative publicity and running South Australia down once again. One would think that the Premier would be talking up the State, not running it down. But again, because he got a little insult from the Lord Mayor, he comes out in his true private school prefect-style, changes the rules, and beats up the little kids and the councils in order to make himself look tough. The polls are showing that he is not very tough, so he has to do something about it. The latest poll in the *Advertiser*, the Government's friend, shows what the people of South Australia think of this latest little fiasco.

I want some answers. I want to know what the evidence is. I want to know what the Adelaide City Council has done and of what it has been convicted. I want the Government to show where any provision of the Act has been breached.

Let us have a review by all means, but let us include in it the performance of this Government in relation to local government. That will be worth reviewing. Let us see for the record how often the Premier ever met the council and how often he met the Local Government Association. While we are at it, let us review the city's boundaries and that wonderful residential rate rebate to which the member for Spence alluded in another place. Let us review the type and number of councillors—

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: Are you declaring your interest?

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: I will tell you what I want. I want three commissioners to look impartially, without your brother-in-law, the Hon. Mr Armitage—

The Hon. A.J. REDFORD: I rise on a point of order, Mr President. I only wish that the public were able to hear this tonight and realise that he could potentially be part of the leadership group in the next Government.

The Hon. T.G. Cameron: What's the point of order?

The Hon. A.J. REDFORD: The member referred to the Minister as 'you'. He should address his comments through the Chair. It might go a good way towards showing that he could possibly one day be part of the leadership group.

The Hon. R.R. ROBERTS: Thank you for your advice, Nostra Damus Redford, the possessor of all information. Mr President, I apologise, because—

The Hon. Diana Laidlaw interjecting:

The Hon. R.R. ROBERTS: She's at it again, Mr President. I will tell the honourable member what I want. I want three impartial commissioners, unfettered by the interference of the Government as to whether or not the rate rebate stays. I want a proper review in three months, not three years. I do not know what you want. What I do not want is the member for Adelaide saying that the Liberal Government will keep it without the commissioners sitting for one minute. As we say in the racing game, it's a fix.

Let us see, for the record, how often the Premier has met the council and the Local Government Association. Let us review the type and number of councillors and how they are elected. Let us review the voting system and representational issues. Let us do it now, not in three years, and let us do it properly without any interference or Government influence. Most of all, let us review the way in which this Government treats local government. Let us see what your record is with local government: pour it all out in the open and let us see how many decisions you have made, whether you have acted properly and whether you ought to be sacked.

'Contempt' is the word that this Government has used in relation to local government—disregard and contempt. That is what we should be reviewing; that is what this review ought to be about. This is one of the shabbiest exercises that any State Government has ever pulled on local government. It has no grounds for complaint. Every charge that it has made against the Adelaide City Council has been comprehensively refuted.

The Premier wanted to filibuster. He thought that he was in the Lower House where, no matter what shabby deal he wanted to pull, he could get away with it because of the numbers. I am delighted that the Democrats have also seen through this charade and indicated that they will not fall for this shabby trick.

There have been two instances where Governments have been forced to sack councils in this State: one under a Liberal Government and the other under Labor. On both occasions we put in someone who knew something about local government. We did a review and we even had a select committee set up by this Council which we started when we were in government and which was completed under this Government. On both occasions the reviews showed that there were proper grounds for the sacking, and nobody has ever complained.

On this occasion, the Premier is making a desperate attempt to get some credibility, having failed the State of South Australia, having broken almost every promise that he made at the election, and it has been revealed by the Auditor-General that his slash and burn policy of selling off the State's major income earners and utilities was showing an almost nil increase. So here is this Premier, this little Caesar, standing there with no clothes. So, he had to have a stunt. He had to blame somebody else. This Premier always has to have someone else to blame.

The Hon. A.J. REDFORD: Mr President, Standing Order 186 says that you as President—

> . . . may call attention to the conduct of a member who persists in continued irrelevance, prolixity—

and for the honourable member's benefit, that means going on and on and on—

> or tedious repetition, and may direct such member to discontinue his speech. A member so directed shall resume his seat and not be heard again during the same debate.

I draw your attention to that, Sir.

The PRESIDENT: There is no point of order, but I point out that the honourable member is perhaps straying from the debate.

The Hon. R.R. ROBERTS: Thank you once again, Mr President, for pointing out the failings of our legal whiz kid, the Hon. Mr Redford. Once again he interjects with tedious interjection and is wrong once more. One of these days he will actually say something sensible.

The PRESIDENT: I ask the honourable member to conclude his remarks.

The Hon. R.R. ROBERTS: I will conclude very quickly, Mr President. The problem we have got here is a Government that is guilty. That is why they want to shut me up. They want to shut up everybody who disagrees with them. They cannot cop the lash. They are the greatest squealers of all time—more points of order than a porcupine has got quills. But to conclude this debate, clearly, what we have here is a desperate attempt to divert the attention of the mismanagement of South Australia away from this Government and away from the Premier and to try to find a scapegoat. The scapegoat in this case has been someone who is innocent.

Not only are these people prepared to falsely accuse but also, in the true traditions of the private school prefects that they are, they are going to change the rules and find them guilty retrospectively. That is the sort of bully boy tactics that you lot are about, and you ought to be ashamed of yourselves. I look forward, Mr President, to when you want to start the next debate about the obstructionism of the Legislative Council. You will do it, because you will have to blame somebody else, and the Premier will say that it is the Legislative Council.

You have contempt for this House. In the Lower House, when we have made a decision in the Legislative Council, one of your Ministers—and I will name him if you really want me to—has said 'That is only one House.' That is the sort of contempt that we come to expect from this Government. That is the sort of contempt being exposed by this scurrilous Bill.

I encourage all members to oppose this Bill and throw it out. My personal view would be to throw it out, but I would encourage all members to support the amendments that will be put forward by the Labor Party and the Democrats, which will provide a three month review. We will have it fixed. The Labor Party and the Democrats will fix it in three months. We will not be fussing around for three years. We will get a new governance for the City of Adelaide and we will let the people of South Australia exercise their democratic right to elect those members who will represent them in the Adelaide City Council.

The Hon. L.H. DAVIS: This debate is about a most important matter. It should be a debate about reality, it should be a debate about the future of Adelaide and South Australia, and it should be a debate which rises above parochialism and provincialism. Parochialism and provincialism were the very characteristics which were identified by the Adelaide 21 report as being the lead weight in the saddlebags of Adelaide and South Australia.

Sadly, the contributions from both the Opposition and the Australian Democrats have carefully skirted around the unpalatable facts presented by the Adelaide 21 project team and also the recommendations set down by the Adelaide 21 report. Both the Opposition and the Democrats have corralled South Australia from the reality of what is happening in other capital cities of Australia. This has been demonstrated very clearly by the lamentable contribution by the Hon. Rob Roberts, who gives 'polly-waffle' a new meaning. He is just a song and dance man; he sounds like a spruiker from a boxing tent at a country show. He is long on rhetoric and short on facts. He did not address the substance of the Bill. He did not once mention the Adelaide 21 report—he probably does not even know of its existence—and then concluded by saying 'I urge you to oppose the Bill,' but then, 'I want you to support our amendments.' I know it was the Melbourne Cup yesterday and he probably had a bet each way, but there is no need to carry it on until the next day.

The Hon. T.G. Roberts: You wrote the speech before he made it.

The Hon. L.H. DAVIS: I actually write my own speeches. In fact, I have not written a speech: I am actually going to be off the cuff. Ron Roberts is down at cuff, I know, and he was reading a speech for the first time written for him—I accept that—and that was obvious. He was running on empty when he went down that dead-end track, wasn't he?

Members interjecting:

The PRESIDENT: Order, the Hon. Ron Roberts!

The Hon. L.H. DAVIS: Before they have to reach for their Throaties, can I move to the other States and address what has happened in Sydney, Melbourne and Perth. Very conveniently, there has been no reference whatsoever to what has happened in those three cities. There has been no reference to the fact, as the Adelaide 21 strategy report mentioned, that Adelaide has been the last mainland capital city to adopt a strategy plan.

The Hon. Paul Holloway unwisely intervened and said 'You had better tell us who devised the Adelaide 21 strategy.' I know this debate is all about rewriting history, but this debate tonight should not be about power and it should not be about parochialism or provincialism: rather, it should be about deciding what is best for the city and what is best for South Australia and its people. I hope that the debate will rise above the narrowness that we have witnessed from the Hon. Ron Roberts. I hope just for one moment that would occur, because I am quite prepared to say publicly that there are faults on both the side of the Adelaide City Council and successive State Governments. I am quite prepared to say that and, as the honourable members opposite and on my side would know, I have been writing quite freely about this matter for some time in the *Public Sector Review* and, indeed, I have been talking about this matter for at least a decade. So at least I have some credentials and some long-standing interest in what is a very important subject. It is not flippant.

Members interjecting:

The Hon. L.H. DAVIS: No, I am not talking about self-praise. I am talking about the importance of the subject and about what other States have done. If people have travelled around Australia in the last few months they would have had the opportunity to look at Brisbane, Perth, Melbourne, Sydney and Hobart and then compare it with what is happening in Adelaide. And do not rely on what I say, but rely on what the—

The Hon. R.R. Roberts: We certainly won't do that.

The Hon. L.H. DAVIS: I am not asking you to, Ron. I would not expect you to. But I am asking you to rely on what the Adelaide 21 report team said, because that has been the most comprehensive and widely recognised strategic look at Adelaide and its future directions through into the 21st century. I would hope at least that the Opposition would have the decency to accept that proposition. Let me look at what happened in Sydney. In 1987—

The Hon. R.R. Roberts: What page is that on? He sacked the council.

The Hon. L.H. DAVIS: I will address that in a minute. Let's talk about what happened in Sydney, Melbourne and Perth. In Sydney (which runs under the heading 'Living City', and I think one can say that with some justification after having visited it recently) three commissioners were appointed to administer the City of Sydney between April 1987 and late 1988, for a period of just over 20 months as I judge it. Sir Eric Neal, who is the current Governor of South Australia and who had recently retired as Managing Director of Boral Limited, after a very distinguished career, and a number of other major commercial appointments in Australia, was appointed administrator and subsequently Chief Commissioner; and there was a Deputy Chief Commissioner, Sir Nicholas Shehadie, a well respected citizen of Sydney, along with Norman Oakes.

The commissioners were given the job of compiling new electoral rolls, holding fresh elections and then reinstating an elected council. In that case the State Government had an intention to radically reduce the boundaries of the City of Sydney during the period of the commissioners. Also, a strategy was put in place to look at Sydney and its surrounding suburbs and make judgments on how best Sydney could progress. There was a strategy in place in that city, and certainly there were some politics involved in that decision. But Sydney is better for it—it has a new and restructured council and no-one, as I understand it, is complaining about the restructuring process which occurred during that time.

In Melbourne four commissioners were appointed for two years, from 18 November 1993 to 20 March 1996, after which the Melbourne council was reinstated. The Chair of that commission was the distinguished Kevan Gosper, who had been a Deputy Commissioner of the IOC (the Olympic committee); and three other people with a variety of backgrounds assisted him in that commissioner role. The role of those commissioners was to oversee the change of boundaries and changes to the structure of the organisation and to act as a council for the duration which, as I mentioned, was a period of just over two years.

During that time the Victorian Government introduced legislation to compel competitive tendering in councils. At the same time it oversaw a fairly dramatic restructuring in the number of councils, from 210 councils down to 78. It adopted a different mechanism to the voluntary approach to restructuring councils in South Australia. It is pleasing to see that after some initial conflagration and anxiety there has been a willingness, both in the metropolitan and country areas of South Australia, to rationalise and reduce the number of councils through amalgamation—in most cases two councils, but in some cases three councils. That has been, I think, a progressive step which was initiated by this Government. It was controversial, but people have recognised the economic merit of it and the administrative benefits that flow from such rationalisation.

In December 1993 the Council of the City of Perth was dissolved and the Lord Mayor and 27 members were replaced by five commissioners. That followed a decision by the Premier of Western Australia, the Hon. Richard Court, to restructure the City of Perth to create three new towns and a capital city. Again, they were in office for a period of almost 18 months. The objectives of those commissioners were to restructure the city and establish three new suburban towns.

Those commissioners had a variety of experience. There was some controversy at the time but, again, having made inquiries in Perth, as in Melbourne, those commissioners carried on as a *quasi* council in that interim period—certainly less than the three years proposed in this Bill. In each case progress has been made, the restructuring of the council has been effected not only in terms of the size of the councils which, in each case, was reduced quite dramatically—

The Hon. Anne Levy: The boundaries changed.

The Hon. L.H. DAVIS: —to a business size board instead of a large, unwieldy council. As the Hon. Anne Levy interjects quite correctly, in those cases there was also a change in council boundaries. In fact, the Hon. Jeff Kennett, Premier of Victoria, used the council boundary change as the trigger to dissolve the Melbourne Council, and the Bill before us does give us that option. If members opposite wish to argue that the Bill should not only be a restructuring within the city but also take on board the proposal by Michael Lennon and the Adelaide 21 team to encompass adjacent metropolitan councils such as Unley, Kensington and Norwood they are in a position to do that. However, I am urging members of all persuasions to take the broader view.

The sadness to me is that, apart from fleeting references, no point has been made about the fact that each of those capital cities has restructured their councils in a fairly dramatic fashion, reducing the number of the councils, changing the administration of the councils and adopting a strategic plan for the city to push ahead through to the twenty-first century. Not one member of the Opposition or the Australian Democrats has made that point, and not one member has referred to the points that have been made in the Adelaide 21 proposal in terms of the criticism of the existing structure—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. Cameron: Do your homework before you make your speech.

The Hon. L.H. DAVIS: Well, I have read the speeches.

Members interjecting:

The Hon. L.H. DAVIS: Mr President, they do seem unduly excited.

The Hon. A.J. Redford: Pick their vision for the future out of their speeches.

The Hon. L.H. DAVIS: The Hon. Angus Redford has raised the point I am slowly leading to.

An honourable member: And very slowly.

The Hon. L.H. DAVIS: Paul Keating said it once: 'I'll do you slowly.'

Members interjecting:

The PRESIDENT: Order! The *Advertiser* is not out yet, but I suggest that when it is you all read it so we can hear this speech. The Hon. Legh Davis.

The Hon. Anne Levy: Is it going to last that long?

The Hon. L.H. DAVIS: If you keep interjecting it will.

The Hon. A.J. Redford: Tell us what their vision is.

The Hon. L.H. DAVIS: The Hon. Angus Redford has made the point that there was not a lot of vision, that there was not a lot of caring about the future of Adelaide and South Australia, and that there was not a lot of reference to the concerns of the Adelaide 21 project team in any of the speeches that we have had from the Opposition and the Democrats. The Hon. Anne Levy, who always makes a constructive speech, was constrained to omit some of the more telling points from the Adelaide 21 team. For instance, she talked about the office vacancy rate in Melbourne being greater than that in Adelaide. That is true, but what she misrepresents totally is the reality of the situation if one takes comparative figures. Melbourne's peak vacancy rate in 1992, its all-time high vacancy rate, was 26.7 per cent and now it

is down to 21.8 per cent. Adelaide's peak vacancy rate in 1993 was 19.5 per cent and it is still 19.5 per cent. We are the only capital city—

An honourable member: 18.

The Hon. L.H. DAVIS: No, that is incorrect. The latest figures show 19.5 per cent.

Members interjecting:

The Hon. L.H. DAVIS: The point is—if members opposite would listen—the unpalatable fact is that Adelaide is the only capital city in mainland Australia—and I suspect we could say Hobart as well but I am not sure of that—where we have a vacancy rate equal to our peak vacancy rate. At the moment it is as bad as it has ever been; whereas Melbourne has come down from 26.7 per cent to 21.8 per cent but, most importantly—

Members interjecting:

The Hon. L.H. DAVIS: I know the members on the opposite side are not long on knowledge in business matters—with the possible exception of the Hon. Terry Cameron—but let me spell this out to members opposite very slowly and clearly. Members opposite should also take into account the additional CBD space that has occurred over the past five years. In Melbourne there has been well over 1.1 million additional square metres of new supply, whereas in Adelaide we have had a paltry 140 000 square metres. In other words, Melbourne—and adjusting for the fact that its population is roughly three times our population—has had at least double the increase in office supply. If one takes that into account, the Hon. Anne Levy should not be making too big a point about vacancy rates. It really is typical of the debate. The only reference we had to Melbourne were the bad things. There was no reference to the restructuring, how it occurred and what benefits flowed from it. The Hon. Anne Levy says about this Bill:

> 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 Parliament.

That is an extraordinary proposition. I have not misquoted the honourable member, that is what she said; yet in Sydney, Melbourne and Perth what is proposed here is exactly what happened. They appointed commissioners for 18 months to just over two years. They closed the council down to restructure the council, to create a more efficient administrative unit for the council and to reduce the size of the council. They closed the council down and appointed commissioners in each of those cases. This is what this Bill is proposing and, if the Opposition wants to oppose amendments to take into account surrounding boundaries from adjacent metropolitan councils and if it wants to adjust the time which the commissioners serve from three years, say, down to two years, it can propose amendments. But when I listen to the Hon. Ron Roberts who says, 'I want members to oppose the Bill straight out,' I am not sure what to think.

I am hoping that members opposite will rise out of the gutter in which the Hon. Ron Roberts treads so badly and look at this Bill seriously in terms of what we are trying to do for Adelaide and South Australia. This is not a power play. This is trying to develop a strategic plan for our city, which is languishing, and our State. That is what it is about. That has not been said by Opposition members. They have not addressed the reality of what has happened in other cities.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: The Hon. Paul Holloway in his lamentable contribution—and I had expected a bit more for him—said:

> Why are we sacking the council, when elections are due soon in May?

He said that it had done nothing wrong. He used the argument that Jeff Kennett sacked his council to act tough, so we are doing the same thing. That is the vision of the Labor Party. It has no acceptance of the reality of what the Adelaide 21 report said. Did we have the Hon. Paul Holloway telling us about the problems of Adelaide, the challenge of Adelaide? That would have spoilt the script, would it not? How much was spent on the Adelaide 21 Project—$400 000. How many people were consulted? Well over 100 people were consulted. No-one at the time from the Labor Party bleated about this.

The Hon. P. Holloway interjecting:

The Hon. L.H. DAVIS: Who initiated it? I guess the honourable member will tell me it was the Adelaide City Council. The answer was that we should not rewrite history. If the honourable member really wants to know and, if he has been reading my articles, the person who initiated it was Ron Danvers. He suggested it to the Government. I do not think that is relevant, quite frankly. The fact is that it has happened. The important thing is it was meant to be a cooperative effort. I refer the Hon. Paul Holloway to the following:

> The Adelaide 21 Project is jointly funded as a partnership between the City of Adelaide, the State Government and the Commonwealth Government. It seeks to redefine the future role of the city centre and to shape a strategy to position Adelaide for the rapidly changing world of the 2000s.

That is how it all started: it is a joint effort.

The Hon. T.G. Cameron: Why not read out what they say about the State Government?

The Hon. L.H. DAVIS: I will be doing that in a moment. I found it very disappointing that all those speeches did not talk about the problems that Adelaide had as addressed by Adelaide 21 or provide any solutions at all. Let me remind members about what we should be debating tonight and what has happened. I am happy to say, as I have said before, that successive State Governments, Labor and Liberal, together with the Adelaide City Council have neglected Adelaide, and we are now paying the price. This Bill provides us with an opportunity to at least address it in a strategic fashion. Strategy is something which should be in everyone's lexicon in this Council because it is important to get it right.

The Hon. P. Holloway: Should we look at the boundaries?

The Hon. L.H. DAVIS: I am quite happy to look at the boundaries, certainly.

The Hon. Anne Levy: So you will vote for that amendment?

The Hon. L.H. DAVIS: I am certainly prepared to look at reasonable amendments to look at the boundaries.

The Hon. Anne Levy interjecting:

The Hon. L.H. DAVIS: Yes, I have not got a fixed view on that, but it is a Committee Bill and I hope members on both sides of this Council look at it in that way so that we can come out with a reasonable solution which will advantage Adelaide, South Australia and its people now and into the future.

The Hon. M.J. Elliott: In conclusion!

The Hon. L.H. DAVIS: If the Hon. Mike Elliott wants to be flippant about this he can, but I am trying to be serious. People have talked about what was said about the Adelaide city centre and the Adelaide 21 project team. I have to pay

tribute publicly to what Michael Lennon did as the energetic leader of that team. He was extraordinarily enthusiastic and committed to the work that he did in a very short time. It is important to recognise the views of outside people in this process.

Charles Landry, who was a cultural planner from England and who has developed strategies to revitalise cities in Europe and in England, cities such as Glasgow and Barcelona, was specifically recruited to look at Adelaide and to assist with the development of a strategy for the twenty-first century. Only a few months ago in the *Age* 'Good Weekend' supplement Landry said that he believed Adelaide had lost its creative edge. He said:

> 'Where is Adelaide's reputation for wine reflected, or science?

Landry argued that Rundle Street should have more student accommodation. In fact that was a proposal very strongly argued for the East End market precinct which, sadly, has not come to pass. What Landry said which stuck in my mind most of all and which was echoed also in both the interim and final report of Adelaide 21 was this point—and sadly it is a point that is reflected, to some extent, in the quality and the level of debate in this Chamber on the subject. Landry had a world view on this, having helped revitalise many cities in Europe, and this is what he said about Adelaide:

> Unfortunately we [the project team] have concluded that the main problem is the mind set. There is an air of complacency.

That is what he said and the interim report acknowledged that. It said in specific terms the major concern for Adelaide was that power was passing us by and moving to Sydney, Melbourne, Brisbane, Perth and elsewhere. I repeat: whether you are a member of council or the Government, whatever your views might be on this, at least you should recognise the considered opinion of the Adelaide 21 team which was not politically point scoring. It had people of all political persuasions from a range of interests both in Adelaide and South Australia. Importantly, they said that Adelaide is the last of the major Australian cities to address the strategic importance of the city centre and its role in the emerging global economy. This revelation underlines the complacency and smugness of Adelaide's leadership group—

The Hon. R.R. Roberts interjecting:

The Hon. A.J. Redford: Ron, will you shut up and listen for a change?

The PRESIDENT: Order!

Members interjecting:

The Hon. A.J. Redford: You sit there and ask for a reason and he's trying to give you one.

The PRESIDENT: Order! It is not necessary to abuse one another across the Chamber. If you want to do that, you can go outside; do not do it in here.

The Hon. L.H. DAVIS: The interim report noticed that the impressions of the city are all important, that Adelaide as the capital of South Australia is the flag bearer for the State, that people's perceptions of South Australia are determined by how they see Adelaide. It specifically noted that:

> Impressions of the central area are a major factor in the image of Adelaide held by people interstate and overseas and a city centre that is visibly declining would dampen the faith, motivation, creativity and aspirations of the citizens.

Of course, that is a characteristic which is a feature of Adelaide, unfortunately. Look at North Terrace and Rundle Mall. Look at the decline of our cultural centre and our main commercial precinct. I am ashamed to have to say that for 20 years North Terrace has been neglected by successive Governments and councils. It is a disgrace to think that North Terrace, which can be described as a kilometre of culture and a unique boulevard for which I have a great attachment, has an extraordinary tiredness about it. Rusting poles, inappropriate signage, inelegant streetscaping, broken paving—

The Hon. Anne Levy: Pink planter boxes.

The Hon. L.H. DAVIS: —and pink planter boxes. There is an extraordinary ugliness about it. The Hon. Anne Levy and I have discussed this matter and we would have a bipartisan view on this, I know.

The Hon. Anne Levy interjecting:

The PRESIDENT: Order! The Hon. Anne Levy has had her chance.

The Hon. L.H. DAVIS: The Hon. Anne Levy and I have discussed this matter on more than one occasion and I am sure we have a bipartisan view on it. It is deplorable to me that North Terrace has remained neglected for so long. I can remember as far back as 1986 talking about a brown and white signpost outside Government House which had wrong signage, inaccurate signage pointing to a Constitutional Museum which had not existed for 7½ years and should have been called 'Old Parliament House'; it pointed to other venues which no longer existed. There is an extraordinary smugness and complacency on the part of the Adelaide City Council and there is no excuse for that. We have had a successive string of reports all advocating that North Terrace should be upgraded in one way or another. As I have said in this Chamber on more than one occasion, Adelaide has become committee city—it is a desperate state of affairs when Adelaide in 20 years can have dozens of committees and spend hundreds of thousands of dollars and yet do nothing about North Terrace while at the same time Sydney, Melbourne and Brisbane all steam ahead with major developments.

We have the same problem with Rundle Mall, a commercial precinct which should be linked with North Terrace. I am not being judgmental here, because we should rise above the inadequacies and lack of action by State Governments and successive councils in this matter. With Rundle Mall—the commercial precinct—we had a situation where street traffic in Rundle Mall halved in the period 1976 to 1996. I accept this is not solely the domain of the council or the Government. There was regional development.

Members interjecting:

The Hon. L.H. DAVIS: From 1976 to 1996 there was long-term decline.

Members interjecting:

The Hon. L.H. DAVIS: We are not talking about what happened in the past. We are trying to address the problems of the future. The point I am making simply and plainly is that Rundle Mall was allowed to run down for far too long. It was extraordinary to see the City Council commission studies at roughly the same time just a few years ago to look yet again at North Terrace and Rundle Mall with no attempt to develop any synergy or interaction between these two reports. Again, that is reflected in what happened in Rundle Mall in that time. It was a tired mall for too long; it lost its momentum and energy and this year the council in response to criticism from many sources has commendably fast-tracked the mall's redevelopment.

I will not make too many comments about that because it is a side issue, but I must say that I have some disappointments and reservations about the Darth Vader lights and the flower boxes that look like chook houses. However, that is a story for another day because I will be falling into the same

trap of which I am accusing others. It is disappointing that these matters have not been addressed and, when we look at the final report of the Adelaide project team, its assessment of Adelaide was even blunter. I quote from the report because it is something that should be listened to very carefully; it is quite specific. The report states:

> There is now mounting evidence to suggest that Adelaide's city centre is in serious decline.

That is one of its concluding comments. That is the final report of the Adelaide 21 project team. When one gets an increasing number of letters to the editor of the *Advertiser* writing critically about Adelaide in a way that I have never seen in all my years, then that tends to underline and reconfirm the indelible impression that is left from reading the Adelaide 21 team's review. For example, a resident of South Australia now living in regional Queensland had returned recently to Adelaide after a period of years away and said:

> Adelaide, you are a tired old tart. Shabby, dirty and lacking that old vibe and colour for which you were so well known.

That is what we are grappling with tonight in this Bill. It is not a power play to dismiss a council; it is not an exercise in democracy; it is not a matter of a Government flexing its muscles: it is a matter of looking at the recommendations of the Adelaide 21 project team and then coming up with a solution. I accept that many options are proposed in the report. The interim report states three options: first, repositioning the city of Adelaide to better reflect the interest it serves; secondly, to establish a new vehicle alongside existing bodies; and, thirdly, to create a greater Adelaide municipality involving other neighbouring councils.

When this report was released Ilan Hershman, who was the CEO for the Adelaide City Council, argued publicly and quite accurately that it was important for everyone to recognise that the city centre was not just the province of the Adelaide City Council: it was the responsibility of everyone. It needed a partnership between State Government and the council. When the Government decided to take a particular approach, which was to follow the model adopted in Sydney, Melbourne and Perth, with variations—and none of those models is identical—it decided to appoint a project team to carry forward the recommendations of the Adelaide 21 team. What happened? The Adelaide council, by a vote of seven to six, voted to establish its own committee. It voted to establish its own committee to implement in parallel—

The Hon. R.R. Roberts: Oh, no, not democracy.

The Hon. L.H. DAVIS: Ron, just shut up, will you: you are making a fool of yourself.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: I am sorry, the Hon. Ron Roberts should shut up: he is making a fool of himself.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! I know that this is a passionate debate and we are all interested in it, but I do not think it is necessary for members to accost one any another across the Chamber with language such as that.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order, the Hon. Ron Roberts! You cannot help yourselves. Just sit back and listen for a while.

The Hon. L.H. DAVIS: We had this extraordinary situation where the CEO of the Adelaide City Council said, 'This requires cooperation between the State Government and the Adelaide City Council,' yet the City Council resolved to appoint its own committee to implement the recommendations of the Adelaide 21 report, although the State Government had already moved to—

The Hon. T.G. Cameron: Sack it.

The Hon. L.H. DAVIS: No, had already moved to establish a committee to act in parallel to implement these recommendations. There was this extraordinary spectacle of two committees operating to implement the recommendations of the Adelaide 21 report, in direct contradiction to the urging of the CEO, Ilan Hershman. It was only after the Government approached the CEO, Ilan Hershman, to head up the Adelaide 21 implementation—who I would have thought the Opposition would welcome as someone who was an experienced administrator and who could carry on with the vision that had been set down by the Adelaide 21 team—that the Adelaide City Council backed down.

It is important to recognise the Adelaide 21 project team was not just a handful of people making recommendations: 400 key people were interviewed by the Adelaide 21 project. For example, the team said that only 7 per cent thought that the current State Government policies adequately dealt with the specific needs and opportunities of the city centre. The team recognised that but—

Members interjecting:

The Hon. L.H. DAVIS: That is right, but it was critical of everything. One can look at this report, and I am saying that we must not be judgmental about this: we must look forward and not back. One, for instance, can look at the Adelaide City Council and note that it has a specific mandate to look after areas such as tourism. One can look at its most recent report, such as the 1994-95 report, which makes not one mention of North Terrace or the proposed upgrade of North Terrace. Successive reports make not one mention of tourism. One can be critical of the council; one can be critical of the Government; but one must recognise that, amongst all this criticism, something positive must emerge to address the issues that have been focussed on so strongly and, I think, persuasively by the Adelaide 21 team.

We are trying to recognise the reality, trying to recognise that, as the interim report of Adelaide 21 stated, 'the key responsibilities affecting the future of capital cities—internationalising the city centres—tend to be with Federal and State Governments'. The spill-over conflicts which exist in areas such as Rundle Mall and North Terrace and the responsibilities for parking at East End are matters which must be addressed by a restructuring of the council. The structure which has been developed in Sydney, Melbourne and Perth in the nineteenth century has been addressed. They have had a restructuring, a revitalisation of their administration, a development of strategic needs for the city through into the twenty-first century. Adelaide has yet to do that. This Bill is the chance. It is the challenge that this Chamber faces, through amendments in the Committee stage, to do something positive for our future.

The Hon. A.J. REDFORD: I support the Bill. Section 64A of the South Australian Constitution provides:

> (1) There shall continue to be a system of local government in this State under which elected local governing bodies are constituted with such powers as the Parliament considers necessary for the better government of those areas of the State that are from time to time subject to that system of local government.
>
> (2) The manner in which local governing bodies are constituted, and the nature and extent of their powers, functions, duties and responsibilities shall be determined by or under Acts of the Parliament from time to time in force.

(3) No Bill by virtue of which this State would cease to have a system of local government that conforms with subsection (1) of this section shall be presented to Her Majesty or the Governor for assent unless the Bill has been passed by an absolute majority of the members of each House of Parliament.

This provision was inserted by the Constitution Act Amendment Act 1980. When introducing that Act to the Parliament, the Minister for Local Government, the Hon. Murray Hill, said:

I am pleased to introduce this Bill to amend the Constitution Act to recognise local government in the State Constitution. This recognition, the Government believes, will indicate clearly to local government and the community that local councils have a standing and a role which enables them to act in the best interests of their residents and ratepayers.

During the Committee stage, the Hon. Murray Hill in response to a question said:

I do not believe it restricts Parliament's power to legislate or endeavour to change local government boundaries in any way. . . the Bill does not apply to the outback areas of the State.

It seems to me that this Parliament never gave up its right or its duty in any way whatsoever to provide good government to the people of South Australia by the insertion of this provision. In other words, as democratically elected members of Parliament—although some might say that three members opposite and the Hon. Michael Elliott are not here because of any electoral mandate—we have always retained the responsibility and duty to ensure good government in this State, and that includes local government.

The Constitution and the speeches made in the Parliament at the time of its introduction clearly recognised that duty and that responsibility. The Constitution Act reserves to the Parliament, first, the powers of local government; secondly, the areas where local government is to operate; thirdly, their manner of constitution; and, fourthly, the extent of their powers, functions, duties and responsibilities. Indeed, there is a specific provision enabling this Parliament to abolish local government.

Thus, to say that we (and by 'we' I mean Parliament) have no right to do what we are doing, particularly as we are elected to this Parliament, is just plain nonsense. Indeed, the States are in a unique position in the constitutional framework of this country. The Commonwealth is, in fact, a creature of the States. The protection for the Commonwealth is enshrined in the Commonwealth Constitution. Local government is also a creature of the States. It was always and will always be subject to the supervision of State Parliaments. That is as it should be.

Some people might ask why; the response is simple. As our society has become more complex, more mobile and more flexible, we as individuals avail ourselves of services from many different local authorities. I remember that at one stage in my life I lived in one council area (Marion), worked in another (Unley), had another office in another (Adelaide), played cricket in another (Mitcham), played football in another (Prospect) and golf in another (Mitcham), and belonged to a service club in another (Unley)—all at the same time as I belonged to the Liberal Party in another area (Glenelg).

With my house, business, recreational activities and community activities, I came into contact with six separate local councils. I paid rates directly to one council, yet I never availed myself of any of its services other than rubbish collection. I received services from five other councils to which I never directly paid rates. Indeed, I did not come into contact with one member of the Marion council—and I make no criticism of them in that regard—yet I knew seven members of the Unley council very well. In fact, I was a member of two community committees established by the Unley council. I did not vote there or pay any rates, yet I was a member of two community committees.

So, to say that State Parliament should not have any say whatsoever is to disfranchise the great majority of South Australians whose lives are affected by the decisions and activities of councils the areas of which they are not a resident. Simply put, our constitutional system is expressed in section 64A of the South Australian Constitution, which recognises the fact that activities and decisions of local councils can and do affect the lives of people who live outside their areas.

There is no greater example of that than the City of Adelaide. As I understand it, the City of Adelaide has some 12 600 residents. Of those, some 6 000 live in the city square and 6 600 live in North Adelaide. I spent my entire 11 years in business as a proprietor of a legal practice in the City of Adelaide. For only one of those six council elections was I eligible to vote, yet through the rent I paid I was making a contribution to the City of Adelaide's revenue. I had to pay, but I had no say. The only recourse I had to air a complaint with someone who represented me was to go to a State member.

When the Adelaide City Council says, 'Don't let the State Government sack democracy,' I respond, 'It is the Parliament of this State that will do the sacking, and where is the democracy in the City of Adelaide?' It is one of the most powerful and exclusive sinecures in this State. It is the centre of this State in a social, commercial, retail, professional, artistic, business, educational and cultural sense. It reflects the whole of the State, and the State reflects the city.

When I was walking into Parliament this morning from my Gilberton home (as I try to do on most mornings), I walked through North Adelaide. I found myself wondering why, because I live 50 metres east of Melbourne Street, I do not have a stay in the City Council. Why does a person who is a ratepayer 100 metres west of me have a say and I do not? I note that the LGA recently issued a press release setting out certain statements under the heading 'Principles'. Amongst other things, the document states:

Decision making within the city. . . should be undertaken by democratically elected members so there is direct electoral accountability for those spending ratepayers' funds.

Unlike the Hon. Paul Holloway or the Hon. Michael Elliott, I was democratically elected to this place. As such I do have a direct electoral accountability in relation to activities within the City of Adelaide. This document's principles go on to state:

Parliament is responsible for local government's legal framework. It oversights local government's legislative powers (by-laws) and provides local government's judicial arm through the State's court system and the Ombudsman.

I think the Parliament has a bigger role than that.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: If the Hon. Terry Cameron wants to make a contribution, he is quite welcome to stand up tomorrow and make it. It then says that accountability should be to local communities and not to the State Government of the day. Theoretically they are correct, but they ignore the fact that Parliament does delegate some responsibility to the State Government of the day, not the least of which is the responsibility to govern. That is a fact that the Hon. Anne Levy overlooked in her contribution. The fact is

that a Minister of the Crown is responsible and is accountable to this Parliament, and that is the very essence of responsible government—an issue that she completely overlooked in her contribution to this place and one that I think is disappointing, having regard to the fact that she is the most senior member of this place. That is what has happened here.

To give Government its due, it has brought the issue to Parliament, and quite rightly so. In response, the LGA has proceeded dishonourably to represent the position, role and responsibility of the Government *vis-a-vis* this Parliament. Look at the conduct of the LGA. According to a letter from the LGA to the Premier on 1 October 1996, it arranged for the Lord Mayor to step down for the month of October.

Putting aside the fact that nobody noticed any difference between when he was stepped down and when he was not stepped down, where does the LGA get off on doing that? It is not elected to this place, has no constitutional responsibility in that regard and has no role to play, in my view, in deciding who should stand down and who should not. That role resides in this Parliament and nowhere else. I looked at the memorandum of understanding signed by the LGA and the State Government.

The Hon. Anne Levy: Which one?

The Hon. A.J. REDFORD: The most recent one. The Parliament was not, nor should it be, involved in that document. It is therefore not bound by it. Nevertheless, the document says 'that both parties acknowledge the different organisational arrangements that exist within the two spheres of government and recognise the need for State agencies, the LGA and councils to work towards removing any barriers to reform that might be created by these differences'.

Notwithstanding that, all attempts to reform the city of Adelaide have been blocked, criticised or impeded by the LGA. The failure of the LGA to recognise the weaknesses and inherent problems within the governance of the city of Adelaide is in my view a fundamental breach of the memorandum of understanding.

What does this Bill seek to do? It is a relatively straightforward piece of legislation. In summary, it seeks to do five principal things: first, appoint three commissioners to do the job of the current City Council; secondly, direct the commissioners to prepare a report on the future of the governance of the City of Adelaide; thirdly, sack the existing members of council; fourthly, provide for a term for the commissioners not to expire after May 1999, in other words, for a period of two and a quarter years or thereabouts; and, fifthly, provide for the residential rate rebate that currently exists for residents in Adelaide for a period expiring in June 1999, or some two and a half years or thereabouts.

I understand that the Leader of the Opposition was consulted about this Bill and the Government's views prior to the Bills's being announced and drafted. Whilst I was not privy to that consultation, I have to say that the conduct of the Leader has been somewhat perplexing—and I am being kind in using that word. I recall that the only comment the Leader made at the time of the announcement—and I saw it on TV and took special note of it—was that he wanted to be consulted as to who the commissioners might be and that he should have a right of veto.

Despite a banner headline in that morning's paper that the City Council had been sacked, the only comment he made on the television news that night was in relation to the identity of the commissioners. Significantly, he did not denounce the sacking of the council. Just as significantly, he did not say that the ALP support was to be determined by Caucus. He gave his support. At a meeting of the North Adelaide Society on 10 October last his spokesman for local government did not denounce the Government decision.

So, the legislation was introduced and it came time for the ALP to put its cards on the table. The Australian Democrats, in its usual pursuit of its 8 per cent vote, automatically opposed the legislation on the basis that they need to keep only 8 per cent happy. The ALP put its cards on the table on 22 October. In short, it went as follows—and I am going through their arguments:

1. Why is the Bill necessary?
2. There was no obstruction of development by the council either by refusal or delay.
3. There are long-standing tensions between residents and developers—and that is always going to be the case.
4. The problems in the city were caused by Government encouragement of suburban retail centres.
5. Other problems in the city were caused by the reduction of public servants.
6. We could have commissioners and the elected council in place together.
7. The job was too big for the commissioners.
8. The Minister will have too much power and therefore the commissioners will not be independent.
9. The appointment of commissioners creates uncertainty.

In the end, they said in their amendments that they would allow commissioners to be put in, but only for a four month period and only for the purpose of looking at future options for the City of Adelaide for a period of five months.

If that is the thrust of what members opposite are saying, it seems to me that we can very simply argue about the future governance of this State by establishing a select committee in this place. That would be a far cheaper option than the appointment of three commissioners. Quite frankly, it just shows up the sort of politics that the Australian Labor Party is playing.

Indeed, the member for Spence, Mr Atkinson, hinted that he would support the Bill provided that North Adelaide was taken out of the City of Adelaide and one of the commissioners was not Michael Abbott. I can assist members opposite. I point out that the member for Adelaide and the Minister for Health, Dr Armitage, and the former Lord Mayor and member for Colton, Steve Condous, spoke strongly in favour of the Bill, and I would ask, and I would challenge, which one of the members opposite have the same qualifications or authority to speak on these topics as those two gentlemen have. And they said this: first, that the—

Members interjecting:

The PRESIDENT: Order! *Hansard* has to report this. I do not think they would have heard any one of you.

An honourable member: Well, why don't you read this rubbish again in the *Hansard*?

The PRESIDENT: Order!

The Hon. A.J. REDFORD: The honourable member talks about rubbish. If he sits down and has a very careful look at the contribution he made earlier this evening—

The PRESIDENT: I suggest that the honourable member ignore interjections.

The Hon. A.J. REDFORD: I am sorry, Mr President. I am being very patient—I would give part of my postage allowance to send it out to South Australia to show that this is the sort of apparatchik that is the alternative Government. This is the alternative Government.

Members interjecting:

The PRESIDENT: Order! The Hon. Angus Redford.

The Hon. A.J. REDFORD: That is the sort of alternative Government. The honourable member would not make branch president in most Liberal branches in this State, and there he is sitting over there opposite as Deputy Leader.

Members interjecting:

The PRESIDENT: Order! I ask the honourable member to stick to the point; he is getting away from the debate and the matter at hand.

The Hon. G. Weatherill: Get on with your speech.

The Hon. A.J. REDFORD: Through you, Mr President, I say to the Hon. Mr Weatherill that I have tried to deliver my speech, ignoring all interjections. If you want me to respond, I can give as good as I can take, and you know it.

Members interjecting:

The PRESIDENT: Order! It is midnight. The Council will come to order. We do not need any help from the left.

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order! The Hon. Terry Cameron, I do not need your help.

The Hon. A.J. REDFORD: The Minister for Health and member for Adelaide (Hon. Michael Armitage) described the City Council as follows: first, that it was a dysfunctional body; secondly, that it was marked with naked ambition; thirdly, that it was marked with petty ambition; and, fourthly, that there was a capacity on the part of members of the council to have what was described—and I think he quoted Jane Lomax there—as mayoral obsession. He also described it as having no policy or ethics, power was a sole aim, there was no leadership, its whole term was totally wasted, and it was regarded by the community as irrelevant.

He referred to the Australia Day meeting where the Lord Mayor offered him a deal in his capacity as Minister for Health to provide medical equipment to Libya, and he wanted to do it on a handshake. He pointed out at the meeting of the North Adelaide society that not everyone who was a member of that society, particularly those who were known to be supporting the Government position, was invited to attend. Finally, he referred to the Austin function at which a large number of business people from Austin Texas were present—and Austin is a sister city to Adelaide—but only one person attended. Then we had a contribution from the former Lord Mayor, the member for Colton. I invite members to read carefully what he said, because he knows more than members opposite collectively would know about local government.

The Hon. R.R. Roberts interjecting:

The Hon. A.J. REDFORD: The honourable member says that it was all right when the Hon. Steve Condous was there, and I would have to agree with that, but he is now in Parliament, giving his great skills and services to the whole of South Australia. We are lucky to have him in that capacity. He said that, in his period as Lord Mayor, he had been arguing for a long time as to whether the Glenelg tram could travel right up King William Street and out to the Caledonian Hotel in O'Connell Street. I was in short pants when that issue was first raised and nothing has been done about it—and members opposite want it to go on. They think there is a vote in it. They can smell an election, and they are going silly. We can see it in their behaviour. They think there is an election in this, and I have some news for them. There was another one—

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: He mentioned the need for North Terrace to be created as a cultural boulevard, and he said that nothing has happened. My first memory of coming to Adelaide is when I was about six or seven, when Rundle Street had cars, and I have a recollection of North Terrace which is no different from what I see when I walk there now.

We have been talking over and over about the revamping of Victoria Square. The only thing that I can recall happening in Victoria Square in my memory is the Hilton Hotel, which was a Tonkin Government initiative and the Moore's courts redevelopment, which was also a Tonkin Government initiative. Then we had the 10 years of losing money in New Zealand and New York by the Bannon Government.

Members interjecting:

The Hon. A.J. REDFORD: You were very forceful in your statements while Bannon was losing $7 billion or $8 billion.

Members interjecting:

The Hon. A.J. REDFORD: He went on—

The Hon. T.G. Cameron: I hope you get your facts a bit better when you represent clients in court.

The Hon. A.J. REDFORD: I ask that the Hon. Terry Cameron withdraw that comment. He made the allegation that I would mislead a court in representing a client. I resent that and I ask him to withdraw it. That is a reflection on my personal and professional character and I ask him in the strongest terms to withdraw it.

The PRESIDENT: I overheard the comment and, in the interests of running this debate in a civilised manner, I advise the honourable member to withdraw it.

The Hon. T.G. CAMERON: If I impugned the fine reputation of the Hon. Angus Redford, I apologise.

The Hon. A.J. REDFORD: The honourable member went on to mention the revamping of Victoria Square, and he mentioned the Central Market. I have been to the Central Market every weekend for the last six weekends, and it is an extraordinary market, but people cannot get a park. Even if I get a park in the car park I have to cart my groceries extraordinary distances.

An honourable member: What time do you go?

The Hon. A.J. REDFORD: About 11 o'clock in the morning.

The Hon. Anne Levy: I have been going every weekend for the past 30 years!

The Hon. A.J. REDFORD: I shop for a family. Then he refers to the redevelopment of the Torrens River. Everywhere one walks around this city, opportunities for improvement and development are crying out. What do we see? We see nothing. We see a redevelopment of the Rundle Mall and, unless something startling happens between now and its completion, all I have noticed about this revamp of the Rundle Mall is that the tiles have changed. It is like an expensive paint job. If that is the performance of the City Council, the quicker it is gone the better.

I wish now to address some of the arguments that were put by members opposite in their contribution yesterday. The Hon. Anne Levy referred to the fact that, long before going public, she heard Liberals talking about getting rid of the council. I think that the Hon. Anne Levy is quite correct: there were Liberals walking around the corridors asking whether or not we should get rid of this mob. But I have to say to the honourable member that I heard a number of Labor Party members wandering around saying that we have to get rid of this council, before they were monstered by Caucus into taking this ridiculous short-term line.

I did, and I will not name them, but there were a number of Labor members saying that city hall was a joke and it needed sacking—and it was not just Labor Party members.

When I went out doorknocking—and some of us do it in the Upper House—I had people saying, 'When will you sack the city council? It is not doing anything. It is an embarrassment. It is a joke.' When I went out and met with different people I was asked, 'When is it going to be sacked?' When I went to the country and regional areas I was asked, 'When will you sack this mob?' So, it was not just a few Liberals talking about the sacking of the city council, it was a substantial number of people across the broader sections of the State.

The Hon. Ms Levy went on and said that Melbourne is tired and dreary. I was in Melbourne two weekends ago and I certainly would not describe Melbourne as tired and dreary.

The Hon. Anne Levy interjecting:

The Hon. A.J. REDFORD: I am talking about north of the Yarra. It was a vibrant city. In fact, I spent my whole time north of the Yarra and I had very full days on every occasion. Frankly, Melbourne is going ahead and, even if Melbourne is three times the size of Adelaide, I saw more cranes in Melbourne than I have seen in this city for 10 years.

The Hon. P. Holloway interjecting:

The Hon. A.J. REDFORD: The Hon. Paul Holloway talks about the aesthetic beauty of cranes on the skyline and that is why the Hon. Paul Holloway lost what used to be a safe Labor seat. The honourable member has no idea, Mr President, and I will tell you why: because cranes mean jobs for kids and jobs for all of us. That is why the Hon. Paul Holloway had to slip back into this Parliament the back way because people rejected him last time because he has no feeling for jobs at all.

The Hon. T.G. Cameron interjecting:

The Hon. A.J. REDFORD: The Hon. Terry Cameron interjects. Four days before the election the then Leader of the Opposition—

The Hon. T.G. CAMERON: Mr President, I rise on a point of order. What is the relevance of this?

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: If it helps I accept the point of order, Mr President.

The PRESIDENT: There is no point of order.

The Hon. A.J. REDFORD: I refer very briefly to the Adelaide 21 report because the Hon. Mr Davis covered it extensively in his contribution. The Adelaide 21 report was published in May 1996 at a cost of some $400 000 to taxpayers of various ilk, whether they be ratepayers, State or Federal taxpayers. What did the City of Adelaide do in response to the Adelaide 21 report? Absolutely nothing until after the Premier announced his intention to bring a Bill to this Parliament to sack them and, suddenly, we saw a flurry of activity. In the meantime, it was too busy faction fighting, plotting, playing its games in Libya, leaking stuff to the media and totally ignoring this most significant and important report, and it stands condemned for that. I shall refer to a couple of things in the report, and I quote:

> Adelaide is the last of the Australian cities to address the strategic importance of the city centre and its role in the emerging economy.

That is pretty faint praise. It continues:

> Adelaide at times is inward looking, parochial, short-term, self-interested and that that perspective appears to predominate. In fact, the report is a damming indictment of the existing governance of the city and points to how all South Australians are the losers.

That was a damning indictment. From May 1996 to September 1996 the city did absolutely nothing. The Opposition and Mr 8 per cent behind us want that to continue. The city has done nothing. In fact, all we saw in the period May to October was travelling, fighting, resigning, obfuscating—

The Hon. Anne Levy: It is like the Liberal Party room.

The Hon. A.J. REDFORD: You should not believe everything you read. The city has done nothing. We have seen a series of resignations. We have seen a survey. The survey was in the *Advertiser* the other day. They surveyed about 800 people at a cost of $22 000. In other words, it cost $28 per head to survey people. I would not call that a survey. If you spend $28 a head you are not surveying them: you are trying to get them to come around to your point of view. How can you rely upon a survey at $28 a head?

The Hon. R.R. Roberts interjecting:

The Hon. A.J. REDFORD: $28 a head and the Hon. Ron Roberts wants to support this. Where do we go from here? We have an Opposition that says it will not allow this to happen. We have the Australian Democrats saying that it will not allow this to happen. Where does that put this State? The honourable member says that he supports the bulk of this Bill. That is not the way I read the amendments moved by the Opposition in the Lower House. Where do we go from here? If the Opposition continues down this path, who will be the loser? If the Hon. Mike Rann and members opposite think that there are votes and a political opportunity in this, at what price? You will paralyse the governance and the development of the city for 12 months until the next State election. Mark my words, you will do that.

The Hon. T.G. Cameron: Why are you so worried about it?

The Hon. A.J. REDFORD: I will tell the honourable member why: because this is an honourable Government. If this Bill falls I look forward to visiting South Terrace and making sure we get a good photo of the Leader and a good photo of the Lord Mayor, Henry. We will put the photos together on a poster and say that these two got into bed together to run the State.

Frankly, when the people of South Australia see the photo of the Hon. Mike Rann and the Lord Mayor on the same ticket, there will be another 15 per cent swing to us. I do not mind that from a political perspective. In fact, I would enjoy and savour the sight of posters of Mike and Henry on stobie poles. They might even pose for such a photo. We are an honourable Government. We would dearly like the opportunity to have Henry and Mike in a photo with their arms around one another during the course of the next election campaign in October or November.

The PRESIDENT: Order! The honourable member should refer to the Lord Mayor appropriately.

The Hon. A.J. REDFORD: I am saying that, from a political perspective, I would be delighted with that prospect, because the illusory little swing that has made members opposite somewhat buoyant over the past few days will disappear and we will come back with as many if not more members because the Opposition is simply not fit to hold Government. I will tell the Council what the difference is between the Opposition and the Government. The difference is that we are looking for good government in the city, good government that we have not had for a number of years and good government that is not even remotely possible under the current city council regime. We are looking for the ability of all South Australians to benefit from improved governance of the City of Adelaide. That is not happening now, and there is no prospect of that happening.

There is no evidence whatsoever from the City of Adelaide or its members that there will be any improvement

in the governance of the city since the announcement. The city council did not go out and say, 'We are going to prove to the State Government and Parliament that we are a good Government.' It did not do that, but it found $50 000 to run a campaign. It pulled in the LGA and said, 'Come and give us a hand.' It saw the Hon. Mike Rann and said, 'Listen, give us a hand.' He managed to con some of his colleagues in Caucus into believing that there might be a couple of votes and a couple of cheap headlines in the issue. That is what we have got—paralysis in the governance of the City of Adelaide, and there is no principle involved in that. I urge all members to support the Bill. Certainly, I warn members opposite that, if they block this Bill, I shall be happy to go doorknocking with a photo of the Lord Mayor and Mike Rann sitting side by side and with a photo of tired old North Terrace and the dirty Torrens River.

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: That is what I will do and, if we do not retain every seat at the next election, I will go he, because members opposite have no idea.

The Hon. R.D. LAWSON: I declare my interest as a ratepayer in the City of Adelaide. In addition to that, like every South Australian, I have a vital interest in the welfare of the city. The City of Adelaide is not only important to the economy of this State but it is the social, cultural, commercial and civic centre of the whole community. As the Adelaide 21 report noted, it is a vital element in the identity and self-esteem of the State. It is worth saying, in relation to the performance of the present council of the City of Adelaide, that a number of people who are well qualified to comment upon it have made a number of interesting statements. I quote from the resignation speech of Councillor Lomax-Smith—

Members interjecting:

The PRESIDENT: Order! There are far too many side comments. I would like to hear the honourable member.

The Hon. R.D. LAWSON: —when she said:

> I find it demeaning to be part of such a dysfunctional body . . . Regrettably, members are driven by self-interest, naked ambition and an obsession with the mayoralty. I am frankly sick and tired of the petty ambitions that act tirelessly from one election night to jockey for control at the next election. Many within the current council have no sense of policy, ethics or desire for any outcome other than retaining power.

She further stated:

> The current council has no leadership, just yearning for power. Half the council longs for the mayor's robes. . . The problem with electing people without policies is that there is no commitment to due process or adherence to the planning laws, only random voting, and no consistent outcomes—no certainty for those requesting decisions from our system. . . I would say to you this entire term [of the council since the last election] has been totally wasted. We have no achievements. Only the advantage of projects initiated several years ago. . . all initiated by a former council and some delivered inadequately by this. At present we cannot even exercise the powers we have because of the bickering and infighting. We are regarded by the community as totally irrelevant and, sadly, most of the people in this room have not even noticed.

What an indictment on the performance of the body charged with the governance of the City of Adelaide. I commend to members also a speech made in another place by Mr Steve Condous, the member for Colton, a former Lord Mayor and a man with a great understanding of the workings of the council. He described in his address in another place how, in the early 1990s, the city council became paralysed by factionalism. I commend also the speech of the member for Adelaide, the Hon. Dr Michael Armitage, who described some of the machinations of the North Adelaide society in relation to the activities of the council.

In view of the hour, I will not go into those matters, but I do commend them to members because they complete the picture of the indictment of former Councillor Lomax-Smith of a body that is, to use her words, completely dysfunctional. What is the result of having a dysfunctional council? What is the effect of having such a body ruling the centrepiece of the State of South Australia? If, Mr President, you want to see the effect, look about you.

The City of Adelaide is a monument to the inadequacy of the city council: North Terrace, derelict to the west of King William Street in many respects. Were it not for the university being built by the State Government, it would be completely derelict. To the east of King William Street, along the cultural boulevard, one sees all of the shabbiness that the Hon. Legh Davis has mentioned on many occasions in this place. Look at the central bus depot in the west of the city; look at Gouger Street; look at the mall; look at Hindley Street; look at the Oberdan site on O'Connell Street, North Adelaide; and look at the feeble works program of this council. We see everywhere the results of having a dysfunctional council.

The Hon. Angus Redford looked back to some of the achievements of the past and mentioned the Hilton Hotel, and he thought that was a State Government project. The city council at that time was very strongly involved in the acquisition of the site for that project because the Lord Mayor at that time, Lord Mayor Jim Bowen, saw the value of having such a facility for Adelaide; he saw the benefit of it for the city and for the State, and something was done. The present council does nothing.

A number of arguments have been raised by those who are opposed to this legislation but at this hour I do not think that it is worth going through all of them. One of the arguments is that the Local Government Act contains a mechanism for the dismissal of councils. Sections 30 to 33 provide reasons for dismissal of a council, for example, failure to discharge responsibility under this Act or some irregularity in the conduct of the affairs of the council. It is true, if the Minister alone exercising executive power is to dismiss the council, he is required to satisfy those requirements but they have nothing to say about the power of this Parliament to pass legislation to address a specific problem. It seems to me that it is quite foolish to contend, as the Opposition is contending, that the council must be proven guilty of some offence. What about incompetence? What about doing nothing? What about absolute impotence in the face of problems?

Members interjecting:

The Hon. R.D. LAWSON: It is not in the Act but this Parliament has a responsibility to the whole State.

The Hon. T.G. Roberts: How many other councils fall under your definition?

The Hon. R.D. LAWSON: None that I am aware of and none that have the effect on the State of South Australia that the indolence of this council has.

The Hon. T.G. Roberts interjecting:

The Hon. R.D. LAWSON: Members opposite would say that if a council is paralysed, if it is dysfunctional but not committing any offence, the State Parliament must sit by and do absolutely nothing. The Hon. Legh Davis in his address this evening mentioned the Adelaide 21 report. It is worth putting on the record some of the statements of that report. That report gives the clear indication that it is entirely

appropriate that substantial action be taken. I am reading from that volume of Adelaide 21 entitled, 'Adelaide Centre Strategy for the New Era'. At page 11 is a synopsis of the strategy for the new era and four key factors for change are identified. The first is 'Organisational Capacity' and I quote:

> Coordinated, cooperative decision making and delivery of strategies are essential to the long-term success of Adelaide and accordingly organisational and governance issues are an immediate priority for Adelaide 21. All cities are struggling with these matters and those able to establish more effective mechanisms gain a competitive advantage.

The report continues:

> These are conceived not only in the interests of the city centre but of the State as a whole.

One of the key factors clearly identified is some organisational and governance changes as an immediate priority. At page 45 is a section entitled, 'Achieving the Vision' which states:

> Internationally, organisational reform is widely seen to be the key factor separating cities in successful renewal from cities in spiralling decline.

Adelaide is a city in spiralling decline as clearly identified by the authors of the Adelaide 21 report. The report continues:

> A vehicle without an engine can look impressive but goes nowhere. The Adelaide city centre strategy needs an engine to propel it.
>
> · At present a number of key city centre stakeholders—major businesses, governments, universities—are not at the decision-making table.
>
> · Many functions critical to the strategy rests with Government agencies arranged without a focus on the city centre.
>
> · A way of breaking the deadlock between private and public sectors, breaking down the perception of inertia and unlocking the potential trapped by organisations is required.

It continues to identify features of a better organised city centre as follows:

> · Effective city council structure dealing with the widely agreed need to restructure the council for the twenty-first century—

which as the authors say should be 'based on demonstrated successes elsewhere, wherever possible'. As the Hon. Legh Davis pointed out, there are precedents for the way in which these problems can be addressed. They have been addressed elsewhere, and addressed successfully. When the authors of the strategy were referring to precedents—demonstrated successes elsewhere—they were clearly referring to what has happened elsewhere in Australia. Finally, the authors state:

> Research and experience elsewhere points to the need for innovative institutional reform which recognises the shift in public/private sector roles, which brings the discipline of directors' responsibilities into decision making and which is able to attract the confidence of major investment pools looking to place long-term commitments. An overwhelming call has been made from key stakeholders for a new approach to city organisation.

So, the authors of the Adelaide 21 report clearly envisage that decisive measures should be taken, and the decisive measures are being taken by the Government in response to the challenge posed by that report.

Another objection to the Government's proposals and to this Bill is that it is anti-democratic. The Australian Labor Party and the Australian Democrats are invoking the principles of democracy to support the Adelaide City Council. What a joke! They invoke the principles of democracy—what hypocrisy! What principle of democracy is involved in a city of 1 million people having at its centre some 14 000 electors making decisions which control the destiny of the whole State? What is democratic about that? All we are seeing is hypocrisy, nonsense and grandstanding. I support the second reading.

The Hon. G. WEATHERILL secured the adjournment of the debate.

ADJOURNMENT

At 12.38 a.m. the Council adjourned until Thursday 7 November at 2.15 p.m.