

LEGISLATIVE COUNCIL

Tuesday 12 November 1996

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: 8, 22, 37, 45 and 52.

TRANSPORT, DEPARTMENT

8. The Hon. P. HOLLOWAY:

1. How many employees of the Department of Transport were located in the South-East as at 30 June 1996 and what were the classifications and specific locations of these employees?

2. What were the comparable figures for—

- (a) 30 June 1995?
- (b) 30 June 1994?
- (c) 30 June 1993?

3. How many of the employees who have left the region have taken targeted separation packages or retired and how many have been transferred to other locations?

The Hon. DIANA LAIDLAW:

1. Mount Gambier

Admin Services Officer, Level 2	4.65
Admin Services Officer, Level 4	1.0
Operational Services, Level 2	1.0
Operational Services, Level 3	2.0
Operational Services, Level 4	1.0
Construct/Maintenance Worker, Level 3	4.0
Construct/Maintenance Worker, Level 5	6.0
Construct/Maintenance Worker, Level 7	1.0
Total	20.65

Naracoorte

Admin Services Officer, Level 1	2.0
Admin Services Officer, Level 2	2.0
Technical Grades Officer, Level 3	1.0
Professional Services Officer, Level 3	1.0
Operational Services, Level 3	4.0
Operational Services, Level 5	1.0
Construct/Maintenance Worker, Level 3	5.0
Construct/Maintenance Worker, Level 4	1.0
Construct/Maintenance Worker, Level 5	3.0
Construct/Maintenance Worker, Level 6	1.0
Total	21.0

Bordertown/Keith

Operational Services, Level 3	1.0
Construct/Maintenance Worker, Level 3	2.0
Total	3.0

Kingston

Construct/Maintenance Worker, Level 3	3.0
Construct/Maintenance Worker, Level 4	1.0
Construct/Maintenance Worker, Level 5	1.0
Construct/Maintenance Worker, Level 7	1.0
Total	6.0

Millicent

Construct/Maintenance Worker, Level 3	3.0
Construct/Maintenance Worker, Level 4	1.0
Construct/Maintenance Worker, Level 5	1.0
Construct/Maintenance Worker, Level 7	1.0
Total	6.0

2. (a) Mount Gambier

Naracoorte	19.8
Bordertown	22.8
Kingston	8.0
Millicent	8.0
Total	12.0
Total	70.6

(b) Mount Gambier

Naracoorte	20.8
Bordertown	27.0
Kingston	10.0
Kingston	8.0

Millicent	14.0
Total	79.8

(c) (No individual figures are available in the Department of Transport's records for 1993)

Total	97.1
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(The Field Operations Review fundamentally changed the structure and formation of the Region and of the Department's operations. The review commenced in 1993 and the Department of Transport therefore cannot compare 1993 figures with 1994 and 1995)

3. TVSPs for 1995-96	10.0
TVSPs for 1994-95	7.0
TVSPs for 1993-94	11.0
Total	28.0

(No individual figures are available for retirees and those transferred to other locations)

GREAT AUSTRALIAN BIGHT

22. The Hon. T.G. CAMERON:

1. Why is the road leading to the world heritage tourist area at the head of the Great Australian Bight in such a deplorable condition?

2. Is the Minister aware that the road is frequently closed in the winter months due to it being unpassable?

3. What does the Minister intend to do to ensure that access to this valuable whale viewing eco-tourist attraction remains accessible year round?

4. (a) Will the Minister have the road to this area sealed?

(b) If not, why not?

The Hon. DIANA LAIDLAW: I refer to the ministerial statement made by the Premier on 17 October 1996 regarding the Great Australian Bight Marine National Park. The road leading to the head of the Great Australian Bight is under the care, control and management of the Yalata Community.

The Government has agreed to commit \$1.3 million to the immediate upgrading of road access for tourism related purposes to the head of the Bight and the development of essential facilities such as walking trails, car parking facilities, toilets, safety fences and related amenities. These improvements will ensure the whale viewing eco-tourist attraction remains accessible all year round.

CAR POOLING

37. The Hon. T.G. CAMERON: In view of the Minister's promise, as part of the Liberal Party's 1993 transport policy, stating the Liberal Government, in association with the Royal Automobile Association, conservation groups and employer associations, would initiate a car pooling scheme to promote the benefits of 'sharing a ride' for employees travelling regularly to work, what has happened to the scheme? Has it been initiated?

1. What research and consultations have been undertaken?

2. Who has undertaken this research?

3. How much has each cost?

4. Will the scheme go ahead?

5. If not, why not?

The Hon. DIANA LAIDLAW: The Passenger Transport Act 1994 and regulations removed the previous legislative constraints regarding car pooling. Subsequently a number of formal and informal car pooling arrangements have been initiated in association with various businesses and institutes, for example Flinders University. The Ilkari Car Pooling Scheme operating at Flinders University is an organised, computer based scheme which matches up people, their destination and timetables. One person is employed on a part-time basis to manage the scheme.

Currently the Department of Transport is addressing the car pooling issue in the following ways. The department is developing a Transport Strategy for Metropolitan Adelaide (Transport Directions) in which it is proposed to incorporate proposals to promote increased car occupancy through car pooling, ride sharing and pricing strategies.

The department is also working within the multifunction polis in developing a car pooling scheme associated with the recently approved Smart City development at the Levels. An Environment Strategic Plan for the department is under development and car pooling will be addressed as a tactic for achieving some of the strategic directions to address the environmental issues associated with transport.

PARKING SIGNS

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

1. What has happened to the proposal made by the Minister whilst in Opposition that most of the parking signs in Adelaide would be replaced with colour-coded markings on kerbs?
2. Is the proposal going ahead?
3. If not, why not?
4. What percentage of signs have been replaced by the colour-coded markings?
5. Who was involved in the replacement process?
6. How much has the process cost so far?

The Hon. DIANA LAIDLAW: Since proposing some years ago that the concept of varied parking controls, such as colour-coded markings on kerbs, be explored as an alternative to traditional systems, the issue has been considered in some depth by committees such as Standards Australia MS/12 Road Signs and Traffic Signals Committee. Also, Governments around Australia have now agreed to promote consistent traffic law practices throughout Australia, wherever practical.

Accordingly, the colour-coded proposal will not be pursued as it is not deemed to have significant advantages over currently accepted devices—the parking sign which provides a prominent form of guidance for motorists under all conditions. Other considerations included maintenance costs, visibility at night, and the fact some motorists are colour blind and may not easily distinguish the colour differences.

PEDESTRIAN LIGHTS

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

1. What has happened to the proposal made by the Minister in May 1995 that new pedestrian lights would contain pressure pads?
2. How many have been installed?
3. If not, why not?
4. How much does each cost?
5. How much has been spent so far?

The Hon. DIANA LAIDLAW:

1. The Department of Transport has experienced some operational difficulties with regard to the performance of pressure pad features. Negotiations are continuing with the equipment suppliers to rectify the problems.
2. At present, pressure pad features are only installed at the test location—the pedestrian crossing on Hampstead Road near Pettitt Street, Northfield.
3. It is important to have reliable performance before a decision is made to install more of these crossing facilities. The pressure pads were replaced in late September and testing is proceeding. However, operation is still unreliable.
4. To convert an existing pedestrian crossing costs approximately \$3 500.
5. Approximately \$10 000 has been spent to date on the test site. A new pedestrian crossing installation, with pressure pad features, costs approximately \$91 000.

PAPERS TABLED

The following papers were laid on the table:

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

ETSA Contributory and Non-Contributory Superannuation Schemes—Annual Report, 1995-96

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

Reports, 1995-96—
 Australian Major Events
 President, Industrial Relations Commission and Senior Judge, Industrial Relations Court
 South Australian Office of Financial Supervision
 State Electoral Office

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

Commissioners of Charitable Funds—Report and Statement of Accounts, 1995-96
 Department for Family and Community Services—Report, 1995-96.

RURAL ADJUSTMENT 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 on the subject of presentation to the RAS Review Committee.

Leave granted.

GAMBLERS REHABILITATION FUND

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to table a ministerial statement made by the Minister for Family and Community Services in another place on the subject of the Gamblers Rehabilitation Fund.

Leave granted.

QUESTION TIME

DECS EXECUTIVE SERVICE

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

Leave granted.

The Hon. CAROLYN PICKLES: We learnt from the job advertisements on Saturday that the Minister's department is taking 'the next stage of its development as a leading care and education system in Australia' by realigning the senior management focus and structure into four major groups. The advertisement then sought applications for three new positions at director level. To those of us who have been around the Public Service long enough, all this sounds like the old Public Service reorganisation trick: reshuffle of the top jobs, add a couple of new ones, and everyone gets a pay rise. My questions to the Minister are:

1. How many executive positions of director and above will the DECS have after the realignment, and is this an increase in the number of positions?
2. Have any executive salaries been increased, and what are the details?
3. What salaries are being offered for the positions advertised last Saturday?
4. What will be the increased cost of the executive service, including support staff, in a full year?

The Hon. R.I. LUCAS: I will take advice on the detail of the response to the questions but, certainly, my understanding is that the number of director level positions remains the same, and that the total salary cost of the director level positions and executive level positions at that particular level remains broadly and substantially the same as it was prior to the three advertisements put in the paper on the weekend.

PORT LINCOLN PRISON

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister for Correctional Services, a question about the cost of Port Lincoln Prison.

Leave granted.

The Hon. R.R. ROBERTS: After a review in 1994 staffing numbers and prisoner numbers were agreed for the operations at Port Lincoln Prison. Members will remember

that the Minister was of a mind to close Port Lincoln Prison and after a great deal of consultation with prison officers and the community at Port Lincoln it was agreed, I am advised, that there would be 28.5 officers and 63 prisoners. I understand that those numbers have been drastically reduced—despite a range of different methods of doing things at Port Lincoln. I now understand that the prisoners are all to be ‘clients’ and that they are to be addressed by their first names, and when asked to do something the officers, I am instructed, are to say, ‘Will you please do this Mr so and so?’, preferably, if the first name is available, they are to use those names. We are trying to create a new climate at Port Lincoln.

One of the other substantial costs, I am advised, is the cost of running the prison and the necessity to fly people from Port Lincoln to Adelaide from time to time. I am told that staff members and executives fly Kendell Airlines, which is the first-class airfare, but the workers and blue-collar workers fly Lincoln Airlines. I am told that there is a substantial cost differential. My questions to the Minister are:

1. How many prisoners and how many officers are at the Port Lincoln gaol?

2. How many fares to Port Lincoln have been paid for by Correctional Services Department and to which airlines?

3. How many executives and how many daily paid employees flew on each airline?

The Hon. K.T. GRIFFIN: I will certainly refer the question to my colleague in another place and bring back a reply. I am certainly not aware of the background but the first response that comes to mind is: why should people not be treated with courtesy? If the honourable member wishes to develop a perception that he is rough and tough and is not prepared to treat prisoners with courtesy, then that is up to him, but I have found that there is no harm, and in many instances a lot of favourable response, if one treats other people, even if they happen to be prisoners, with some measure of common courtesy. I am not sure what the honourable member is getting at in relation to the airlines. Kendell Airlines runs a scheduled air service. My recollection is that the size of the seats on Kendell Airlines are the same as those on Lincoln Airlines. I have flown on both airlines. It depends on the convenient time of departure and arrival, both ways. My understanding is that there is no class division within any of those airlines. In fact, if you fly with Kendall Airlines on a Metroliner, it is pencil thin, there is a seat on either side of the aisle, and no-one could suggest that that was equivalent to first class on major domestic interstate airlines.

I have flown at least once with Lincoln Airlines back from Port Lincoln. It was a good service, it was comfortable, and my recollection is that the size of the seats was much the same as in the Kendall Airlines Saab. I am not sure about this issue of class distinction. The first question suggests that there ought to be some class distinction, but the second part suggests that there should not be. However, I suggest that the presumption is not well placed.

EXHAUST EMISSIONS

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

Leave granted.

Members interjecting:

The Hon. T.G. ROBERTS: The problems that the aviation industry has with polluting the City of Adelaide are

probably not as bad as the problems associated with smoky cars. An article in the *Leader Messenger* of Wednesday 6 November carries the headline: ‘Gilles Plains Worst for Pollution’. The headline underneath that is: ‘EPA looking into ways to cut down vehicle emissions’. I have asked questions in this Council relating to airborne pollutants carried by smoky vehicles and the possibility of a testing regime being introduced. The Government indicated in answer that it is looking at a testing regime, but it appears that there is a hold-up in the introduction of this regime. I am not quite sure whether there are arguments between the departments. Perhaps the Minister for Transport can give me her view in that regard.

The article states that there are levels of airborne pollutants believed to be high enough to harm children’s health, and that they are higher in Gilles Plains than at any other testing station in this State, including the industrial cities of Port Pirie and Whyalla. The article goes on basically to confirm—and I did not express any opinions at the time—statements that I made regarding Adelaide relying on prevailing winds to clear the pollutants out of the industrial suburbs and that sometimes the offshore prevailing winds blow the fumes back onto the city, anyway. The article states that the Environment Protection Authority has been running a campaign since May last year and is working on better ways to stop air pollution. I am not quite sure what those better ways are. The article continues:

Acting Industry Services Manager, Tom Whitworth, said under a joint effort between traffic police and the EPA letters were being sent to the owners of smoky vehicles advising them to fix the problem. He said investigations into efficient and accurate monitoring systems were under way and a better testing regime would be introduced when available. ‘There’s no simple means of doing testing at this stage’, he said. ‘What we do has to provide the correct answer and we don’t want to leap in with an overly complicated or expensive system that won’t give us the results that we really need.’

My question is: what sort of a testing regime is the Government considering introducing to try to clean up the smoky vehicle problem in the metropolitan area?

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

GREEN WASTE

In reply to **Hon. T.G. ROBERTS** (24 October).

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

1. Through funding Recycle 2000, the Government is encouraging the replacement of the traditional 240 litre mixed rubbish bin with a comprehensive, cost effective kerbside recycling service. Some alternatives currently under consideration for a green waste service are bags, split 240 litre bins (recyclables/garden waste) or a separate bin for green waste.

2. The Government recognises that if it is to meet its 50 per cent reduction of waste to landfill by the year 2000 it must target waste streams such as garden waste which comprises approximately 30-40 per cent of the domestic waste stream.

3. A Draft Green Organics Strategy for Metropolitan Adelaide was released for public and industry comment by Recycle 2000 in June 1996. It is anticipated a final strategy document will be available for release late in 1996.

FLINDERS RANGES NATIONAL PARK

In reply to **Hon. M.J. ELLIOTT** (23 October).

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

1. The Wilpena Tourist Centre has for many years been operated by Flinders Ranges Tourist Services Pty Ltd (FRTS).

The proposal of a new tourism facility within the Wilpena precinct created significant uncertainty for FRTS in terms of occupancy and business disruption.

The lease with FRTS formally expired in 1987. However, FRTS agreed to assume full and satisfactory operation of the existing facilities and were placed under holding over provisions pending development of the new tourist facility.

These arrangements continued until negotiations for a new lease, with development and management obligations and revised rental structures, commenced in 1994. No lease payments have been made for the subsequent period.

2. Lease fee payments are generally directed to maintaining essential tourism infrastructure in parks.

3. New lease arrangements are yet to be finalised.

4. Government is presently negotiating a long term lease for the Wilpena Tourist Centre. The lease will include development and management responsibilities for both parties and a performance based rental structure. Negotiations are yet to be finalised.

5. The proposed leasing arrangements will require the lessee to invest significantly in the redevelopment of the Tourist Centre. The rental structure under consideration reflects market arrangements that apply to similar circumstances elsewhere in Australia.

GOVERNMENT MARKETING

The Hon. M.J. ELLIOTT: I seek leave to give a brief explanation before asking the Minister for Education and Children's Services, representing the Premier, a question in relation to Government marketing.

Leave granted.

The Hon. M.J. ELLIOTT: I have had quite a few calls over the past year or so in relation to constituents concerned about the Government's use of public money for Party political purposes. The most recent example was a telephone call I received this morning in relation to a full page advertisement carried in this morning's *Advertiser*. The caller noted the fact that the advertisement served a legitimate purpose in terms of informing people that money was available for first new home buyers, but asked what the Premier had to do with it, in terms of his photograph and what was said underneath the information. I will read some of the text.

The Hon. A.J. Redford: Do you endorse the scheme?

The Hon. M.J. ELLIOTT: Just wait a moment. I cannot express opinions, anyway—I am not allowed to in Question Time. The Premier talks about the fact that the scheme will be stimulating the South Australian economy and that it will flow through to the creation of new jobs, etc. The point that was made by the caller this morning was that that may be well and good, but that surely the purpose of the advertisement is to inform people that the money is available for the scheme, not to tell people what a wonderful job the Government is doing. I cannot reflect on whether or not the Government is panicking and putting these sorts of advertisements in for other reasons. The issue of public funds has been raised on a number of occasions, and on 18 October last year I asked questions of the Minister for Education in relation to the spending of public money on marketing polls and promotion. Those questions to this date have not been answered. My questions to the Minister are:

1. How much money is the Government spending on the current promotional campaign and how does it justify the Party political component of that advertising?

2. When will the Government respond to my question of 18 October last year?

The Hon. R.I. LUCAS: The only person in South Australia who could find some fault with a scheme to help first home buyers and to stimulate the economy is the Hon. Michael Elliott. The Australian Democrats are anti every-

thing. I have said before on a number of occasions that it does not matter—

The Hon. L.H. Davis: If they offered free lentil soup with the scheme, it might—

The Hon. R.I. LUCAS: Yes, free lentil soup with the scheme and the Democrats might have supported it, as my colleague indicated. Anything that the Government does which promotes development in South Australia, tries to stimulate the economy and tries to provide some assistance to struggling home buyers in South Australia, the Hon. Michael Elliott and the Australian Democrats—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: They are the only people in South Australia who oppose everything. It does not matter. Anything moves and the Hon. Michael Elliott will oppose it. Anything the Government does, the Hon. Michael Elliott will oppose it. As I said to him during one of the recent debates, I am still waiting after three years for the Hon. Michael Elliott to actually say once something positive about the Liberal Government. I gave him a list and he still has it.

The Hon. M.J. Elliott: What list?

Members interjecting:

The Hon. R.I. LUCAS: Exactly. I gave him a list and he still has it. The Government tries to assist struggling first home buyers out there and the South Australian economy to provide some assistance, and the Hon. Mike Elliott comes in here again on behalf of the Australian Democrats and knocks, knocks, knocks; knocks all the time.

The Hon. R.R. Roberts: Table the list of achievements.

The Hon. R.I. LUCAS: That has already been done. I am happy to provide more if you like. What the Government and the Premier sensibly are doing is to advise people of the availability of this excellent scheme.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I cannot remember the numbers, but there were literally hundreds of calls in the first days.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: As the Hon. Mr Davis interjects, there might have been a few Democrats.

Members interjecting:

The Hon. R.I. LUCAS: I am sure they will not identify themselves as such, as Democrats, but they will be queuing up along with the rest of those South Australians anxiously wanting to support this new Government initiative here in South Australia. What their Leader—the knocker—the Hon. Mr Elliott says about the scheme will not fuss those Democrat supporters out in the community queuing up with the hundreds of others—Liberal and Labor supporters—as participants in this scheme. Certainly, if I can find any more information that would illuminate the situation for the Hon. Mr Elliott, I undertake to do so. And perhaps I can find out how many hundreds—if not thousands, by the time we answer the question—

Members interjecting:

The Hon. R.I. LUCAS: I am not sure what the Hon. Sandra Kanck's position is in relation to this. I suspect that if it is a mud brick home the Democrats will support it; if it is not, they will not support it.

Members interjecting:

The Hon. R.I. LUCAS: Tepees?

The Hon. Sandra Kanck: No glass ones.

The Hon. R.I. LUCAS: Okay, no glass ones. The Democrats will support tepees and mud bricks, but anything

other than that they will not support. I will seek advice and, as I said, there may be thousands of interested participants in the scheme who have contacted the Minister's office and the Government in relation to the scheme. As to the second question, I will check with other Ministers about what has happened to the preparation of the response to that question.

The Hon. M.J. ELLIOTT: I seek leave to make a personal explanation.

Leave granted.

The Hon. M.J. ELLIOTT: I just want to put on the record—and I think the record already shows it—that I made no reflection or comment about the scheme. My question did not relate to that.

TRANSPORT STRIKE

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Transport a question about the transport strike.

Leave granted.

The Hon. A.J. REDFORD: As members might be aware, last night the Australian Workers Union announced that it would picket trains, trams and certain buses as part of its enterprise bargaining process. I note that the privately run buses, such as Serco, are unaffected by this industrial action. In light of this, will the Minister answer the following questions:

1. Can the Minister explain the background to this outrageous industrial action?

2. Is the Minister aware of any adverse consequences—

Members interjecting:

The PRESIDENT: Order! Opinion is not required here. The honourable member.

The Hon. A.J. REDFORD: My questions continue:

2. Is the Minister aware of any adverse consequences being caused to innocent members of the public and, if so, to whom, and what are those consequences?

3. What is the likely future disruption of this selfish action?

The Hon. Anne Levy: Opinion!

The PRESIDENT: Order! Before the Minister answers the question, I must say that the question was peppered with opinion. In the past I have asked that members do not put opinion into their questions, and that applies to all members in the Chamber.

The Hon. DIANA LAIDLAW: Mr President, if it was opinion, it was moderate opinion.

The PRESIDENT: Is the Minister questioning my ruling?

The Hon. DIANA LAIDLAW: No, Mr President. I am saying that, if it was opinion, it was moderate opinion. I am not arguing that it was not opinion.

Members interjecting:

The Hon. DIANA LAIDLAW: I am not arguing that it was not opinion: I am arguing that if it was, it was moderate. It was certainly moderate compared to the comments in phone calls received at my office today and made by the people who spoke to me on the street today. From 7 o'clock I was out on the streets at bus stops speaking to people who had not heard, because of the late notice that the metal union, led by the AWU, had given to TransAdelaide. TransAdelaide received formal advice at 5.30 last night, and it was hard to get that advice to the television news bulletins to alert people that they should be making other arrangements this morning.

The Hon. A.J. Redford: Disgraceful.

The Hon. DIANA LAIDLAW: It was disgraceful; in fact, it was outrageous and unforgivable. A number of distressed parents rang me this morning. I have a niece who is doing year 12 exams, so I know what pressures there are on families because of this action. She had already made arrangements to get to her exams, but I know from the parents who rang my office, the information line, the depots and TransAdelaide that this is an outrageous action and absolutely unacceptable. If the metal union had wanted to argue the industrial issues and to take this unnecessary action, it should have provided at least 24 to 48 hours notice so that people could make other arrangements. People have missed doctors' appointments and have not got to hospitals; people have not met their longstanding commitments—

The Hon. A.J. Redford interjecting:

The Hon. DIANA LAIDLAW: There has been no apology. I understand that today TransAdelaide has left at least five calls with the AWU and not one has been answered. I found it particularly interesting that at 2 o'clock today Channel 10 had been alerted by John Braithwaite from the AWU to be at the Port Adelaide bus depot, which now has a bus in front of the entrance so that the buses cannot leave.

John Braithwaite and two or three of his heavies, his unaccountable individuals who are normally behind the scenes, picked on Port Adelaide—and it is very interesting that they are up for election and today found time to ring Channel 10, to give Channel 10 a media tip-off, but have not found time to return one of TransAdelaide's calls—because Port Adelaide wanted to be loyal to its customers this morning and the bus drivers got there before the pickets did and got their 17 buses out so that they could provide bus services to get blue collar workers to work. You great heroes of the blue collar workers—

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: No, you're not! Is that what you're saying: you're not supporters of blue collar workers? You're not supporters of any bus customer but, rather, you're interested in scabs? That is particularly interesting and revealing. The Deputy Leader of the Labor Party in this Chamber is more interested in scab labour than he is in honest, decent South Australians seeking to get to work and appointments and year 12 kids getting to their exams. All year these kids have studied for their exams and you don't care a stuff about the fact that their lives have been disrupted and that today they are under further pressure.

John Braithwaite is now down at Port Adelaide retaliating against Barry White, the depot and the bus drivers who got there between 4.30 and 5 o'clock this morning to get those buses out of the depot so that they would not be picketed and blockaded in the depot and could get the people from Port Adelaide—interestingly a Labor held seat, all those wonderful workers for the Labor Party and you don't care a damn about them—to work, to medical appointments and the like. Bus drivers and management worked together to get those buses out, and now the AWU is down there with a bus across the entrance as retaliation, so that school and charter bus services which run from Port Adelaide cannot get out and pick up the kids from school. If you think that that is acceptable action, I certainly do not.

I also indicate that Serco and Hills Transit—private sector, incidentally—operated today. There were also 20 per cent of buses and 20 per cent of trams, but no trains. The bus drivers have equally been put under extraordinary pressure today as they have sought to explain to people that they have not

caused this hell to people's lives at short notice; it is people behind the scenes whose work is important, but whose—

Members interjecting:

The Hon. DIANA LAIDLAW: Yes, the faceless men of the AWU. Metal workers get really good pay at any time compared with bus drivers in this community.

Members interjecting:

The Hon. DIANA LAIDLAW: That's right, they do. They do not mind other people having trouble getting to work, because they still get paid. It is time to reconsider the way in which we do metal work within public transport.

STATE ECONOMY

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about the Government's economic policy.

Leave granted.

The Hon. T.G. CAMERON: I will keep my explanation very brief, because the Hon. Legh Davis is in fine form today with his scathing interjections.

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. CAMERON: I should like to thank the Hon. Rob Lucas for his recent letter and to take up his offer to assist me with my economic learning curve. The editorial in last Friday's *Australian* stated:

The Leadership Group that includes the Treasurer, Mr Baker, and the Education Minister, Mr Lucas, are accused of failing to address the impacts of cuts to the education and health budgets, both areas of public concern.

In light of reports of public dissatisfaction with the Government's management of the economy, does the Government intend to make any adjustment to the direction of economic policy in South Australia?

The Hon. R.I. LUCAS: I will take advice on that from the Treasurer, in particular, and the Premier in relation to the overall direction of economic policy. However, I understand that the Premier and Treasurer have indicated today that terrific progress has been made by the Government in relation to balancing the State budget—the \$350 million deficit that was left to the State by the previous Labor Government.

An honourable member: Three years ago.

The Hon. R.I. LUCAS: That's right; three years ago. The Government has made terrific progress on that and has reported, in the context of this year's budget, that everything is on track for bringing down a balanced budget next year. The Premier has also indicated that with the eventual achieving of that goal—

An honourable member interjecting:

The Hon. R.I. LUCAS: Unemployment has come down from the 11.2 per cent and the 44 per cent youth unemployment that you left the State with. The most recent figures have come down almost a full two percentage points in terms of the overall unemployment rate, and over 10 per cent—

Members interjecting:

The Hon. R.I. LUCAS: Not to mention State debt in terms of a reduction of almost—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: As my colleague the Hon. Mr Davis has rightly reminded all of us, terrific progress has been made in commencing the long-term task of reducing State debt by almost \$2 billion. This year, in the third budget

brought down by a Liberal Government, we saw some modest easing of the key portfolio areas of health and education. There was a \$90 million increase in health funding and a \$61 million increase in education funding—an increase of \$150 million in education and health.

With the achievement of a balanced budget for 1997-98, as is projected by the Treasurer, there might be some prospect of modest improvements in key portfolio areas such as education and health. However, as indicated by the Premier and the Treasurer, within the overall context of the Government's economic and budgetary strategy, mapped out a full three years ago, the general direction of the Government has not and will not be diverted.

The Hon. T.G. CAMERON: I should like to ask a supplementary question. I am not quite sure from the Minister's answer whether I am to get a written reply from the Treasurer, because he proceeded to answer the question. Will he clarify whether I shall be getting a written reply?

The Hon. R.I. LUCAS: If the Treasurer thinks that there is anything useful that he can add to my very comprehensive reply, I will bring back a written reply. If the Treasurer reads my reply and says, 'That was an excellent, comprehensive reply, Mr Lucas, and there is nothing useful that I can add to it,' then I will not.

BYO STRIPTEASE RESTAURANT

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Attorney-General a question about BYO striptease.

Leave granted.

The Hon. BERNICE PFITZNER: A constituent has drawn my attention to an article in the *Advertiser* yesterday. The article states that South Australia will soon have 'a BYO striptease restaurant' similar to some Perth restaurants which allow diners to eat off scantily-clad women. The idea was initiated by a firm called Raunchy Promotions, notoriously known for its style of serving a meal on the torso of a woman dressed only in a G-string. This style of service started in Perth and is going nation-wide. However, the next capital city after Perth is Adelaide.

A director of Raunchy Promotions has indicated that South Australia will see this style of restaurant by Christmas. Apparently the company has been able to bypass State and local government health and liquor licensing regulations by taking over the leases of existing unlicensed restaurants. In Perth, due to a public protest at possible health risks, the torsos of these scantily-clad women are wrapped in plastic to avoid prosecution. My questions to the Minister are:

1. Does this new sexual method of serving food contravene health and safety standards?
2. More importantly, does this new sexual method of serving food contravene the laws that prevent the demeaning of women?

The Hon. K.T. GRIFFIN: It needs to be understood that the Liquor Licensing Act provides a strict regime within which applications for licences will be dealt with. As Minister for Consumer Affairs, I am unable to give a direction to the licensing authority with respect to this sort of licence and promotion. Notwithstanding that, I can express a point of view about the way in which this matter should be dealt with.

It raises the issue as to whether it is likely to be as easy to gain access to these facilities in South Australia as it is in Perth. The Liquor Licensing Commissioner has informed me that in Perth the operation was a BYO restaurant. The article

in the newspaper states that Raunchy Promotions has been able to bypass State and local government health and liquor licensing regulations by taking over the leases of existing unlicensed restaurants. In Perth, BYO restaurants do not need a liquor licence. In this State a BYO restaurant would require to be licensed under the Liquor Licensing Act.

Therefore, the promoters would need to either make application for a new licence or seek the transfer of an existing licence, either application being determined by the Liquor Licensing Commissioner. Quite obviously, the Liquor Licensing Commissioner is not able to express an opinion on the way in which that might be determined, because to do so would pre-empt the statutory obligations which he has. He does say that matters such as health issues, whether what is proposed constitutes entertainment under the Act, and the desirability of this type of activity on licensed premises would need to be considered should an application be made. No doubt, relevant councils and the Commissioner of Police, both of whom have powers of intervention under the Act, would consider their positions in relation to this proposal. There would be no bypass of liquor licensing legislation in this State.

In Perth, public concern about possible health risks was overcome by the women's torsos being wrapped in plastic to avoid prosecution. He says that he is not aware of the health regulations in this State, but he says, if an application is received, 'I would seek the views of the relevant agencies.' That is the approach which the Liquor Licensing Commissioner could take. There would be no opportunity to bypass the liquor licensing laws in South Australia. It would have to run the gauntlet. Members would recollect that in this State a very strong view has been taken in relation to topless waitresses in licensed premises.

The Hon. T. Crothers: Led by the Liquor Trades Union.

The Hon. K.T. GRIFFIN: That's right, and by Governments, of both political persuasions. That must surely give some impression as to the way in which this may be dealt with if such an application were to be made. In addition to that, there is the generally accepted emphasis of liquor licensing now where more responsibility is placed upon licensees in relation to the responsible service of alcohol. That would most certainly be taken into consideration in determining this application. From a personal perspective, I find the proposal quite distasteful and, certainly, it would not have my personal support.

COMMERCIAL TENANCIES

The Hon. P. HOLLOWAY: My question is to the Attorney-General. Why has the Government failed to introduce legislation to give effect to the recommendations of the select committee on commercial tenancies which completed its deliberations last winter?

The Hon. K.T. GRIFFIN: I answered that last week. A Bill will be introduced.

UNEMPLOYMENT

The Hon. T. CROTHERS: I seek leave to make a precied statement prior to directing some questions to the Minister for Education, representing the Minister for Employment, about unemployment.

Leave granted.

The Hon. T. CROTHERS: Much was said by the then Brown led Opposition before the last election on

10 December 1993 on the topic of unemployment in South Australia. In an article appearing in the *Advertiser* on Friday 8 November this year and headed in large, bold print, 'Sorry, no jobs', three statistical tables appeared. They are purely statistical tables, Mr President, and I seek leave to have them inserted into *Hansard*.

An honourable member interjecting:

The PRESIDENT: Order! It is not of a purely statistical nature.

The Hon. T. CROTHERS: Well, I will read them out.

Members interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: It is a statistical table, Mr President, and I am seeking leave to have it inserted in *Hansard*.

The PRESIDENT: If the statistical component of that page is inserted, that is acceptable.

Leave granted.

SA Public Sector		
Area		Decline in full-time jobs
Education and Children's Services		368
Employment, Training and Further Education		94
Police		115
Premier and Cabinet		43
Primary Industries		62
ETSA		451
Housing Trust		68
Meat Corporation		48
Ports Corporation		32
SA Water Corporation		828
TransAdelaide		496
WorkCover		72
Commonwealth Agencies		
Agency	SA	National
ABC	50	700
Australian National Head Office	150	150
Australian National Workshops	750	750
Australian Securities Commission	15	150
Australian Taxation Office	282	3 000
Customs	40	440
DEETYA	197	2 500
Defence	162+	1 200
Dept of Admin. Services	80	785
Dept of Finance	15	144
Dept of Industrial Relations	8	200
Dept of Social Security	150	1 300
DFAT	5	250
Environment Protection Authority	-	150
Health and Family Services	20	-
Ombudsman	1	30
National Crime Authority	16	-
Worksafe Australia	-	115
Transport and Regional Development	8	220
AUSAID	5	-
Total	1 954	12 084

- 30 jobs gone from Gerard Industries.
- About 200 jobs lost from retail sector (DJs and John Martins). Morris and Knudsen, the Whyalla based railway locomotive refurbisher shut down in July.
- 110 workers retrenched from Email's cooker division in September, following 30 retrenchments from the laundry division in June.
- The shutdown of Bradford Insulation in September.
- The retrenchment of 35 from James Hardie's pipelines.
- The loss of 10 jobs from Mason and Cox, along with the loss of 30 from the Submarine Corporation.
- The shutdown of Visyboard in the Riverland with the loss of at least 50 jobs.
- The shutdown of Texas Instruments with the loss of at least 60 jobs.
- 250 jobs from Whyalla Long Products.
- Griffin Press (140).
- Telstra sale likely to result in job losses of about 1 800.
- Closure of ETSA rural depots with the loss of 55 jobs.

The Hon. T. CROTHERS: In the article headed in large, bold print, 'Sorry, no jobs', three tables appear showing jobs shed by the South Australian public sector and agencies of the Commonwealth public sector, and also jobs shed recently by private industry here in South Australia. The article accompanying these tables issued the dire warning that by early next year unemployment in this State could reach 10 per cent. This pronouncement was made by Mr John Spoehr, Senior Research Officer at the Adelaide University Centre of Labour Studies. As a result of a study done by the centre, he said:

Without a dramatic change in this State, we will probably have 10 per cent unemployment in the State by early next year and it shows no sign of dropping.

He further said that he can only see more dark clouds gathering over the local job landscape in the coming months. The study, in fact, shows a 5 700 drop in total jobs in South Australia since April this year. Over the past two years, full-time jobs have fallen by 3 700 and, indeed, in a regional break-down, Enfield leads the State with the highest unemployment—25 per cent; Port Pirie then follows at 20 per cent; Elizabeth, Peterborough and Wallaroo, 19 per cent; Hindmarsh, 18 per cent; Thebarton, 17 per cent; Port Broughton, 16 per cent.

Of the 22 regions listed, the lowest unemployment levels occur at Salisbury, Prospect, Adelaide City and Payneham, all 12 per cent; followed by Willunga, Port Augusta and Port Lincoln, all at 13 per cent. In addition, the proposed sale of Telstra by the national Government will (he asserts) lead to a further loss of about 1 800 jobs in this State, whilst at the same time BHP has announced 250 job cuts at Whyalla. All this when this State is in its second drought free year and the harvest which is already being brought in will produce, weather permitting, one of the highest yields on record.

In short, the report found that the full-time employment growth here has been around one quarter of the national rate over the past year. What is of particular concern is the report's finding that the duration of unemployment in South Australia stands at 63 weeks, which is about 25 per cent higher than the national average. Mr Spoehr further says that this State's employment prospects have been limited over the past 2½ years by poor economic growth and, whilst the nation is doing it tough, the South Australian trend in economic growth stands at 5 per cent against a national economic growth of 10 per cent.

Population growth, or rather lack of it (according to Mr Spoehr) further adds to this State's problems due to more people leaving the State than entering it. The official figure is a loss of .3 per cent per year against a national growth of 1.35 per cent. In real terms, this means that 7 000 people are leaving the State of South Australia each year. The statistics that I have incorporated show a total of 2 677 jobs lost by the South Australian public sector and a total of 1 954 jobs lost so far from the Commonwealth agencies. With these facts and others as a backdrop, I direct the following questions to the Minister:

1. How many more employees does your Government intend to shed from the South Australian Public Service?

2. How many more State Government run businesses, private or public, either in part or in whole, do you intend to sell off (a) in the next 12 months and (b) over the next five years?

3. How much of taxpayers' funds do you estimate is being paid by the Commonwealth in unemployment benefits to those unfortunate State public servants who have been made redundant since 10 December 1993?

4. How much in total has the Brown Liberal Government paid out in redundancy pay and other payouts to State public servants who have lost their jobs since 10 December 1993?

The Hon. R.I. LUCAS: I will work backwards through the honourable member's questions. The last question is comprehensively answered by the Auditor-General in his most recent report. I do not have the figures with me, but that is a subject of his report on an annual basis, and those figures have been published. If the honourable member seeks details over and above that level of information, he might like to put further questions to me and I will seek a response from the Treasurer or the responsible Minister.

In looking at those figures, one needs to bear in mind that the cost of paying out targeted separation packages is a one-off cost to the taxpayers of South Australia. From that time on, there is an ongoing permanent reduction in the level of Public Service expenditure which the State Government must fund. So, there is a one-off cost, but then on an annual basis there is a saving to the taxpayers of South Australia through that reduction. The overall reduction during the period commencing towards the end of the last Labor Government and the four-year period from June 1993 to June 1997 or 1988—I cannot remember which—involves about 11 000 or 12 000 public sector employees. Again, that has been publicly reported. One only has to multiply that figure of 11 000 or 12 000 by an average wage of \$40 000 or \$50 000 (depending on the level) with oncosts to see the extent of the annual recurrent savings to the Government from a one-off targeted package payout.

The honourable member's third question involves the number of public servants who have been made redundant. I will take advice on this matter, but it is my understanding that no public servant has been made 'redundant' in the common understanding of that word. Public servants have been offered targeted separation packages and a good number of those have been taken, but no public servant has been sacked or forced to retire, so I guess it is a question of interpretation regarding the third question. Regarding the first two questions, I will need to take advice.

Regarding the honourable member's precised explanation, the Government takes issue with what it sees as the selective use of statistics with which the honourable member has been provided. I know that the honourable member would not have sought and collected that information himself. Obviously, he has been provided with selective information regarding the performance of the economy, particularly when one compares the job growth figures in April of this year with September or October. Clearly, that is an unfair comparison, and I am sure that even the honourable member would know that picking out the worst possible month to compare employment or unemployment figures is not the way in which generally reasonable and rational debate is conducted on these issues.

The last figure that I saw, which was, in effect, a comparison of the first month of the Liberal Government (January 1994) with the September figures—again, I acknowledge that that is not an entirely fair comparison, but it is at least a comparison of the length of this Government—indicated an increase of 21 600 jobs (full and part time).

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Elliott and the Hon. Mr Crothers indicate, by inference, that a part-time job is not a worthwhile job.

An honourable member interjecting:

The Hon. R.I. LUCAS: But the Hon. Mr Crothers has referred to only full-time jobs. The figure of 5 000 which he

used is the figure which the Hon. Mr Rann used in relation to only full-time employment. Members such as Mr Atkinson and others who represent unions such as the old SDA would know that most of the members of that industry would have part-time employment. Some of them would have perhaps 30 or 35 hours per week on a permanent part-time basis, but the figures which are used by the Hon. Mr Rann, the Hon. Mr Crothers and others seek to imply that permanent part-time jobs are not real jobs.

I do not think that one can say in terms of what has occurred in the economy, 'Let's look at only full-time jobs.' One must look at both full-time and permanent part-time employment within industry. If one then makes a comment about full-time jobs as a subset of that, I think that is a reasonable and rational response, but to seek to portray the performance of the economy solely on the basis of full-time jobs is an unfair comparison, and I am sure that the Hon. Mr Crothers would acknowledge that.

The Hon. T. CROTHERS: I ask a supplementary question. The Minister in his reply said that this was a saving to the taxpayers of this State. I take issue with that.

The PRESIDENT: Order! A supplementary question must be just a question.

The Hon. T. CROTHERS: My question is: does the Minister agree that when State public servants are made redundant they are put back into the purse of the taxpayer by receiving unemployment benefits from the Commonwealth Government?

The Hon. R.I. LUCAS: I will need to take advice, but the overwhelming majority of people who have taken a TVSP from, for instance, the Education Department, do not go onto unemployment benefits. If they are of the appropriate age, they might retire and enjoy the fruits of their retirement benefits. Those who are not of retirement age might use their package to branch out into an alternative business. Others have actually taken a job in another occupation. So, it is not correct to say that the majority of those people who have left, for example, the Department for Education and Children's Services have gone on to unemployment benefits.

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 CEO of Arts SA.

Leave granted.

The Hon. ANNE LEVY: I appreciate the answers given last week to my questions on this matter, but I would like to ask the Minister a further series of questions. I realise that she may not have the information at her fingertips but I would be grateful if she would agree to make inquiries of the Commissioner for Public Employment and other relevant people and bring back some answers. My questions are:

1. How many applications were received for the position of the CEO of Arts SA?
2. Were any late applications received or requested after the closing date? Were those late applications also considered by the selection panel and, if so, how many were there?
3. How many people were interviewed for the position, and were they interviewed by anyone other than the established interview panel and the Minister herself—she has told us that she interviewed the successful applicant—and, if so, by whom?

4. Was an applicant from Victoria told that she would be recommended for the position; and, if so, by whom was she given this misinformation?

5. Will the Minister, after appropriate consultation, inform me of the detailed procedure for the appointment of the CEO which was followed from the time of calling applications to the time when Mr O'Loughlin's name was submitted to her as the single recommendation?

The Hon. DIANA LAIDLAW: I will refer all these questions to the Premier because, as the honourable member would know, the process is conducted by the Commissioner for Public Employment, who reports to the Premier.

TRANSPORT STRIKE

The Hon. DIANA LAIDLAW (Minister for Transport): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DIANA LAIDLAW: During Question Time today I referred to Mr John Braithwaite and some of his—

An honourable member: Cronies, heavies.

The Hon. DIANA LAIDLAW: Yes, I am not too sure what term I used to describe them. They are from the AWU. They arrived at just before 2 o'clock today, having alerted Channel 10 outside the Port Adelaide bus depot—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Because Port Adelaide bus depot and bus drivers there rang me to say that they could not get their buses out and could not meet their commitments.

The Hon. R.R. Roberts interjecting:

The Hon. DIANA LAIDLAW: Because the bus drivers told me that Channel 10 had been alerted because Channel 10 told the bus drivers. You do not seem to understand that the bus drivers actually want to work.

Members interjecting:

The PRESIDENT: Order! The Hon. Ron Roberts and the Hon. Terry Cameron.

The Hon. DIANA LAIDLAW: They want to work and they want to get kids back from school and other people back from their jobs today. They were worried and they wanted us to be alerted. They also considered that it was in retaliation for the fact that they had got up early this morning, taken their buses out and delivered people to school. I wish to give notice that at 2.50 today I was advised that Mr Braithwaite had seen the light of day and has had that bus removed. And while some services will now be disrupted again and late from Port Adelaide, they are at least running.

The Hon. R.R. Roberts: And you apologise and withdraw.

The Hon. DIANA LAIDLAW: Like hell.

The PRESIDENT: Order!

SOUTH AUSTRALIAN TOURISM, RECREATION AND SPORT COMMISSION BILL

Second reading.

The Hon. K.T. GRIFFIN (Attorney-General): I move: *That this Bill be now read a second time.*

I seek leave to have the second reading report and the detailed explanation of the clauses incorporated in *Hansard* without my reading them.

Leave granted.

The purpose of this legislation is to provide the legal framework for the restructure and rationalisation of the South Australian Tourism Commission, the Office for Recreation and Sport, Australian Major Events, the Adelaide Entertainment Centre and the Adelaide Convention Centre, into one organisation which will have specific responsibilities for:-

- (i) The promotion and marketing of South Australia as a tourist and convention destination;
- (ii) The promotion, management and staging of major sporting, arts, cultural, recreational and other festivals within the State;
- (iii) The promotion and development of recreation and sport.

The new Commission will have the charter to take the State's evolving tourism, leisure, recreation and sporting sectors forward into the Year 2000 and beyond with confidence, direction and enthusiasm.

At the outset the Government states that the intention of this restructure is to improve the outcomes for all operating divisions within this new Commission by introducing contemporary private sector management philosophies and practices.

The present structure with five separate entities operating independently is inefficient, lacks co-ordination and drive and doesn't readily embrace forward thinking ideas and policies. These entities are currently linked informally at Ministerial, rather than board and management level.

The present South Australian Tourism Commission is managed by a Board of ten members, Australian Major Events ten members, Adelaide Convention Centre seven members, Adelaide Entertainment Centre four members while the Office for Recreation and Sport currently has eleven separate advisory bodies and committees. In addition, there are four separate marketing organisations and five separate financial administration functions associated with this structure.

This Bill will lead to the restructure of existing Boards (SA Tourism Commission; Adelaide Entertainment Centre; Australian Major Events; Adelaide Convention Centre), it will establish a new Authority consisting of a Board (of up to 10 persons), with a Chief Executive Officer, who will be responsible for the operations of the five entities.

The existing structures have been reviewed by Government and it is proposed to create a single structure to achieve the following:

1. Reduction in duplication of decision making in areas including marketing, administration, corporate services and capital works.
2. To more efficiently use existing human financial and other resources.
3. To reduce the number of boards and board members, and in so doing reduce the costs associated with their administration.
4. To improve the opportunity to capitalise on tourism and sport related outcomes created by the 2000 Olympics and Paralympics being held in Australia.
5. To enable existing budgets to be spent on the marketing and development of tourism, cultural and art events, events tourism sport and recreation in South Australia rather than in duplicated management practices.

This restructure will lead to many benefits, in particular:

- A new Board and executive will be better positioned to instil a more corporate attitude and culture that operates to serve and benefit the whole group, rather than individual business plans.
- The Board will be able to establish a series of specialist advisory committees, as and when required, to deal with particular matters relating to tourism, event management and recreation and sport.
- A new streamlined organisation will result in the refocussing of directions and clear goals to help generate economic activity as we move towards the next century.
- The new structure will provide for a more co-ordinated approach to the marketing of the State from a tourism, recreation and sport perspective. A prime example of these sectors coming together is the Warrina Resort, where the golf course and marina are positive sport and recreation selling points for this tourism destination and the Heysen trail, the second longest walking trail in the world, passing through some of our key regions.
- It will ensure maximum benefits to the South Australian community, in both regional and metropolitan areas, pro-

viding tourism, sport and recreation facilities and in promoting the State.

- Some staff restructuring and cost savings in group expenditure will occur. It is intended that any cost savings that do occur will be put back into additional marketing or additional programs for recreation and sport. Advice from Consultants indicates that this proposed amalgamation will produce an annual saving of \$900 000. It has been agreed by the Government that these funds will be retained and be redirected into additional marketing of the State's tourism, sport and recreation activities.
- Major capital projects, especially relating to tourism infrastructure, sport and recreation programs, can be better managed and co-ordinated. The Government is particularly concerned to ensure that maximum progress is made to upgrade existing infrastructure and develop new facilities consistent with community expectations.
- The Recreation and Sport Division (under the new Commission) will have access to sponsorship and marketing funds from the private sector to supplement Government funding. This new arrangement will directly benefit minor sports and sports that have not been able to attract sponsorship in the past.

In addition it will provide the opportunity for the Division to recruit specialist professional coaches at salary levels more consistent with current international expectations, while at the same time, maintaining the existing Sports Institute and other associated roles.

The creation of this new Commission is more than just linking together business divisions in the Tourism, Recreation and Sport portfolios.

It also provides a timely and appropriate opportunity to formalise the links that exist in relation to the packaging and promotion of artistic events under the province of the Minister for Arts.

South Australia has long been recognised for presenting some of the best festivals in the world, for example the internationally renowned Adelaide Festival of Arts.

However, the Arts sector in South Australia does not start and finish with the biennial Festival of Arts. Many other programs and productions and festivals of local and international standard are presented every week for the benefit of South Australians. Recent examples include, the Barossa Music Festival and the Tom Roberts Retrospective. Annually the State has the Schutzenfest, Glendi Greek Festival, Kernewek Lowender Cornish Festival and the Come Out Youth Arts Event among many others that now have well established reputations. These events are major income generators for the State while providing local, interstate and overseas guests with the opportunity to experience the very best parts of our culture.

Forthcoming events that will contribute substantial financial benefits to the State include, Wagner's Ring Cycle Opera, WomAdelaide, World Cup Cycling, Australian Mens Hardcourt Tennis, Australian Rose Festival, Adelaide International Provincial Rugby Sevens, Golden Oldies Netball and InterDominion Trotting Championships. All these events will benefit from the restructured Commission.

The proposed Commission will be responsible for linking the marketing and promotion of Arts with Tourism, Recreation and Sport and will provide Government with the opportunity to carry out a strategy that will continue to present the very best the State has to offer and will ensure that we can generate the greatest economic benefit for the State.

Clearly, there is a logical connection between Tourism, the Office of Recreation and Sport, Major Events and two of the major South Australian tourism and events facilities, the Adelaide Entertainment Centre and the Adelaide Convention Centre. These two facilities are focal points in our continuing efforts to market the State as an events and convention destination. The new Commission will have responsibility of ensuring that both centres are utilised to their maximum benefit.

I wish to draw attention to the House the fact that this concept of a coordinated strategy for the public administration of tourism, recreation and sports and promotion of major arts and cultural events is not new. Similar successful models have already been established in Victoria, New South Wales and New Zealand, and I understand other States in Australia are currently reviewing their structures.

The Government wants to re-emphasise the upgrading of current recreation and sport facilities and infrastructure. Work has already started on two new stadium developments at Mile End, catering to athletics and netball, which I point out is the greatest participation sport in South Australia. Preliminary work has also started on the

upgrading of Hindmarsh Soccer Stadium. These new facilities, when completed, will enhance the Government's ability to attract major international sporting events to the State.

The Government is reviewing current sporting facilities with the aim of producing a coordinated plan for the development of new and existing facilities. One of the responsibilities of the new Commission will be to address this plan and to ensure it is implemented as a matter of priority over the next ten years.

This restructure recognises the opportunities to develop the 'business of sport' and to have sport recognised in its own right as a rapidly emerging industry. While the leisure benefits of sport are obvious, there is also potential for sport to make a significant contribution to the State's economy. For example, South Australia is already pursuing the many lucrative opportunities provided by the Sydney 2000 Olympics.

It is not commonly known that AFL football is one of the State's biggest tourist events and I am confident that the RAMS will become another tourism catalyst in their own right.

These opportunities, however, will only be realised if our sports administration takes a more focussed, professional and business-like approach to pursuing the opportunities that will be forthcoming.

The new Commission will not just act as an administrator, but will drive these commercial opportunities and set new standards in event management.

In addition the new Commission will, through the existing Regional Tourism Boards, take sports, recreation and arts programs and activities to the State as a whole.

There still remains a degree of unfulfilled potential in South Australia's tourism regions, such as the area from the Mid-North, through the Flinders Ranges, which has an abundance of unspoilt and untapped sporting, leisure and tourism potential; Yorke and Eyre Peninsulas, which boast spectacular coastline and some of the world's best whale-watching locations; and the South-East, home of the world-famous Coorong and the Coonawarra.

The Commission will improve the promotion of these areas, in addition to South Australia's more commonly identified tourism and leisure destinations, such as—Kangaroo Island, Barossa Valley, Clare Valley, Adelaide Hills and the River Murray.

The Commission will ensure that there is a single, clear message sent out to both Australia and our international markets emphasising South Australia as a sensational place to visit to experience our tourist features and the opportunity to participate and enjoy the States recreation and sporting facilities.

We aim to increase the value of tourism in South Australia to \$2.4 billion annually by the Year 2000, creating an additional 10 000 jobs in the process. In addition, the new Commission will aim to achieve positive growth rates in the sport and recreation sectors.

This restructure is about taking the State's existing talents and resources and refocussing these with the aim of maximising the social and economic growth for South Australia and ensuring that our tourism recreation and sporting activities are based on sound business practices and outcomes.

I look forward to this restructure with a great deal of optimism and enthusiasm.

Combining the management of existing authorities with new direction will maximise opportunities for all South Australians and will have substantial benefits for the tourism, sport, recreation and entertainment art event sectors of our economy and our culture.

Explanation of Clauses

The provisions of the Bill are as follows:

PART 1—PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Object

The object of this proposed Act is to establish a statutory corporation to assist in securing economic and social benefits for the people of South Australia through—

- promoting and developing South Australia as a tourist and convention destination; and
- promoting the staging of major sporting, arts, cultural, recreational or other events within the State; and
- promoting recreation and sport generally.

Clause 4: Interpretation

This clause contains definitions of words and phrases used in the proposed Act and other provisions to be used when interpreting the proposed provisions.

PART 2—SOUTH AUSTRALIAN TOURISM, RECREATION AND SPORT COMMISSION

DIVISION 1—ESTABLISHMENT OF COMMISSION

Clause 5: Establishment of Commission

The South Australian Tourism, Recreation and Sport Commission (the Commission) is established as a body corporate with perpetual succession and a common seal that is capable of suing and being sued in its corporate name with the functions and powers assigned or conferred by or under this proposed Act. The Commission is an instrumentality of the Crown and holds its property on behalf of the Crown.

DIVISION 2—BOARD

Clause 6: Establishment of board

A board is established as the governing body of the Commission.

Clause 7: Ministerial control

The board is subject to control and direction by the Minister. The board must, in relation to each financial year, enter into a performance agreement with the Minister setting performance targets for the Commission that the board is to pursue in that financial year.

DIVISION 3—CHIEF EXECUTIVE

Clause 8: Chief Executive

The office of Chief Executive of the Commission is established and the Chief Executive is, subject to the control and direction of the board, responsible for managing the staff and resources of the Commission and giving effect to the policies and decisions of the board.

DIVISION 4—BOARD'S MEMBERSHIP AND PROCEDURES

Clause 9: Composition of board

The board consists of not less than 7 or more than 10 members appointed by the Governor. Each member of the board must have—

- qualifications and experience in financial management; or
- qualifications and experience in marketing; or
- experience as a legal practitioner; or
- experience in carrying on a business; or
- experience in the tourism, recreation or sporting industries or in the staging of events.

Clause 10: Terms and conditions of membership of members

A member of the board will be appointed for a term, not exceeding 3 years, specified in the instrument of appointment and, at the expiration of a term of appointment, will be eligible for reappointment.

Clause 11: Vacancies or defects in appointment of members

An act or proceeding of the board is not invalid by reason only of a vacancy in its membership and, despite the subsequent discovery of a defect in the appointment of a member, an act or proceeding of the board will be as valid and effectual as if the member had been duly appointed.

Clause 12: Remuneration

A member of the board is entitled to such remuneration, allowances and expenses as may be determined by the Governor.

Clause 13: Proceedings

Subject to the usual limitations for board procedure, the board may determine its own procedures.

Clause 14: Common seal and execution of documents

The Commission has a common seal that may only be affixed to a document in pursuance of a decision by the board and such affixing must be attested to by 2 board members. The board may authorise certain persons to execute documents on its behalf.

Clause 15: Delegation

The board may, by instrument in writing, delegate any of its functions or powers. A delegate must not act pursuant to the delegation in any matter in which the delegate has a direct or indirect pecuniary or personal interest. (Penalty: \$10 000 or imprisonment for 2 years.)

Clause 16: Disclosure of interest

A member of the board who has a direct or indirect pecuniary or personal interest in a matter under consideration by the board must disclose the nature of the interest to the board and must not take part in any deliberations or decision of the board in relation to that matter. (Penalty: \$10 000 or imprisonment for 2 years.) However, a member of the board will not be taken to have a direct or indirect interest in a matter by reason only of the fact that the member has an interest in the matter that is shared in common with the public, the tourism, recreation or sporting industries generally or a substantial section of the public or of such an industry.

Clause 17: Members' duties of honesty, care and diligence

A member of the board must at all times act honestly in the performance of official functions. (Penalty: \$20 000 or imprisonment for 4 years.)

A member of the board must at all times exercise a reasonable degree of care and diligence in the performance of official functions.

If a member of the board is culpably negligent in the performance of official functions, the member is guilty of an offence. (Penalty: \$20 000.) A member is not culpably negligent unless the court is satisfied the member's conduct fell sufficiently short of the standard required of the member to warrant the imposition of a criminal sanction.

A member or former member of the board must not make improper use of information acquired through his or her official position to gain directly or indirectly a personal advantage for himself, herself or another, or to cause detriment to the Commission or the State. (Penalty: \$20 000 or imprisonment for 4 years.)

A member of the board must not make improper use of his or her official position to gain directly or indirectly a personal advantage for himself, herself or another or to cause detriment to the Commission or the State. (Penalty: \$20 000 or imprisonment for 4 years.)

Clause 18: Immunity of members

A member of the board incurs no civil liability for an honest act or omission in the performance or purported performance of functions or duties under this proposed Act. (This immunity does not extend to culpable negligence.) A civil liability that would, but for this proposed section, attach to a member of the board attaches instead to the Crown.

**PART 3—OPERATIONS OF COMMISSION
DIVISION 1—FUNCTIONS AND POWERS**

Clause 19: Functions of Commission

The Commission's primary functions are—

1. to promote the State (internationally and domestically) as a tourist destination; and
2. to promote the State (internationally and domestically) as a venue for the holding of conventions and conferences; and
3. to undertake on behalf of the State—
 - the promotion of new or existing sporting, arts, cultural, recreational or other events to be held within the State; and
 - the co-ordination of bids by other persons for such an event; and
 - the financing, underwriting or sponsorship of such an event; and
 - the development of criteria for the assessment of the economic and social benefits accruing to the State from the holding of such events; and
4. to promote and develop recreation and sport within the State.

The Commission has the following further functions:

- to prepare plans (consistent with relevant economic development plans) for promotion of tourism, recreation and sport within the State and formulate policies and strategies for implementation of the plans; and
 - to carry out any other functions assigned to it by the Minister.
- The Commission must carry out its functions—
- in consultation with the Minister; and
 - in co-operation with other Government agencies, industry, local government and relevant regional and community bodies or groups; and
 - in a co-ordinated, efficient and effective manner and, in respect of any functions that are commercial operations, in accordance with prudent commercial principles.

Clause 20: Powers of Commission

The Commission has the powers necessary or incidental to the performance of its functions.

DIVISION 2—FINANCIAL PROVISIONS

Clause 21: Borrowing by Commission

The Commission may borrow money from the Treasurer or, with the consent of the Treasurer, from any other person for the purpose of performing its functions under this Act. A liability incurred with the consent of the Treasurer is guaranteed by the Treasurer.

Clause 22: Investment by Commission

The Commission may establish and operate bank accounts and may, with the approval of the Treasurer, invest any of its money that is not immediately required for the purposes of this proposed Act in such manner as may be approved by the Treasurer.

Clause 23: Budgets

The Commission must, as required by the Minister, submit to the Minister budgets setting out estimates of the Commission's future income and expenditure. The Commission may not expend money unless provision for the expenditure is made in a budget approved under this proposed section or unless the expenditure is approved by the Minister.

Clause 24: Accounts and audit

The Commission must cause proper accounting records to be kept in relation to its financial affairs, and must have annual statements of account prepared in respect of each financial year. The Auditor-General may at any time audit the accounts of the Commission and must audit the annual statements of account.

PART 4—MISCELLANEOUS

Clause 25: Commission may conduct operations under other name

The Commission may conduct its operations or any part of its operations not under the name *South Australian Tourism, Recreation and Sport Commission* but under any of the following names:

- Tourism South Australia;
- Recreation and Sport South Australia;
- South Australian Sports Institute;
- Australian Major Events;
- any name prescribed by regulation (not being a name already registered or protected under some other Act).

Clause 26: Declaration of logos and official titles

The Minister may, on the recommendation of the Commission declare—

- a logo to be a logo in respect of a particular event or activity promoted by the Commission;
- a name or a title of an event or activity promoted by the Commission to be an official title (again, this cannot be an existing registered or protected name or title).

The Minister may, on the recommendation of the Commission vary or revoke a notice under this proposed section.

Clause 27: Protection of proprietary interests of Commission

The Commission has a proprietary interest in—

- the name *South Australian Tourism, Recreation and Sport Commission*; and
- any other name adopted by the Commission pursuant to a determination under proposed section 25; and
- all official insignia.

A person must not, without the consent of the Commission, in the course of a trade or business—

- use a name in which the Commission has a proprietary interest under this proposed section for the purpose of promoting the sale of services or the provision of any benefits; or
- sell goods marked with official insignia; or
- use official insignia for the purpose of promoting the sale of goods or services.

(Penalty: \$20 000.)

A person must not, without the consent of the Commission, assume a name or description that consist of, or includes, official insignia. (Penalty: \$20 000.)

A consent may be given with or without conditions, generally by notice in the *Gazette* or by notice in writing addressed to an applicant for the consent and may be revoked by the Commission for breach of a condition by notice in writing given personally or by post to a person who has the benefit of the consent.

The Supreme Court may, on the application of the Commission, grant an injunction to restrain a breach of this proposed section.

Clause 28: Seizure and forfeiture of goods

If goods apparently intended for a commercial purpose are marked with official insignia and a member of the police force suspects on reasonable grounds that the use of the insignia has not been authorised by the Commission, the member may seize those goods.

If goods have been seized and—

- proceedings are not instituted for an offence against proposed section 27(2) in relation to the goods within 3 months of their seizure; or
- after proceedings have been instituted and completed, the defendant is not convicted,

the person from whom they were seized is entitled to recover the goods or (if they have been destroyed) market value compensation and compensation for any loss suffered by reason of the seizure of the goods.

The court by which a person is convicted of an offence against this proposed Act may order that goods to which the offence relates be forfeited to the Crown.

Clause 29: Annual report

The Commission must, on or before 30 September in every year, forward to the Minister a report on the Commission's operations for the preceding financial year which the Minister must table in Parliament.

Clause 30: Regulations

The Governor may make regulations for the purposes of this proposed Act.

SCHEDULE—REPEAL AND TRANSITIONAL PROVISIONS

The *South Australian Tourism Commission Act 1993* is repealed. The Schedule also contains provisions of a transitional nature. Employees in the Tourist Commission, the Office for Recreation and Sport and the South Australian Events Board may be transferred on Ministerial certificate to the new Commission, without loss of rights.

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

POLICE (COMPLAINTS AND DISCIPLINARY PROCEEDINGS) (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 November. Page 375.)

The Hon. R.D. LAWSON: I support the second reading. The handling of complaints against police is a very difficult area of public administration and it is one which has been handled effectively by the Police Complaints Authority in this State over a number of years. Experience shows that many complaints against police are unreasonable and unjustified, many are minor, and some might appear trivial. However, amongst the large number of complaints made by members of the public there are some, regrettably, that have substance. Many of the persons with whom police officers are brought into contact are persons who have an axe to grind and who are no supporters of the legitimate activities of the police. Many construe actions by the police as being offensive to them and inimical to their interests. Notwithstanding these difficulties, the Police Complaints Authority has performed reasonably well in this State.

There are only a couple of provisions of the Bill to which I would direct my remarks. The first is the informal complaints resolution mechanism which has existed for a number of years by arrangement between the Commissioner and the Police Complaints Authority. The original measure was, I think, as the Attorney mentioned in his second reading explanation, arrived at between the then Chairman of the Police Complaints Authority, Mr Peter Boyce, and the Commissioner with effect from the beginning of 1994.

The present agreement between the authority and the Commissioner details a number of types of alleged behaviour which can be dealt with under the informal complaints mechanism: complaints such as demeanour, discourtesy, rudeness, abruptness or any similar act of incivility, non-aggravated neglect of duty, including failure to respond promptly to inquiries, a failure to return property, make inquiries, lay charges, return telephone calls and the like; police driving or parking behaviour which is not aggravated or is able to be reasonably explained; complaints made by persons who are obviously disturbed or obsessive and where the allegations have either been made before or, by their nature, are consistent with the complainant's known state of mind; and complaints concerning incidents of unnecessary force, which may include mere jostling, pushing, shoving, without any attendant features such as intimidation or attempts to obtain a confession. That last category might include incidents that, in the mind of the complainant, are reasonably severe. But I think no-one would have any quarrel with an informal procedure to deal with matters such as incivility or failure to respond to telephone calls and the like.

However, the categories of minor complaint include matters such as:

...complaints that are based on a misunderstanding of facts or law or may be resolved by explanation or that are based upon a misunderstanding of police practices or procedures which may be resolved by explanation.

Once again, such complaints might include the very trivial and very minor, but might also include complaints of some substance. Needless to say, a degree of judgment is to be exercised, and I have no reason to doubt that that judgment would not be appropriately exercised, because I gather—and I ask the Attorney to confirm this in Committee, or in summing up—that the types of minor complaint listed in the existing agreement will be largely replicated in the agreement which is proposed to be entered into pursuant to the terms of the Bill.

It is somewhat unfortunate that we have had to adopt this rather bureaucratic and structured description of minor complaint by listing instances. I must say I would have preferred to see this type of mechanism contained in regulations that can be subject to scrutiny by Parliament and, if necessary, to disallowance by either House of Parliament, rather than the somewhat oblique mechanism of an agreement between the authority and the Commissioner, which agreement is required to be tabled in Parliament within 15 sitting days of the making of the agreement. One of the weaknesses in the mechanism adopted is that, although the agreement will be tabled in Parliament, there is really nothing that can be done about it other than debate or discussion with the Minister. Of course, this is an agreement not between executive Government and some other entity but between two arms of Government, namely, the Police Complaints Authority and the Commissioner of Police.

Obviously, the Minister has a role to play if the authority and the Commissioner do not agree upon the terms of the agreement or any matter referred to in it, but that role of the Minister does not make the agreement his. However, notwithstanding the reservations that I have about the mechanism being adopted in relation to minor complaints, I certainly support the formalisation of the informal complaints resolution mechanism. It is an improvement for the Bill to include specific provision that authorises complaints to the authority by one member of the Police Force against another. I am not aware of any case where the absence of that provision provided some impediment to appropriate disciplinary proceedings being taken but, whether or not the absence of the provision was an impediment in the past, I support an amendment to the Act to put the matter beyond doubt.

Another matter upon which I will comment is the inclusion in the new Bill of clause 22A, which authorises the authority to initiate an investigation without there being any formal complaint. When I first heard of this proposal I was somewhat sceptical. One would ordinarily imagine that there would be a complaint from some person or body, even an informal complaint, and I am rather sceptical of empowering any tribunal or statutory body with powers to investigate matters without any external complaint having been laid. Some tribunals and instruments of executive Government have become rather unaccountable if they are entitled to go on a frolic of their own and pursue matters if, no doubt for very good reasons, it appears to the officers that it is good to embark upon that course. We have a number of commissions around this country at the moment, the National Crime Authority being one that readily comes to mind, about which

severe reservations have been expressed in relation to some of the operations.

The corruption commissions established in New South Wales and Queensland have not been free of criticism in this direction. However, upon reflection, it seems to me that it is an anomaly in the existing legislation that the absence of a complaint can frustrate an investigation that ought to be conducted in the public interest. The criteria are set out in clause 22A for the initiation of an investigation without complaint, and the public interest is probably adequately protected by that. I support the introduction of that clause. After a couple of years it may well be appropriate to revisit the operations of that section to see whether it has, first, been invoked and, if it has been, with what result.

Finally, the Attorney in his second reading explanation noted that, as a result of a decision of the Government, the burden of proof in disciplinary proceedings remains unchanged. Once again, that decision can be tested only in the fullness of time and I think that within perhaps two or three years it will be again appropriate to examine the burden of proof in relation to disciplinary matters. If it is found after inquiry in a couple of years that too many apparent disciplinary offences are falling through the net because the burden of proof is too high, then action will need to be taken by the Parliament. However, so far as I am aware, and certainly so far as the information that has been laid before me is concerned, I do not believe that there is presently overwhelming evidence to support a change in the burden of proof in disciplinary proceedings. I support the second reading and commend the Government for bringing forward this measure.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support for the Bill. Several matters raised by the Hon. Robert Lawson need to be responded to. He focused upon the issue of informal complaints. That is a matter which, as he correctly noted, was the subject of consultation between the Police Complaints Authority and the Police Commissioner and came into effect at the beginning of 1994, very largely because there was concern that a considerable amount of time was being taken up by the authority formally investigating every complaint, even if it related to human resource management issues or other matters which were not of significant seriousness but which nevertheless aggravated members of the community.

The arrangement is in itself an informal arrangement, although formalised by an agreement or protocol between the Police Commissioner and the Police Complaints Authority. The view was taken that there ought to be a legislative basis for the arrangement, and what is now in the Bill is a result of that view that I held that the procedure was good; it was certainly effective in dealing quickly with issues that were minor in nature and ought to be recognised by the law.

It is difficult to identify what is and what is not minor. There was some suggestion that we should put in a definition of what is a minor complaint, but the difficulty with that is that it would have potentially opened up to litigation a judgment about whether this Act fell within the definition or whether that Act fell outside it. It was therefore agreed that the appropriate way to deal with this was to provide for a formal arrangement between the Police Commissioner and the Police Complaints Authority, and for that to be tabled. I would expect that the categories of minor complaints referred to in that earlier administrative arrangement would be encompassed by new arrangements under this Bill, but there may be some adjustments to it and, although I cannot

guarantee that there will not be, I do not want to categorically say that the list will be adopted in all its provisions.

The Hon. Robert Lawson has referred to the fact that this is not an agreement between the Executive and the Police Complaints Authority or the police but that this is an agreement between two arms of Government—the Police Complaints Authority and the Police Commissioner. It is important to recognise that the Police Complaints Authority holds office under section 5 of the principal Act. The Police Complaints Authority is akin to the Ombudsman in that the Governor may remove the authority from office only upon the presentation of an address from both Houses of Parliament praying for its removal. There may, of course, be suspension, but that is fairly tightly dealt with under the Act. So, you have a statutory officer with a significant measure of independence who is not an instrument of executive Government, although he forms part of the broad framework of Government in all its various facets. Also, the Police Commissioner, under the Police Act, cannot be given a direction by Government unless it is a direction in writing, which must be published.

The Government took the view that it would, therefore, be appropriate for those two bodies to be given the responsibility for negotiating an agreement, remembering that the Police Commissioner can disagree. If the Police Commissioner disagrees, then the matter comes to the Minister responsible for the administration of the Act. The agreement is tabled publicly. The Hon. Robert Lawson has suggested that it may have been preferable to enshrine the agreement in regulations. I think that that is a matter of judgment, recognising that at the moment the agreement between the Police Commissioner and the Police Complaints Authority does not have to be tabled or even published.

This Bill recognises the desirability of having any arrangement out in the public arena and tabled in the Parliament. It is not subject to disallowance because that would, I think, impose unrealistic pressures on the Police Commissioner or the Police Complaints Authority and may make one or both of those two statutory officers subject to a direction that is presently not permissible under the law. Also, there are some difficulties in administration. If there is a regulation that promulgates the arrangement to deal with certain matters as minor complaints, it will then be subject to disallowance. Although in operation it may be disallowed, in those circumstances the process is significantly disrupted.

In that context the Government took the view that it was not appropriate to deal with this issue of resolving minor complaints by provisions in regulations. I think that that deals with all the questions that have been raised. Again, I appreciate the indications of support for the Bill.

Bill read a second time.

In Committee.

Clause 1—‘Short title.’

The Hon. SANDRA KANCK: I noted the Hon. Mr Lawson’s comments with regard to this question of whether or not the burden of proof should be on the balance of probabilities or beyond reasonable doubt. When the Bill was introduced in July, at that stage it was going to be beyond reasonable doubt, and the Government has decided that it should just be burden of proof.

The explanation that came with the Bill when it was introduced in October did not really explain why the Government had come to this conclusion, but the Attorney did say at the time that the Minister for Police, who was engaged in discussions with the Police Association in relation to

amendments to the Police Act, would be discussing with them other issues relating to discipline.

I am somewhat bemused by what has occurred. I would be interested to know what has swayed the Government to this position, particularly when, as I understand it, in all other States it is beyond reasonable doubt. I would like to know why we are doing it differently and what those discussions between the Police Association and the Minister for Police have revealed.

The Hon. K.T. GRIFFIN: I am not sure of the current status of discussions between the Minister for Police and the Police Association in relation to the Police Act, but there are issues relating to allegations against police officers which may relate to discipline but which may go much further than that. In the second reading I referred to those discussions and the intention was to put on the table that the issue is complex and that the Minister for Police would be discussing with the representatives of the Police Association, as well as the Commissioner and others, ways in which there can be a clearer distinction between matters of discipline and matters for which tough action ought to be taken.

In respect of matters of discipline, the present law has been that they must be proved beyond reasonable doubt. That has been the position for quite a number of years. It does put South Australia in a different category from the position in other States, that is acknowledged; and it also puts the police in a different position from other public servants in South Australia. The Police Association very strenuously opposed any reduction in the burden of proof from beyond reasonable doubt down to balance of probabilities, notwithstanding a case called the *Briginshaw* case, which sought to ascribe different levels of proof that might be required in relation to different kinds of conduct.

Notwithstanding that there had been those discussions with the Police Association, the Government took the view that it was an issue where there were differing points of view, that police are likely to be easy targets for complaint and criticism, which, on balance, we decided should be the subject of further discussions.

The Hon. M.J. Elliott: Teachers and FACS officers get the same sort of treatment from time to time.

The Hon. K.T. GRIFFIN: The Police (Complaints and Disciplinary Proceedings) Act and the way in which disciplinary issues are dealt with in the Police Force have a long history. In that context and in view of the discussions which took place, the Government took the view that on balance we should address those issues over a longer period, particularly in the more detailed discussions relating to changes to the Police Act which the Minister for the Police was having with the Police Association. There was anxiety to get in the sorts of changes which are in this Act without being unduly coloured or prejudiced by the debate relating to the burden of proof on disciplinary matters. Ultimately, if a police officer is established to be guilty of corruption, that is a criminal offence, and a police officer in that position would be dealt with appropriately under this Act or, more particularly, the Police Act, which deals with the relationship of the Police Commissioner to police officers and their relationship to the Police Force as a whole.

The Hon. SANDRA KANCK: The Attorney-General has explained with whom the conversations went on, and he said that on balance they decided in this particular way, but I am not clear what arguments swayed the Government to take this course.

The Hon. K.T. GRIFFIN: There are continuing discussions about the Police Act. Originally, it was intended to run the two in tandem, but we have two Ministers responsible for different pieces of legislation. The Police (Complaints and Disciplinary Proceedings) Act, for which I am responsible, deals with complaints and disciplinary issues, and there are issues in this Bill which I wanted to progress. The discussions relating to the Police Act were taking longer—I have not checked in the last week or so where they may be—so, in the context of maintaining the *status quo* in relation to the burden of proof regarding disciplinary proceedings, the Government believed that we should push on with this Bill and deal with all the other issues which are relevant. The burden of proof, which was highly contentious in terms of the discussions with the police, could be the subject of further discussions either in relation to the burden of proof or, more particularly, how to deal with the range of matters which are presently described as disciplinary matters, but which might more effectively be described for the purposes of suspension, disqualification and dismissal as more serious than the sorts of disciplinary issues which might warrant a reprimand or rebuke.

In terms of discipline, the range goes from incivility to criminal conduct. There is no difference in terms of the burden of proof between incivility and, at the other end of the spectrum, criminal conduct. If one changes to the balance of probabilities as the burden of proof, in terms of discipline it is applied to criminal conduct as well as to incivility. It raises the question whether in criminal matters the action to sever the employment relationship between the Police Force and the police officer who might be alleged to have been guilty of some offence should be sufficient to be proved on the balance of probabilities or on the criminal standard of proof.

There is no difficulty if a criminal offence is committed and proved beyond reasonable doubt, because the police officer will be out. It is where there may be suspicion or insufficient evidence to establish the criminal offence on the higher standard of proof. The Government, when looking at that issue, said that there are strongly held points of view which, if we pursue them now, will mean that we will not be able to deal with the balance of this legislation as quickly as we would wish and which would hamper the way in which the Police Complaints Authority might operate on a day-to-day basis. The majority of issues with which the Police Complaints Authority deals are dealt with under these amendments and the principal Act.

The Hon. Sandra Kanck: Will we be revisiting this later?

The Hon. K.T. GRIFFIN: That is a real possibility at some time. However, rather than deal with it in the context basically of complaints resolution, the Government took the view that the Minister for Police, in his broader discussions about the way in which the Police Act should be amended, the structure of the force and such issues, should consult the Police Association and the Commissioner and others with a view to seeing whether we can reach an appropriate division between, on the one hand, incivility and how that should be dealt with and, on the other hand, criminal offences.

Clause passed.

Remaining clauses (2 to 33), schedule and title passed.

Bill read a third time and passed.

CRIMINAL ASSETS CONFISCATION BILL

Adjourned debate on second reading.

(Continued from 5 November. Page 308.)

The Hon. A.J. REDFORD: I support the Bill. Therefore, my contribution will necessarily be brief. I have some reservations about certain aspects of the Bill. The principles about which I have reservations were first established in the initiating legislation, the Crimes (Confiscation of Profits) Act 1986. That Act was amended on five separate occasions, but this legislation provides the first occasion on which this issue has been visited by the Brown Government. The Act provides for the confiscation of the profits of crime, a purpose which I readily endorse: no-one should be allowed to profit from their own criminal conduct. However, my concern about the principles relates specifically and most importantly to the topic of restraining orders. Section 6 of the Crimes (Confiscation of Profits) Act 1986 provides:

(1) Where the appropriate Court is satisfied, on the application of the Director of Public Prosecutions, that there are reasonable grounds to suspect that property is forfeitable property, the court may make a restraining order prohibiting, subject to the exceptions (if any) stated in the order, any dealing with the property.

I must say that I am concerned at the principle of arbitrarily seizing a person's property. In this case the test that the Director of Public Prosecutions has to establish is that he has 'reasonable grounds to suspect that property is forfeitable property'—hardly a difficult standard to achieve in seeking to secure someone's private property. We are looking at the seizure of people's property by the State and, as a member of the Legislature, I think it is important that there be some scrutiny of that process.

Indeed, forfeitable property is described as property where there is either suspicion of an offence or a relevant offence is committed. Secondly, if the offender was convicted and property is controlled by that person an order might be made. In fact, it is a very wide provision in the existing legislation. In fact, when this Bill first came to me, I made some inquiries as to how much property has been made the subject of a section 6 restraining order. I also sought to ascertain how much of that property which had been restrained was ultimately forfeited under the Act. The situation is this: the Director of Public Prosecutions in suspecting that there is a crime and in suspecting that the property concerned related in some way to that crime, can get a restraining order. The effect of getting a restraining order potentially has quite drastic effects on the life of an ordinary citizen in this community.

If that person is subsequently found not guilty, which happens in 20 to 30 per cent of cases, then that property is returned to him. That person who ultimately is found not guilty—in fact, probably in many cases is actually innocent and in the eyes of the law is presumed to be innocent—has undergone not only a criminal trial but also a very difficult time given that their property has been restrained. It is also important to note that the time between a person being charged with a serious criminal offence and being acquitted can run into months, if not years. I foresee under the existing Act that situations or occasions can arise where a person can be treated quite unfairly or where the consequences can be quite unfair on an ordinary citizen. To some extent, there is some accountability although the accountability of this legislation left a little to be desired, and perhaps a report to this Parliament might be necessary so that we, as members of Parliament, can constantly review the effect of this legislation.

To this stage I have confined my comments to the existing law. I turn now to the Criminal Assets Confiscation Bill

which replaces the existing law. As explained to this place by the Attorney, it follows a comprehensive review by Mr Wicks QC, an eminent legal practitioner, who recommended this legislation and its promulgation with a number of significant differences to the existing Crimes (Confiscation of Profits) Act 1986. It is different in a number of respects.

First, it provides for a significant increase in the role and powers of an administrator. Secondly, it contains provisions to cover the role and responsibility of financial institutions and, more particularly, banks that may have deposits of funds which are seen to be the proceeds of crime. Thirdly, the legislation provides for a distinction between property which is tainted (which is property used in the crime or associated in some form with the crime) and direct profits from the crime. Fourthly, it provides for forfeiture of parts of assets. Fifthly, it extends forfeiture to a wider range of offences. Sixthly, it increases the power of the courts and the Director of Public Prosecutions and the administrator in relation to tainted property. Finally, it sets out some control on legal fees.

The Hon. Robert Lawson referred to a number of those issues and I do not seek to cover the same ground, but I draw members' attention to clause 15 which provides:

If a court is satisfied, on application by the Director of Public Prosecutions, that there are reasonable grounds to suspect that property may be liable to forfeiture, the court may make a restraining order prohibiting, subject to the exceptions (if any) stated in the order, any dealing with the property.

That provision is quite wide although no wider than the existing legislation. I would hope that the Attorney will monitor the situation that I have described over the next few years so that we, as members of Parliament, can be made aware of how often and to what extent forfeiture or restraining orders are made and those moneys returned to the alleged perpetrator of a crime following his acquittal by a court or dismissal or withdrawal of the charges.

The wide powers contained within this legislation will be obviated and properly scrutinised if this Parliament is fully and properly informed of that issue. I do not want to be accused of lending comfort by my comments to any criminal who engages in criminal activity. I do not get to the point, if I can put it in those terms, of saying that I think the Bill is too wide. All I say is that it needs monitoring. If we see that there has been abuse or unfairness, then we can revisit this legislation at the appropriate time.

I say that also in the context of clause 27 which provides for immunity from liability of the administrator and the Crown in relation to loss of property. I am sure that a situation where there was a loss of property would be extremely rare and administrators would be acutely aware of the position of trust that they hold in relation to that.

In relation to other matters, I note that a magistrate can issue a warrant authorising the seizure of property. Again, clause 30 is very wide. I hope that we will also monitor the operation of that section over the next few years. When an application is made by a law enforcement officer or a Director of Public Prosecutions on an *ex parte* matter, in my experience I have never heard of an occasion when it has been knocked back. I suppose that the scenario is that you have no-one to argue against your point of view, so you are almost a lay down misere to win. I think magistrates need to be conscious of that and searching so that warrants for the seizure of property do not happen indiscriminately.

Finally, I draw the attention of members to clause 34 of this Bill which gives the Supreme Court power in relation to

money laundering offences to make an order requiring a person to give oral evidence and produce documents. Again, that is a very wide power and, potentially, in extreme circumstances one could imagine the abuse of it. To some extent, it impinges upon one's right to silence. Whilst there has been some debate about the right to silence, it has always been my view that the right to silence is an intrinsic part of the presumption of innocence. Again, I hope that we as members of Parliament, through asking questions of the Executive Arm of Government, monitor how that particular section operates in the future. I understand the need for such a section, and I do not oppose the insertion of this clause in the legislation. All I am suggesting is that we as members of Parliament have a responsibility, indeed a duty, to ensure that there is proper and appropriate monitoring of precisely how this legislation operates in the future, particularly regarding the matters I have raised in my speech. I support the Bill.

The Hon. ANNE LEVY secured the adjournment of the debate.

LOCAL GOVERNMENT (CITY OF ADELAIDE) BILL

In Committee.

Clause 1—'Short title.'

The Hon. ANNE LEVY: I move:

Page 1, line 14—Leave out 'Local Government (City of Adelaide) Act 1996' and insert 'City of Adelaide (Governance Reform) Act 1996'.

This amendment can be taken as a test amendment for many of the amendments that will come later. The purpose of this amendment and of many of the others is to put into effect the policy which was announced by me in my second reading speech: that the Opposition does not support the sacking of the Adelaide City Council and that it is certainly concerned about the governance of the City of Adelaide and supports the Government in appointing commissioners who will examine the governance of the City of Adelaide and make a report as to future possibilities for its governance.

The Opposition wholeheartedly supports that, but it does not support the commissioners, as well as having the important role of looking at the future governance of this City of Adelaide, in the meantime also functioning as the City of Adelaide. It feels that a review of the governance, particularly if the commissioners do nothing else, need not take very long and that, in the meantime, the existing council can continue to conduct the affairs of the City of Adelaide until the due election date next May, at which stage a new form of governance should be in place for the City of Adelaide. A new council can be elected at that time under the new system proposed by the commissioners and implemented by this Council to form the City of Adelaide as from next May. I will not go into further detail, as this was fully discussed in my second reading speech, but this amendment clearly is the first of a series of amendments to give effect to the proposals outlined by the Opposition.

The Hon. DIANA LAIDLAW: I appreciate the Hon. Anne Levy's comments about this being considered as a test amendment. The Government will consider it in the same vein. I also appreciate the fact that the honourable member limited her comments rather than repeating her second reading contribution which she gave some time earlier. I will follow her example and also limit my comments, because I, too, explored these issues at great length in

the summing-up of the debate, and the Minister outlined at length coherently the basis for this Bill.

This provision essentially sums up what we are keen to achieve in terms of local government for the City of Adelaide. We do not propose to confine the issues simply to the reform of governance in this area. I indicated that the Government believes that it is particularly important that, because of the complexity and fundamental nature of the issues that would have to be considered, which have ramifications well beyond the city council area and which impact on the whole of the way in which we see this State and particularly the way in which others see us, at this stage, we must divorce the local council from being in place at the same time as these governance issues are being canvassed.

We believe in the separation of the issues from the council continuing to operate as it does at the present time, believing that particularly the way in which it has responded to these challenges in very recent times further confirms our resolve that the council cannot be relied upon to continue to operate as well as explore these fundamental issues of importance to the City of Adelaide, the wider metropolitan area and the whole State as we enter the very important period of the twenty-first century.

The Hon. M.J. ELLIOTT: The debate that we are having is not a question as to whether or not the governance of the City of Adelaide should be changed: it is a question of in what way it should be changed and how we achieve that change. The proposal that the Government puts up in the Bill as a whole at this stage is that the council simply gets sacked and replaced by a commission. Some three years down the track that commission, as well as having run the council for three years, is going to have a dual role of reporting on future governance, and that future governance would be changed after that time.

I have been critical of the suggestion that one commission be given two separate roles to start off with. I think the role of running a council is quite a different one from running an inquiry, and to ask the same people to do both jobs I think is a nonsense, to start off with. In any event, there is no debate about whether or not governance should be changed: it is a question of in what way it should be changed and how we go about achieving it. I do not believe that we should achieve it by simply sacking the council. I believe that the proper way to go is to establish a commission of inquiry, to require it to report as soon as possible, and that this Parliament can look at that report on returning in February, when we should be in a position to make decisions about the future form of governance then.

I do not believe that is an inappropriate wait. I would be very concerned if commissioners appointed now started making decisions within months which have long-term ramifications—people who have had no previous experience in local government being thrown in at the deep end and making decisions which I do not think would have been properly thought through. We have, after all, the Adelaide 21 partnership which has been established and which I thought really had the role of bringing together State, local and Commonwealth Government and having a lot more long-term vision. Nevertheless, this amendment is the first of a series which make it plain that both the Labor Party and the Democrats, while supporting change of governance, do not support the sacking of the council, and we therefore support the Labor amendment.

The Hon. P. HOLLOWAY: I support the amendment. Clearly, this goes to the heart of the issue about whether the

principal purpose of this Bill is to sack the Adelaide City Council or whether it is to get some long-term change to the governance of the City of Adelaide. We believe that the principal purpose should be to look at the governance of the city, and that is why we believe the title of the Bill should be changed to reflect that.

I wish to query the Minister about some of the statements she made in her summing up as to the justification of this Bill. During her address the Minister several times described Adelaide as looking 'old, tired and dirty', and I want to ask the Minister what she meant by saying Adelaide was dirty. Is she suggesting that the current City Council has not been collecting the garbage properly?

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: The Minister used the term, and I think that since this whole issue here is about the principal purpose of the Bill and since the Minister is on record twice as saying that this was one of the reasons why we needed to sack the City Council, I just want her to explain exactly what she meant by that term: 'old, tired and dirty'. Is she reflecting on the collection of rubbish, or matters like that? If she says it is old, for example, is she saying that the policy on heritage that is adopted by the City Council is wrong? Is she saying we should have a lot more new buildings? What exactly does she mean? I think we are owed an explanation as to exactly what she meant by those terms.

The Hon. DIANA LAIDLAW: I am pleased to have the opportunity to elaborate. I think one just has to look at North Terrace to say what one means about 'old, tired and dirty': the hoops that are around the lawned areas, the way in which the lawn is worn, not landscaped, the trees, the pavements. These issues have been around for a very long time, and whether it has been Daniel Thomas, whether it has been any of the curators of the institutions along North Terrace, whether it is the hotel owners and operators, they have all urged, as has Adelaide partnership itself urged—and the council was on that—that something must be done about this key area of Adelaide. And then the residents will tell you in terms of cleaning streets, and there is the look of the parklands at the present time. There have been areas of considerable debate for some years in the city amongst those who are passionate about our city.

I should note again that I have a direct interest, being a ratepayer, but from just speaking with people when I went for a cup of coffee along Melbourne Street at the weekend I know that they want things done about Melbourne Street, North Terrace, and O'Connell Street. We just do not have a happy population of ratepayers in terms of the presentation of our city and there are many people who operate businesses in the city who want things done. The councillors know that as well as I. There are many people who have moved their business from the city who also regard the city in that way. We should be standing tall in terms of pride in the city and the promotion of this city. There is much that can be done that is important to be done that could make very substantial visual impact on the way in which we present our city, and live in our city.

Apart from issues affecting ratepayers and the business community, there are matters concerning cyclists and the like. The Adelaide City Council has been tardy compared to other councils in initiatives relating to cyclists. The largest grant from the State Government at the last round of grants meant that, out of \$1.8 million, \$375 000 goes to the Adelaide City Council to speed up these things because they should be first and foremost in the city in terms of the way in which we

present ourselves. That is what I meant in my personal comments about the look of the city and they are comments reflected by members opposite as well as on my side and by many people in the community.

The Hon. P. HOLLOWAY: I guess all of us could think of lots of areas where we would like to see more money spent within the city. But I think it does come to the question, though, about the budget of the council. Is the Minister really suggesting that the budget of the City of Adelaide, that the amount of money that it has allocated, is insufficient? What does the Government intend to do in relation to the rates freeze that we introduced as a result of the boundary reform Bill? If the commissioners are appointed as the Minister seeks, will the rates freeze stay in place as far as the City of Adelaide is concerned? If so, how does the Minister propose to get money to spend on all these projects that she wishes to see happen in the City of Adelaide?

The Hon. DIANA LAIDLAW: Are you suggesting that North Terrace should not be a priority for you, me or anyone in this town?

The Hon. P. Holloway: No.

The Hon. DIANA LAIDLAW: But that is what you are implying. It has been on the agenda for a long time and it is a matter of setting priorities. Your Government set priorities that it saw as important when you were in Government. I do that in the arts or transport portfolios; this Government sets its priorities as they need to be set.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Yes, and it does look fantastic and is appreciated by those who use it.

Members interjecting:

The ACTING CHAIRMAN (Hon. T. Crothers): Order! The Minister is on her feet and we are in the Committee stage. Members can rise as often as they like to make a contribution about other members' remarks. Therefore, nothing is to be gained in this complex issue by interjecting and I ask members to hear the Minister in silence.

The Hon. DIANA LAIDLAW: Thank you, Mr Acting Chairman. I suspect that the Hon. Anne Levy has had a bit of a bee in her bonnet about this initiative, yet I do not see her in the case of Old Parliament House boycotting the use of it or her colleagues not using it. It is open to the public and people go through it all the time. There are many advantages in the use of this building compared to the State's building another building, in terms of the Executive of this Parliament, and that would not have been tolerated by anyone. This was a neat arrangement and it has also meant that Edmund Wright House also has the advantage of providing a base for the State History Centre, with National Museum exhibitions.

In terms of old, tired arguments, the Hon. Anne Levy has certainly brought up one here and I will not be distracted by the issues that she has raised. The Parliament agreed to that initiative. The Hon. Anne Levy may not like it and may not wish to use it, and I trust that she does not, in terms of her integrity. I presume that her colleagues will not do that, either. But then, integrity is a bit of a problem for some. I have explained that these issues are a matter of priority and I would expect, whether it be the commissioners or whoever is in force in the city centre, that North Terrace must finally get the priority that the council has talked about for years and on which we have seen so little action.

The Hon. ANNE LEVY: Whilst I had no intention of speaking further, the Minister has impugned my integrity and I will not take that without response. By interjection I indicated my objection to the closing of Old Parliament

House Museum and the effect that has had for tourists along North Terrace. The Minister cannot pretend that Old Parliament House now is as available to tourists as it was when it was Old Parliament House Museum. If they go to the front door, it is locked. There is no program in Japanese for Japanese tourists as there was before it was closed. There is no way of getting into it without coming through Parliament House first, and then large sections of it are not available to the public.

The Hon. A.J. REDFORD: Mr Acting Chairman, I rise on a point of order. This building has nothing to do with the City of Adelaide and I fail to see the relevance to the Bill.

The ACTING CHAIRMAN: I agree with the honourable member but, unfortunately, the previous speaker canvassed the issue and did go beyond the width of the Bill by addressing the character of the present speaker. It is fair that the present speaker should have the right to make a reply about those comments, though I caution all members that, when debating the Bill, they should not be referring to or impugning the character of any other honourable member on either side of the Chamber. I refer specifically to the Minister's last contribution. If that had not happened, I would have upheld the point of order, but on this occasion it is fair that the Hon. Anne Levy have the right of rebuttal of any impugnement made against her.

The Hon. ANNE LEVY: Thank you for your ruling, Mr Acting Chairman. I certainly do not take kindly to having my integrity questioned in any way. The fact that I strongly opposed the closing of Old Parliament House Museum does not mean that, when a committee meeting is called in that building, as a committee member I should in any way refuse to attend the meeting. That would be absurd. The museum has closed, and whether I attend or do not attend a committee meeting held there will have no effect whatsoever on what happens to Old Parliament House Museum, its availability to the public and the exhibits which used to be there and which are now hidden from the public—if not destroyed. And I repeat that I object strongly to my integrity being impugned. I had no intention of speaking further on this clause until the Minister made those derogatory remarks about me that I feel cannot go unanswered.

The Hon. P. HOLLOWAY: I seek an answer to my question. We have been distracted by North Terrace and the Minister appears to be suggesting that is a priority.

The Hon. Diana Laidlaw interjecting:

The Hon. P. HOLLOWAY: The Minister also mentioned Melbourne Street, which presumably is another priority of hers. One could also talk about the mall and Hindley Street. There are probably a lot of priorities, but the Minister did not answer my earlier question about rating and the rate freeze. I relate it to this clause, because it goes to the heart of whether we believe the Bill's principal purpose is to sack the city council or to reform the governance. I am querying the Minister's justification in sacking the council. She and the Minister in another place have made accusations against the council and we are entitled to ask the Minister to justify those accusations.

The Hon. DIANA LAIDLAW: As the honourable member knows, there is a provision about residential rate rebates that the Labor Party seeks to get rid of. The Government does not intend to interfere in that matter. Clause 18 provides:

(1) The City of Adelaide must obtain the approval of the Minister before it declares general rates or separate rates under part X of the Local Government Act 1934 for a particular financial year.

(2) The City of Adelaide must maintain the scheme for differential rates, in existence immediately before the commencement of this section, for residential properties.

The Hon. P. HOLLOWAY: Does the Minister believe that the commissioners will share her priorities and, if so, how?

The Hon. DIANA LAIDLAW: The priorities have been set by the Adelaide Partnership. I indicated earlier my personal views: you asked for a personal opinion and I gave it.

The Hon. T.G. CAMERON: Will the Minister explain whether or not the Bill contravenes section 64A of the Constitution Act? How can the commissioners be considered elected, which I understand is what the Act requires?

The Hon. DIANA LAIDLAW: No.

The Hon. T.G. CAMERON: I did not understand the Minister's reply.

The Hon. DIANA LAIDLAW: You asked: does it contravene it? I said 'No'. If you cannot understand that, we will not make much progress, because it is a simple two-letter word.

Amendment carried; clause as amended passed.

The ACTING CHAIRMAN: I ask all members to keep themselves, within reason, within the parameters of the Bill or their amendments.

Clause 2—'Commencement.'

The Hon. ANNE LEVY: I move:

Page 1, line 16—Leave out ' , other than schedule 1 '.

This amendment could be regarded as consequential. We are seeking to remove the words 'other than schedule 1' because this schedule will be opposed when we get to that stage. Schedule 1 refers to the ministerial approvals that must be obtained by the existing council prior to the establishment of the commissioners, and this was made retrospective whereby, if they undertook any contract or lease without such approval, members could be personally liable as individuals. This schedule will not be supported and will have no relevance if the commissioners do not become the City of Adelaide.

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

The Hon. P. HOLLOWAY: I think that schedule 1 is a particularly nasty provision that has been put in by the Government to attack the councillors of the City of Adelaide. Will the Minister explain why she is introducing this measure, which has the purpose of making councillors personally liable for any decision made after 2 October? Is there any precedence for this? Why does the Government wish to proceed with this measure?

The Hon. DIANA LAIDLAW: The Government saw this as a particularly important measure. The second reading explanation outlines the reasons, which I will repeat. It is possible that the currently elected council may seek to set in place projects to benefit the existing narrow franchise of the council before the commissioners take office. The Bill guards against this eventuality by requiring the council to seek approval from the Minister for specified new projects, especially projects with a value not exceeding \$100 000, in the period between public announcement of the proposal and proclamation of the new legislation. This approach requires the relevant parts of the new Bill to be effective before its passage through Parliament, and the Bill sets today—that being the day it was first introduced, 2 October—as the operative date in this regard. I think it is self-explanatory.

The Hon. A.J. REDFORD: Did the \$50 000 slush fund that the Adelaide City Council has set up to lobby 60-odd

members of Parliament on this issue require ministerial approval?

The Hon. DIANA LAIDLAW: No, but I understand that it needed council approval, and that had to be provided retrospectively because ratepayers' money was spent before it had been approved. I suppose the Hon. Anne Levy may not have objected, because the money was spent in what she may see as her interests, but if I took a personal interest I would say that it was interesting to see that it had to be retrospectively approved.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 1, line 18—Leave out subclause (2).

This amendment is consequential on the amendment we have just carried, as it refers to schedule 1.

The Hon. DIANA LAIDLAW: I oppose the amendment.

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

Amendment carried; clause as amended passed.

Clause 3—'Interpretation.'

The Hon. ANNE LEVY: I move:

Page 1—

Line 21—Leave out definition of 'associate'.

Lines 25 and 26—Leave out the definition of 'period of administration'.

Lines 27 and 28—Leave out definition of 'relative'.

Page 2—

Lines 1 to 3—Leave out the definitions of 'relevant interest' and 'spouse'.

Lines 4 to 16—Leave out subclause (2).

These amendments are consequential on the first amendment, which has been carried. If the City of Adelaide is not to be sacked and the commissioners' job is to do a thorough review and make recommendations regarding the governance of the City of Adelaide, it is no longer necessary to have in the legislation all these precautions about what a relative may or may not own, what is a relevant interest, what a spouse of a commissioner may or may not own and what is an associate of a commissioner. These were all desirable amendments if the commissioners were to replace the City of Adelaide and run the council, to ensure that there were no conflicts of interest. Had that situation appertained I would not be moving these amendments. In view of the fact that the councillors of the City of Adelaide will not be sacked under this legislation, these definitions are superfluous.

The Hon. M.J. ELLIOTT: We support the amendments.

The Hon. DIANA LAIDLAW: The Government opposes the amendments, which remove the link between this Bill and the Local Government Act 1934. It presupposes the removal of the powers of the commissioners to the City of Adelaide. Only if the City of Adelaide comprises commissioners does this clause have a purpose. The Opposition seeks, in the next amendments, to remove the pertinent clauses. The Government sees these provisions as essential for the purpose that we are pursuing, which is the review of the governance of the City of Adelaide and the appointment of commissioners for an administrative role as well as the assessment of future relationships with the council and the general development and wellbeing of the city.

Amendments carried; clause as amended passed.

Clause 4—'Interaction with Local Government Act.'

The Hon. ANNE LEVY: The Opposition opposes this clause. It is not that we object to the principle expressed in the clause but, if the commissioners are to be appointed for the important purpose of reviewing the governance of the City of Adelaide without having an administrative role, the

clause would become superfluous and have no meaning. It is for consistency in this regard that we oppose the clause.

The Hon. M.J. ELLIOTT: I support the Opposition.

The Hon. DIANA LAIDLAW: The Government opposes this move.

Clause negated.

Headings.

The Hon. ANNE LEVY: I move:

Page 3—

Line 2—leave out this heading and insert 'Appointment of Commissioners'.

Line 3—leave out this heading.

This, again, relates to the crux of the Opposition's concern that the City of Adelaide should not be replaced by commissioners to look after the administration and running of the city prior to reconstitution by legislation after a review of governance. These amendments are consequential.

The Hon. M.J. ELLIOTT: To assist you to make the calls, Mr Acting Chairman, I am supporting all the amendments proposed by the Labor Party unless I indicate otherwise.

The Hon. DIANA LAIDLAW: I still think it is important that we should have some debate and assessment of this important Bill. The Government has and will take the opportunity to repeat its grave concern about the short-term gain and lack of consideration in terms of these amendments and the Democrats' support for the same.

This amendment is the first of a series which change the nature of the commissioners' role from being the City of Adelaide to being an advisory reporting body. In fact, one wonders why the Labor Party is even bothering with this, because the appointment body has been mooted in a number of amendments. The Government could move without reference to this Parliament, because it is an advisory body with a reporting date, but we will go through this exercise.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Yes, because you have gutted the Bill and, therefore, extraordinary opportunities for this city to flourish in future. Anyway, we have to live in this State with many of the things that the Labor Party has done. This will be just one more thing. The Government insists that the commissioners will not be able to carry out their proper roles while the current council, elected on its narrow and undemocratic franchise, remains in existence. The defensive manoeuvring of the council since the public release of the Bill is indication enough of the part that the council would play in discussions on the future governance of the city.

The Hon. A.J. REDFORD: I assume that this is a test clause in relation to—

The Hon. Anne Levy: Clause 1 was the test clause.

The Hon. A.J. REDFORD: I know, but in relation to clause 6 and the role of the commissioners. This really does expose the political stunt being performed by the ALP and the Australian Democrats. They could simply have said, 'We will oppose this legislation.'

An honourable member interjecting:

The Hon. A.J. REDFORD: But they are not; they are going through a charade. This is an absolute charade, and I will explain why. The Australian Democrats will have commissioners, who talk about the future governance of this city, appointed by a parliamentary committee. Frankly, if we are to debate the future governance of the city and that is the only issue to be discussed, why does Parliament appoint a couple of commissioners to do what Parliament ought to be doing? This just shows it up to be the stunt that it is.

What do the commissioners do other than that? Nothing. We shall have these highly paid commissioners doing precisely what we ought to be doing. Have we had any constructive comment about the future governance of the City of Adelaide from the Labor Opposition or the Australian Democrats? We have not. There has not been one constructive suggestion from the Labor Opposition or the Australian Democrats about the future governance of the City of Adelaide. I have not heard one person say, 'These are the people who ought to be the electors,' or, 'These are the places where the boundaries should be,' or anything of that nature.

The Hon. T.G. Cameron: Read *Hansard*.

The Hon. A.J. REDFORD: I have read *Hansard*. The Opposition has played this for a charade. I think it is appropriate that I should point out that it is a charade. Members opposite could easily have said, 'We are opposing this Bill.' The reason they did not do that was that they knew they would be vilified as being a negative, carping, obstructionist Opposition. It is important that I should expose their conduct for precisely what it is—negative and obstructionist. It is a stunt.

The Hon. ANNE LEVY: I speak again because of the provocative remarks made by the Hon. Angus Redford. If he wants to get out of here in a short space of time, I suggest that he should not utter such provocative remarks. The Opposition is not playing a stunt or a charade. The Opposition did not bring in the Bill in the first place. The Government brought in the Bill. Members of the Opposition have said all along that we do not approve of the sacking of the City of Adelaide but we have said with equal force that there should be a review of the governance of the City of Adelaide.

If the Hon. Angus Redford had read my second reading speech—he did not hear it, but he could have read it—he would have seen that we have made suggestions for consideration of a change in governance of the City of Adelaide. A number of speakers on this side have made suggestions, have not necessarily indicated a preference for one over another, but have merely said that there are many options which can be considered. We feel that an expert committee is the best way of considering the possible options and making a considered report to the Government.

We appreciate fully that the Government could have set up such a committee without legislation. Indeed, the Government always has the power and authority to set up a committee. But we did not oppose the Bill outright so that we could indicate our support for a review of governance and the fact that, if it has legislative backing, we regard it as important and it should not be delayed. If there is no legislation, the Government can delay such a review of governance as long as it wishes, but with legislative backing we can be sure that this important review of the governance of the City of Adelaide will in fact occur. I reject totally the provocative remarks made by the Hon. Angus Redford and suggest that the debate will proceed a lot faster if he does not make such remarks further into the debate.

The Hon. M.J. ELLIOTT: It is perfectly correct that the Government does not need legislation to run an inquiry into future governance. However, if the Government wants an inquiry which is more likely to receive widespread support, then it would help if that inquiry were seen to be impartial, and that relates to how the commissioners are appointed in the first place. I understand that the procedure in relation to the previous commissioners was that the Government talked about consulting with the Labor Party but, in fact, the names appeared in the *Advertiser* before the Labor Party even knew

who they were. In any case, I understand that the Labor Party made some suggestions, all of which were ignored. Members talk about consultation on who the commissioners might be, but that consultation was a farce.

The first issue is the question of who the commissioners are, how they are appointed and whether or not they will enjoy support in terms of being seen as having relevant experience, expertise and independence. There are also questions as to the guidelines and instructions under which they operate. The advantage of legislation is that those issues are properly addressed. In fact, there are amendments which address those very points and which seek to ensure that this legislation does have real and genuine value. Certainly, the Government was keen to sack the council. From day one, the Democrats said that they were opposed to the sacking of the council—

The Hon. Anne Levy interjecting:

The Hon. M.J. ELLIOTT: That is right; our position was obvious from the very beginning. As supporters of local government, we were not going to support the sacking of the council without grounds—and the grounds were not there. As I said during my second reading contribution, on a number of occasions we had expressed concern that issues in relation to the Adelaide City Council deserved attention. In fact, when the Government announced a review of boundaries, on day one we asked why the Adelaide City Council had been specifically precluded. At that point we clearly flagged that there were issues that we regarded as being important. The question was: how were they to be addressed? They need to be addressed through a properly constituted, independent commission with relevant expertise and with proper guidelines, and that is what we are trying to achieve with the amendments to this legislation.

The Hon. DIANA LAIDLAW: I, too, am concerned about the Hon. Ms Levy's integrity so I thought we might correct her statement that 'The Labor Party had always said it did not want to sack the council.' That is just not true, because her Leader, amongst others, was very prepared to look at those options, and Michael Atkinson and others are still prepared to look at those options.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: It is very important to ensure that we keep this argument in perspective.

The Hon. Anne Levy interjecting:

The ACTING CHAIRMAN: Order! If members want to make a contribution and have it recorded in *Hansard*, they have the right to stand up as often as they like whilst we have the Bill in Committee. I call on members to cease interjecting.

The Hon. DIANA LAIDLAW: It is also important to clarify another fact, and I take up the Hon. Angus Redford's point. It is not just an issue of having a legislative base, as the Hon. Ms Levy suggests, to force our Government, or future Governments, to address the governance issue. It is suggesting that we want to duck it. It is ludicrous. We would not be here with a Bill indicating the seriousness with which the Government addresses this issue; that we will go so far as not to compromise the whole debate on the governance issue; that we would see that the council must go. We have never argued that the council must go for mismanagement and so on. We have argued this as part of the debate on governance, that to ensure it is well conducted, without interference, without fear or favour, we must have this Bill. To then suggest that you need a legislative base to force the Government to address the issues is pathetic. You need not worry, the Hon. Ms Levy, we

were going to address these issues with considerable force to the degree that we now have this Bill. We do not need a legislative base to have the advisory committee under a more glorious name if that is how members opposite want to dress it up. Essentially, you are aiming to have an advisory committee with too little time to address the major issues that it is required to address, and with a council that is known to be reluctant to see any change. Remember, the council did not even want a marketing authority to help with the Adelaide 21 Partnership report. This council is not known for thinking big.

The Hon. P. HOLLOWAY: I wish to rebut briefly some of the nonsense about a stunt that the Hon. Angus Redford spoke about. If ever there was a stunt, it would be instituting commissioners to take over the affairs of City of Adelaide but then not letting them look at the fundamental question of boundaries. All members realise that changes are needed to the governance of City of Adelaide. That is undisputed. How can you properly consider that matter without looking at the question of boundaries. Yet that is what this Government is proposing to do. It is a nonsense. The amendments to be moved by the Opposition will address the obvious anomaly and enable the commissioners to do their job properly and to look at the question of the boundaries of the City of Adelaide, one of the key issues.

The Hon. Angus Redford said earlier that no-one had suggested changes. That point was made repeatedly by members of the Opposition. Many of us referred to two basic alternatives: either you shrink Adelaide to the CBD and manage it separately, or you enlarge the city boundaries—and suggestions have been made in the media that boundaries could be South Road, Portrush Road, Cross Road and Regency Road. Those suggestions have been thrown around. Those two options are on the counter as far as the fundamental question of boundaries is concerned. I do not think that we will ever solve the problems of the City of Adelaide in the long term—and I hope that is what we all want to do—without addressing that basic issue. If the commissioners recommend that we do nothing, at least let them consider this fundamental issue and come back with a properly reasoned report. Who is phoney? Who will do the phoney review? I suggest that it would be the commissioners if this Bill were to pass unamended. At least with our amendments they would have a reasonable inquiry to undertake.

The Hon. A.J. REDFORD: I will respond to the Hon. Paul Holloway.

The ACTING CHAIRMAN: The honourable member earlier drew my attention to people straying from the Bill. That is a good observation, and I ask him to observe it.

The Hon. A.J. REDFORD: Mr Acting Chairman, I am sorry, but I stood up and said, 'I will respond.' That is all that I said. I cannot see how, through the use of those three words, it could possibly be suggested that I have strayed from the topic.

The ACTING CHAIRMAN: I was thinking in terms of the honourable member's response on the last occasion when he stood up. I was pretty lax about that. I want the debate to continue with as much subject matter as possible.

The Hon. A.J. REDFORD: Mr Acting Chairman, so that I do not stray again, will you explain to me precisely how I strayed from the topic with which we were dealing in my last contribution.

The ACTING CHAIRMAN: I have asked the honourable member to stay within the parameters of the Bill.

The Hon. A.J. REDFORD: Which is what I intended to do. I will respond to the Hon. Paul Holloway and the

Hon. Anne Levy who said that in their second reading contribution they made some constructive comments about the future governance of the City of Adelaide. I went through all their contributions, particularly some of the contributions made in the other place, and the following nine reasons were given for the Opposition's approach to this legislation:

1. Why was the Bill necessary?
2. There was no obstruction of development by the council either by refusal or delay.
3. There are longstanding 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 a reduction of public servants.
6. That 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 the commissioners creates uncertainty.

That has nothing to do with the sort of gobbledegook that has been put up with these amendments. I have been through it and I must say this in all fairness to the Hon. Terry Cameron who gave his very lengthy and repetitive contribution after I gave mine.

Amendments carried.

Clause 5—'Alteration of composition of City of Adelaide.'

The Hon. ANNE LEVY: The Opposition opposes this clause and will not vote for its retention. We have canvassed this issue previously. The clause relates to replacing the City of Adelaide with three commissioners. We have indicated on numerous occasions that we oppose this.

The Hon. T.G. CAMERON: Clause 5(2) sacks the current council. Will the Minister say how three commissioners can do the work of a council of 16 members including the Mayor and particularly how they will continue their representation on the 192—I understand that is a conservative figure—committees and boards that are shared amongst the current councillors? I understand that each councillor has approximately 12 or so boards, a few examples of which are as follows: Adelaide 21, the Central Market Authority, the Victoria Park Working Authority, Environmental 21, the Hutt Street Concept Committee, the Rundle Mall Committee, the Development Assessment Committee, the Adelaide Convention and Tourism Authority, the Melbourne Street Working Group, the Public Signs and Information Strategy Group, the Box Factory, the Adelaide Festival Centre Trust, the Council of Capital City Lord Mayors—and I could go on. Finally, will the Minister say what will happen to the Lady Mayoress charity functions?

The Hon. DIANA LAIDLAW: I am quite sure that Mrs Angela Condous would do this work extraordinarily well if Mrs Lynette Ninio does not wish to continue. I am sure that these women can work it out amongst themselves. Both of them do an extraordinarily good job. It is a job which has been done exceedingly well for many years, one which many people would love the opportunity to do if Mrs Ninio does not wish to continue. She would not have that role essentially if the council did not continue in this way. I suspect that the commissioners may well ask Mrs Ninio or Mrs Condous or any number of people to support the good work that is undertaken by that committee. I served for a little while on

the committee years ago, but other things occupy me now. Why should I bother to answer the question if the honourable member who asked it has not even bothered to stay in the Chamber?

Clause negatived.

Clause 6—‘Appointment of commissioners.’

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

Page 3, line 12—Leave out subclause (1) and substitute the following:

(1) There are to be three commissioners for the purposes of this Act.

The Hon. A.J. Redford interjecting:

The Hon. M.J. ELLIOTT: No. I will discuss all of them, but I think they will need to be voted on separately, and that will make sense, if I have a chance to actually discuss it. It was my preference that there be five commissioners and not three and that within those five commissioners there should be a representative of the Local Government Association and the Adelaide City Council and three commissioners appointed by the Governor—and, therefore, appointed by the Government itself—without any involvement of the Parliament at all. That was my preferred position. However, I had an indication in discussions with the Labor Party that it only wanted three commissioners and, recognising that the Government initially had thought three, I did a little bit of counting before coming into this place and, as such, came up with a package of amendments which were not my preferred position, but sought to pick up the Labor Party position that there only be three commissioners. So, that is why subclause (1) simply provides for three commissioners. I have a later amendment which talks about how those commissioners be appointed, and during discussion about an earlier amendment I made the point that if commissioners are appointed who do not enjoy the confidence of local government, residents generally, and the community then that has the potential to undermine the whole process from the beginning. Also, regarding subclause (2), I think it is important that they have relevant expertise, and that is what my proposed subclause (2) is about.

In earlier discussions with the Labor Party it had already indicated that it did not support paragraph (b) because it could cause delay, and I had indicated in discussions that I understood that, but I still thought that subclause (1A)(a) in relation to a formal process of consultation before appointment was important. The reason why I am now moving these separately is that I have now had indications outside this place that the Labor Party may not support that, either. So I think it is important that each of these be put separately. At this point I am simply moving the new subclause (1), that there be three commissioners.

The Hon. A.J. REDFORD: The Minister, who has just had to leave for a moment, has indicated to me that she is prepared to accept this amendment.

The Hon. ANNE LEVY: I draw members’ attention to the fact that I have exactly the same amendment on file.

Amendment carried.

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

- (1A) The Commissioners are to be appointed by the Governor on a recommendation—
- (a) made by a parliamentary committee consisting of three members of the House of Assembly and three members of the Legislative Council; and
 - (b) endorsed by joint resolution of both Houses of Parliament.

As I indicated earlier, I think it is important that we have commissioners who enjoy the general confidence of all interested parties, and the reason for this amendment is to achieve precisely that. I had already indicated that I was prepared to move simply (1A)(a) and not to persist with (b), but I think that I should give the Opposition and the Government a chance to respond before I decide whether or not I will seek to amend it in a further amended form.

The Hon. ANNE LEVY: The Opposition does not support either paragraphs (a) or (b) of new subclause (1A). It seems to me that appointing commissioners by a parliamentary committee is not appropriate, except where the person or persons being appointed are responsible not to the Government, but to the Parliament. We have similar legislation relating to the appointment of the Ombudsman. We do not yet have, but I hope we would have, legislation in similar form relating to the appointment of the Auditor-General. These two people are not responsible to the Government but responsible to the Parliament and report accordingly, and I think in those situations it is appropriate that there be consultation with a parliamentary committee for the appointment of such statutory officers.

However, it seems to me that these commissioners to look at the governance of the City of Adelaide are being appointed by the Governor. They will report to the Government and, resulting from their report, the Government will bring legislation to the Parliament. In those circumstances, it does not seem to me appropriate that there be the situation put forward in the legislation of a parliamentary committee choosing the commissioners. This does not mean that I do not agree with the Hon. Mr Elliott when he says the commissioners must have the confidence of not just members of Parliament, but of residents generally in the City of Adelaide and, indeed, throughout metropolitan Adelaide. I think that such confidence in the commissioners is best achieved by the Government consulting with, amongst others, the Opposition before choosing the commissioners.

The Government will be well aware that if it makes ridiculous choices for the commissioners their credibility will not be generally upheld in the community and that, to ensure their credibility, consultation—and genuine consultation—will be necessary. However, it seems to me that consultation is not something which is usually legislated for. One would hope the Government would have the good sense to undertake consultation. Indeed, I would ask the Minister if the Government will give a commitment that appropriate consultation will take place before appointment of commissioners.

I know there has been discussion and even release in the press as to who the commissioners are to be. There has also been an indication that if the legislation were altered those three individuals may or may not be prepared to act as commissioners. So, I am not in any way discussing particular individuals, but it seems to me that, obviously, no commissioners can be appointed until the legislation is enacted and at that stage appropriate consultation would be highly desirable.

I repeat that I would ask the Minister—if she ever listens—whether she can give a commitment that appropriate consultation will in fact occur. It seems to me inappropriate that the choice of commissioners should be made by a parliamentary committee, when the commissioners are not a committee of the Parliament and will be appointed and report to the Government. I hope that this makes clear that, while I am certainly not suggesting that there should not be

appropriate consultation—far from it—the Hon. Mr Elliott's proposal in the amendment is really using a sledgehammer to crack a nut.

The Hon. DIANA LAIDLAW: I agree entirely with that assessment by the Hon. Anne Levy. I recall that the Minister for Housing, Urban Development and Local Government Relations has given an undertaking to the Opposition about the people he has nominated and that they are there for discussion, in terms of commissioners. That is what I understand the arrangement to be and certainly that is the case regarding 'appropriate consultation'; I can certainly give those guarantees. The Government opposes the amendment moved by the Australian Democrats.

The Hon. M.J. ELLIOTT: The indications are that the numbers are not in support of my amendment. The bottom line is a matter that the Hon. Anne Levy raised and concerns the question of due consultation. In conversations I have had with Opposition members I have been given the clear impression that consultation on the first set of commissioners was an absolute farce. I do not know whether the Government intends to nominate the same commissioners or not, and I have made no public comment on the commissioners chosen, although I have made the observation here that the sorts of people you choose to run a council may be different from those you choose to carry out an inquiry. I note that one proposed commissioner has already indicated publicly that he would not continue if the council was there at the same time.

It is fundamentally important that the Government carry out genuine consultation. The only comment I can make in terms of consultation at a personal level is that not only did the Government choose not to speak to me about commissioners, it chose not to speak to me at all until Wednesday before last, which was the first conversation I had with the Minister on the legislation in any shape or form. That indicates the Government's general attitude on consultation. The Government wonders why it gets into trouble from time to time. We hear its backbenchers complaining bitterly all the time that they are not being consulted and there is a general community feeling in many areas that the Government does not listen; Ministers do not listen, and it is about time that they took a more encompassing approach, because they might be pleasantly surprised about what is happening when they try.

Amendment negatived.

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

Page 3—Insert the following subclause:

- (2) Of the three commissioners—
- (a) one must be a person who has significant knowledge of and experience in urban planning; and
 - (b) one must be a person who has significant knowledge of and experience in local government; and
 - (c) one must be a person who has significant knowledge of and experience in business.

The amendment is amended by including 'urban' before 'planning' in subclause (2)(a). 'Planning' can be read broadly, and I wanted someone with urban planning expertise to be one of the three commissioners. It is important that we get an appropriate balance of commissioners and, if we are to look at the sorts of issues that clearly are to be addressed by such an inquiry, we need a person with urban planning knowledge and experience and not just a touch of it. The person should have significant knowledge and experience. It is important that at least one of the commissioners has significant knowledge and experience of local government

itself. The previous set of commissioners proposed did not have that relevant expertise.

Finally, one of the commissioners also should have significant knowledge and experience of business, because that seeks to address some of the matters that are of particular concern to the Government. It is difficult to determine what qualifications one will insist upon because there are matters such as social matters that are vitally important in local government areas, but I hope and expect that, by appointing to this committee a person with significant knowledge and experience of local government, we will have a person with an understanding of social and environmental matters. Similarly, any person with a detailed knowledge in urban planning should also have that sort of knowledge. I hope that those areas are covered properly in an indirect sense.

I note that the Hon. Anne Levy has a further amendment that one should be a man and one should be a woman. I had meant to have that as part of my amendment, but I must admit that being a member of the Democrats it has never been an issue in our Party, because women always get an equal go. Unfortunately, in the wider world that is still not the case and I will be supporting that amendment when it comes forward. That was an oversight, and one that I must admit that I have made before.

The Hon. ANNE LEVY: I support the Hon. Mike Elliott's amendment. He is setting out the qualifications of the people who are to be commissioners. These differ slightly from those set out in the legislation, but I think this can be well justified. The Government was putting forward qualifications for people who were going to be the City of Adelaide as well as reviewing the governance. Now that this Chamber has decided that the council will not be replaced by the commissioners, the commissioners' job will be to do a review of the governance of the City of Adelaide, and the qualifications for that job alone are not necessarily the same as those required for the dual function that the Government had intended.

I certainly agree that one must be a person who knows something about local government and who has knowledge and experience in it, although not necessarily in the City of Adelaide. It could be someone with great knowledge and experience of local government in the City of Whyalla, but someone who does know something about local government. There should be someone who has business knowledge and someone who has knowledge and experience in urban planning. This does not suggest that urban planning is the sole function of the City of Adelaide, but it is obviously an important function and the guidelines set down later will give an indication of other matters that the commissioners must take into account.

I am glad to hear that the Democrats will support the new subclause that I will move, which might be called the Levy amendment. I was surprised to find that such a provision was not in the legislation. I thought that over the past 15 years or so we had become accustomed to ensuring that whenever a group is being set up there is an appropriate gender balance. This has been written into so many pieces of legislation that I would have expected it to be second nature by now, both to Parliamentary Counsel and to all bureaucrats proposing legislation. But the price of freedom is eternal vigilance, hence my foreshadowed amendment, which I hope the Government will accept. I hope it will admit that it was an oversight and not intentional that it was not included the first time.

The Hon. DIANA LAIDLAW: I considered that we were leading by example with the nominations made by the Minister. I found that satisfying. Perhaps we will come of age so that we will not have to see at least one man or at least one woman written in the legislation as a requirement. The Minister and Cabinet considered the appointments and there was never any question that there would not be at least one man or at least one woman amongst the three. If the Hon. Ms Levy is more comfortable making sure that this practice and principle is inserted in the legislation, I am entirely relaxed by it and so would be the Government. Is the Hon. Ms Levy to move her amendment in relation to the background of the people to be appointed as commissioners? The Government was prepared to accept the amendment, and when she spoke I was confused as to whether she was opposed to the Hon. Mike Elliott's amendment and was going to move her own.

The Hon. ANNE LEVY: I indicated that I support the amendment moved by the Hon. Mr Elliott. I do not think it contradicts the one I have on file and is perhaps a more precise way of expressing the same sentiment. I support the amendment moved by the Hon. Mr Elliott, which has been called on first, and in consequence I will not move the amendment I have on file.

The Hon. DIANA LAIDLAW: The Government opposes the amendment moved by the Hon. Mike Elliott. The instruction I had been given was to support the amendment the Hon. Anne Levy had on file. She is not now moving that, and I think that that is disappointing, but so are lots of other aspects of this Bill.

The Hon. T.G. CAMERON: The commissioners are not elected by the community, and Ian Webber already has the community offside with his claims about the parklands. I can find no reference to any of these commissioners having any experience in local government. Given the heavy workload that they will be under and their lack of experience in local government, how does the Minister believe that these people can represent the interests of business and the community in their work for the council?

The Hon. DIANA LAIDLAW: Because they are responsible people and understand the challenge that has been presented. Just like the honourable member, I am sure that if a challenge were put to you you would not have accepted it unless you could undertake the job to meet the community's, the Government's and particularly your own expectations. I would not wish to reflect on any of those individuals as to the basis of their acceptance. I believe very strongly that, when asked, they would have determined whether they had the capacity to do the job as presented to them, and they clearly accepted—

The Hon. T.G. Cameron: I thought it was the Government that would work out whether they had the capacity.

The Hon. DIANA LAIDLAW: That is why they were asked in the first place.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 3, after line 19—Insert new subclause as follows:

'(3a) At least one commissioner must be a woman and at least one commissioner must be a man.'

I discussed this amendment previously in relation to an earlier amendment.

The Hon. DIANA LAIDLAW: The Government considers that this amendment is consequential.

Amendment carried; clause as amended passed.

Heading—'Division 2—Conditions of appointment and performance obligations for commissioners.'

The Hon. ANNE LEVY: I move:

Page 3, lines 24 and 25—Leave out this heading.

This amendment is consequential on decisions that this Council has already made, that the commissioners are not to be the City of Adelaide and, in consequence, the terms and conditions that were previously in the Act are no longer relevant. This Council has decided that there will be three commissioners; that between them there must be knowledge and experience in urban planning, local government and business; that at least one must be a man and at least one must be a woman; and that, provided those conditions are met, it is unnecessary to have all the other things that are set out in the legislation and are not relevant at the moment.

Amendment carried.

Clause 7—'Conditions of appointment.'

The Hon. ANNE LEVY: I move:

Page 4, line 5—Leave out subclause (4).

This amendment is consequential.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 4, line 7—Leave out 'Governor' and insert 'Minister after consultation with the City of Adelaide'.

If this amendment is carried the subclause will read:

A commissioner is entitled to remuneration, allowances and expenses determined by the Minister after consultation with the City of Adelaide.

This ties in with the next amendment, which is that the remuneration should be provided jointly by the City of Adelaide and the Crown. If the City of Adelaide is involved in providing remuneration it should be consulted about it.

The Hon. DIANA LAIDLAW: There must be some considerable mental telepathy or cooperation between the Australian Democrats and the Labor Party here because the amendment does not say anything about being paid by the City of Adelaide.

The Hon. M.J. Elliott: Didn't you read my second reading contribution?

The Hon. DIANA LAIDLAW: Yes, but this is in reference to your amendment that this amendment has been moved, and the explanation has been given to both.

The Hon. M.J. Elliott: No.

The Hon. Anne Levy: I can't move the Hon. Mr Elliott's amendments.

The Hon. DIANA LAIDLAW: But I am saying that you are talking about 'the following amendment', so you are accommodating the Hon. Mr Elliott's amendment, although his amendment did not go on file until today and yours went on file last week. This is interesting to follow.

Members interjecting:

The Hon. DIANA LAIDLAW: I am just following it through: I think it is interesting to follow it through. We accept the amendment.

The Hon. M.J. ELLIOTT: I support the amendment. As the Bill stood, the costs would have fallen entirely upon the council, and the amendment as originally drafted by the Labor Party—and I have a similar one—simply meant that the City of Adelaide should be consulted with. I have a later amendment that goes a step further, because I do not see why it should be sharing the whole cost itself, that at least it should be shared equally. A good argument could be put forward that the Government should pay the whole lot. However, this amendment simply says that as the Adelaide

City Council is involved in paying costs, whether all or half the costs, it should be consulted.

The Hon. T.G. CAMERON: Subclause (6) provides:

Remuneration, allowances and expenses under subsection (5) are to be paid by the City of Adelaide.

Can the Minister advise the Committee about the sort of figure the Government has in mind to remunerate both the commissioners and the head commissioner?

The Hon. DIANA LAIDLAW: I do not think that the Government has a figure in mind, but the Minister may have discussed that with the people who have been put forward as the Government's nominees. I can inquire.

The Hon. T.G. CAMERON: I thank the Minister for her answer and the fact that she will inquire and report back. However, her answer has raised another question: who will decide how much these commissioners and the head commissioner will be paid?

The Hon. DIANA LAIDLAW: It would be as in the Bill, which provides that it will be determined by the Governor who acts on the advice of his Executive Council and Cabinet colleagues. In the amendment moved by the Hon. Ms Levy, the Minister would determine that, probably on the advice of officers, but one would think that there would be some discussions with colleagues. It would not have to go through Executive Council and Cabinet in the same way as the Government initially proposed.

Amendment carried.

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

Page 4, lines 8 and 9—Leave out 'paid by the City of Adelaide' and insert 'defrayed by the City of Adelaide and the Crown in equal shares'.

I believe it is unreasonable that the City of Adelaide should bear the full cost of this inquiry which has been requested, in the first place, by the State Government. I think the minimum condition should be that the costs be shared between the City of Adelaide and the Crown. They should not be exorbitant costs, because we are now talking about an inquiry that will run for a couple of months as distinct from full-time commissioners running the council for some years.

Amendment carried; clause as amended passed.

Clause 8—'Validity of acts and immunity of commissioners.'

The Hon. ANNE LEVY: I move:

Page 4, line 11—Leave out 'of the City of Adelaide or'.

This is consequential on previous decisions of the Committee.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 4, lines 15 and 16—Leave out 'or the City of Adelaide's'.

Again, this is consequential.

Amendment carried; clause as amended passed.

Clause 9 passed.

Clause 10—'Transactions with commissioner or associates of commissioner.'

The Hon. ANNE LEVY: As indicated previously, the Opposition opposes this clause. As the function of the commissioners is to undertake a review of governance, the clause, being about transactions with and associates of commissioners and avoiding conflicts of interest, is no longer relevant in view of earlier decisions of the Committee. The Opposition opposes the clause for consistency.

The Hon. DIANA LAIDLAW: This is consequential because of earlier amendments passed in this place. As I mentioned earlier, it is not a situation with which the

Government is comfortable but we accept that we do not have the numbers.

Clause negatived.

Clause 11—'Disclosure of interest.'

The Hon. ANNE LEVY: This also is consequential. It relates to disclosure of interest. Again, this relates to the question of pecuniary interests and conflicts of interests of commissioners who are no longer undertaking the functions of the City of Adelaide.

The Hon. P. HOLLOWAY: Under clause 11 the Government can allow a commissioner to have personal interests or hold an office even though it constitutes a conflict of interest. How does the Minister reconcile this provision with the Local Government Act provisions? I would have thought the Government would have believed in democracy and transparency. What is the Minister's explanation for this provision?

The Hon. DIANA LAIDLAW: The disclosure of interests provisions in this Bill are identical to those in the Public Corporations Act.

The Hon. P. HOLLOWAY: I understand that the Government is considering amendments to the Local Government (Miscellaneous Provisions) Amendment Bill and that that is establishing parameters for open meeting and transparency in decision making, codes of conduct and a range of other mechanisms. How does the Government reconcile this with the later clauses in this Bill if, as the Minister says, this provision is consistent with the Public Corporations Act? Why is the Minister treating the commissioners differently from the rest of local government? Does the Minister intend to amend the Local Government Act along the lines of the Public Corporations Act?

The Hon. DIANA LAIDLAW: It is being treated rather differently because in the Government's proposal the councillors were not to be there for some time. It is to be treated very differently, and that is what I thought you took objection to.

Clause negatived.

Heading—'Division 3—Proceedings.'

The Hon. ANNE LEVY: I move:

Page 6, line 20—Leave out this heading.

This is consequential; certainly, it was suggested by Parliamentary Counsel as being consequential.

The Hon. DIANA LAIDLAW: Certainly, that is our advice.

Amendment carried.

Clause 12—'Proceedings.'

The Hon. ANNE LEVY: I move:

Page 6—

Line 22—Leave out 'the City of Adelaide' and insert 'the Commissioners'.

Line 25—Leave out 'of the City of Adelaide' and insert 'at a meeting'.

Line 27—Leave out 'City of Adelaide' and insert 'Commissioners'.

Line 33—Leave out 'City of Adelaide' and insert 'Commissioners'.

Line 35—Leave out 'of the City of Adelaide'.

These amendments are consequential.

The Hon. M.J. ELLIOTT: I want to address a couple of questions to the Hon. Anne Levy. I agree that the amendments are consequential. However, I believe from discussions that I have had elsewhere that subclauses (5) and (6) in their entirety have really become redundant. To talk about telephone or video conferences of commissioners who will

no longer run a council but who will run an inquiry seems to be something of a nonsense. Similarly, when we talk about resolutions, it seems to me that, if at the end of the day they make any decisions, they should be the decisions of all three commissioners, not just two of them.

Members interjecting:

The Hon. M.J. ELLIOTT: I am only going on discussions that I have had with members of the Hon. Anne Levy's Party outside this place, and I was of the understanding that the honourable member had a similar view—that subclauses (5) and (6) had become redundant. So I raise that question with the Hon. Anne Levy because, now that the commissioners will not run the council, the subclauses have become redundant and we should not amend them.

The Hon. ANNE LEVY: I agree with the comments of the Hon. Mr Elliott, but I do not know whether they were suggested as consequential amendments by Parliamentary Counsel. I can see the force of the argument and, unless Parliamentary Counsel suggests that they are necessary, I would be quite happy to have them removed.

Amendments carried.

The Hon. M.J. ELLIOTT: I wonder whether I could now move a further amendment, that is, that subclauses (5) and (6) be deleted in their entirety.

The CHAIRMAN: We have gone past that. We will have to recommit it to do that. There is nothing before me to indicate that the honourable member wanted to do that, even though he spoke to it. He should have moved it at that stage.

The Hon. ANNE LEVY: I move:

Page 7, line 1—Leave out 'the City of Adelaide made at a meeting of the City of Adelaide' and insert 'the commissioners made at a duly constituted meeting'.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 7, after line 1—Insert new subclause as follows:

(6) A meeting of the commissioners (other than under subsection (5) or (6)) should be open to the public unless the commissioners are hearing, considering or determining a representation or matter that, in the opinion of the commissioners, should be dealt with on a confidential basis.

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

Amendment carried; clause as amended passed.

Heading—'Part 3—Functions and powers of commissioners.'

The Hon. ANNE LEVY: I move:

Page 8, lines 1 and 2—Leave out this heading.

The Hon. DIANA LAIDLAW: The Government accepts the amendment. It is consequential.

Amendment carried.

Clause 13—'Functions and powers of Commissioners.'

The Hon. ANNE LEVY: The Opposition opposes the clause; it is consequential.

The Hon. DIANA LAIDLAW: The Government accepts that it is consequential.

Clause negated.

Clause 14—'Reports to Minister.'

The Hon. ANNE LEVY: The Opposition opposes this clause; this is consequential to previous decisions.

The Hon. DIANA LAIDLAW: The Government accepts that it is consequential.

Clause negated.

Clause 15—'Ministerial directions, etc.'

The Hon. ANNE LEVY: The Opposition opposes this clause.

Clause negated.

Heading—'Part 4.'

The Hon. ANNE LEVY: I move:

Page 9, line 1—Leave out this heading and substitute PART 3'.

This is consequential.

Amendment carried.

Clause 16—'Report on options for City of Adelaide.'

The Hon. ANNE LEVY: I move:

Page 9, line 5—After 'governance', insert 'structure'.

This provides that, in their review of the governance of the City of Adelaide, the commissioners need to consider not only its powers and functions but also the structure of the City of Adelaide.

The Hon. DIANA LAIDLAW: The amendment is accepted.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 9, line 6—Leave out 'March 1998' and insert '31 January 1997'.

This is not quite consequential, but to some extent it is. We see no reason why the commissioners need 2½ or three years to prepare their report; that is quite unnecessary. We propose that they should complete their report or at least a report ready for consultation by 31 January next year. That gives them 2½ months from now, which would certainly enable them to consult interested parties and consider the matter, given that they have no other distractions or responsibilities toward the City of Adelaide. They will merely consider the governance and prepare a report by the end of January next year.

As I indicated in my second reading speech, any recommendations or legislation resulting from the report can be assured of a speedy passage through the Parliament. We will do everything we can to facilitate it so that it should be through by the end of February. That will enable the local government elections to take place at the statutory time in early May and fulfil all the requirements of having a new governance in position for those elections so that we can then have a new start for the City of Adelaide—but a democratic new start—in 5½ months.

The Hon. DIANA LAIDLAW: I am rather confused. I know that under the governance arrangements the commissioners would have consulted before preparing their report for consideration. Is the honourable member suggesting that the three commissioners will prepare a report without consultation? What status will that report have before it goes to consultation?

The Hon. ANNE LEVY: I certainly would not want to presume to tell the commissioners how to conduct their business, but it would seem to me that the commissioners could either consult first and then prepare a report, or—

The Hon. Diana Laidlaw: That's not what you said.

The Hon. ANNE LEVY: —or (if you would let me finish) they may prefer to set down some of their ideas in what might be regarded as a working paper, which would take them only two or three weeks, and then go out and consult on the basis of that working paper. In my experience, it is often true that consulting with people is more productive if there is something put up for discussion rather than just having a blank sheet and saying, 'What do you think should happen?' If the commissioners have some ideas on a working paper and then consult with people who say that they approve or disapprove or feel there should be certain changes, consultation is often more productive. That could be done,

and then it would take the commissioners only a week to draft their final report for presentation to the Government after they have undertaken consultation with the various stakeholders.

The Hon. DIANA LAIDLAW: This shows how ill-considered this proposition is and that it has not been talked through, because in moving this amendment the honourable member said there would be no consultation and that the report would be prepared after the consultation. Now we have options: consultation and then the preparation of the report, or the preparation of a working paper and then consultation. Now we have a piece of paper. If you have a piece of paper, one really must question why you need all these pieces of paper in terms of the amendments that have been produced by the Labor Party to justify not voting against this Bill, rather seeking to amend it. Now we have this argument that we are seeking to have three commissioners appointed to produce a piece of paper that will get to the Minister by January. Even if you do not go—

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Oh, the piece of the paper is the full consultation?

The Hon. ANNE LEVY: I am sorry if the Minister has misunderstood. Perhaps I did not make myself clear enough. One means by which the commissioners could proceed is to prepare a working paper, or a piece of paper, or whatever you want to call it so that there is some sort of a proposal which they would then use for consultation with the various stakeholders. Having to prepare such a working paper would take, perhaps, a fortnight or three weeks at the outside. This would then enable them to have a clear month in which they could consult with the various stakeholders.

Having had that consultation, they would then prepare their final report, which presumably would take only a week or so. We are not proposing an impossible timetable. It is a feasible timetable. It would certainly require dedication and commitment, but I am sure that all the stakeholders have that dedication and commitment and would be happy to cooperate with the commissioners in the consultation required to enable them to produce their final report.

The Hon. Diana Laidlaw: Who are you suggesting would consult with the commissioners?

The Hon. ANNE LEVY: I am saying that, having prepared a working paper, the commissioners can use that as a basis for consultation with the various stakeholders.

The Hon. Diana Laidlaw: The provision says, '...consult widely with the South Australian community'. Is that a stakeholder?

The Hon. ANNE LEVY: I suppose; all the people who have a relevant interest.

The Hon. Diana Laidlaw: The provision does not say that. It says, '...consult widely with the South Australian community'.

The Hon. ANNE LEVY: The South Australian community—the people who will want to express an opinion—are obviously the various stakeholders in the City of Adelaide, along with all sorts of other relevant groups. If they wish to hold a public meeting in the Town Hall for the entire State of South Australia, that would be a very good way of consulting with a wide range of people. I would not suggest they knock on every door in the metropolitan area to ask people their views, but some groups would obviously expect to be consulted and would expect to sit down, around a table with the commissioners, to give them their views. One can think of numerous people who would be in that category.

The Hon. R.D. Lawson: Put 'interested persons', not 'stakeholders'.

The Hon. ANNE LEVY: 'Stakeholders' is not in the legislation: it is a phrase which has frequently been used in this debate in relation to the various stakeholders who are concerned about the governance of the City of Adelaide. I certainly did not invent that term, nor is it part of the legislation or my amendments.

The Hon. DIANA LAIDLAW: I am most interested, almost for the first time, in the amendments moved by the honourable member and, in particular, the way in which she and her colleagues have not thought this through. The honourable member is seeking to change the date provided in clause 16(2). The Government has always provided that the report on future governance must be presented to the Minister by 31 March 1998. It could be forwarded at any time, but we applied a deadline whereby at least up to that time it must be reported. Now we have a date of 31 January 1997, yet clause 16(3) provides:

The commissioners must, in the preparation of that report—
not just a piece of paper, but a report—

take reasonable steps—

- (a) to consult widely with the South Australian community; and
- (b) to consult with persons and bodies—

and I assume they are the stakeholders to which the honourable member refers—

with a significant interest in the City of Adelaide

The clause refers not only to stakeholders, because the report is to be prepared following multiple levels of consultation. I honestly suggest that, having undertaken the consultation outlined in the Bill, it would be particularly difficult to report to the Minister by 31 January, and particularly when one considers the range of new responsibilities that it is proposed the commissioners address, in terms of the amendments of both the Labor Party and the Democrats. I know that one woman and three men is a pretty amazing combination but, with all due respect, it is unfair to expect the production of a credible report after consultation with all ratepayers and other parties, and particularly when we are soon to have the Christmas break.

Is it suggested that the ratepayers of Adelaide will stay in Adelaide to meet the honourable member's time line, because I would not want the ratepayers to be denied an opportunity to speak, as well as the wider South Australian community? I certainly would not want the Christmas period and school holidays over January to be a reason from the Labor Party and the Democrats that we denied people an opportunity to have a say in this extraordinarily important matter. It is important to have a perspective on this, too, because an environmental impact statement on a physical structure alone can take 18 months by law, but the honourable member is suggesting that the governance of the City of Adelaide—and then seeks to extend it to boundary adjustments, electoral qualifications and composition of councils, wards and other matters—should take two months, assuming the Bill gets through this Parliament and is assented to and proclaimed by the end of November. There is the Christmas break, the holiday break, so there is two months to do this task. It is all pretty pathetic and highlights the farce of the approach that the Labor Party and the Democrats have taken, and certainly their lack of interest in genuine consultation and in having a credible—

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: No, involving South Australians in what we want for the City of Adelaide—

The Hon. M.J. Elliott: No, sacking the council without consultation.

The Hon. DIANA LAIDLAW: —deserves more than two or two and a half months over the Christmas-New Year period when kids are on holiday, people are away and businesses have closed down. I would have thought that members in this place at least had more respect for the people whom we would want to have a say in the future governance of our city.

The Hon. M.J. ELLIOTT: Obviously, now that people realise that time is a bit open-ended, they are winding themselves up again a bit.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: There is no reason why this piece of legislation cannot be passed this week and be operative by next Monday. To suggest that we have to wait until the end of November is a nonsense. If we want to talk about consultation, I point out that a decision made without any consultation to sack a council for three years is a most extreme move. There is adequate time to carry out proper consultation on this matter. I must say that personally that I would not have been unhappy if it was given one more month. There is always the capacity to delay elections by a further month if it is considered that time is necessary. If the Minister feels an extra month is useful, I would support her in such a further amendment and perhaps—

The Hon. Diana Laidlaw: You cannot get members of Parliament together, yet all the ratepayers have to be around and every business person has to be around.

The Hon. M.J. ELLIOTT: Here I am trying to be cooperative with the Minister and she just will not accept an olive branch when it is held out.

Members interjecting:

The CHAIRMAN: Order! I will make the decision as to who is to speak. The Hon. Michael Elliott.

The Hon. M.J. ELLIOTT: There is no doubt that the time frame is tight, but I believe it is achievable. The questions that they have to answer are fairly focused and, at the end of the day, I imagine that the report will not come up with a single recommendation but may, in fact, offer a couple of options. It is not the definitive debate in any place: the definitive debate will come after the report is made publicly available, which really should be within three days of the Minister's receiving it. There will be more important debate and consultation over the next month or so before it is passed by the Parliament, in whatever ultimate form.

The Hon. P. HOLLOWAY: It is a bit rich of the Minister to talk about genuine consultation when she is seeking to sack a council for the next 2½ years. Why did the Government originally set 31 March 1998 as the time line for the report? Obviously, it was to keep its commissioners in place so that it could put through all sorts of measures that it wished—to give it the longest possible time to keep them in place and to keep an elected council at bay. That is what it was all about. That is why it wanted extra time for the report. However, when the commissioners have a more limited job of just looking at the questions of governance, they should be able to do it quickly. After all, there are other precedents. The current boundary reform process has a fairly tight time frame. The Boundary Reform Commission has looked at 130 odd councils within not much more than a year: in this case we just have three commissioners looking at one council. The other point I want to make is that, as the Government was

originally proposing, the commissioners would have been completely unaccountable to the electors of the city for the time that they were making all the decisions now made by council.

It is a bit rich when the Minister starts nit-picking with the provisions that were actually in the part of the Bill that we are not even opposing, and says that we need greater consultation. It is pretty incredible when the commissioners whom she wanted to appoint would have been totally and utterly unaccountable to the community for the next 2½ years if the Government had had its way with this Bill.

Amendment carried.

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

Page 9, lines 10 to 12—Leave out subclause (4) and insert:

(4) In preparing a report under this section, the commissioners must take into account—

- (a) the objects of the Local Government Act 1934; and
- (b) the objectives for the governance of the City of Adelaide set out in the schedule.
- (5) The report must specifically address the following issues—
 - (a) how the City of Adelaide differs or should differ from other local government areas in the relative prominence that is or should be given to issues of statewide significance; and
 - (b) the appropriate boundaries for the City of Adelaide; and
 - (c) the appropriate qualifications for enrolment as an elector for the City of Adelaide; and
 - (d) how to ensure fair and equitable representation of resident and non-resident ratepayers; and
 - (e) the composition of the council.
- (6) The commissioners should not make recommendations to vary the composition, powers or functions of the City of Adelaide so as to create differences between the City of Adelaide and the other councils in the State except to the extent that is necessary to ensure that issues of general importance to the State may be accorded proper consideration and weight in the governance of the City of Adelaide.
- (7) The Minister must, within three sitting days after receiving the report of the commissioners under this section, have copies of the report laid before both Houses of Parliament.

Part of this amendment is consequential in that there will only be one schedule, and that explains subclause (4)(b) and the way it is structured. It is also important that when the commissioners are preparing their report they not only take into account the objectives of the governance of the City of Adelaide as contained in the schedule but they also should take into account the objects of the Local Government Act, because there is still an expectation that we will have local government in the Adelaide City Council area after the report and whatever legislation follows.

The Hon. DIANA LAIDLAW: The Government strongly opposes the amendment, which would impose additional responsibilities on commissioners in a very short space of time. We have already indicated that the current responsibilities will be difficult.

Amendment carried; clause as amended passed.

Clause 17—'Restoration of elected council.'

The Hon. ANNE LEVY: I move:

Page 9, lines 13 to 35, page 10, lines 1 to 10—Leave out this clause and insert new clause as follows:

Ability to defer 1997 elections

17. (1) The Governor may, by proclamation made before 1 March 1997, suspend the periodical elections due to occur under the Local Government Act 1934 on the first Saturday of May of 1997 for the City of Adelaide.

(2) Subject to the operation of a proclamation made under Part II of the Local Government Act 1934, if a proclamation is made under subsection (1), the same or a subsequent proclamation must fix a day occurring no later than 31 July 1997 for the holding of the suspended periodical elections under the Local Government Act 1934.

(3) A proclamation under this section may make any other provision that is necessary, desirable or expedient in the circumstances.

This clause means that the 1997 elections can be delayed for up to three months. I hope that this will not be necessary but, in an exercise of over-caution it is felt necessary. If the commissioners report with recommendations to the Government by the end of January, it may take a little while for the Government to digest the recommendations and produce any resultant legislation. Despite the guarantee from the Opposition that any such legislation will be treated as a matter of urgency, it may be that the legislation will not be through in sufficient time for the necessary nominations to be called, electors' rolls closed, etc., to hold the election at the due date of early May. We are sensibly making provision so that the elections could be held over for three months, if necessary, but we hope that that will not be necessary and that the legislation will be through the Parliament in time for the elections to occur at the normal time in early May.

The Hon. DIANA LAIDLAW: The Government strongly opposes the amendment, but we understand that it is consequential on clause 5. It is patently stupid to think that you can get this Bill through Parliament and appoint the governors by Executive Council in time. Those who have been nominated by the Government have already indicated that if the Bill is not in the appropriate form—

The Hon. Anne Levy: They would not fit the new criteria.

The Hon. DIANA LAIDLAW: No; one or two may and three may not. You then have to look for another person, and you cannot do all that in the time available. We must then report under the provisions required in the Act—and do that credibly—report to the Minister, go through the Cabinet process of drawing up a Bill, go to Parliamentary Counsel and undertake consultation—because you would have to consult with the Labor Party (heaven forbid if we do not do that)—get back, then get an Act through to change all the boundaries, do all the required paperwork, explain it all to the local community and then have those elections by 31 July.

I remind the Hon. Ms Levy that, even with a matter as relatively small as Carrick Hill, we are still working on it six months after it started. You are aiming to overturn the whole of Adelaide.

The Hon. Anne Levy: But we're not doing it full-time.

The CHAIRMAN: Order! One at a time.

The Hon. DIANA LAIDLAW: Parliament is not sitting full-time and neither does Cabinet, and people are not waiting full-time in their homes to be consulted as this Bill requires.

The Hon. ANNE LEVY: Parliament can sit whenever you want it to. The Government controls the sitting of Parliament; it always has.

The CHAIRMAN: Order! If members want to be here until late, I can accommodate them. However, I ask that members speak when asked.

Amendment carried.

Heading—'Part 5.'

The Hon. ANNE LEVY: I move:

Heading, page 11, line 1—Leave out '5' and insert '4'.

This amendment is consequential.

Amendment carried.

Clause 18—'Rates.'

The Hon. ANNE LEVY: The Opposition opposes this clause as being no longer necessary. There will not be non-elected people running the City Council. It is for the elected

members of council to determine matters regarding rates within the rate freeze constraints which have been imposed not specifically on the Adelaide City Council but on all councils of this State in legislation passed earlier. However, within those constraints, the Adelaide City Council should have the same freedom to make up its mind about rates as has any other council, being a democratically elected body. In consequence, it is unnecessary to give instructions to a non-elected body as to what should happen with rates. The fact that we oppose this clause's remaining in the Bill does not mean that we are thereby necessarily opposed to the residential rate rebate the council has decided should apply. It is a matter for it to determine within the general constraints regarding rates which apply to all councils.

The Hon. DIANA LAIDLAW: The Government has always insisted on this provision in the debate on the issue of governance and the Adelaide City Council. We continue to insist that the rate rebate provisions apply—and differential rate provisions in this instance—for residential properties. It would be unwise to let this issue become clouded in the whole issue of governance. Let us keep it removed from it so that those issues involving ratepayers and the way in which they respond to these issues of governance are not governed by the residential rebate issue.

However, if it is seen that it will be a matter to be addressed and seen to be tied up with the whole issue of governance, we will find different responses from ratepayers. I declare interest as a ratepayer. I am one who can afford it, and it would not fuss me, nor would it influence my vote, but I know that it is clearly an issue that has fussed local councillors. It would not fuss me, to those who seek to represent me, because I can pay. However, it clearly has been a big issue and a big policy matter for the city over many years, because they would not have gone to the North Adelaide Society or in every election notice for years and years told ratepayers that this is what—

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Their first pledge. Aspirant Lord Mayors over the years have said that that is their first pledge to residential ratepayers. It would be foolish, knowing that it has been such an issue for the City of Adelaide for so long, as part of this Bill to say this issue is not to be debated as part of the governance, because it will influence the way in which ratepayers address this issue of governance. It would be foolhardy for such important gain in terms of the way in which we look at governance of this city to see it go off the rails for matters such as this.

The Hon. ANNE LEVY: Mr Chair, I reiterate the—

The CHAIRMAN: Order! One should be a man and one should be woman. I am a man, hence I would like to be called 'Chairman'.

The Hon. ANNE LEVY: You have never pulled up the Hon. Mr Elliott, who also says 'Mr Chair', every time he gets to his feet.

The CHAIRMAN: Order! The honourable member and I had this argument very early in my career.

The Hon. Diana Laidlaw: We called you what you wanted when you were President.

The Hon. ANNE LEVY: No, you didn't—well, you did, but most of your colleagues didn't. I reiterate that our opposition to this clause does not mean that we are necessarily opposing residential rate rebates. Our stand is that this is a matter for the council to decide. It would be necessary to have such a clause if the council were being replaced with non-elected people. However, as the council is not being

replaced by non-elected people, it is up to the council to make its decision regarding rates within the constraints which apply to all councils. However, it is fallacious to pretend that, because we oppose this clause, we have necessarily something against residential rate rebates. I reiterate that I do have an interest in this matter, as I said when this debate began, as I am a resident and ratepayer myself.

Clause negated.

Clause 19—'Approval by Minister does not give rise to liability.'

The Hon. ANNE LEVY: We do not support this clause. With the changed circumstances, it is no longer required, as it is consequential.

Clause negated.

Clause 20—'Regulations.'

The Hon. ANNE LEVY: Parliamentary Counsel advises that the legislation, as it is about to come out of Committee, no longer requires such a regulation-making power.

Clause negated.

Clause 21—'Expiry of Act.'

The Hon. ANNE LEVY: I move:

Page 11—

Line 22—Leave out '30 June 1999' and insert '30 September 1997'.

Line 23—Leave out '30 June 1999' and insert '30 September 1997'.

It could be argued whether these amendments are consequential but, obviously, the Act will not require being in existence beyond 31 August next year. If everything is signed, sealed, settled and elections held at the very latest by 31 July, the Act can expire at the end of August next year and there will be no need for it to continue in existence for another 2½ years.

Amendment carried; clause as amended passed.

Schedule 1.

The Hon. ANNE LEVY: As indicated earlier, we oppose the incorporation of schedule 1, which is no longer relevant.

Schedule negated.

Heading—'Schedule 2.'

The Hon. ANNE LEVY: I move:

Page 13, line 1—Leave out this heading and insert 'Schedule.'

This is consequential.

Amendment carried.

New Schedule.

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

Page 13—Omit Schedule 2 and insert:

SCHEDULE

Objectives for the governance of the City of Adelaide
The new form of governance should enable the City of Adelaide—

- (a) to work in partnership with the State and the Commonwealth on issues of mutual interest including the necessary response to rapid social and economic change, and growing regional markets—in particular the Asian markets for educational and information technology services;
- (b) to enable the City to accommodate strong and desirable growth within the City and broader community;
- (c) to provide a focus for the cultural, educational, tourist, retail and commercial activities of the State;
- (d) to increase the residential population of the City and to provide for residential involvement in the governance of the City in an appropriate balance with broader interests;
- (e) to achieve appropriate planning and development of the City which complements the planning and development of surrounding areas;
- (f) to address social and environmental concerns;
- (g) to give appropriate effect to the Adelaide 21 report.

During the second reading debate I indicated that, having made the decision that the Adelaide City Council should not be sacked but that the issues of governance should be properly addressed and investigated, there are two crucial issues. The first was the composition of the commission—involving matters that we have already addressed—and the second is the specific instructions under which they operate. The amendments that I moved to clause 16—but did not debate in much length—and to the schedule are, in effect, the instructions being given to the commissioners in terms of what they need to take into account. In large part I have absorbed the existing schedule into my amended schedule but have presented it in a somewhat different form. For instance, it is wrong to suggest that the new form of governance should enable the city council to be seen as taking prime responsibility in certain areas, particularly, for instance, in terms of economic change. It seems to me that we are asking the City of Adelaide to work in partnership with the State and Commonwealth Governments in areas such as social and economic change and growing regional markets.

Certainly, the governance should seek to enable the city to accommodate strong growth within the Adelaide City Council area. The Adelaide City Council should see itself as a focus for cultural, educational, tourist, retail and commercial activities in the State and should seek to increase the residential population of the city. The planning and development in the city must complement the planning and development of surrounding areas. It is important, as I stipulate in subclause (f), to ensure that social and environmental issues are not ignored. There is a great danger that, as one seeks to address economic considerations, one can ignore social and environmental concerns. It is important that we do not do so. Finally, I believe that the Adelaide 21 report needs to be taken into account, and that is the purpose of subclause (g).

The Hon. ANNE LEVY: The Opposition supports the new schedule. It encompasses all the main provisions of the schedule which was proposed by the Government and, in some cases, uses more appropriate words. I notice that both the Hon. Mike Elliott and the Government talk about responding to rapid social and economic change, which could lead to arguments as to what is rapid and what is slow and why should not the council respond to slow social and economic change as well as to rapid social and economic change. I am not sure why the word 'rapid' is there, but I do not particularly want to argue the matter.

The Hon. DIANA LAIDLAW: The Government opposes the new schedule.

New schedule inserted.

Schedule 3.

The Hon. ANNE LEVY: I move:

Leave out this schedule.

It is no longer relevant and it is consequential.

Amendment carried.

Long title.

The Hon. ANNE LEVY: I move:

Page 1, lines 6 to 8—Leave out all words in these lines after 'Commissioners' in line 6 and insert 'to prepare a report on the future governance, structure, powers and functions of The Corporation of the City of Adelaide; and for other purposes'.

This is consequential on the changes that have been made to the Bill.

Amendment carried; long title as amended passed.

Bill reported with amendments; Committee's report adopted.

STATE RECORDS BILL

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

TAXATION ADMINISTRATION BILL

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

**STATUTES AMENDMENT (TAXATION
ADMINISTRATION) BILL**

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

RACIAL VILIFICATION BILL

The House of Assembly requested a conference, at which it would be represented by five managers, on the Legislative Council's amendments to which it had disagreed.

ADJOURNMENT

At 6.58 p.m. the Council adjourned until Wednesday 13 November at 2.15 p.m.