LEGISLATIVE COUNCIL

Tuesday 25 August 1998

The PRESIDENT (Hon. J.C. Irwin) took the Chair at 2.15 p.m. and read prayers.

The PRESIDENT: I am happy to advise members that one of our colleagues, the Hon. Terry Roberts, is the proud father of a new son, who was born yesterday.

Also, if members see a white-haired gentleman wandering around as a messenger this week, it is not a ghost, it is Arthur Kasehagen. Arthur has been brought back off the bench to fill in for Graham Kite, who is not well this week.

STATUTES AMENDMENT (MOTOR ACCIDENTS) BILL

The Hon. R.I. LUCAS (Treasurer): I move:

That the sitting of the Council be not suspended during the continuation of the conference on the Bill.

Motion carried.

SELECT COMMITTEE ON THE PASTORAL LAND MANAGEMENT AND CONSERVATION (BOARD PROCEDURES, RENT, ETC) AMENDMENT BILL AND COVERAGE OF THE PRINCIPAL ACT

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

That the select committee have permission to meet during the sitting of the Council this day.

Motion carried.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answers to the following questions be distributed and printed in *Hansard:* Nos 60, 222, 230, 241 and 256.

DISASTER RELIEF

60. **The Hon. R.R. ROBERTS:**

1. How many farmers and small businesses were provided with Natural Disaster Relief Assistance following the flood damage in northern South Australia?

2. What was the total value of that assistance?

3. What were the criterion under which it was provided?

The Hon. K.T. GRIFFIN: The Premier has provided the following information:

1. Natural Disaster Relief Assistance is funding provided by the Commonwealth to the States and Territories for the purposes of natural disaster and restoration.

To qualify for such assistance the States or Territories expenditure on such disasters must exceed the threshold level determined for that State or Territory. The Natural Disaster Relief Arrangements (NDRA) Determination of Terms and Conditions (July 1996) provides that the threshold for the base amount is to be calculated as a percentage of State/Territory total general government sector revenue and grants in the financial year two years prior to the relevant financial year, as produced by the Australian Bureau of Statistics. For South Australia the threshold level determined is in the order of $14 million.

As State expenditure resulting from the flood damage in northern South Australia in February 1997 did not surpass this threshold level, no assistance was provided by the Commonwealth under the NDRA agreement.

2. Notwithstanding the fact that no assistance was provided under NDRA, in February 1997, Cabinet approved a submission that sought to endorse arrangements for some assistance to be provided via matching cash donations made to the South Australian Farmers Federation's 'SA Flood Appeal'.

Cabinet approved that the actual cash donations be matched on a dollar for dollar basis for a specified period. A reasonable period of four to six weeks was considered adequate time to promote the Appeal and sufficient time for all contributions to be collected. This approach would facilitate the early distribution of payments to the people/families who meet the criteria for a share of the total funds.

Total funds raised by the Appeal amounted to $107 768. This was matched by a payment by the Government of $107 783.

In addition to these funds, the Department of Primary Industries and Natural Resources have made available funds in the form of Interest Rate Subsidies Scheme.

3. The criteria and the arrangements for the distribution of funds collected through the SA Flood Appeal and subsequent Government contribution would be the responsibility of the Appeal organisers, the South Australian Farmers Federation (SAFF) and the ABC Country Hour (ABC). Information concerning the criteria used for the distribution of the funds and the eventual number of farmers/small business in receipt of Appeal/Government funds should be sought from the SAFF or ABC.

The Government did however stipulate that:

- The criteria to apply were reasonable and equitable, with no recourse to the Government at a later stage;
- SAFF and ABC to provide an audited statement to enable the final matching payment to be made as soon as possible; and
- Cabinet also endorsed that the Government's involvement would be limited to providing a contribution to match the cash donations.

The Interest Rate Subsidy Scheme was made available to all primary producers and small businesses located in the affected area who had suffered flood damage during February 1997 which would require new borrowings to repair/replace infrastructure and who derive the majority of their income from the farm/small business. Persons claiming support from the scheme must not be able to seek reimbursement through commercial insurance cover.

Applications for support under the scheme close in December 1998, and to date there have been three applications (all farmers) who have been provided with interest rate subsidy funding to the value of $17 775.

DRIVERS' LICENCES

222. **The Hon. T.G. CAMERON:** To ensure that motorists are clearly aware that it is possible to renew their drivers' licences on a yearly and not just a 10 yearly basis, will the Minister ensure 'Application for Renewal of a Driver's Licence' forms are changed to state so on the front page of the application notice, instead of the back, where it is much less likely to be seen?

The Hon. DIANA LAIDLAW: The form 'Application for Renewal of Driver's Licence', which is forwarded to licence holders some five to six weeks in advance of the expiry date of an existing driver's licence, is accompanied by a pamphlet titled 'Important Information for Licence Holders'. The pamphlet informs the licence holder of the option to renew a driver's licence for any period in whole years from 1 year to 10 years. This information is also contained on the reverse of the Application.

Until 15 June 1998 licence holders had no choice but to accept a 5 year licence unless they demonstrated financial hardship. Licence holders can now choose any period from 1 year to 10 years to suit their particular circumstances without the need to demonstrate financial hardship.

When considering the nature of advice to alert licence holders to the choices they could now exercise, it was deemed that the information contained in the pamphlet and on the reverse of the Application would be sufficient. However, the Registrar of Motor Vehicles has undertaken, that at the time of the next reprint (November), to include a short message on the front of the Application alerting licence holders that optional licence periods are now available.

SAGRIC INTERNATIONAL

230. **The Hon. P. HOLLOWAY:**

1. Are the six executives of SAGRIC International who all earn in excess of $100 000 permanent public servants or contract employees?

2. What are the Government's intentions for staff if SAGRIC is sold?

3. What separation costs will be associated with the sale of SAGRIC?

The Hon. K.T. GRIFFIN: The Minister for Government Enterprises has advised that:

1. The six executives of SAGRIC earning in excess of $100 000 are all employed under contracts, they are not permanent public servants.

2. One of the purposes of the scoping study is to gain a full understanding of the current rights of SAGRIC employees and to examine all options for their future employment should a sale proceed.

3. Any separation costs will be identified and quantified as part of the scoping study.

LANGUAGES CENTRE

241. **The Hon. CARMEL ZOLLO:**

1. How much funding has each University and TAFE sector spent on language studies in South Australia each year since the Centre for Languages was established three years ago to replace the South Australian Institute of Languages then presided by Mr Romano Rubichi?

2. How much was spent by each of these institutions in the two years preceding the establishment of the Centre for Languages?

3. Which language programs are currently supported, resourced or funded by the Centre for Languages?

4. Which pre-existing language programs have been discontinued since the establishment of the Centre?

The Hon. R.I. LUCAS: The Minister for Education, Children's Services and Training has provided the following information:

1. & 2.

Estimated University and TAFE Expenditure on Language Studies

Institution	1993	1994	1995	1996	1997
	$	$	$	$	$
Flinders University	Not available	1 743 000	1 788 000	1 751 000	1 513 000

NB: The above amounts relate to expenditure of recurrent funds on teaching activities. They do not include research grant funding or income from other external sources. Over the period 1993 to 1998, the university has offered major sequences in relevant undergraduate degrees in Indonesian, French, Italian, Spanish, and Modern Greek. Subject to minimum enrolments and staff availability, the university has also offered Javanese (special topics), Portuguese (minor sequence), Romanian (special topics), as well as Honours and higher degree research programs.

Institution	1993	1994	1995	1996	1997
	$	$	$	$	$
University of Adelaide	Not available	3 700 000	3 400 000	3 600 000	3 000 000

NB: The above amounts relate to expenditure on teaching of languages, and technical support, for the French, English, German, Asian Studies and European Studies Departments.

Institution	1993	1994	1995	1996	1997
University of South Australia	$ 500 000	$ 500 000	$ 500 000	$ 500 000	$ 500 000
Institution	1993-94	1994-95	1995-96	1996-97	1998-99
	$	$	$	$	$
TAFE SA	(approx) 575 000 over the two years		190 000	187 253	198 070

3. The Centre does not fund, directly support or resource any language programs, however, following a South Australian Government grant to establish a study abroad program ($50 000), the Centre did set up a study abroad scholarship scheme in 1997. Funding is currently being sought from the private sector to continue the scheme.

4. Two 'hosted' language schemes (Russian and Arabic) conducted prior to the establishment of the Centre have ceased.

NOARLUNGA INTERCHANGE

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

1. Can the Minister confirm whether security services are to be withdrawn from the Noarlunga railway and bus interchange as from the end of July 1998?

2. If so, what security arrangements will be in place to protect the public transport users who use the Noarlunga interchange?

3. Is the Minister satisfied the public will not be placed in any danger following the possible security service cuts?

The Hon. DIANA LAIDLAW: There was no basis for any claim that security services were to be withdrawn from the Noarlunga Interchange at the end of July 1998—and there are no grounds to suggest any such action is contemplated in the future.

Security at Noarlunga Interchange is comprehensive and currently includes a range of strategies and facilities.

24 Hour Camera Surveillance and Monitoring

A total of 21 surveillance cameras are installed at Noarlunga Interchange. All cameras are monitored by the Security Control Centre (SCC) 24 hours per day, 7 days per week to detect and report all incidents, monitor the Help phones and initiate appropriate responses in the event of undesirable behaviour. In addition to this, all cameras have live video transmission capabilities. Live video images are transmitted to the SCC via a specialised cable and furthermore all transmissions are recorded at the SCC with tapes being available for up to seven days of an event occurring.

Help Phone facilities

Three Help Phones are installed at Noarlunga Interchange for rail and bus passengers and staff. All Help phones have a direct line of communication to the SCC. No dialling is required and the response is immediate. In addition, all Help phones are under surveillance 24 hours per day, 365 days per year by one or more of the 21 cameras located at Noarlunga Interchange. These phones are located as follows:

Help Phone 1—Platform 1 (near escalators)
Help Phone 2—Platform 2 (near Ticket Office)
Help Phone 3—Bus Interchange area

Transit Police Patrols

Transit Police patrol the interchange on a regular basis, both day and night, maintaining a high profile and providing a police presence for the security and safety of rail and bus customers and staff.

Guard Patrols

Guard patrols have been in operation at Noarlunga Interchange since 1994 and are maintained every day specifically for evening and late night services. In order to ensure appropriate targeting of resources, the effectiveness and impact of the guard service is currently being reviewed by the Contract Manager at Lonsdale Depot.

The safety of passengers and employees is a high priority for TransAdelaide. Accordingly, security strategies are constantly reviewed to ensure they are effective and actively contribute to passenger safety and patronage growth.

MEMBERS' TRAVEL EXPENSES

The PRESIDENT: I lay on the table Legislative Council members' travel expenses 1997-98, under the Members of Parliament Travel Entitlement Rules 1983.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. R.I. Lucas)—

Regulation under the following Act—
Technical and Further Education Act 1975—Vehicles

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

Regulations under the following Acts—
Mines and Works Inspection Act 1920—Principal
Mining Act 1971—Principal

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

Regulation under the following Act—
Native Vegetation Act 1991—Exemptions
Development Act 1993—Report on the Interim Operation of the City of Prospect—Local Heritage Places Plan Amendment

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

Regulation under the following Act—
Libraries Act 1982—Principal.

QUESTION TIME

MERYL TANKARD AUSTRALIAN DANCE THEATRE

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for the Arts a question about the Meryl Tankard Australian Dance Theatre.

Leave granted.

The Hon. CAROLYN PICKLES: Last Thursday night Mr Michael Lynch, the departing General Manager of the Federal Government's arts funding and advisory body, the Australia Council, made his farewell speech to the cream of the arts community in Sydney. The following day (Friday 21 August) his speech received widespread coverage in both the *Advertiser* and the *Australian*. The *Advertiser* story, headed, 'Arts boss supports Tankard' states:

> The head of Australia's top arts body used his farewell last night to launch a scathing attack on the way Meryl Tankard was dumped from the Australian Dance Theatre. Mr Lynch said the appearance of the Arts Minister Ms Laidlaw in Parliament on the matter was 'unreasonable' and 'mailing around the *Hansard* to the rest of the country was totally unreasonable'.

In the *Australian* under the heading, 'Arts boss points finger as curtain falls', the article states:

> Outgoing Australia Council General Manager Michael Lynch has attacked South Australian Arts Minister, Diana Laidlaw, over her handling of the Meryl Tankard affair. Lynch . . . said Ms Laidlaw had abused parliamentary privilege.

The Hon. A.J. Redford: You asked questions about this and she answered them.

The Hon. CAROLYN PICKLES: Yes, and worse.

The PRESIDENT: Order!

The Hon. CAROLYN PICKLES: The article continues, quoting Mr Lynch:

> I was particularly affronted by the fact that the Minister used Parliament . . . to attack and give one side of the story without any attempt to Meryl being able to defend herself. I thought that was an unwarranted use of parliamentary privilege.

Mr Lynch describes Ms Tankard as one of the great talents this country has had, and said that the whole matter had been 'appallingly handled'. He is no slouch, no Johnny come lately. He is leaving the Australia Council to take up a position as Chief Executive Officer of the Sydney Opera House. What is most incredible is that Mr Lynch used his farewell dinner not to praise 30 years of good work by the Australia Council but to attack the actions of South Australia's Arts Minister. It is clear he has been extremely angered and frustrated by the actions of the Minister. Given Mr Lynch's status and the respect he has throughout the country as an arts administrator, my questions to the Minister are:

1. Does the Minister agree and accept that her actions over this bitter dispute reflect badly on Adelaide's arts community?

2. Has the Minister learnt from the criticism she has received over her outrageous mail out, including to Ms Tankard's mother, and will she refrain in the future from using taxpayers' money to disseminate her propaganda?

3. Has the Minister been summoned to explain her actions to the Premier?

The Hon. DIANA LAIDLAW: No, no, and no.

The Hon. Carolyn Pickles interjecting:

The Hon. DIANA LAIDLAW: I will add a little more then, because I can reassure the honourable member that Mr Lynch made his comments as a personal friend of Ms Tankard, and they do not reflect the views of the Australia Council. I would have thought that it was important to the Parliament to understand that Mr Lynch's comments did not reflect the views of the Australia Council. I would add at the same time that, despite what Mr Lynch said, Mr Lynch was responsible for funding from the Australia Council to arts bodies across Australia, and two years ago, when he signed off letters that cut the funding to the Meryl Tankard Australian Dance Theatre by $136 000, I did not reflect on Mr Lynch and his support for the Australian Dance Theatre. Nor through this whole exercise has the Australia Council or Arts SA differed in the manner in which they would support the company in future or the way in which the company has responded to this matter. I put on the record again, as I have done in the past, the fact that I have the highest regard for Ms Tankard as a choreographer. I have attended every performance that—

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: —she has ever staged in South Australia and, because of my regard for her, an offer was made on behalf of South Australian taxpayers through Arts SA and the board for continued new work—a $20 000 option. In addition there was an offer from the board for new work. The fact that Ms Tankard did not wish to take up those offers was her prerogative, but it is important to recognise—

The Hon. Carolyn Pickles: You booted her out.

The Hon. DIANA LAIDLAW: I booted her out?

The Hon. Carolyn Pickles: You wanted her out.

The PRESIDENT: Order!

The Hon. DIANA LAIDLAW: You say that outside this Chamber.

The Hon. Carolyn Pickles interjecting:

The PRESIDENT: Order! The Leader has asked her question.

The Hon. DIANA LAIDLAW: Say that outside this Chamber. Mr President, I have been accused of booting out Ms Tankard. I received a unanimous recommendation from the board that it wished to change the contractual terms. I do not know how the Hon. Ms Pickles would deal with a situation like that, especially when she comes in on another day in this Parliament and tells me to be hands off and to not interfere. Then she accuses me of booting her out. If I had had my way, we would have worked through this differently, but I received a unanimous decision from the board.

This is not a company like a statutory authority where the Government owns, has the majority shareholding in, or is even a member of the company. It is an entirely independent source and we simply fund a program. In terms of the Artistic Director, the contract is with the board and the board sought to change it. Perhaps the Hon. Ms Pickles wishes to meet Mr Peter Myhill, who has been engaged by Arts SA to look at various matters in relation to the company. She might like to outline to him or perhaps outline even to this place how she would have intervened in a decision made by the board in this matter and equate that with her statements to me in this place that I should not have intervened in such a matter.

The offers that have been made to Ms Tankard for further work make it quite clear and without qualification that, within my legal limits, there was opportunity for Ms Tankard to continue to work. It would be known from the ministerial statement that I was keen that she, in association with the company, continued the contractual obligations for the company to tour. If that equates to booting out, I am extra-

ordinarily surprised and if the honourable member wants to pursue that outside this Chamber she can do so, but she will hear further.

I also highlight and repeat that the Australia Council and the support through the Major Organisations Fund in association with Arts SA have clarified to the board its agreed approach to the funding arrangements for the company and, notwithstanding the comments by Mr Lynch, that advice stands firm, and that is important for the future of dance in this State.

INTOXICATION AND THE CRIMINAL LAW

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

Leave granted.

The Hon. P. HOLLOWAY: Last week the Attorney-General, in response to a question from the Hon. Julian Stefani about self-induced intoxication as an excuse for a crime, told the Council:

> In the corporate recollection of the office of the DPP there has not been a case of this kind in South Australia where the accused, having sought to use the defence, has in fact been able to convince the jury or a magistrate that it is a defence that ought to be given some credence. No-one has been acquitted in this State as they have been in the ACT.

In the matter of *R. v. Gigney* last year—

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: Perhaps the Hon. Legh Davis would care to wait for a moment before he interjects and he might actually discover something. In the case of *R. v. Gigney* last year, Judge Lunn in the District Court acquitted the accused on a charge of escaping from prison and stealing a car on the grounds that he had drunk home brew made in prison from fruit and sugar. In 1993 in *Bedi v. The Queen*—and, incidentally, Bedi was a constituent of the member for Spence—the Supreme Court overturned convictions for endangering life and threatening another person with a firearm using the drunk's defence. In 1991 in *R. v. Ball, Bunce and Callis*—and one of those accused persons was also a constituent of the member for Spence—this same court overturned rape convictions on the same grounds.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Mr Paul Rofe should remember this case because he was counsel appearing for the Crown. In 1986 in *The Queen v. Perks* the same court overturned a murder conviction on the same grounds. In 1983 in *The Queen v. Martin*, the same court overturned a murder conviction on the same grounds. Last Thursday, in *R. v. Simpson*, the Supreme Court—

The Hon. A.J. Redford: You mean *The Queen and Simpson*.

The Hon. P. HOLLOWAY: I am sorry that I do not have quite the legal knowledge of the Hon. Angus Redford which, of course, he shares with us all on many occasions, and is very tedious in doing it, too. Last Thursday in the matter of *R. v. Simpson*, the Supreme Court, sitting as the court of criminal trial, held that an accused who did not lead any evidence—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Redford will come to order.

The Hon. P. HOLLOWAY: I am not sure whether persons can interject in courtrooms to the extent that the Hon. Angus Redford does. I would not have thought that one could. I not sure where the honourable member picked up his bad manners—perhaps it was through his Party functions. Last Thursday in the matter of *R. v. Simpson*, the Supreme Court, sitting as the court of criminal trial, held that the accused, who did not lead any evidence that he was drunk, could have his rape conviction overturned on the basis that he had five beers over a long evening at the pub which ended at 4 a.m., and the victim said that the accused appeared to be affected by alcohol.

In her judgment Justice Nyland said that it should have been open to the jury to decide that the accused was too drunk to know that his victim was not consenting to sexual intercourse and acquit him. My questions to the Attorney are:

1. In the light of all these cases, does he think that he may have given the Council and the public a false impression about the role of self-induced intoxication with drink or drugs in criminal trials in South Australia?

2. Is he concerned about the Court of Criminal Appeal's extension of the drunk's defence in *R. v. Simpson* to include defendants who did not plead it at their trial and who had consumed only five beers over many hours?

The Hon. K.T. GRIFFIN: The answer to the first question is 'No.' The answer to the second question is that that will be an issue for debate once the retrial has been concluded. I do not intend, in this Chamber, to speculate about the outcome of a case because, if the honourable member had read the judgment, he would know that it is not an acquittal. In all, nine issues were raised by defence counsel and upon three of them the court determined that the matter ought to go for a retrial. When the matter goes for a retrial that issue may be put to the jury. We will wait until that time. But I do not intend, in this Council, to undermine the prospect that the accused will get a fair trial, and for some reflection to be made on me that I have inappropriately sought to influence the outcome of that case. So we will put that on hold and we will deal with that at some time in the future.

The Hon. Mr Holloway and his colleague Mr Atkinson misrepresent the effect of the decision in that case. With reference to the issue that we talked about last week, namely, the publication that Mr Atkinson is circulating, he is misrepresenting the position to electors and, in addition to that, he is engaging in what I would regard as misleading and deceptive conduct. If he were a business, there is no doubt at all that he would be prosecuted under the Trade Practices Act because that pamphlet is misleading and deceptive.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: The other point I make is this, and I made it last week: Mr Atkinson does not have the guts to give me the replies that were addressed to me from constituents which he claims to have and which were returned to his office reply paid at taxpayers' expense. I bet—

The Hon. T.G. Cameron: What would you do with them?

The Hon. K.T. GRIFFIN: I would write to all the people who responded and I would let them know the truth.

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: What has Mr Atkinson got to be afraid of in my writing to those constituents? He has misrepresented the position. Why should I not have an opportunity to respond? I bet those pamphlets have all been

printed, published and circulated at taxpayers' expense. I bet that the reply paid permit means that taxpayers will pay for the postage. What has he to hide? He should have nothing to hide in an informed debate, but he is intent upon misleading and deceptive conduct which puts the wrong perspective on this issue. It is an important issue and all that he can do—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: All that he can do is seek to twist and turn to see if he can get some political advantage. Let us turn to the case—

Members interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: Since the matter has been raised about the case of *Gigney*, let me make some observations about it. In respect of the other cases to which the Hon. Mr Holloway referred, I will arrange for the judgments to be perused and I will bring him back a response. Let me just give—

The Hon. R.R. Roberts interjecting:

The Hon. K.T. GRIFFIN: I am not apologising to anybody. The case of *Gigney* is not a discovery. If Mr Atkinson and the Hon. Mr Holloway had read the discussion paper which I put out some weeks ago, they would have seen that this case is referred to in that discussion paper. The honourable member is not interested in clarifying; he is interested in confusing. Let me quote what the paper says, as follows:

> The last decision which requires specific mention is *Gigney*. The defendant was charged with escaping from custody and unlawful use of a motor vehicle. The defendant and others had been drinking home brew in prison and left the prison by taking a prison officer's car. The trial judge acquitted him on both charges. He said only, 'On the whole of the evidence there is at least a reasonable possibility on each count that the accused's mind was so affected by alcohol at the time that he could not, and therefore did not, form the necessary intention to commit the offence.' There is no further detail. Absent that detail, it is difficult to determine whether this decision can be taken as having any precedential value. Clearly, however, the mere fact that the accused had been drinking home brew does not suffice to negative the usual inference of fault that would follow from what the accused actually did.

That is being polite about the decision. The decision simply says that the prosecution had not been able to establish intent on the whole of the evidence. No reference to the evidence is given. It is, therefore, simply impossible on the face of this judgment to determine whether there was any evidence to raise a reasonable doubt about the fact that someone who takes off from a prison knows what he or she is doing, drunk or not. In that sense, the decision has no precedential value at all. All that can be made of it is that it is an acquittal which, it might be said, did not seem to raise public ire or notice at all.

There are three points to be made about the issues raised on this case by Mr Atkinson in another place. The first is that it is said that this is a 'leading case'. Well, it is no such thing. It is not surprising, though, that he has a barrow to push and wants to build this up into something big. It is an isolated, unreasoned, single instance. The decision is so insignificant that it has not been reported.

The second point is that the honourable member appears to be highly sceptical about the assertion that the accused in the case simply 'stumbled into a car and stole it, and he stumbled out of prison by accident'. That is the natural reaction.

The decision itself gives us absolutely no guidance on what brought the judge to that conclusion absent what is normally expected, that is, expert evidence about the state of mind of the accused at the time or third party evidence clearly suggesting a lack of meaningful control. There is plenty of law not referred to in the judgment which says that the defendant must have a solid foundation in evidence for a successful argument based on intoxication. There are plenty of examples: *Shaw* (1981) 2 NSWLR 648; and *Forace v. Van Akker* (1982) 65 FLR 185.

The third point is that the honourable member continues to confuse the question whether the drunk's defence is used at all with the question whether it succeeds. The question of intoxication as it affects criminal responsibility is raised in the courts but almost never succeeds. In the case of rape that he notes, the defendant did not rely on intoxication at all. I am informed, as I have said already, that the question was whether the jury should be told about the possibility, even though the defendant denied that he was drunk.

I guess we will have a lot more of this sparring from the honourable member. However, I make a couple of pleas to him. The first is that he make a genuine attempt to truthfully and properly explain the rationale of a case and not seek to pump it up to something that it is not. Secondly, if the honourable member has nothing to hide he ought to make available to me not just the offer which he has made that, if I want to make a statement to all the people who have written to him, he will be happy to include something when he sends it to them. What a load of garbage! That really is a cop-out.

Why is he afraid to let me reply to those people directly? Why is he not prepared to make the information available? It is because the constituents have been led to believe—or should I say misled to believe—that they were writing to me to express a point of view. They might have sent it care of the shadow Attorney-General, but the letter is addressed to me. I challenge the honourable member to make the information—the names and addresses—available.

The Hon. P. Holloway interjecting:

The Hon. K.T. GRIFFIN: Let me come back to what the Hon. Mr Holloway says. I am making a genuine attempt through a properly presented policy paper to get feedback on a very difficult issue of law and doing it constructively, not making cheap politics with one-liners. If the Hon. Mr Holloway has a view on it—

The Hon. P. Holloway interjecting:

The Hon. K.T. GRIFFIN: Of course we would have done it. The Hon. Mr Holloway can see some cheap points in this. He is not interested in trying to be sensible and reasonable about the very foundation of the criminal law: he is intent on creating mischief. I know that you just do the one-liner, you talk about the drunk's defence and you will get a headline or get publicity. However, you mislead people in the process, and that is the worst possible thing that you can do, because one day you will be in government. Hopefully it will not be after the next election or the one after that. However, at some stage you will have to be accountable, and what you are doing at the moment is irresponsible.

JOBS SOUTH-EAST

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Industry, Trade and Tourism, a question about the 'Jobs South-East' document.

Leave granted.

The Hon. T.G. ROBERTS: The Federal Government has recently made some promises of $180 000 to Tasmania if it

sells or privatises its power system. The Northern Territory has been give a promise of statehood if it supports the incumbent Government in the upcoming Federal election: that is the inherent promise within that transfer. From my reading of the local press, South Australia has not been offered any incentives at all—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: The honourable member says that the Adelaide to Darwin rail link is a promise that has been made. That was a promise that it could not get out of because the groundwork for that project had been laid over a 10 year period; it was not something that had been drawn up in the preceding five minutes. I have received correspondence from the South-East Area Consultative Committee Incorporated, part of which states:

> Dear Terry,
>
> The South-East Area Consultative Committee Incorporated, as part of its community consultation, ran a series of planning workshops titled 'Job Creation—Finding Local Solutions' throughout the region in May 1998, with Peter Strong of the Canberra Business Centre as facilitator. The information gathered formed the basis of a three year strategic regional plan, Jobs South-East.
>
> The South-East Area Consultative Committee is part of a national network of 58 such committees. I enclose a letter of introduction from the Hon. Dr David Kemp MP that further details our role.
>
> I enclose a copy of our final draft for your information. Please feel free to make comment on our draft.

I am not quite sure whether the Treasurer has read the draft or whether he has the draft in his possession, but the Hon. Angus Redford certainly has, and he has made comments, and I include my support along with his for working with the consultative committee to try to ensure that the South-East benefits from recommendations contained in the final draft.

There is also a need for some of those 58 committees to be formed and meet in other parts of South Australia. The Federal Government removed the funding from the regional development authorities three days after coming to government. I am not saying that this consultative committee, the process or the forming of 58 committees is duplicating that role or taking over a role that the RDA has played, but the questions I have relate to trying to get a commitment from the Commonwealth and State Governments in relation to the funding for these bodies. They are as follows:

1. Is the Treasurer aware of the strategic regional plan?

2. What new initiatives appear in the draft proposal that are attractive to the Treasurer or the Minister for Industry, Trade and Tourism for continuing support?

3. What commitments has the State Government given to ensure that the recommendations outlined in the 'Jobs South-East' final draft are implemented?

4. Will the State Government cooperate with local government and other bodies to ensure that the aspirations of the strategic plan are implemented?

The Hon. R.I. LUCAS: I will seek advice on the honourable member's questions and bring back a reply.

EYRE PENINSULA FIELD DAYS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Treasurer a question about the Cleve field day.

Leave granted.

The Hon. CAROLINE SCHAEFER: I refer to an article in the *Stock Journal* of 20 August reporting on Eyre Peninsula field days. In part, the article says:

> It may have been too late to buy a header for this year but plenty tried, according to the machinery exhibitors—all of them close to a sell-out year.
>
> The field days showed that demand for agricultural equipment has most definitely exceeded supply for the first time in years.

My personal knowledge is that it would be the first time in very many years. The article goes on to say that there were a record number of exhibitors and that a record number of people came through the gates. There are also quotes from the New Holland salesman that sales were up 30 per cent since last year and from Cavpower, which was overwhelmed by inquiries for the Lexion harvester.

So, we are not this time talking entirely about the odds and sods spare part stands. Does the Treasurer yet have an accurate account of the dollar turnover generated at the Eyre Peninsula field days, and can he elaborate on the effect that this uplift in rural expenditure is likely to have on the State's economy?

The Hon. R.I. LUCAS: I will certainly endeavour to get more detail in terms of the importance of spending from members of our rural community in the broader South Australian economy and the importance of that after what has been obviously one very good year for many members of our rural community. The honourable member has indicated just one area of the economy that obviously is benefiting at the moment through the orders that she indicated from her personal experience and from the article in the *Stock Journal*.

I know from some recent meetings with a number of business groups and associations there has certainly been some anecdotal evidence again of increased spending this year in areas such as the motor vehicle industry, which is the best example I can give. I am sure the honourable member will know that when times are tough the motor vehicle continues for a year or two longer and, obviously, that is a common instance in rural communities. Certainly this year I understand that again there has been an indication of an uplift in demand in that area. However, there are many other areas as well in terms of our retail economy (to which, again, I am sure the honourable member would be able to attest from a personal viewpoint) where many sections of the retail sector benefit when times have been relatively favourable in rural communities in South Australia. It is certainly a good indicator for us and the economy in terms of potential further uplift in the State's economy.

I will be happy to refer the honourable member's question to Treasury not only in relation to the Cleve field day but in the broader context as well to see whether we can get some figures in relation to the uplift in demand perhaps created by the relatively favourable period for our rural communities and the importance of that to the State's economy generally, concentrating not just on the areas to which the honourable member has referred, but, as I am sure she would be the first to acknowledge, a number of other significant sectors of our State's economy as well.

HISTORY TRUST

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for the Arts a question about the History Trust.

Leave granted.

The Hon. SANDRA KANCK: In 1995, the Minister for the Arts introduced to this place the History Trust of South Australia (Leasing of Property) Amendment Bill. The legislation, which passed with Democrat support following

reassurances from the Minister, resulted in the conversion of Old Parliament House from a Constitutional Museum into offices for parliamentary committees and some members of Parliament. It also led to the History Trust and the State History Centre moving to Edmund Wright House.

At the time there was considerable concern about the loss of the museum's functions, in particular, the loss of the sometimes controversial Speakers' Corner. To allay these fears the Minister made a number of commitments to the Parliament and to me regarding the future of some of the functions of the Constitutional Museum.

In respect of Speakers' Corner the Minister informed this place on 6 July 1995 that:

> There is no way that there will be no Speaker's Corner. It is one of the exciting, unique and important community activities in South Australia, and it will continue.

The Minister also committed the Government to maintaining an interpretation of the constitutional history of South Australia in Old Parliament House. Furthermore, Edmund Wright House was to be available for the History Trust to display is own collection and for touring exhibitions. Three years later Speakers' Corner is now only a fond memory, and nothing of a similar form or substance has risen to fill the void.

In respect of the State's constitutional history, Old Parliament House contains a model of its time as Parliament House, three busts of somewhat eminent forefathers and a few photographs detailing some of the significant moments in the political history of the State.

This is at best an impoverished interpretation of the constitutional history of the State. Edmund Wright House is now little more than an empty shell. The building has a banner at the front, a few books in the foyer, and little else. Touring exhibitions have ceased owing to Federal budget cutbacks, and the magnificent main banking chamber is empty. My questions to the Minister are:

1. Will the Minister explain why Speakers' Corner was allowed to lapse, despite her pledge that it would continue?

2. Is the Minister aware of any plans to utilise the main banking chamber of Edmund Wright House?

The Hon. DIANA LAIDLAW: I remain committed to the reinstatement of Speakers' Corner, and I have indicated in discussions with the State Library that, with the redevelopment of the library building on North Terrace, I would be very keen to see some arrangement at that site that would accommodate Speakers' Corner. We have budgeted $36 million for the library project: the consultancy for finalising the design has been let; and meetings took place last Friday with a whole range of individuals who have an interest, including the Friends, the staff and historians, to define their needs in terms of the library. So, strong progress has been made. It is highly appropriate that we have a Speakers' Corner accommodated in the redevelopment of the library. When you look along North Terrace, which is the area in which I would like to see that facility maintained, the library is the most appropriate site.

I understand that it cannot be accommodated in Old Parliament House, so the State Library, in my view, is the best place for it. It may well be accommodated in the Institute Building in front of the State Library. Currently, a room has been made available there for the Bradman exhibition, but that will move as part of the redeveloped library and that room will become available. It is an excellent site, but that is up to the library board and the Government as we work through the feasibility and final plans for the redevelopment of the library.

In terms of Edmund Wright House, I know that at its last meeting on, I think, 6 August, the board addressed the issues of the banking chamber. It has received expressions of interest from a number of companies that are interested to use it as a catering facility. I think that that was resolved at the meeting of 6 August. However, the board's wish and the issue that it has been pursuing is for a social history of the city of Adelaide to be accommodated in the banking chamber. I am not sure whether the honourable member has seen the museum to the city of Sydney, which is in the centre of the city. There is a fantastic exhibition purpose built for the social history of the city of Sydney. That is what the History Trust and the City of Adelaide have been discussing. It is an issue of recurrent costs as well as establishment costs, but the recurrent costs are the bigger issue at the moment. Negotiations are taking place between the History Trust and the Adelaide City Council to resolve those matters, but that is certainly the long-term wish for the Edmund Wright House banking chamber.

Intense discussion has been undertaken on this matter following the decision by the National Museum to curtail its touring program owing to funding cuts. The flow-on from that decision presented us with bigger problems than we would have wished so soon after a plan had been negotiated with the National Museum for the banking chamber to accommodate touring exhibitions. But it is just not touring at the moment. In summary, the building is empty but it will be used for catering purposes while the issues of both establishment and recurrent costs are resolved with the Adelaide City Council for a social history facility and museum for the Adelaide City Council.

STURT HIGHWAY

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Transport a question about the upgrading of the Sturt Highway.

Leave granted.

The Hon. J.S.L. DAWKINS: Since April this year, traffic on the Sturt Highway in the Barossa Valley has been detoured via the Belvedere and Kapunda to Truro roads while major upgrading of the highway is undertaken between Nuriootpa and Truro. I have travelled along the detour numerous times since April and as recently as yesterday. This detour is similar to the use of the Gawler to Freeling and Freeling to Daveyston roads as a detour when the Sheoak Log bypass was constructed on the same highway in recent years and, in similar fashion, has taken the pressure of traffic away from the immediate area of the major roadworks. Will the Minister indicate what progress is being made on this project and when this section of highway will be reopened to traffic?

The Hon. DIANA LAIDLAW: I thank the honourable member for alerting me to his wish to ask this question, because I can provide quite a bit of detailed information. The expenditure to date by the Federal Government (through the Federal Department of Transport and Regional Development) is $9.3 million; the sum approved for allocation this financial year is a further $6.6 million, making a total of $15.9 million. The project is currently on time, and it is envisaged that all works will be completed by December 1998. It would be appropriate if they could meet that timetable, because of the grape season in the Riverland, export markets, vintages, oranges, tourism, water skiing and the whole range of

activities that take place in the Christmas holidays, when the Sturt Highway is heavily in demand.

If we can have this section opened again by Christmas, it will be of great benefit to the economy of the State and will provide a safe, reliable and efficient transport route. The road between the Greenock turn-off and Truro has been widened to provide a nine metre wide sealed surface. Levelling out of the vertical alignment has been undertaken to make it easier to see oncoming traffic and make overtaking opportunities much safer in future.

The Hon. T.G. Roberts:: New white posts?

The Hon. DIANA LAIDLAW: Shoulder widening, safety measures, turning lanes, overtaking lanes and improved intersections, but no reference to new white posts, so I will need to have that checked. I am sure that new white posts will come under safety enhancement generally, but I will make a specific request on behalf of the honourable member. I want particularly to highlight the widening of road shoulders to allow vehicles, particularly school buses, to stop for passengers. The safety of children and the stopping and starting of school buses during school terms has been a big problem for families living along that route. So, these roadworks, costing $15.9 million (although I think the final sum will be reduced to about $15.5 million) encompass many projects, including the replacement of Mickans Bridge.

That has been a worry in the past, essentially because of its inability to deal with flooding. The bridge has been slowly undermined, which has been of some concern in terms of stability, particularly with increased traffic and heavier mass loads, so it is being completely replaced. That work has been completed and roadworks on top of the bridge should be undertaken in the near future. I hope that in the next three or four months the honourable member will enjoy the road and not be required to go on the detour roads which, although less than satisfactory, are at least better than nothing.

SCHOOL BUSES

The Hon. R.R. ROBERTS: I seek leave to make an explanation before asking the Minister for Transport and Urban Planning, representing the Minister for Human Services, a question about unsafe school buses.

Leave granted.

The Hon. R.R. ROBERTS: Members, especially those from the country, would be aware of this ongoing saga, and I am sure the Minister has been involved in discussions about country school buses. Radio 5CK today has been inundated with callers from country South Australia on the topic of school buses, but more particularly concerning air conditioned school buses or the lack thereof. All members in the Chamber would be aware of the problems of educating children in country areas. The logistics of getting infants and siblings to and from schools all year round is a problem faced by all parents who choose to live outside metropolitan Adelaide.

Parents have faced these problems and hardships for generations and have accepted arguments from successive Governments of costs and budgetary problems that have meant hardships for parents and students massively disproportionate to the levels of services expected—indeed, demanded—by parents and students in Adelaide but clearly, according to 5CK, listeners have had enough. Infants and older children are travelling for hours on buses, often old and seldom air conditioned. Not even evaporative cooling systems for summer periods are being provided. In fact, it is alleged that one bus was delivered to Orroroo with an air conditioning unit that was ordered to be removed because it cost too much to run. I believe that that should have been 'too much to maintain'.

I am advised that most, if not all, STA and Serco buses are air conditioned, and rightly so, and all of us have been made aware of the danger of young children being left in vehicles in moderate weather, let alone in temperatures of over 39 degrees. This is something that happens on a daily basis, and I do note that the regulations have been introduced again to extend daylight saving. I am sure the Hon. Caroline Schaefer would be aware of the problems with young children on school buses in some of the remote areas. Therefore, my questions are:

1. Can the Minister for Human Services, the Minister for Education and Children's Services and the Premier guarantee to provide all country school buses with adequate air conditioning systems as soon as possible and at least before the start of the 1999 first school term?

2. How many school buses are air conditioned with either reverse cycle or evaporative—that is, cooling only—systems?

3. Is it true that school buses have had air conditioning systems removed? If so, on whose orders and from what school services?

4. Will the Minister guarantee that all future contracts for the provision of school bus services will insist on air conditioned vehicles being provided as part of the contractual arrangements?

The Hon. DIANA LAIDLAW: I am sure the Treasurer, as a former Minister for Education and Children's Services, is very tempted to answer this question because it is in fact an issue for the Minister for Education and Children's Services and it is one where I, as Minister for Transport, have not always agreed with the policy pursued by education. The honourable member may be aware that, through the Passenger Transport Board, there was an initiative about two years ago to require that the maximum age of buses be 20 years. We could not get agreement at that stage through the Education Department and still have not received agreement on that account. There is an exemption made for school buses operated either solely by or through the Education Department on contract. So, there is an issue of the age of buses.

I would say to the honourable member that, even if there was an air conditioning policy, it would be unreasonable, considering the number and age of the buses running today, that you could possibly have them all air conditioned by the start of the next school term because most of the older buses would not be equipped at all, and would not be worthy of the cost of converting to or installing air conditioning.

I know that the issue is a very big one because of my family members having to catch the school bus in the Barossa area, let alone miles north as so many kids do, when the buses do not even seem to be under shade during the day. At the end of the day when the kids get in them, they have been closed up and they are hot. However, they do not open the windows as they travel home because of the dusty roads. It is a very unpleasant experience which I suspect none of us at our age today would endure, although I suspect that country people endure it. Of course, earlier generations endured it, but it is not a standard we would endure today. Just to correct the record for the honourable member, in terms of buses run by TransAdelaide, Serco and Hills Transit, they are not all air conditioned but all new buses will be.

POLICE SALARIES

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Justice, in his role representing the Minister for Police, a question about police salaries.

Leave granted.

The Hon. IAN GILFILLAN: It is well known that the police service has had a budget cut this year of some $4 million. The Commissioner of Police is charged with the responsibility of running the service within this budget and has therefore been trying to come up with ways of saving that amount of money. It is a difficult job and I do not envy him that task. Among ideas that have been floated publicly to save money was the newspaper headline last month which raised the possibility of limiting detective work to office hours, 9 to 5, Monday to Friday. I understand that that idea has not been adopted yet in its entirety. However, I have been told that rosters have been changed and overtime budget limits set that have caused some disquiet among CIB officers. They wonder how they will investigate a murder which occurs late at night the day after the overtime budget limit has been reached. Nevertheless, these are the sorts of questions and issues that the Commissioner will have to resolve.

Looking to the future, with the prospect of further budget cuts next year and what this could do to the take-home pay of hard working, loyal and dedicated police, I am advised that many police officers fear that their existing penalty or overtime rates will be targeted next in a bid to accommodate not only this year's budget cut but also any additional cut next year. Anyone who signs on as a police officer realises they will be required to work odd hours as part of the job, but for many officers the inconvenience and disruption of working irregular and unsociable hours is compensated for by the provision of penalty rates. They accept the hours and they accept a higher rate of pay for working those hours.

The availability of penalty rates is what helps to make the job acceptable. Not only that, but many hard working police officers in fact rely on regular consistent penalty and overtime rates to be able to pay mortgages, feed and generally maintain their families. For two thirds to three quarters of the service, I am advised that their base pay is topped up by 20 per cent regularly with overtime and penalty payments. It is a major cost factor for the Police Commissioner but it is also a major and, up until now, reliable support for the household families of police officers in South Australia. In nine months of negotiations with the Police Association, I am advised that the Commissioner has not sought to raise the issue of penalty rates, but maybe that is in the wings waiting to come up in the context of next year's budget. My questions that I would like the Minister to address now are:

1. How many police officers regularly receive penalty rates and/or overtime pay?

2. What would the average police officer receive in the way of overtime pay and penalty rates, both in dollar terms and as a percentage of the average officer's total pay?

3. Is there any intention to substantially reduce or even abolish penalty overtime rates for police or for police in certain sections? If so, what effect would that have on the average take home pay of those police officers affected?

The Hon. K.T. GRIFFIN: I am sure the honourable member knows that both the Government and the Police Association are locked in an enterprise bargaining framework presently, and a variety of issues are being discussed. I do not intend to debate the questions at length, except to say a lot of fog is being created about what the Commissioner did or did not say. I know the Commissioner did specifically respond in the media to the assertion that, because of issues about rosters and shift work, offences like homicide committed at night will not be investigated then but will have to wait until the morning shift commences. That is arrant nonsense and will not occur.

The Commissioner has said that when crime occurs police will be available to deal with that criminal behaviour. He has also said that he wants flexibility in the work force to be able to ensure that police are available at times when needed and not just because they have been sitting in a roster pattern that has become tradition rather than being necessarily suited to the needs of the public and to SA Police. I will arrange for the honourable member's questions to be referred to the Minister in another place and will bring back more comprehensive replies.

GOODS AND SERVICES TAX

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Treasurer a question on the goods and services tax.

Leave granted.

The Hon. L.H. Davis interjecting:

The Hon. CARMEL ZOLLO: That is for the President to worry about, not you Legh. Along with other members of Parliament I recently received a booklet from the Australian Institute of Chartered Accountants entitled 'GST myths, lies and tax reform'. The booklet was released several weeks before the Federal Government announced its GST package, but to no-one's surprise the institute was spot on in predicting what was in the package. Most of the arguments used to refute the so-called GST myths follow the Coalition Government's arguments fairly closely and one could argue that the institute is a very strong supporter of the GST because of the increased workload that will flow to the accounting profession by having such a broad based tax put on virtually all goods and services.

Under 'Myth No. 6—Canada's GST is a mess, so ours will be too', the booklet states that our system will not be like Canada's where each province already had a system of sales tax in place and then had GST added on top. The Institute of Chartered Accountants foreshadowed that an Australian GST would allow the abolition of a substantial number of State and Federal indirect taxes, including wholesale sales tax, FID and BAD, stamp duty and possibly payroll tax and some excise taxes.

I appreciate that this could be classified a hypothetical question because the Coalition will lose the next election. However, as the South Australian Government has wholeheartedly embraced the GST, will the Treasurer advise exactly which State taxes will be abolished and, in particular, whether it will include payroll tax?

The Hon. R.I. LUCAS: No.

ELECTRICITY, PRIVATISATION

The Hon. NICK XENOPHON: When will the Treasurer provide a substantive and detailed reply to my question in this place of 22 July 1998 when I asked for, amongst other things, details of the Government's advertising campaign on ETSA, including the legislative provisions under which the expenditure of those funds was authorised?

The Hon. R.I. LUCAS: As soon as possible.

OCCUPATIONAL HEALTH AND SAFETY

The Hon. G. WEATHERILL: I seek leave to make a brief explanation before asking the Treasurer, representing the Minister for Industrial Affairs, a question about occupational health and safety.

Leave granted.

The Hon. G. WEATHERILL: A report appeared in today's *Advertiser* giving an update on the industrial situation, where safety procedures and equipment were such that 10 working South Australians needed hospitalisation due to sulphur dioxide poisoning. The article named the Australian Workers Union as subsequently undertaking a safety inspection, and it appeared to have been the only organisation outside the guilty party to be overly concerned with the dangerous work practices and the environment. My questions to the Minister are:

1. Has the union performed any function which has also been performed by any Government agency, department, commission, etc? If so, will the Government explain why the union decided that it needed to do so?

2. Will the Government compensate the union for performing needed work, which the Government instrumentalities were not capable of doing?

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

LOCAL GOVERNMENT (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 August. Page 1492.)

The Hon. T.G. ROBERTS: I rise to indicate that the Opposition will be supporting this Bill. Although we indicated earlier in some private negotiations that we may be considering amendments to the section relating to the removal of wasps, we understand that further negotiations have taken place with the LGA and that an agreement has been reached. After subsequent discussions with the Opposition, the Labor Party will be indicating support for the negotiations that have come away with an agreed position. The miscellaneous amendment Bill has a number of clauses and the only contentious one as far as the Opposition is concerned related to the removal of wasps.

The Hon. Paul Holloway made a very detailed and constructive contribution in the second reading debate in relation to the potential and existing danger that wasps pose not only to metropolitan dwellers but also to regional dwellers and to primary industries, to people working in primary industries and to people pursuing recreational pursuits. The day after the contribution was made by the honourable member the Government made an announcement that it would increase spending for initiatives that would try to come to terms with some of the problems emerging in the community in relation to wasps nests. There have been contributions in the community and in this place which have pointed in the same direction.

Governments have underestimated the problems with the wasps in the community, and in many cases the community has not seen removal as being the Government's responsibility. In some cases people have attempted to remove the wasp nests themselves in amateurish ways and have put themselves at risk. They are tending to the belief that somebody has to take over the responsibility for a campaign to eradicate these wasps from the metropolitan area where they pose a risk in particular to young people, who are more likely to be digging around in dark corners of their family home or block. However, everyone is at risk.

I was first stung by wasps in England. Those wasps were similar to the sort of wasp that has been introduced in this country. I am also allergic to bees. I do not expect Governments to take measures to eliminate all bees. I see it as my responsibility to provide myself with protective cover and to avoid circumstances where I come into contact with bees. The movements of bees are relatively easy to track. Once you become used to living with the danger that two, or perhaps even one, bee sting will kill you, you tend to keep a sharp eye out for them in terms of avoidance. Circumstances are different with respect to wasps.

Even though, in the main, their stings are not life threatening, their habits and the ways in which they dart about and are attracted to different aspects of a person's being make it very difficult to anticipate their behaviour. It is, I guess, almost the equivalent of bees forming hives, where their behaviour becomes a little unpredictable. The activities of wasps are totally unpredictable and one really does not know when they will attack. In fact, wasps will attack. Bees tend to attack if you stand between them and their indicated path, but wasps will go out of their way to defend their nests where ever they are, and they will present a danger to you and to yours.

I have been at an outdoor social event where two children uncovered, under reasonably difficult circumstances, a wasp nest and were a bit slow in getting away from the wasps. The children jumped into a pool to try to escape the wasps' bites but the wasps actually hovered over the top of the pool, waiting for them to surface. When the children eventually surfaced they received more bites to their head and arms; it was a pretty horrific time for those two children. Anything that the Government does to step up its activities in relation to assisting local government by providing funds is recommended and, as a result of negotiations, a grant has been made to local government for the eradication of wasp nests.

Increased advertising by local government in describing the steps that individuals can take in securing and removing wasps from their property, I think, will go a long way to bringing the problem home to everyone. Certainly the letter to the Hon. Paul Holloway from the South Australian Farmers Federation highlighting the problems wasps pose to agriculturists, horticulturists and people working in country areas should be considered and action needs to be taken. Hopefully this Bill will be the facilitating principle by which that all occurs.

The other clauses of the Bill are, more or less, holding administrative clauses waiting for a major upgrade of the principal Act. They are transitionary in formation and, when the principal Act is before us, some of those clauses will be tidied up and some further debate will occur concerning the implications of those clauses. I look forward to the principal Act being brought back into play and into Parliament, particularly with respect to the Electoral Boundaries Commission and the way in which the amalgamation processes are proceeding. The Hon. John Dawkins in his contribution noted that Lucindale had been brought back into the fold.

The Hon. J.S.L. Dawkins: I did not name it but I was talking about it.

The Hon. T.G. ROBERTS: Lucindale has been brought back into the fold after a long campaign by everyone concerned to try to find a solution to that area and people's concerns about amalgamation. It is difficult when a majority of local people decide that their interests are best served by remaining separate and alone. The concerns and fears of those who look at big pictures—and they are generally accountants and people who look at the bottom line in relation to processes administrating local government—are not paramount in discussions concerning boundary issues. Of course, in many local government areas the position taken by the Electoral Boundaries Commission and the Government allows voluntary amalgamation to occur where they can but, at some point, forced amalgamations would have to be imposed.

That was the sort of threat inherent. The Opposition agreed that the best way to go was to get discussions off the ground and to get people agreeing to amalgamations, because if people can find common ground you do not get confrontation. However, where common ground cannot be met and where people's fears are real, I do not think that anyone likes riding roughshod over the views of the minority in relation to amalgamations as a result of changes to boundaries. In a large number of cases people's fears are real. Their fear of isolation, being taken over and their views not being heard in larger bodies, in part, is real and just cannot be addressed by many of the proposals that are put forward in the name of streamlining administratively and financially the affairs of local government.

The good news stories of amalgamations that are working should be advertised. A lot of amalgamations have done a lot of good in relation to streamlining administrative services and delivery without the threat of raising rates. A number of good news stories just do not get advertised. I would have thought that the Government might have been able to advertise to the people of Lucindale, and perhaps to the people of Robe, that many fears that people have in relation to amalgamations, diminishing power and the democratic processes running over the top of them, in fact, are fears that are not expressed in reality.

If a straw poll was taken around the State in relation to amalgamations I believe that in 99 cases out of 100 most people would give you a 'thumbs up', and that the amalgamation process has been of benefit to them and to their particular council. I am interested to see exactly how the Robe amalgamation case is finalised now that Lucindale has made the decision. Certainly the *Advertiser* highlighted that many Lucindale residents were disappointed that their local council had decided to seal their fate, given that it had a long history.

The Hon. A.J. Redford: It is not over yet. There are still two steps to go.

The Hon. T.G. ROBERTS: There are still two steps in the process but, once the council has indicated by majority, some groups will try to resist that change and, if the Victorian experience is anything to go by, once a majority has indicated where its intentions lie, then the boundaries will be re-drawn to suit the majority. Robe still has the alternatives of joining Wattle Range, the newly amalgamated Naracoorte body, or it could go north towards the Coorong area into Lacepede. All those have been left up in the air, and the boundary reform bodies will be looking at the next stage that the amalgamation process will take.

I know that the honourable member is probably disappointed that Lucindale has decided to amalgamate north, because I suspect that he would rather have seen it move into the Wattle Range area under the wise wing of Mayor Don Ferguson—

The Hon. A.J. Redford: The Bismarck of local government.

The Hon. T.G. ROBERTS: —and the very efficient CEO (Frank Brennan), who have handled the amalgamation process in their area very professionally. The problems in Penola were taken care of. Penola was getting a headline a day in the local media in relation to the problems it had under the old boundaries. However, I notice that a more progressive approach is now being adopted by people in the Penola area, and there seems to be a general consensus that that amalgamation is working. With those few words, I support the Bill.

The Hon. A.J. REDFORD: I support this Bill and congratulate the Minister for Local Government on introducing this legislation into the Parliament. The Bill relates to the Local Government Boundary Reform Board, which came into existence in 1995 as a consequence of amendments to the Local Government Act. It establishes the Boundary Adjustment Facilitation Panel (BAFP), which has the following functions: first, to consider proposals for the making of proclamations submitted by councils by agreement and make recommendations to the Minister; secondly, to complete work associated with the proposals already in existence; thirdly, to assist councils in the development of plans; fourthly, to make recommendations to the Minister; and, finally, to provide advice to the Minister.

The Bill also contains a provision which requires the existing Boundary Reform Board to report to Parliament by 30 September 1998. Finally, it deals with matters concerning European wasps. In relation to the European wasp issue, I will be relatively brief. European wasps are becoming increasingly prevalent and are having a greater impact on our lives. The Minister is to be congratulated on this Bill. Indeed, as the member for Heysen so eloquently pointed out in the second reading debate in the other place, this contrasts starkly with the performance of the former Government's Minister, Mr Kym Mayes, the then member for Unley, in relation to millipedes. I know that there is some opposition to what the Minister has proposed but, be that as it may, at least he has attempted to come to grips with this issue.

As members know, I do not criticise people lightly and I do not do so readily, but I must say that the member for Elder seems to cause me more opportunities to throw criticism than any other member in this place. That has absolutely nothing to do with his personality: he is a likeable sort of bloke and I am sure that, over the years, he has proven great company late into the evenings to his Labor colleagues. However, his second reading contribution in another place as the shadow Minister for Local Government was absolutely appalling. I do not believe I have ever seen a second reading contribution from a shadow Minister, the lead spokesperson from the Opposition benches, as appalling as was this one. Indeed, the honourable member seemed to pride himself on the fact that he could deal with these important issues in less than 30 seconds. Perhaps it indicates, as I alluded to when we debated the police legislation, his inability to cope with the substantial workload given to him by the Leader of the Opposition and his inability properly and clearly to analyse issues that come before Parliament and require his attention.

The honourable member's contribution consisted of his stating that he agreed with the first half of the Bill but that he disagreed with the second half of the Bill. However, he failed to explain in any way why he disagrees with it. I remain

optimistic and hopeful that the honourable member will be spoken to by his factional colleagues and perhaps on one occasion we might see a reasoned contribution, even by House of Assembly standards, to a debate and to a matter that comes within his attention.

In relation to the establishment of the Boundary Adjustment Facilitation Panel, which replaces the Boundary Reform Board, let me make a couple of comments. First, the efforts and the achievements of the Boundary Reform Board deserve the grateful thanks of Parliament and the people of South Australia. Through the chairmanship of Annette Eiffe, and largely through the administrative capacity of its former CEO Mr Ian Dixon, it has achieved reforms in local government to such an extent that I doubt whether the former Minister for Local Government (Anne Levy) would ever have imagined it, particularly when she was dealing with amalgamations involving Blackwood and various other councils throughout South Australia some eight or nine years ago. They are to be commended for their approach.

I know that there were some thoughts that we should have adopted the Victorian model, and I suspect that without the input of the former Opposition spokesperson for local government—and in that regard I refer to the Deputy Opposition Leader, Annette Hurley—and the contribution of the Australian Democrats, we may well have gone down the path of the Victorian model. The fact is that this Parliament, wisely in retrospect, chose to adopt the model that it did and, in my view, we achieved local government reform far more effectively than the reform that occurred in Victoria.

I go on the record as acknowledging even the Hon. Michael Elliott's important role and contribution in that regard. I say that because many of the issues and concerns that arise from amalgamations were dealt with through the process promulgated by the Boundary Reform Board prior to the amalgamations, causing less upheaval, less concern and less worry on the part of various stakeholders in the process. As I said, with the benefit of hindsight, this Parliament and the people involved ought to be congratulated.

I note that the report of the Boundary Reform Board will be presented to Parliament some time after 30 September 1998. I hope that, when the Minister reads this contribution, he will take on board my suggestion that the report be tabled in Parliament and that both Houses move a motion noting that report, because I am sure that a substantial number of members in both Houses of Parliament will want to comment about the reform process. I do not propose to do that now, hoping that the Minister will respond positively to my suggestion.

I am a little disappointed again with the member for Elder, because he failed to make any comment about the reform process that has taken place. Perhaps that involved a bit of research or a bit of work. I remind the member for Elder that if he aspires to be a Minister or retain his position as a shadow Minister it requires some diligence, work and application to the topics that come to his attention, and we are yet to see any evidence of that.

The Hon. Terry Roberts referred to an issue that has come to my attention perhaps increasingly in the past week or so, that is, the proposed amalgamation of the Naracoorte and Lucindale District Councils. I am ambivalent whether or not those two councils should be merged. I believe it is important that the local community feels that its views have been taken into account, and I have written to a number of constituents in the Lucindale council area advising them of that view.

A proposal will go to the Minister and the Minister will have to consider whether or not the proposal is accepted, and pursuant to section 22(4) of the Local Government Act he can make three alternative decisions. First, he can forward the proposal to the Governor for the purpose of making a proclamation; secondly, he can forward an alternative proposal to the Governor for the purpose of making a proclamation; or, thirdly, he can determine that a particular proclamation not proceed further.

I note that both councils—the Naracoorte council unanimously and the Lucindale council by a majority—resolved to amalgamate. It has been reported to me that a number of the councillors who supported the amalgamation did so despite stating prior to the last local government election that they would oppose any suggestion to amalgamate these two councils. I am not sure whether or not those assertions are true. If they are true, the Minister would be well minded to look behind the mere vote of the Lucindale council and determine what the wishes of the ratepayers of the Lucindale council are.

I say that for a number of reasons, the first of which is that the local community of Lucindale may benefit from substantial savings in terms of its rate and other levies and from improved services as a result of an amalgamated council. It is my view, provided that the community is fully informed, that it should be the final arbiter in this matter. I know that there are councils, particularly in some West Coast areas, which know that the rates will fall and that services will improve if they amalgamate. However, those communities are consciously deciding not to go down the amalgamation path in order to preserve infrastructure and services within a particular township and this may well impact upon State and Federal Government decisions in terms of maintaining some of our services to rural towns. Provided that the community is happy with this, I do not think we should seek to interfere.

I return to the Naracoorte and Lucindale issue. I have indicated to those people who have expressed their concern to me that they should endeavour as best as possible to inform the Minister that, if a majority of informed—and I stress 'informed'—ratepayers in the Lucindale council area indicate their continued opposition to the amalgamation, the Minister ought seriously to consider that the advice of the Local Government Boundary Reform Board should not proceed further. On the other hand, in the absence of such a clear statement, it is my view that the Minister's hands are inevitably tied and that he would have no alternative but to adopt the recommendations passed onto him by the Reform Board and adopt or implement the resolutions passed by both those local councils.

The Lucindale and Naracoorte issue is difficult. I have indicated that I have no personal view one way or the other in relation to it. I know that the Hon. Terry Roberts has indicated that perhaps I have some secret harbouring on behalf of the Mayor of Wattle Range that Lucindale ought to go into the Wattle Range area, but I assure the honourable member that I do not. I know that the Mayor is often in a friendly way referred to as the Bismarck of local South-East politics and that he is casting his eye far and wide to expand his Wattle Range empire. However, I have not seen any evidence of that. I think that those who promote that view are being mischievous and unfair to a hard-working Mayor and his staff.

The Hon. T.G. Roberts: Since his return from China, he is known as the Emperor.

The Hon. A.J. REDFORD: I know that Don Ferguson spends almost every waking hour thinking of how he can improve the life and services offered to the citizens of Wattle Range, and I know that they have great pride in what they have managed to achieve in that regard. Indeed, he is to be congratulated, as are those who are involved in the amalgamation of the Naracoorte district and town councils.

In closing, I must make this observation about local government. I have been a regular attender at South-East Local Government Association meetings. Until the recent election of David Hood, the former Chair (who I understand is now the member for Gordon) used to take great pride in criticising the State Government. I used to attend and there would be regular statements to the effect that a certain Minister had not responded to a letter, that this Government department had not responded to a certain submission and that there had been a failure to consult. The Hon. Terry Roberts used to sit next to me smiling on occasions. These criticisms used to come at pretty regular intervals. I must say that there were occasions when I felt, on behalf of some of my ministerial colleagues, a might uncomfortable.

I thought that if it is good enough for Ministers and the Government to respond quickly to letters and requests I might put in a request of my own. So, four months ago I wrote to the Chief Executive Officer of every council in the South-East asking them what I thought were some relatively simple questions relating to this amalgamation process. Basically, I asked how much they had saved and how much they expected to save as a consequence of these amalgamations. In other words, I was checking to see whether this amalgamation process had been beneficial to ratepayers.

If State Government Ministers had responded in the same way as the constituent councils of the South-East Local Government Association—the same group that seems with alacrity and consistency to accuse State Government Ministers of being non-responsive—have responded, I would have joined with them. But I have to say, without great surprise, that I have not received in the space of four months one response from any of the councils to which I have written. Not one of those councils whose umbrella body is so critical of State Government Ministers for being a bit slow has seen fit to respond to a request from a member of Parliament about how the amalgamation process had gone. Not one of them has provided me with information about what their expectation was prior to the amalgamation, and not one of them has responded, providing me with information as to what the reality is.

I hope that, when some of these councils in a public forum seek to attack and be severely critical of Ministers for failing to respond properly, they look to their own record and performance. When they get their own house in order then by all means they can be critical of State Government Ministers. However, unless and until they do that I think that temperance and restraint ought to be the order of the day in dealing with some Ministers and some Government agencies.

I offer that last contribution in the warmest of spirit and with a view to providing just a small piece of friendly advice to those who make up the South-East Local Government Association—and I am sure, if they heed that advice, the relationship between this Parliament and the State Government and the South-East Local Government Association and member councils will improve markedly. I know I for one and the Hon. Terry Roberts would be most delighted to see an improvement in the dialogue that occurs between both of those bodies. I commend the Bill.

The Hon. R.I. LUCAS (Treasurer): I thank members for their contribution to the Bill and look forward to its speedy passage.

Bill read a second time.

In Committee.

Clauses 1 to 34 passed.

Clause 35.

The Hon. IAN GILFILLAN: I move:

Page 7, lines 33 to 36—Leave out subsection (10).

This amendment deletes new subsection (10), which provides:

> The reasonable costs and expenses (not exceeding any limit prescribed by the regulations) incurred by a council in taking action under this section may be recovered by the council as a debt from the person who failed to comply with the requirements of the relevant order.

My amendment stems from the position that we took; that is, it is appropriate that a council is empowered to force an inspection and force a removal of a European wasp nest in the circumstances that the landowner (or the occupier) refuses to give consent willingly. As has been expressed quite eloquently by the Hon. Terry Roberts and others, we are facing quite a serious invasion of a pest which succeeding generations will increasingly come to detest and wish that we had taken—that is, if we do not—firm action to control and, if possible, to eradicate it.

However, having said that, we do not see any justification for a cost being imposed on the person, who, for whatever reason, has declined to give consent for the council to inspect and then remove a nest. There are various reasons for it, which I spelt out in my second reading contribution, so I will not go over it all again. However, one of the main reasons is that for this to work we need to have the optimum cooperation. For some people the fear that there could be a cost attached is quite a psychological deterrent from keenly looking to see whether they do have a nest of European wasps and then taking whatever steps they can as rapidly as they can to have them removed. I think it will facilitate public cooperation. The amount of money involved is minimal in the overall scheme of things and one of the benefits will be that we have a harmony (as near as it can be achieved) between the controlling agencies, the council and those that the council employs, and the public.

The Hon. R.I. LUCAS: I advise that the Government opposes the amendment being moved by the Hon. Mr Gilfillan. Under clause 35 there is a long and well explained procedure that needs to be followed in relation to this. There is also access to an appeal procedure to the Environment, Resources and Development Court. A number of possibilities are available to a person who may well feel aggrieved in any way through the operation of this clause. I am advised also that local government generally supports the construction of the clause as it is and therefore does not support any further amendment as being suggested by the Hon. Mr Gilfillan. I must say that I must rely on the advice provided to me by people working for the Minister for Local Government and to whom I am indebted in relation to their briefing on this matter.

The Hon. T.G. ROBERTS: The Labor Party will be supporting the Government's position on this. In the early stage of the process I am sure we would have lined up with the Democrats' position but with subsequent negotiations that have been carried out and a process and a—

The Hon. Ian Gilfillan: A deal done!

The Hon. T.G. ROBERTS: No, there were no deals done; it is just an acknowledgment that the Government did some work with local government and came up with a proposal that makes some sense in trying to achieve the best possible outcome, which is to encourage people to report and for local government to remove at no cost to the ratepayer. The penalties relate to where they are not reported or neighbours report them. They will not be doing that for vexatious reasons; they will be doing it because they do not want the pests to roll on into their properties because that is the nature of the beast. We have to have a program that encourages reporting and where local government is responsible for removal. We do not want people resorting to removal methods because, in my experience, the wasps always come off best. The other option that some people will take is to ring private pest controllers. I certainly would not like that to occur because that would be a larger impost on pensioners and on those people whom the member would like to protect than if they used local government services.

The Hon. A.J. REDFORD: I must say I am a bit surprised by the Hon. Ian Gilfillan's amendment because I have to say that I have been lectured *ad nauseam* for four years by the Hon. Mike Elliott about passing on costs to local government and, as I read the honourable member's amendment, this would pass it straight back onto local government. Local government has criticised us for passing responsibilities back to it without any funding or ability to collect those funds, and I think this might achieve that. I know this will be a very tedious exercise but I suggest the Hon. Ian Gilfillan read what the Hon. Mike Elliott has said in the four years that Mr Gilfillan was not here and see that what we are doing is consistent with what we have been lectured at by the Hon. Mike Elliott for some considerable time.

The Hon. IAN GILFILLAN: I will make a couple of quick comments, realising that I do not have the numbers for a change and we will not be dividing on the matter. However, I still hold the view that the actual penalty that is included in new subsection 10 serves no purpose. It may cause ill will in the community, and I do not believe that the flexibility enabled through this Bill will prevent the sort of situation I have indicated as the reason why we have moved this amendment. It does not reach the fear in the community, either through the reputation of or application by a particular council, that if people have a nest located on their property the cost will fall to them. For that reason, I regard the view that we are taking in moving this amendment as more constructive than leaving the clause in the Bill. The Democrats believe that this is a constructive amendment, and I am sorry that it will not be passed.

Amendment negatived; clause passed.

Title passed.

Bill read a third time and passed.

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 July. Page 958.)

The Hon. SANDRA KANCK: The Democrats support the broad thrust of this legislation. We have been what might appear to be tardy in responding to the Bill, but that was because we referred the matter to the Conservation Council. It was in turn referred to another person, a member of the Conservation Council with expertise in these areas, and it has taken a while to complete that circuit. As a consequence of that consultation, we have a suggestion for one amendment that we think will improve the Bill. I am aware that the Bill is before us as a consequence of Australia's being a signatory to the MARPOL Treaty, and I am also aware that Parliament is often loath to entertain any amendments to legislation of this nature, but it is my understanding that, under the obligations we have with international treaties, although there is a minimum level from which we should not derogate there is nothing to prevent us from improving the legislation. I am reasonably confident that the Government and Opposition will be supporting the amendment that I intend to move.

The Democrats welcome the fines that are included for discharging or dumping in our waters. I would be interested if the Minister could advise me what has been done in the past to police these laws and whether, as a result of these amendments, there will be any variation in the methods used by State authorities to police these new laws. It is all very well to have fines but, unless the offences are policed, the fines are useless. The issue that I will be moving to amend relates to the interpretation of plastics. Part 3AAB(5) of the Act describes plastics as including synthetic ropes, synthetic fishing nets and plastic garbage bags, and we hope to add one other to that list, that is, plastic straps. I have already shown an example of one of these plastic straps to the Minister and the shadow Minister.

What has prompted me to move this is that a recent case study of Australian fur seals, published in the *State of the Marine Environment Report* for Australia, shows that discarded plastic straps can tangle into a deadly necklace for seals. The straps are ending up around seals' necks after being cut from bait boxes used in commercial fishing. I understand that the whole kit and caboodle is just dropped over the side, and the straps are cut as the bait box is dropped. Of course, they end up in the marine environment. There are very high rates of entanglement of fur seals as a consequence, to an extent that is actually a threat to the seal population. That study found that 21 per cent of entangled seals are caught in neck collars made of discarded strapping.

We are aware that this is being worked on at the moment by SAFCOL and the Department of Parks, Wildlife and Heritage in Tasmania, which are developing a strapless bait box, but I am not sure how developed that is and how wide its distribution. It is important that we deal with this issue of plastic straps right now and not wait to see the developments as far as the strapless bait box is concerned. Including plastic straps in the definition of 'plastics' would highlight the relationship between tossing these things overboard and the unnecessary death of seals and other marine life. I believe that it would have the benefit of educating the officials charged with enforcing the legislation and, through them, professional and recreational fishermen. With that suggestion, the Democrats support the second reading.

The Hon. J.S.L. DAWKINS secured the adjournment of the debate.

EMERGENCY SERVICES FUNDING BILL

Adjourned debate on second reading.

(Continued from 18 August. Page 1445.)

The Hon. IAN GILFILLAN: The Democrats support the second reading, and I would like to indicate enthusiastic

support for the intention of the Bill. We have considerable amendments on file, but members will find on closer study that they enhance the effectiveness and acceptability of the intention of the Bill rather than negate it. We acknowledge that the current system of funding emergency services is unfair and needs to be fixed. A levy on property seems an appropriate way to do that, given that there is an existing levy on insured property and widespread community acceptance of that levy. Non-property owners presumably would not be expected to pay for protection of the fire services at least.

However, I do have grave concerns with the wide powers which this Bill gives the Government, in particular the Minister of the day, to raise revenue for what the Minister defines to be emergency services. Put simply, if this Bill were passed in its present form, every single aspect of both revenue raising and revenue spending in every area which could broadly be specified as emergency services would no longer be an issue for the Parliament.

The Government or the Minister of the day would determine:

1. how much is to be raised;
2. the thorny issue of who would pay what and on what basis;
3. which services would be funded and to what extent;
4. whether even within the services, the Government could make tied grants to determine precisely what equipment is bought, how many people are hired, and where they are placed and so on.

There is, in our opinion, too much power to be entrusted to a single member of Parliament, be he or she Minister, or even indeed to the whole Cabinet.

I will outline my general concerns individually, one by one. First, how much is to be raised? How do we determine how much is to be raised? In his contributions in another place, the Emergency Services Minister said that this would be determined in the budget context. Cabinet would fix a sum to be raised to go to emergency services, and a figure of $100 million has been mentioned as a possible ballpark estimate. However, there is nothing to prevent that figure being doubled, or tripled, if the Government wanted to raise extra revenue (for emergency services, broadly speaking) through the mechanism of this levy. The emergency services, as indicated in the relevant clause in the Bill, expands that to measures which may prevent the accidents or circumstances—all worthy but very vaguely defined areas—in which the money from this levy could be applied. Clause 9(4) leaves it to the Minister to recommend an amount.

It has also been mentioned by others that this levy would empower the Government to raise sufficient revenue for a possible $150 million communications contract with Motorola, whether or not that represented true value for taxpayers, or whether or not that was desired by the various emergency services.

Secondly, who pays what? How do we determine who pays what, and how is it calculated? The Bill gives a lot of detail about levies on owners of both real, fixed property and moveable property such as boats, vehicles, caravans and so on. It also refers to the capital value, the land use factor and the area factor. Regions of the State are described in the schedules. However, once these variables are determined by a process of mathematics, the Minister has almost complete discretion in deciding what, if anything, to do with the variables.

The regions can be altered at any time by the Governor (clause 6(2)). The land use factor is to be determined by reference to the Valuer-General but, if there is any objection, who decides? Of course, the Minister (clause 8). The Governor, on the recommendation of the Minister, may declare both the area factor and the land use factor for each area and each land use—that could be an interesting political exercise on its own. Clause 5(2) tells us that the capital value is multiplied by the area factor and the land use factor to produce an assessed value.

But the supreme irony is that clause 5(1) allows the Minister to disregard this process entirely and use a fixed charge instead. None of this process can be challenged by judicial review (clause 9(7)). No matter how inequitable the end result may prove to be for any individual or any group, there is no recourse to a review of that particular decision. And, of course, there is nothing in this Bill about concessions for pensioners or low income earners, which also needs to be addressed.

Thirdly, which services are funded? Not only is the Minister in charge of how much is raised, and from whom, but also the Minister is in charge of where the money goes. Under clause 27, the entire sum collected is subject to the management and control of the Minister. The Minister can make payments not just to the CFS, MFS or the SES, but also to any other person or organisation for provision of emergency services, for prevention of circumstances in which emergency services are likely to be required (a very broad area), or for education or research into emergency prevention, etc.

It is not difficult to see how this clause could enable the Government to fund much more than merely the organisations named. I am not necessarily opposed to the idea that other organisations should be funded through this levy. However, I would prefer to see any extension in this area subject to a test more stringent than merely the Minister's discretion.

As the Bill is currently drafted, it will enable many other functions and public services, currently funded out of Consolidated Revenue, to be funded out of this levy. Because it has that capacity, this levy is a tool which will reduce other pressure on Consolidated Revenue and therefore could quite fairly be titled a tax Bill. Let us not shy away from it. We are debating a new tax—a tax on property to fund anything that can loosely be described as emergency services, now or in the future.

Fourthly, how are the funds spent? Clause 27 of the Bill is very powerful. It does more than empower the Minister to allocate funds to agencies such as the CFS and MFS. It also gives the Minister the power to direct those agencies as to how to spend the funds they get. The Minister may not choose to exercise that power much, if at all. But there is absolutely no limit in this Bill on a Minister's power to make available tied grants for any purpose that the Minister deems appropriate as long as there is a link to 'emergency services'. One can only imagine how that power will or could be used, in a pre-election year, in marginal electorates.

So in those four areas—how much is raised; who pays what; which services are funded; and how the funds are spent—the Democrats have concern about the all-powerful role of the Minister in all this. I will be moving a series of amendments to establish an independent committee to ensure that these decisions are scrutinised by people other than just the Minister or the Cabinet. But that is not the limit of my concerns with this Bill.

I have had discussions with both the Local Government Association and the South Australian Farmers Federation on

this Bill. Both organisations have expressed concerns to me about the role of their members. The LGA is concerned that, if its member councils are to be expected to contribute data from their databases to facilitate collection of a levy, they should be paid for the expense of doing that. There is also some difficulty with using capital valuations when many councils still use the unimproved, or site, valuation as the basis for calculating rates.

The South Australian Farmers Federation has expressed concerns about inequities arising where property owners have a high capital valuation, in particular horticulture and vineyards—those regions close to Adelaide—but they might not necessarily have an income commensurate with that particular valuation. There is also some difficulty with the whole idea of assessing land, when it is primarily buildings or other improvements which need protection and replacement in the event of some natural disaster requiring fire services, etc.

In relation to a levy on vehicles and boats, I have sympathy with the notion that motorists are considered by Governments generally as 'wallets on wheels'. However, it has been pointed out to me by the CFS that 30 per cent of their call-outs are to vehicle accidents—crashes or fires. So, if there is to be a levy, it is appropriate that it should be applied to moveable property, not just real estate.

I am in some doubt about clause 10 which exempts the Government's own property from the levy. I understand that, in another place, the Minister announced that the Government's intention is that Government-owned property will eventually be valued and assessed for this levy in the same way as all other property. But this Bill does not say that, and I have some doubt about how long that process will take to complete, if indeed it is ever completed. I understand that the process of attributing capital values to State Government-owned land has been under way since 1991, and is still a long way from completion. It may take another 20 years before Government-owned land can be assessed for this levy in the same way as privately-owned land, and it will be changing all the time. So, to have this rate of valuation updated from year to year would virtually be an impossible task.

In the meantime, according to the Bill, Government contributions from Consolidated Revenue are to be limited to 10 per cent of the total amount to be raised. One might ask why 10 per cent? Why not 20 per cent or 30 per cent? Without actually having seen a full explanation of the figures, I suspect that the reason is part of an effort to minimise the Government's contribution from Consolidated Revenue and increase the component of emergency service funding from this new tax source. I have sympathy with an amendment which has been foreshadowed by the Opposition that the percentage could be lifted to 20 per cent as a starter.

To continue with my concerns about this Bill, I also have doubts about clause 9(7), which rules out the judicial review of the levy, the area factor or the land use factor. It is draconian to prohibit, as this clause does, any avenue of appeal on these matters and I will seek to remove this subclause altogether. Clause 19, which empowers the Minister to sell land for non-payment of a levy after only one year of non-payment, is too abrupt and I will seek to extend that protection to two years before a forced sale would go ahead.

Finally, I am disappointed that the Government has again introduced a Bill with so many flaws. It reflects the sort of ambit claim style of several of the Bills I have had to deal with in this place in recent weeks, pushed through in haste in the other place with minimum debate and with few, if any, amendments. The other place expects this Chamber to do the real work of fixing it up. As evidence of that members will see on file copious lists of the Government's amendments to its own Bill.

The LGA has told me that it was not consulted on this Bill until after it went into the House of Assembly. Negotiations with the LGA commenced only after the Bill had passed that Chamber and as late as Thursday 20 August the Government was hastily drawing up amendments to satisfy the criticisms of the LGA. That has not happened. I have a copy of a letter from the LGA to the Minister dated Monday 24 August—yesterday—in which the LGA's Brian Clancy states that the amendments drafted by the Government—the Government's second round of amendments and third attempt to get it right—'are not entirely consistent with the LGA's understanding of what was agreed in our meetings'. Perhaps the Minister is telling the LGA what it wants to hear and then doing something different.

Whether or not the Minister continues to have a problem with the LGA, he definitely has a problem with the Australian Democrats and others in this Chamber if he wants to give himself the wide-ranging powers that have been drafted for him in this Bill. One of the arguments advanced for this Bill is that people presently fully insured have been subsidising those who are not. I accept that—it is true. If until now the cost of funding emergency services has been spread inequitably throughout the community, borne disproportionately by those who are fully insured, then these fully insured people should be entitled to expect some benefit of relief, when the costs are spread more evenly and equitably.

On 2 June in this Chamber I asked the Government for an assurance on behalf of those who are fully insured that the result of the change would be an overall reduction in costs for those who are presently fully insured. When the answer came back on 4 August no such assurance was provided. Therefore, it seems that we are entitled to be suspicious that this Bill is seeking to do more than simply correct an inequitable existing levy. It seems to be about giving the Minister more power, giving the Government a brand new tax to collect—more than is currently collected—for purposes wider than those for which the levy is currently collected, and all of this, as the Bill is currently drafted, at ministerial discretion.

The Democrat amendments do not attempt to frustrate the capacity for the Minister to make the decision: the ministerial power will still be maintained. However, there will be an obligation, if our amendments are successful, for the Minister of the day to consult with the CEOs of the major organisations who will be funded by the fund prior to determining the amount of the levy and we will be setting up a committee similar to the idea the Government has in its committee for the transitional period, but our amendment will seek to have that as a permanent committee comprising representatives of local government and the Farmers Federation and with the capacity for the Minister to appoint two people to the committee (that is how my draft amendment puts it up).

This committee will look at a wide range of other decisions that the Minister is required by the Bill to make, that is, the land use factor, the area factor, distribution of the levy proportions amongst those various groups, the amount which will go to the various utilities covered by the Bill and any other ancillary activities the Bill allows the Minister to fund. The reports of both these consultations are to be made public and available to this Parliament and to the public at large so that, although the Minister is not obliged to take the

advice of either of the two groups—the CEOs or the committee as it is established—if he or she flies against that evidence or strong recommendations it will be a requirement that the Minister explain to the Parliament and the public of South Australia—the people who are paying the levy—the reasons why the recommendations were not followed through.

It will not hinder the collection of the levy or obstruct the allocation of the funds to the appropriate bodies and causes, but it will give to the people of South Australia confidence that the decisions are being made to collect the appropriate amount of money for the job, that the money is being allocated to the right targets for the best use of that money and therefore there will be far less resentment and much more confidence in those paying the levy that it will be put to good use. Rather than making it difficult for the Minister I believe it will improve the ease and acceptability of the public for the decisions he or she makes.

Another amendment I will be moving is to give the Minister the opportunity to excuse in certain circumstances those in the community who would find real hardship in paying the levy. I conclude by repeating the Democrats strong support for the second reading of the Bill and I look forward to a constructive Committee stage.

The Hon. A.J. REDFORD: In his contribution the Hon. Ian Gilfillan was critical of another place and said that it is again left to the Upper House to properly consider this Bill in its context. From where the honourable member sits he is probably correct, but a mite unfairly so. I say that for this reason: unfortunately the Minister for Police and Emergency Services is a very busy and active Minister, pro-active in the sense of the legislation he brings into this place. We have had a substantial amount of legislation relating to his portfolio come into this place.

The Hon. Ian Gilfillan: I know—I have had to deal with it.

The Hon. A.J. REDFORD: The honourable member interjects that he knows, that he has had to deal with it. In fact, he has dealt with it in a most constructive way. I think he is being a little unfair to judge the House of Assembly entirely upon the performance of the member for Elder, who is one of the poorer performers on the front bench of the Opposition. In other portfolios we see a more informed debate, a more constructive and analytical contribution from the Opposition than we have seen over the past few months from the member for Elder.

The member for Elder has distinguished himself again with another lacklustre, poorly researched, rhetorical contribution in relation to this Bill. The Hon. Paul Holloway, judging by the amendments he has on file, has got a bit sick of the poor performing member for Elder and has a few extra amendments on file. I am sure this Chamber and the Parliament is grateful for picking up on the slackness of the member for Elder. The member for Elder sought to move two amendments in another place: the replacement of clause 10 and the addition of clause 26A.

It is pleasing to see that the Hon. Paul Holloway has picked up on the member for Elder's lack of effort and moved to insert, in addition to what the member for Elder did, two other clauses, namely, clauses 27A and 31A. I urge the Hon. Ian Gilfillan not to judge the other place by the performance of the member for Elder. Some Opposition frontbenchers do apply their mind and, whilst I would be the first to criticise the other place for a lack of performance, as I said, it would be grossly unfair to judge it on the performance of the member for Elder.

The honourable member also criticised the Government for not consulting and, indeed, cited criticisms by the Local Government Association. I have not received a copy of any correspondence from the Local Government Association, although the honourable member referred to a letter of yesterday's date. On the face of it, the Local Government Association has been intrinsically involved in the development of this legislation and its associated underlying policy.

The Hon. Ian Gilfillan interjecting:

The Hon. A.J. REDFORD: I am sorry; I did not pick up that interjection. In that regard I draw the honourable member's attention to the report to the Minister for Justice and the Minister for Police, Correctional Services and Emergency Services on the funding arrangements for emergency services in South Australia by the Emergency Services Funding Review Committee dated 15 May 1998 and tabled in this place, I think, on 1 June 1998. That report flags the establishment of a Community Emergency Services Fund. I point out that the Executive Director of the Local Government Association, John Comrie, was a very important member of that steering committee.

To be entirely fair to the Minister, it ought to be acknowledged that the Local Government Association was involved in this right from the very beginning. I hope that the Minister will continue to consult with the association. In the short time that John Comrie has been at the Local Government Association his accessibility and constructive approach to legislative change has been most welcomed by the Government and, indeed, this Parliament, and we are very lucky to have him.

This is not an easy Bill and it is not easy, as a member of Parliament, to come into this place and say that we will be undergoing a taxation change. In State terms, this is a taxation change; indeed, it is revolutionary. I commend the Minister for his courage in introducing this legislation. I note that there has been opposition to this Bill from the Australian Labor Party. It has indicated that the Government's contribution of 10 per cent is insufficient and believes that it ought to be 20 per cent, although the member for Elder alluded to the current contribution from general revenue as being of the order of 30 per cent to 35 per cent. I would be most interested to hear the Minister's response to that. Suffice to say that emergency services may well need additional funding. I know from my own experience that the CFS is not as well funded as one would hope, and certainly the Government has a duty to ensure that appropriate emergency services are in place in rural and regional South Australia.

The other issue relates to motor vehicles. Until I was shown this in the Emergency Services Funding Review Report, the demand for emergency services as a consequence of motor vehicle fires and other issues surprised me. I believe it is appropriate that owners of vehicles are required to pay that cost in an equitable way. My real concern with respect to the amendments relates to the nature of the scrutiny.

The Hon. Ian Gilfillan has indicated that the Environment, Resources and Development Committee ought perhaps to have some supervisory role in the establishment of the Emergency Services Fund and the level that ought to be applied. A similar issue occurred to me when I was looking at the water resources legislation. I flirted with the idea of having the scrutiny of that placed in the hands of that committee. However, on balance, I do not believe that it is the appropriate committee. The appropriate committee is the Economic and Finance Committee, which is a Lower House

committee and, at the end of the day, matters associated with money are, generally speaking, the province of the House of Assembly, the House that forms and determines the fate of a Government. I do not believe it is appropriate for joint or Upper House committees to be involved in that process and, indeed, the amendments that I moved to the water resources legislation reflect that view. However, I will expand my argument in that regard at the appropriate time.

I must say that Governments are elected to govern. We give Governments the power to establish all sorts of taxation rates, and they are entitled to do so provided that their budgets are passed by the Lower House. It seems to me that the Westminster system provides adequate protection and scrutiny and, at the same time, allows Governments to get on and do what they are supposed to do, that is, govern.

I believe it is appropriate that we adopt that process in relation to the community emergency services levy. Much of the work is yet to be done and that will be done in Committee. I commend the Bill and look forward to a higher standard of debate in this place than we witnessed or read about in the Lower House. I am optimistic because the Hon. Ian Gilfillan will be involved, as will the Hon. Paul Holloway, who seems to have recognised the member for Elder's lack of diligence and has probably done much of the work himself rather than rely on the member for Elder.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indication of support for a major reform in relation to emergency services funding. As has already been indicated on a number of occasions, this reform has been the subject of discussion by Governments for at least the past 20 years, and no Government has yet, until this time, been prepared to grasp the political hot potato which it presents. This Government, having made a commitment at the election to put emergency services funding on a more equitable basis, is now seeking to honour that commitment.

The Bill which we have before us is, in the Government's view, a fair and reasonable approach to a complex issue but an issue which, if dealt with in this way, can remove a great deal of the inequity existing in the current system. The legislation is intended to address the major inequities in the current system and to provide a fair and sustainable framework to fund emergency services to meet the genuine needs of the community.

As I have indicated already, everyone seems to agree that change is needed; it really involves a question of the form of the change. All speakers have indicated that this Bill, in varying degrees, satisfies the need for legislative change in most respects. The difference comes on several key issues which will be the subject of extensive debate at the Committee stage.

The Hon. Mr Holloway queried the so-called flexible nature of the Bill, that is, that the levy rate that is to be applied to properties in an area or to a land use is set and can be varied by Government through notification or proclamation. I submit to the Council that this flexibility is essential to maintain a system where contributions by property holders are comparatively equitable between areas and between land use types. It is a key feature that will enable integration with a system that allows resources in terms of risk. It is consistent with one of the key objectives of the new arrangements, that is, equitable contribution and effective allocation of resources to manage community risk.

One of the reasons why the existing system is inequitable and lacking in transparency is that it lacks the flexibility and accountability that will be provided by this Bill. One of the main issues is the Government's contribution, which by the Bill is fixed at 10 per cent of the amount to be collected, and that 10 per cent is to be in lieu of the contribution based on property owned by the Crown. That is in line with the recommendations made by the committee that conducted the review into funding arrangements. The 10 per cent figure was based on an estimate of the value of property owned by the Crown, and it is intended to be a fair and reasonable contribution, pending a full review of the capital value of that property.

The Hon. Mr Gilfillan raised questions about when that will be completed. The Government hopes that it will be done expeditiously, but it must be recognised that it is complex and that there is a very substantial amount of Crown property around the State in respect of which it may be difficult to ascertain value.

The Hon. Ian Gilfillan: It may not even be worth doing.

The Hon. K.T. GRIFFIN: It may not be worth doing in some locations, but in others it will. The committee made a considered judgment that 10 per cent was about the right level of value of Crown land and, in any event, that is about what the taxpayers of the State pay through Government through the budget. One must remember also that the State Government retains its top-up role in relation to major emergencies and disasters. It funds the police and all the emergency services at the present time, apart from the insurance contribution, but certainly—

The Hon. Ian Gilfillan: And local government.

The Hon. K.T. GRIFFIN: Yes, local government contributes a proportion. In terms of managing State disasters, for example, the State retains a framework which can be called upon to bring together all the emergency services and police in times of disaster or other natural emergency. That is a substantial cost which we have to contribute. Like everyone else in the community, the Government will be making a fair contribution on the basis of the property it owns, but above and beyond that it will continue to fund the extraordinary costs of protecting our community during major emergencies.

The Hon. Mr Holloway foreshadowed an amendment in terms of concessions for pensioners and protection for low income earners, but the honourable member does not appear to have taken into account that pensioners and low income earners who have adequately insured their properties and vehicles will receive the benefit of reduced insurance premiums, and the existing system does not generally provide concessions to pensioners. The system in the Bill is focused on everyone making a fair and reasonable contribution for the protection on which they can depend if that is needed.

One has to raise the question why, if a person has a piece of property worth the same as the property next door and one happens to be a pensioner and the other person is not a pensioner, there should be a distinction in principle in the contribution that each property owner makes towards the emergency services.

The Hon. Mr Holloway also foreshadowed an amendment to restrict the Government's ability to increase the levy to pay for capital expenditure where capital works above $5 million are proposed by the Government. The process for determining the amount to be collected and the application of those funds for capital and recurrent purposes will be subject to comprehensive public accountability before and after the collection and application of funds, and I make the point again, referring to the comment made by the Hon.

Angus Redford, that the levies, the expenditure of the levies, and the budgets of the emergency service organisations are all subject to the budget process.

Obviously, questions can be raised in Parliament, that is, in the Council or the House of Assembly, or in any of the Parliament's committees, including the Estimates Committees. I therefore suggest that the prospect of the Government and these agencies not being accountable for the levies that are imposed and the expenditure of the amounts collected will not match the reality. The amount to be collected will be based on business plans prepared to deliver services to meet the needs of the community, and obviously they are available publicly. They are discoverable under freedom of information.

The fund will be subject to internal audit at portfolio level and subject to the relevant provisions of the Public Finance and Audit Act, including audit by the Auditor-General. In addition, there will be full public accountability through the output-based budgeting process and Estimates. So, in respect of the issues that the Hon. Mr Holloway raised, I suggest that there are good and powerful reasons why the amendments which he proposes are inappropriate.

In terms of the Hon. Mr Gilfillan's contribution, he asserted that this is clearly a tax Bill, and I deny that vigorously. We will perhaps agree to disagree in respect of that. This is designed to impose a levy to replace the levy that is currently charged by the insurance industry on policies of insurance, to spread the net further and to ensure that it is equitable based upon value of property and extent of the risk according to land use factors, which are to be determined in accordance with the provisions of the Act.

It is correct that there is nothing to stop the Government increasing the levy without reference to Parliament, but I suggest that we have to live in the real world; that would be blatantly obvious to everybody if it were to occur; and it would become the subject of much political comment. Ultimately, I suspect that it would become an issue of significance at any election and in the way in which the Government is perceived to be doing its work.

The honourable member says that the Local Government Association was concerned about structure and other issues. He made the point that the Local Government Association was not consulted until after the Bill was introduced. That is wrong. The Bill was introduced on 4 June 1998. The Minister for Police, Correctional Services and Emergency Services was at a Local Government Association forum on 29 May 1998 when the issues were raised; there is a letter from the Local Government Association to the Minister on 3 July 1998; and there have been discussions and consultations with the Local Government Association.

The most recent was a letter received via the Hon. Iain Evans which is dated 24 August 1998 and which seeks a number of commitments. I think it is important to read it into *Hansard*. I understand that other members have the letter, so there is nothing confidential about it. It concerns the series of amendments which the Government has placed on file and which are designed to meet some of the concerns, if not all the concerns, of the Local Government Association. My understanding is that they have now been fully met and that the amendments that the Government has on file are the amendments that ought to be supported in preference to those of the Hon. Mr Gilfillan in so far as they relate to issues affecting the Local Government Association. The letter, addressed to the Hon. Iain Evans MP, Minister for Emergency Services, states:

> Dear Minister
>
> Thank you for forwarding the latest version of the revised draft amendments to be moved by the Attorney-General (faxed on 20 August 1998 with the amended definition of 'parklands').

So it has gone through a process of consultation until the final version to which this letter refers. It continues:

> As discussed with you these words are not entirely consistent with the LGA's understanding of what was agreed in our meetings. I am given some comfort by your telephone advice regarding the interpretation and application of the draft amendments. Given that the Minister of the day can and does change and that we are a membership based association, I need to be able to adequately demonstrate to all councils the State Government's interpretation and application of the draft amendments.
>
> In this regard I advise that the LGA would be supportive of the amendments proposed, subject to the Government placing the following matters on the public record in Parliament.
>
> Emergency Services Funding Transitional Advisory Committee
>
> To ensure the committee is requested to act and is brought into having an active role, it is to be asked to undertake a thorough review of the responsibility for the payment of the levy in relation to public and Crown lands. This review is to be undertaken by the committee as an initial priority, along with the manner in which emergency services assets currently listed on council financial statements are to be treated in the transition to the proposed new arrangements.
>
> Crown taken to be owner of certain land
>
> The definition of 'coastal reserve' could be interpreted rather narrowly. Where such a reserve is separated from the sea only by a small distance, which may include for example a road (whether made or not), a watercourse, or an area of open space or similar reserve, then it is to be taken to fit within the definition contained in the amendments.
>
> The proposed requirement to clause 6(2)(c)(i) shall relate only to the portion of the land being used by the council for its operations, ie, where a council operates a tourist information centre on a reserve, only that portion of the reserve being used for this operation will be captured by the amendment.
>
> The proposed requirement in clause 6(2)(c)(ii) will only be applied where a licence exists on an ongoing basis not a relatively short duration, ie, council has granted a licence to a local community group to occupy the parklands for a single day to stage a fete. Similarly as above, the clause shall relate only to the portion of the land that is subject to a lease, not the entire land.
>
> Delegation
>
> The Minister will not seek to delegate to a council any duty, power or function against the wishes of the council concerned, notwithstanding that the legal ability to do so appears to exist.
>
> To enable me to advise the Opposition Parties that the LGA is supportive of the Bill with these amendments, I would appreciate your prompt written confirmation that the above points will be made to the Parliament and hence included in the official parliamentary debates.

Well, they are and the assurance is given. My understanding is that this will be confirmed to the LGA if it has not already been so confirmed.

I make a point in relation to delegation. I understand the concern of the LGA, but there are two points worth making. The first is that no Government ordinarily delegates to a body which is unwilling to act upon the delegation. As a matter of law, even if there was a delegation made to a council, there is no obligation upon a council to act upon that delegation: they can merely decline to act. So they are protected whichever way it should go. In any event, I can indicate that the Government does not intend to delegate to a council if the council is not prepared to accept the delegation.

The Hon. Mr Gilfillan says that he is concerned about the ambit claim in the Bill and that it is poorly drafted. I suggest that it is not an ambit claim or that the Bill is poorly drafted. The Bill is constructed so that it does provide—

The Hon. Ian Gilfillan: I didn't say 'poorly drafted'.

The Hon. K.T. GRIFFIN: You did. You check *Hansard*.

The Hon. Ian Gilfillan interjecting:

The Hon. K.T. GRIFFIN: My note and my clear recollection is that the honourable member said that it was poorly drafted.

The Hon. Ian Gilfillan interjecting:

The Hon. K.T. GRIFFIN: Okay. I no longer need to comment on that. In terms of the ambit claim, I would deny that it is an ambit claim but this is a genuine attempt to get a workable, flexible structure in place which provides equity and fairness in providing protection for emergencies which, as I said earlier, many Governments have recognised but have never sought to achieve.

The honourable member seeks in his amendments to establish a permanent committee. While the Government's committee is a transitional committee his committee has additional functions to those of the Government's committee. The Government obviously supports its own committee and will vigorously reject the permanent committee as being of no value once the issues proposed to be addressed by the transitional advisory committee have been satisfactorily resolved.

The Hon. Mr Gilfillan also refers to the fact that in clause 9 there are matters which are declared not to be the subject of judicial review. I agree that ruling out judicial review is something that ought to be carefully considered and ought not to be included in legislation without good reason, and should not be included capriciously. I suggest to the Council that there is good reason for judicial review to be excluded for a declaration injunction writ or other remedy in respect of the amount of the levy, which is notification by the Minister.

I know there are other mechanisms which amendments seek to impose, but if there were to be judicial review of the Minister's decision to determine the amount of the levy it will have very serious ramifications for the whole scheme and create a high level of uncertainty in the community as to whether or not the levy should be paid. If the courts rather than the Parliament make decisions about the levy and the process that might have been imposed I think it has the potential to throw the whole system into chaos, just as a review of the levy each year by a committee such as the Economic and Finance Committee, except in the limited circumstances referred to in the Bill, would equally have the capacity to throw the whole system into turmoil. I think that would do a disservice to the community rather than providing an effective, equitable and viable scheme. The value of the area factor or the land use factor, again I do not believe ought to be the subject of judicial review for similar reasons as those to which I have referred in relation to the declaration of the levy.

I realise that I may not have dealt with all the issues raised by members—a number of them undoubtedly can be pursued further during the Committee consideration of this Bill—but I reiterate that this is a major reform and is a budget Bill and, although the issue of amendments is one which can be debated during the Committee consideration of the Bill, the issue of the 10 per cent or the 20 per cent is of critical importance to the State and to its budgetary processes and it would be my submission that it would not be proper for the Council, even though some may be inclined to do so, to vary the contribution which the State must make from the budget for the purposes of meeting the emergency services obligations.

Bill read a second time.

LIQUOR LICENSING (LICENCE FEES) AMENDMENT BILL

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

No. 1. Clause 11, page 2, after line 26—Insert the following penalty provision:

Maximum penalty: $5 000

Expiation fee: $315

No. 2. Clause 11, page 2, lines 27 to 33—Leave out subsections (1) and (2).

No. 3. Clause 11, page 3, line 8—Leave out the words 'by or'.

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

That the House of Assembly's amendments be agreed to.

The Bill was passed with amendments to section 109B in the House of Assembly on 6 August. The effect of the amendments was to remove the requirement for holders of wholesale liquor licences to lodge annual returns. The amendments take into consideration concerns expressed by the wholesale sector of the liquor industry about the need for annual returns and, in particular, the requirement to provide litreage details in addition to financial information.

The Government considered the industry's submissions and agreed that annual returns could be replaced by strategic compliance checks. To enable the Commissioner to request financial information to assist with any special investigations a simplified reporting procedure has been proposed which will require a licensee to lodge a return only if required by the Commissioner containing such information as the Commissioner requires. The Commissioner has no intention to require licensees to lodge returns and this provision will only be used in exceptional circumstances. This provision is much less onerous on the industry and was developed with industry consultation. For this reason, the amendments should be agreed to.

The Hon. P. HOLLOWAY: I have read the explanation for the introduction of these amendments given by the Minister in another place. Based on the information with which the Opposition has been provided, we support the passage of these amendments. I understand that they are simply to streamline procedures and that they have the agreement of the industry, so we will not stand in their way.

Motion carried.

SOUTHERN STATE SUPERANNUATION (MERGER OF SCHEMES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 August. Page 1450.)

The Hon. P. HOLLOWAY: I indicate that the Opposition will support this Bill. It involves further reform of superannuation legislation in South Australia and it is yet another indication of the rapidly changing environment in which the superannuation industry exists. I am sure all members of this Council would be aware that the Commonwealth has made numerous changes to superannuation over the past 15 years, and indeed even in the past 12 months there have been quite substantial changes to the industry and from the way in which it seems to be evolving we will be facing even more changes in the future. In many ways, I see this Bill as conforming with the movement in the superannuation industry towards the more portable and greater diversity of schemes that exists now in the private sector.

What this Bill does specifically is to amalgamate the non-contributory scheme established under the Superannuation Benefits Scheme Act of 1992 (the so-called SSBS scheme). It amalgamates it with the contributory schemes established under the Southern State Superannuation Act 1994 (the so-called Triple S scheme). The Triple S scheme was introduced four years ago to be a market based superannuation fund with a membership now of some 4 500 public servants. This compares with some tens of thousands of members of the former SSBS scheme. What the Government is seeking to do is to merge these two schemes in order to have only one market funded scheme, the new Triple S scheme. Therefore, in effect, the SSBS scheme members can rollover into the Triple S scheme.

As I understand it, the new scheme will be consistent with other superannuation funds. At present, the rate of return of the revised Triple S scheme is based on the actual investment earnings achieved by Funds South Australia. When these schemes are merged the former SSBS members can expect better returns because, at present, the interest that they are paid on their superannuation investments is based solely on the South Australian Government Financing Authority bond rate.

Also, the changes will enable our public servants who are members of the new scheme to choose their particular investment strategy. They can choose either a particularly low risk path or a path that is higher risk, rather like the commercial products that we see offered by the larger private superannuation funds. For example, a number of funds are capital guaranteed, some are property based, some equity based, and a whole range of superannuation products now are provided by private sector funds. This will enable the new SSS scheme to provide a range of products for its members. I am pleased to see that we are assured in the second reading explanation of this Bill that, while there will be some ability to choose between these types of funds, there is no plan to provide inappropriate high risk options to members of the SSS scheme.

Nowadays, with the greater knowledge and sophistication of members of superannuation funds, they are aware of the options available, and it is an advantage that people should be able to tailor their superannuation requirements to their needs. Of course, that requires a range of options within their superannuation fund. We would welcome that, provided always, of course, that these funds operate within the proper prudential limits; and we are assured that they will.

Another element of this new fund that I wish to talk about is that established under the new section 33A, which sets out a new disability pension. Members of the scheme who are unable to work for more than a month will be able to apply to the scheme to receive two-thirds of their salary for up to 18 months at a small added cost of, I think, of about $1.30 per week. Under this scheme there will also be the ability to purchase additional levels of insurance cover.

Again I suggest that this mirrors what members of private insurance funds have available to them. It has been my experience that most private superannuation schemes have a combination of superannuation investment and life insurance cover, and it is of benefit to the members of the fund to have that option available to them, and the new disability scheme is something that we should welcome. In conclusion, hopefully under these changes public servants will have access to a scheme that offers a good return on investment, a scheme that is competitive and operating at the top end of the performing funds. Also, it should be a scheme that provides the required flexibility and range of options that our public servants deserve.

It is my understanding that the unions that represent public servants have supported this scheme. One of the features of the scheme is that the guaranteed investment return that existed under the old SSS scheme will be removed. That is a necessary option if you are going to go from the lower risk portfolios based purely on interest rates on Government bonds. If you are going to choose a scheme that is equity based or capital guaranteed, and so on, it will require changes to the guarantee. I note that that has been agreed to by the unions concerned. All it leaves me to do is wish this new fund well. We hope that it will operate profitably and prudentially and that it will give the public servants of this State the best returns available in their retirement as a reward for their contribution to this State.

The Hon. M.J. ELLIOTT: The Democrats support the second reading, and I have only a few brief comments about the Bill. My office has made contact with the Public Service Association and I am informed that the PSA has no problems with the Bill. There had been some initial concerns, which have been overcome by the insertion of the notion of temporary disability. This has countered concerns about the number of employees who are forced off work on a temporary basis and who can suffer financial hardship. A couple of months ago I was contacted by a member of the second of the three superannuation schemes that we have had in this State, the lump sum scheme, who was distressed to have discovered that, should she die (and she was a single parent) her child would receive a very small pension. In fact, I have checked and been informed that, while there would be a lump sum in the estate of $89 000 or thereabouts, the actual pension that would go to her child would be a mere 4.5 per cent of final salary.

This woman was particularly incensed because she recognised that if she had left a spouse rather than a child the benefit would have been far greater. Because a child is only eligible to receive it for a relatively short time, the cost to the State is much less. I know that she was distressed about whether or not on her death there would be adequate pension for her child and, clearly, there would not be. This is an issue that I raised informally with the Treasurer a while ago, but I might just put the question on the record now and hope to receive an answer not necessarily during the debate over the next 24 hours but, I hope, within a short period of time. I would be interested to know what the impact on the cost of the scheme would have been if we had not been so miserly with that level of benefit.

I must admit that this legislation went through at a time when I was in this place, although I do not believe that I was handling the Bill, but when I looked back at the Bill I realised that pensions were calculated by means of formulae, which are very complex. Not only are the formulae themselves complex but the terms, phrases and clauses that relate to them are also complex. Reading it with a lay person's eye, I do not think that I would have realised just how lousy was the benefit that would have been left to a child when a parent died. There is also the fact that, when there is no spouse, a child needs a great deal of support. This legislation did not pick that up at all. I note that the previous scheme would have left 10.5 per cent of final salary to an only surviving child, which was more generous, but I also note that, if a person becomes a member of the new SSS scheme that was intro-

duced a few short years ago, there is no pension left at all on death; there is simply a lump sum.

To a person joining the SSS scheme I suppose it is plain that there is no pension, only a lump sum. It is easy to understand, but I wonder how many members of the two older schemes realise just how little will be left to children (particularly if there is not a surviving spouse), and the implications of that, and whether or not in their ignorance they are perhaps not adequately covered, assuming that the scheme they were in gave them proper cover.

I was putting to the Treasurer informally questions about how much it would have cost the scheme to be a little more generous to surviving children. My feeling is that, since it would have been for a limited number of years, the cost would not have been that great, particularly if it related to children where there was no surviving spouse. The Treasurer may care to respond to that, not necessarily at the end of the second reading stage or during the Committee stage, but in due course.

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

NATIONAL PARKS AND WILDLIFE (BOOKMARK BIOSPHERE TRUST) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 18 August. Page 1450.)

The Hon. J.S.L. DAWKINS: I rise to speak briefly to this Bill. Many members would be aware of the existence of the Bookmark Biosphere Trust, the development trust established under the National Parks and Wildlife Act 1972 in relation to a number of national park reserves in the Riverland region. The biosphere presently comprises some 21 areas of national park reserves, pastoral leases, national trust land, local government reserves and private land in the general Riverland region, of approximately 6 000 square kilometres.

The Bookmark Biosphere Trust has gained considerable support for its activities from State and Commonwealth Governments, local government, private people and organisations both within Australia and abroad. The purpose of this Bill is to address the wish of the Bookmark Biosphere Trust to establish an environment centre for educative and research purposes adjacent to the town of Renmark. However, the Crown Solicitor has advised that the trust is not able to purchase, build or operate the environment centre. In fact, I understand that it is not even able to apply to do such things under the current provisions of the National Parks and Wildlife Act.

The Act requires the trust to act in relation to its designated National Parks Act reserves only and does not allow it to expend its funds on anything other than the reserves for which it was created. The proposed amendments to the National Parks and Wildlife Act 1972 will expand the functions of the trust to enable it to establish and operate the environment centre. This environment centre project has received $400 000 in Natural Heritage Trust funds, with $200 000 coming from the Commonwealth Government and an equal amount from the State Government, funded through the River Murray Water Resources Levy. The Renmark-Paringa District Council has pledged approximately $100 000 of in-kind support, and I am aware of the support of that council, and particularly of the Mayor (Mr Rod Thomas), for this project in the vicinity of the town of Renmark. The overall funds for the project amount to approximately $1.1 million.

I support this project: it will be important for the Riverland region. The centre is proposed for an area of land which is not used currently but which is very close to the main route for people entering the Riverland from New South Wales and Victoria. Obviously, it will enable many more people to become aware of the work of the Bookmark Biosphere Trust than is presently the case. I support the Bill.

The Hon. CAROLINE SCHAEFER: The Bookmark Biosphere Trust is a privately funded group with an interest in the preservation of species, sustainable land use, landscape planning, community involvement, education and training. The Minister's second reading explanation identifies one of the aims of the trust as allowing for conservation of core areas while allowing human activity nearby. The specific purpose of this Bill is to allow for the establishment of the environment centre at Renmark. I understand that there is considerable local support for this centre and, with that in mind, I support this Bill.

However, I need to raise the fact that some concern has been expressed at the fact that the trust has the support of the Australian National Committee for UNESCO, and that biosphere reserves are established under the Man and the Biosphere Program, an initiative of the United Nations Educational Scientific and Cultural Organisation (UNESCO) dating from 1971. Therefore, it is important to note that there is a great deal of local involvement and membership with respect to this reserve and environment centre. Included in that membership and involvement are a number of local landowners and the Paringa council. I note that other partners in the trust are the purchasers of Gluepot Station, that is, Birds Australia. In any literature that I have obtained on the trust there appears to be a great deal of emphasis on private and philanthropic funding, and local involvement is very important. Therefore, I have no concerns, since I believe that any successful conservation group or project must have a high degree of local involvement, and this trust certainly goes out and seeks that involvement.

The trust also provides assistance to private landowners who are partners in the biosphere reserve to achieve their land management aspirations or address other matters of significance. This is an important method of private funding for important conservation projects within the State. As most of us are well aware, there is a large area of land that is suitable for conservation projects but very little public money available to support a number of those projects. I support this Bill and the work of the trust.

The Hon. M.J. ELLIOTT: I rise on behalf of the Democrats to support this Bill. This biosphere reserve is in a part of the State that I particularly love, although I must say that I do not think there is any part of this State that I do not love very much. Whether it is wandering through the Mallee, the sand dunes of the West Coast or around the ponds of the permanent springs of the South-East, there are many wonderful places.

I lived in the Riverland area for six years. When I lived in Renmark I was a regular visitor to the Danggali Conservation Park, which is part of this biosphere reserve. I used to take school biology camps into Danggali. I did a great deal of canoeing and camping in the anabranches of the Murray, taking school groups (as well as my own family) camping up

and down those creeks. I have seen Mallee fowl nesting within five kilometres of Renmark. Now they are considered to be an endangered species, but when I came to Parliament over 12 years ago they were nesting quite close to the township of Renmark. It is a very special place. The biosphere reserve is clearly the only one in South Australia. It is a different approach to conservation. We have a mixture of national parks such as Danggali, regional reserves such as Calperum and some pastoral properties under the Pastoral Act—a mixture of types of ownership, but they are all considered to be part of the whole as part of the Bookmark Biosphere Reserve.

This Bill seeks to implement technical amendments to the operation of the Bookmark Biosphere Reserve to allow the establishment of an environment centre for educative and research purposes between Renmark and the river. The Bookmark Biosphere Reserve is part of the United Nations Scientific and Cultural Organisation—Man and Biosphere Program. This program was established during the 1960s to address concerns about increased land degradation and species extinction and to develop solutions to these problems on a worldwide scale. A network of these reserves in different regions of the world is now established to protect major ecological systems and to balance the conflicting goals of conserving biodiversity, promoting economic and social development and maintaining cultural values.

Bookmark Biosphere Reserve comprises 29 different land tenures and partners, including parks, reserves, pastoral lease and private land covering approximately 700 000 hectares. The Federal Government is also a land partner through its purchase in 1992, jointly with the Chicago Zoological Society, of the Calperum pastoral lease—a large tract of intact mallee just north of Renmark. At present the Bookmark Biosphere Reserve is not established under the National Parks and Wildlife Act or any other Commonwealth or State legislation. It therefore has no statutory status.

The Crown Solicitor has advised that this means that it is not able to purchase, build or operate the environment centre under the current provisions of the National Parks and Wildlife Act. The Act requires a trust to act in relation to its designated National Parks Act reserves only, and does not allow it to expand its functions on anything other than the reserves for which it was created. This Bill therefore seeks to redress this to enable the trust to submit a development application to the State's Development Assessment Commission to establish an environment centre. I am advised that this Bill does not in any way empower any action other than in relation to this specific trust.

Finally, while the matter of Bookmark Biosphere Reserve is before this place, I note that there are two threats to the biosphere reserve at this stage. When there was discussion (and it may re-emerge) of an interconnection between New South Wales and South Australia for power, I understand it was planned to go through the biosphere reserve. I am disappointed about that and the fact that there was no real attempt to go south of the reserve, which would have been the obvious course to follow.

The other threat is that the Government is now considering granting a number of leases within the area, although it does not say what for. My understanding is that the whole of the Murray Basin is now considered prospective for mineral sands. So, there is a strong chance that we have here a number of operators who will be looking for mineral sands within the biosphere reserve. If those leases are granted, and if finds are made within the biosphere reserve, we could be confronting strip mining. I am aware that some mineral sands operations can be highly destructive. That is not necessarily true of all of them, as it depends on the particular mineral sands involved. Some sands contain large traces of radioactive elements and one is left with significant components of those. That is a source of contamination of some ponds which still exist on the boundary of Port Pirie, where the processing of mineral sands there in the past has left a large remnant of radioactive materials. At this stage I suppose that is speculative, but I note concerns about those two potential developments within the Bookmark Biosphere Reserve. The Democrats support the second reading of the Bill.

The Hon. A.J. REDFORD: In rising to speak on this Bill, I confess that my knowledge of the Bookmark Biosphere Trust is extremely limited, so anything I might say should be read in that context. I rise to speak on this matter because late last week I was approached by the member for MacKillop (Mr Williams), who advised me that he had been contacted by a number of constituents who expressed concern about some of the provisions within this Bill. In particular, his constituents expressed the concern about clause 3(b), which provides:

> . . . duties may be assigned by the Minister to the Bookmark Biosphere Trust. . . are not limited to duties in relation to the development or management of its reserves but may include any duties that, in the opinion of the Minister—
>
> (a) relate to participation by the trust in the Man and the Biosphere Program; or
>
> (b) will directly or indirectly benefit any plant or animal, or the ecosystem to which a plant or animal belongs. . .

I understand that the Bookmark Biosphere Trust is a creature of the United Nations. In certain parts of this State, the term 'United Nations' is not mentioned in a positive frame. Indeed, it is my view that some proportion of the support that One Nation currently enjoys is reflected in this issue. The question of the Australian Government's entering into various treaties under the auspices of the United Nations minimising the role of parents and the control of their children and other sorts of issues, to the exclusion of public and local control and input, have led to a degree to the feeling that people are being disfranchised.

The concern that has specifically raised with me is that paragraph (a) may well, according to these constituents, enable this trust, albeit through the Minister, to interfere in other reserves or in other places. The concern that has been raised with me does not concern any of the Bookmark Biosphere Trust Reserves but relates to other reserves. They are extremely concerned that the trust may seek to interfere with other activities in other reserves. With that in mind, when it is time to close the debate I would be grateful if the Minister could address the concerns which I have raised and which indeed may well have been raised in another place. I confess that I have not read the debate in another place and I am not sure whether this issue was raised there.

However, I would be most interested to hear what restrictions there are in the assignation by the Minister to the Bookmark Biosphere Trust in relation to duties and what restrictions there might be in terms of any of the trust's powers in dealing with reserves that are not one of the Bookmark Biosphere Trust reserves.

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

PRIMARY INDUSTRY FUNDING SCHEMES BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 1482.)

The Hon. P. HOLLOWAY: The Opposition supports this Bill, which arises as a result of consultation with a number of rural industries and, certainly, the approach that has been taken in the Bill is acceptable to those industries. The Bill provides for a mechanism by which rural industries may raise funds through a levy placed on members of their industry. I am sure that in the past all members would have seen a number of amendments with which this Council has dealt in relation to industry funds, such as the grain industry and the various livestock industries. We have all dealt with those sorts of funds in the past year or two.

This Bill makes such industry funds generic, if I can use that term. In other words, all rural industries that wish to set up these funds for promoting their industries will have the opportunity of doing so. A levy may be raised by industry members making annual contributions at the time when livestock or products are sold; from the collection of fees under the Livestock Act; or by another manner to be decided upon by the industry.

The original Bill has been amended to give greater consultative powers to the affected industries, and the Opposition certainly welcomes that. This funding scheme will provide industries with greater power to position themselves advantageously in relation to marketing and trade opportunities. This can only be a positive step, especially with the Asian economic crisis hitting many of our rural industries hard.

It is worth pointing out that Victoria and Western Australia run similar schemes. I am sure that you, Mr President, are aware of a number of Commonwealth rural industry schemes, and it is my understanding that other States are considering following this example. Clause 4(2) of the amended Bill allows for the Minister to establish such a funding scheme after consulting 'widely with industry members and give proper consideration to any representations made by industry members'. The funds will be controlled by members who contribute, and I am informed that safeguards have been built in so that the contributing members will retain effective control over expenditure.

Under the Bill that is before us these funds will be established by regulation, and the regulations provide that a fund can be administered in three ways: first, by the Minister; secondly, by an approved society or association in accordance with the rules of the society or association; and, thirdly, by a board of trustees, of whom at least three must be appointed by the Minister after consultation with industry members in accordance with a trust deed.

It is my understanding that the majority of larger industry funds are run by a board of trustees; and the Grains Council Fund and various livestock funds already have that process in place. The provision to have funds administered by an approved society or association is to accommodate those industries which may be somewhat smaller. It may be more convenient to have those industries managed in that way. From my discussions, I understand that the provision for the Minister to run funds is really a last resort, if I can put it that way, to accommodate groups that are so small or diverse that it is difficult to run them in any other way.

It needs to be pointed out that, as with other industry funds in the rural sector, although collection can be made compulsory, those members who wish not to contribute to the fund can have their contributions refunded at an appropriate time. As I mentioned earlier, the funds will be controlled by members who contribute, and safeguards have been built in so that contributing members will retain effective control over the expenditure.

This legislation covers a wide range of services to rural industries and includes payments of compensation to members for the eradication or control of disease, pests or contamination; the provision of services to industry members; and any other purpose for the benefit of individual industry members or for the general benefit of the affected industry.

I know that some discussion occurred in the rural sector in relation to how these funds might be used and whether or not compensation was an appropriate use. Most of the concerns originally expressed by the rural sector in relation to this Bill involved a fear that Government may use these funds to displace Government expenditure that is provided out of consolidated revenue. In other words, Governments could use these funds to provide for a range of services that is currently provided by the Government itself. I am sure that is why the rural industries concerned were keen to have control over these funds.

These industries did not want these funds used in a cost-shifting exercise, whereby the provision of services previously provided by Government would be forced upon them. However, certainly the Farmers Federation is content with the final outcome of this Bill and that the safeguards contained therein are sufficient to ensure that the members of the funds will be able to control the expenditure of what is, after all, their own money.

Finally, consultation is vital to ensure that the best interests of the industries are protected. I am sure that members of those industries will be watching carefully to ensure that the establishment of these schemes is in the best interests of those rural industries. In supporting this legislation we hope that it will provide those industries that are struggling at the moment either with pests or the need to promote various aspects of their activities with an option to take decisions in the best interests of their particular rural industry. As a consequence, let us all hope that those rural industries which take advantage of this legislation will prosper as a result of the opportunity they now have to act in their interests. I support the Bill.

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

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

SOUTHERN STATE SUPERANNUATION (MERGER OF SCHEMES) AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 1562.)

The Hon. L.H. DAVIS: This Bill to amend the Southern State Superannuation merger of schemes legislation is not contentious. It is supported by the Opposition and that is understandable because this legislation has practical and important benefits to Public Service members of superannuation schemes in South Australia.

Over the last 20 years, there have been some considerable adjustments and amendments to public sector superannuation in this State. I remember well over a decade ago proposing that a select committee be established to investigate the public sector scheme in South Australia, which was described by private sector actuaries as the most generous public sector scheme in the world. It had extraordinary benefits, although some significant disadvantages were attached to it, including lack of flexibility in the scheme. As a result, the Government moved to set up an inquiry into the public sector scheme in 1986 and, subsequently, it was agreed that the scheme should be modified. The existing scheme was closed and a new superannuation fund was opened.

What is described as the existing scheme—the SSBS system—has been with us for some years, and the new superannuation scheme, which was introduced in South Australia and which is a market-based superannuation fund, is styled the Triple S scheme. The proposal in this legislation is to merge the long-established SSBS scheme with the Triple S scheme. In other words, the Bill seeks to merge what is described as the non-contributory scheme established under the Superannuation Benefits Scheme Act 1992 with the contributory scheme established under the Southern State Superannuation Act 1994.

The advantage of this is obvious. At present, if a member of the public sector work force wishes to contribute towards their future retirement income, they must join the contributory scheme. That is, if they are in the non-contributory scheme they are forced to resign from that scheme and join the contributory scheme. That in itself creates administrative work. Why have two schemes if one would do the job? That is exactly what this Bill proposes to establish, a single accumulation scheme which will be open to all public sector employees, irrespective of whether they want to contribute to their retirement income by giving a percentage of their salary or wage or, alternatively, being happy to be a non-contributory member. If they are a non-contributory member, they will receive only the superannuation guarantee benefit which must be paid for by the State. The measure is quite sensible. The membership of the Triple S scheme, which is the newest of the superannuation schemes in South Australia, is in the order of 4 500 to 5 000 new members. It is a market based superannuation fund. The attractive element about the proposal is that the Bill will not only merge the two schemes as they now exist into one, reflecting administrative benefits, but it will also give an element of choice to members of those funds.

In future they will have a choice of an investment strategy. At present members in the old scheme receive interest based on the South Australian Government Financing Authority long term bond rate. Now the members of the Triple S scheme, as it now exists, will obtain a rate of return based on the actual investment achieved by Funds SA that may well be better than they are receiving at the moment and, in addition to that, there is going to be an element of choice introduced for members and they can choose an investment strategy best suited to their needs. They may take a low risk option, which would no doubt be an investment in income bearing securities—bank bills, Government bonds—which would be income based investments returning a guaranteed rate of income with very moderate, if any growth but, most importantly, it would be largely a riskless investment. That would be seen to be a conservative strategy.

Alternatively, a member could choose a more aggressive investment strategy and could signify a preference for a diversified growth portfolio, and the second reading indicates that, over actual investment experience of the past 15 years, a more aggressive portfolio with diversified investments would have produced a 50 per cent higher return on investment funds. One could surmise that a diversified growth portfolio would include blue-chip shares, some income related investments, Government securities, bank bills and perhaps some exposure to the property market. There would also be the opportunity of a lower risk portfolio with more moderate growth. The Treasurer's second reading explanation quite properly makes the point that at no stage would there be a plan to provide high risk options to members of the Triple S scheme.

The other matter that is an excellent initiative is contained in new section 33A, which provides for a new disability pension. In future, anyone in the public service who is a member of the scheme and who is disabled and is unable to work for more than one month will be able to apply to the superannuation scheme and receive up to two-thirds of their salary for up to 1½ years for a very minimal cost. That is a practical initiative and a recognition that disability can quite often lead to severe financial hardship.

Having followed public sector superannuation closely in my period in the Parliament, I must say that I am impressed with this series of initiatives. It reflects the professionalism that exists in the superannuation field under the leadership of Mr Dean Prior. It also reflects on the Government, which recognises that superannuation is an increasingly important element of a work force package, given that quite often people are retiring earlier and living longer. I commend the second reading.

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

NON-METROPOLITAN RAILWAYS (TRANSFER) (NATIONAL RAIL) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 August. Page 1481.)

The Hon. SANDRA KANCK: I am delighted to be addressing this Bill. I am almost inclined to say, 'Refer to *Hansard*, 22 July 1997', because this Bill represents what I tried to move as an amendment to the Non-Metropolitan Railways (Transfer) Bill 1997 last year. At that time, the Minister and the then shadow Minister (who happened to be one Terry Cameron) opposed my amendment. In fact, I do feel that I need to quote what the Minister said regarding my amendment at the time:

> The honourable member may be very surprised to learn that I am vehemently opposed to this amendment.

So I have a feeling of 'I told you so,' at the very least. I guess I am not allowed to use hand signals or that sort of thing in Parliament, but those reading *Hansard* in future could imagine that I have my thumb on my nose and I am wiggling my fingers, because the Minister has introduced exactly the same amendment that last year she vehemently opposed. I will be delighted—

The Hon. Diana Laidlaw: They have won a contract since.

The Hon. SANDRA KANCK: And I told you they were going to at the time because—

The Hon. Diana Laidlaw interjecting:

The Hon. SANDRA KANCK: I told the Minister at the time that they were going to win the contract because they were the only tenderer, and she was not prepared to believe me.

The Hon. Diana Laidlaw: No, I would not act on inside information when it came to contracting.

The Hon. SANDRA KANCK: It was not inside information: it was told directly to me by Fred Affleck at the time. I am surprised that at the time the Minister did not say, 'Let us adjourn the debate and I will go and have a conversation with the people from National Rail or with the people at BHP to confirm it.' All I can say is that I believed at the time when I moved this amendment last year that it was a necessary amendment and now that it has come up under the Minister's name it still remains a necessary amendment. I am delighted that the Minister has seen fit to see things in the way in which I saw them then. I support the second reading and the Bill.

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

PRIMARY INDUSTRY FUNDING SCHEMES BILL

Adjourned debate on second reading (resumed on motion).
(Continued from page 1564.)

The Hon. CAROLINE SCHAEFER: There are precedents for this Bill in both Victoria and Western Australia. The Bill gives various primary industries or sectors of the primary industries the ability to raise funds for the commercial advantage of that particular sector. At the moment, the ability to raise such funds is available only to the pig, cattle, deer, wheat and barley industries, but no others. Those who have the ability to raise funds all claim significant benefits for their industry. The Bill has been introduced after extensive consultation, after more than 600 copies of both green and white papers have been distributed for comment and after the industries involved have been extensively consulted and involved right throughout. There are significant safeguards. Funds raised will be controlled by representatives of the contributors to the fund and it is a nuts and bolts Bill which was introduced in July—and those of us on the Bills committee have virtually forgotten that it was still coming up. As far as I know, no-one dissents from the Bill, and I commend its rapid (if I can say rapid after all this time) passage through both Houses.

The Hon. IAN GILFILLAN: I wish briefly to express Democrat support for this legislation. It is a good initiative; it will be very interesting to see how it evolves in practice. I also indicate appreciation for the Minister's diligence in forwarding proposed amendments to me and making sure there was a wide ranging discussion prior to this being dealt with in this place. I want to comment on that particularly, because it does not apply to quite a lot of other legislation which seems to be catapulted into this Parliament without the sort of deliberate and constructive discussion and analysis prior to the debate which have applied to this Bill. With those few words I indicate Democrat support. We will be looking forward to seeing how all the wide range of the various facets of the industry take the opportunity to use these self funding schemes. I wish not only the Bill well but also the various industries that pick it up every success and hope to be able to assist them as a parliamentary representative of their interests in the years ahead.

The Hon. J.S.L. DAWKINS: As has been addressed by previous speakers, the purpose of this Bill is to provide an ability based on legislation for groups within the primary industries sector to raise funds. This is something that has been sought for a period of years. I understand that this has previously been available only to industries such as the pig industry, cattle, deer, wheat and barley. I am also advised that there is general consensus among representatives of industries in South Australia in the primary sector that the power to raise and expend moneys—

The PRESIDENT: Order! I point out to the photographer that the rules are that you are only able to take a photograph of a member standing addressing the Chamber. If that is not your intention, would you please leave.

The Hon. J.S.L. DAWKINS: To expend funds on a sector basis will result in significant benefits to all members of the various industries concerned. I understand that there has been considerable public consultation over a period of about two years, and this has involved green and white papers being circulated to not only primary producers but also associated processors and service providers in the relevant areas. The Bill proposes that the Minister may establish a fund for a sector after undertaking due consultation with participants in the sector concerned. Funds raised will then be controlled by representatives of the contributors to the fund. A number of safeguards have been built into the proposal to make sure that industry representatives will retain control and make the decisions on expenditure and that the sector can continue to monitor the fact that those decisions are made for the good of the industry. I support the Bill.

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning): I thank all members for their support for this Bill, and I wish it a speedy passage.

Bill read a second time and taken through its remaining stages.

BULK HANDLING OF GRAIN ACT REPEAL BILL

Adjourned debate on second reading.
(Continued from 19 August. Page 1492.)

The Hon. J.S.L. DAWKINS: This Bill implements the recommendation of a working party which included considerable grower representation and which was established by the Minister for Primary Industries in September 1997 to investigate the necessity for continuation of the Bulk Handling of Grain Act 1955. This Act, as many members would realise, was enacted primarily to convert the storage, handling and transport of grain in bags to a system of bulk storage, and the Act has resulted in the establishment of the South Australian bulk handling company SACBH which, apart from limited funding in its formative years, has funded its activities out of its own reserves. It has no external borrowings and the Government has no financial interest in SACBH. I think many people in rural areas would agree that that has been one of the great pluses for SACBH. It has been run by growers and has been a great success in this State over the past 40 or so years.

SACBH is a public unlisted company limited by guarantee and therefore does not have a share capital. It is required to comply with Corporations Law and operate under its memorandum and articles of association. These state that income and property of the company must be applied towards the objects of the company. Voting rights for SACBH are

covered in the company's memorandum and articles of association, which were agreed to at a special general meeting held in October 1996. These can only be amended following approval of 75 per cent of members of SACBH who vote at a general meeting.

The repeal of the Bulk Handling of Grain Act 1995 was unanimously supported by all levels of industry during widespread working party consultations. The bodies consulted included the Advisory Board of Agriculture, which is the governing body of the agricultural bureaux in South Australia, the South Australian Farmers Federation, the Australian Wheat Board and the Australian Barley Board.

The repeal of the Bulk Handling of Grain Act 1955 is consistent with national competition policy principles. The review found that the current Act impedes the development of a more commercial operating structure and therefore impedes SACBH's ability to reduce its costs. SACBH has also indicated in writing to the Minister, the Hon. Rob Kerin, and has issued a public statement to accompany that letter, that it is company policy that SACBH will not become involved in grain trading and that it will retain tax exempt status due to its memorandum and articles of association. Indeed, both the Australian Wheat Board and the Australian Barley Board support the repeal of the Act.

The tax exempt status of SACBH is gained by the Federal Taxation Act (section 50.40) dealing with improving agriculture in Australia. This will remain after the repeal of the Bulk Handling of Grain Act 1955. State sales tax will have to be paid, but the company has taken this into consideration. I do not propose to say a great deal more. It is not a large Bill; it repeals something that has been in existence for a number of years which is now considered by the industry not to have any great relevance to the way in which grain is handled in South Australia.

I would close by emphasising what I said earlier. South Australian Cooperative Bulk Handling has been an excellent success story in South Australia. It was commenced in the days when my father and many other grain growers took that decision to invest in the transition to the bulk handling method from handling grain in bags and taking part in the other associated activities such as sewing bags and lumping individual bags of grain, which was obviously a time-consuming and very strenuous task. In light of those facts and the strong industry support for the recommendations of the working party, I have pleasure in supporting the Bill.

The Hon. P. HOLLOWAY: The Opposition supports this Bill. As the Hon. John Dawkins has pointed out, the Bulk Handling of Grain Act 1955 was introduced to facilitate the change from the handling of grain in bags to the bulk handling method that we have now. It was necessary to give the new authority the right to have compulsory acquisition of grain and also to provide Government guarantees to enable the investment to be made in the new infrastructure, which has grown in those intervening 43 years into a very substantial investment. Indeed, SACBH is probably one of the larger companies in this State, if one were to look at its asset value.

The need for the sole receival rights and the Government guarantee has long passed. We now see that, under the new regime that is coming in with national competition policy, this Act and many other Acts, involving not just primary industries but other areas of Australian society, are being reviewed to consider their competitive nature. What we see—and it is the case with this review—is many of these changes coming in advance to pre-empt what might be expected under national competition policy. I know that has led some people within the industry to have some concerns that perhaps this process has been driven too much by competition policy and by unrealistic concepts of competition rather than by the reality of the economic situation.

From discussions other members of the Opposition and I have had with a number of players in this field—the SACBH board, the Farmers Federation, the Grains Council and others—I think there is general acceptance that SACBH will continue to grow unhindered by any change to the Act that establishes it. After all, as the report points out, there has been little investment in alternative infrastructure. I think it would be fair to say that, with or without any sole receival rights, SACBH will continue for a long time to come as the major receiver of grain. What one can hope for is that perhaps at the margin some other investment or developments might be facilitated by deregulation that do provide benefits. I guess that is really the hope of this repeal Bill.

In concluding my comments in support of this Bill, I must say that I think there are some difficult decisions facing the grain industry. I referred to those decisions during debate on another Bill in this place several weeks ago. As I indicated then in the light of the changes to the Barley and Wheat Boards and so on, it was necessary for the Grains Council as a body that makes the decisions in this area to seek to put its funding on a better financial and more professional footing in order to deal with some of the big issues that are emerging.

As well as the restructuring of the major boards involved in grain trading, some difficult decisions will have to be made in respect of issues such as deep sea ports and so on. These decisions will have to be made in a modern world on a commercial basis. One can only hope that with the removal of this Act and the unfettering of other constraints these bodies will continue to grow and be as successful as they have been in the past. The Opposition believes they will.

We are aware that the major players within the industry accept the inevitability of these reviews and deregulatory processes that are under way at the moment. When one looks at reviews conducted under national competition policy, it is interesting to note the point of view that I have received from many people: that is, that even though they may not agree with the final outcome they do agree that reviews of their industry are at least useful in that they bring to light some of the improvements in commercial practices that industries could make.

In relation to SACBH, the case is perhaps a lot clearer than it might be in respect of some of the other national competition policy reviews in the rural sector. I have much fewer qualms about supporting deregulation in this industry than perhaps I would have in some other areas. With those comments, the Opposition supports the Bill.

The Hon. IAN GILFILLAN: I will speak briefly in support of the Bill. Again, we have had the advantage of plenty of lead-up time to look at this legislation and seek opinions from others. Although this may be a simple Bill in its effect, the fact is that there has been a sentimental or emotional attachment to SACBH and its history.

The Hon. M.J. Elliott: Understandably so.

The Hon. IAN GILFILLAN: Yes, understandably so, as the Hon. Mike Elliott interjects. When one makes a dramatic change to a structure, there is cause for more than just passing interest. The Council may be interested to note that we asked for direct feedback from the South Australian Farmers Federation. My research officer received a telephone call

from Jeff Arney, Chairman of the Grains Council, who is based at Bordertown. Mr Arney chaired the working party which unanimously recommended repeal of the Bill. He says—and I find this somewhat interesting—that Ivan Venning is the only one complaining about it. I assume that, because there is still solid Government support for the Bill, whatever his complaint was has been overcome. The Hon. Caroline Schaefer, who I think indicated that she may speak to this Bill, may refer to that complaint and provide us with the history of it. I was told that there was very little reaction from any group, and the Wheat Board is happy with it. Quite clearly, the industry wants it and the Democrats see no reason why we should go against its wishes. We support the Bill.

The Hon. CAROLINE SCHAEFER: I rise to speak briefly to this Bill and, in so doing, I first of all declare my interest in that, as a deliverer of grain for many years, my husband and I are members of the South Australian Co-operative Bulk Handling company—as is, of course, anyone who has delivered grain since the inception of this Bill in the 1950s.

The Hon. M.J. Elliott: Ivan is, too.

The Hon. CAROLINE SCHAEFER: Ivan is, too. I am also a former employee of SACBH, having had, in my many and varied careers, the honour of working on the weighbridge at the Buckleboo silos for a number of years. As a supporter of minimalist government, I find it a great delight at last to be standing in support of the repeal of a Bill. It seems to me that we introduce many more laws than we ever repeal. The essence of this Bill is probably summed up early in the second reading explanation, which outlines the history of SACBH. The Act came into being in 1955 to convert the storage, handling and transport of grain in bags to a system of bulk storage. I can barely remember when grain was carted in bags. However, SACBH has gone on to be a very significant business and industry within this State. In latter years, it has gone on to build an enormous amount of bulk storage and to be a major employer throughout the State.

As previous speakers have said, this Bill was arrived at after extensive consultation with the industry, and with no dissension. Those in favour, listed within the second reading explanation, are the Advisory Board of Agriculture, the South Australian Farmers Federation, the Australian Wheat Board and the Australian Barley Board. I also note that a 1988 royal commission into grain storage, handling and transport recommended the removal of sole handling rights at that stage.

As the Hon. Ian Gilfillan has said, SACBH is run and owned by grain handlers and marketers, and the board is elected by those who are involved in the industry. I have great faith in the people who are on the board at the moment and great admiration for their skills. I have no doubt that SACBH will go on to run the handling of grain within this State (and, possibly, as it has indicated, grape juice) commercially and very well.

As to the Hon. Ian Gilfillan's suggestion that I might care to comment on the concerns of one of my colleagues in the Lower House, I suggest that he speak to Mr Ivan Venning about that because, if Mr Venning has any concerns, I am sure that they are personal and isolated and that they certainly are not reflected by the greater part of the industry.

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support for the Bill.

Bill read a second time and taken through its remaining stages.

The Hon. R.I. LUCAS: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

STATUTES AMENDMENT (FINE ENFORCEMENT) BILL

Returned from the House of Assembly with the following amendments:

No. 1. New clause, page 4, after line 27—Insert new clause 15A:

Amendment of s.42—Conditions of bond

15A. Section 42 of the principal Act is amended by striking out from subsection (1)(g)(ii) '(in a lump sum or in instalments)'.

No. 2. Clause 24, page 6, after line 9—Insert:

(3) To avoid doubt, a reference in this Division to a pecuniary sum is a reference to a pecuniary sum imposed by any court of criminal jurisdiction.

Consideration in Committee.

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

That the House of Assembly's amendments be agreed to.

The Bill has passed both Houses. The amendments are money clauses, which have now been inserted by the House of Assembly. It is obvious that they must be agreed to for the purpose of ensuring that a coherent Bill is the result of the legislative process.

Motion carried.

CITY OF ADELAIDE BILL

The House of Assembly agreed to amendments Nos 1 to 11, 32 and 33 made by the Legislative Council without any amendment; disagreed to amendments Nos 12 to 31; and made the alternative amendments in lieu of amendments Nos 16 and 19 to 21 as indicated in the following schedule:

No. 16 Schedule, clause 3, page 19, line 26—Leave out '7 December' and insert: 14 December

No. 19 Schedule, clause 6, page 21, line 8—Leave out 'five weeks' and insert: four weeks

No. 20 Schedule, clause 6, page 21, line 10—Leave out 'three weeks' and insert: two weeks

No. 21 Schedule, clause 6, page 21, line 26—Leave out 'five weeks' and insert: four weeks.

Consideration in Committee.

The Hon. R.I. LUCAS: I move:

That the Council do not insist on its amendments Nos 12 to 15, 17 and 18, and 22 to 31.

I have been reliably informed by Parliamentary Counsel that all these amendments, and indeed the subsequent amendments, relate to the one simple issue which has been a fundamental disagreement between this Government and the Opposition for some considerable time, that is, the whole notion of compulsory voting as opposed to voluntary voting.

The dispute between the two major Parties, together with the Democrats, over the past four or five years has been in relation to State Government elections. In relation to the City of Adelaide Bill, the Government's intention has been to continue with voluntary voting for City of Adelaide elections. When the Bill was last before the Legislative Council, the Opposition, together with the Australian Democrats, inserted a package of amendments into the Bill which included compulsory voting for future City of Adelaide elections.

Therefore, it would not surprise the Committee to know that the Government is steadfastly opposed to the whole notion of the introduction of compulsory voting. That is

entirely consistent with the position that the Government has taken in relation to a number of State elections and, of course, it is entirely consistent with the view the State Government has taken in relation to local government elections generally and, in this case, the City of Adelaide. I am advised by the Minister for Local Government, who has handled the passage of this Bill, that the attitude of local government generally is quite clear in that it does not support the introduction of compulsory voting into local government elections.

The Hon. L.H. Davis interjecting:

The Hon. R.I. LUCAS: Well, there is certainly no mandate from the Labor Party for this. As I have indicated, certainly the Government would claim a mandate for the whole notion of voluntary voting in not only City of Adelaide elections but also State Government elections. This is an important issue. A number of amendments were moved by the Hon. Mr Xenophon when the Bill was in the Chamber last time, and the Hon. Mr Cameron on behalf of the Labor Party originally moved amendments in relation to pecuniary interests. The Hon. Mr Xenophon moved amendments, some of which were unsuccessful in relation to Barton Road—

The Hon. Nick Xenophon: Not yet, but eventually.

The Hon. R.I. LUCAS: Persistence is his motto. He was successful with a number of other amendments to the legislation. The Government is being reasonable as always, and the Minister for Local Government on behalf of the Government has engaged in some discussions to try to ensure passage of the legislation. I understand that the Government has demonstrated its willingness to accept a range of amendments to the City of Adelaide Bill which have been moved by a number of members and Parties in both Houses of the Parliament.

There is one fundamental issue on which the Government will not give ground, and that is the issue of compulsory versus voluntary voting. The Democrats and the Labor Party, as I said, have consistently not only campaigned on but stymied Government intentions to make changes to voluntary voting at State elections. This is, of course, the reverse: we already have voluntary voting in local government elections supported by local government, and there is now an attempt by the Australian Labor Party and the Australian Democrats to impose, against the will of local government generally, a form of compulsory voting upon local government.

As I said, it is not surprising that the State Government remains steadfastly opposed to this package of amendments, which has been moved and supported by Democrat and Labor members in this Chamber. There has often been debate about compulsory and voluntary voting in this Chamber. The Minister's staff have very capably provided me with pages of notes to try to convince members of the correctness of voluntary voting as opposed to compulsory voting, but I do not think I need delay the Chamber any longer than need be with this argument.

Clearly, the positions in this Chamber in the past have been quite clear. The Labor Party and the Democrats have had the numbers in this Chamber to crush the good intentions of the Government in relation to voluntary voting and to impose a system of compulsory voting not only in terms of its continuing to apply in State elections but also in an endeavour to impose it in local government elections commencing, first, with the City of Adelaide Bill. It is not a complicated issue: it is straightforward. As I said, the 1½ pages of amendments are all related to this simple issue of whether members support compulsory or voluntary voting. I urge the majority of members in this Chamber to change their position and to support voluntary voting in the City of Adelaide Bill.

The Hon. IAN GILFILLAN: Quite obviously, on behalf of the Democrats, I support the amendment we have moved to the Bill. I re-emphasise how inappropriate it was to slice off the Adelaide City Council as if it were some completely different creature to the general local government community and expect us to deal with it as if it were not going to be a precedent in many ways to the substantial local government reform Bill, which is some months away and which will take some months of deep and deliberate consideration. To argue that it is inappropriate for us to have amended this Bill now reflects on the intemperate haste with which this Government bolted in this Bill to try to patch up a situation for one particular local council.

It is equally appropriate for us, under those circumstances, to make a substantial argument on major issues as if we were dealing with the substantial omnibus Bill. So, to argue that it is inappropriate for those of us who feel that the local government community is entitled to the same degree of electoral democracy as the other tiers of Government is really an insult to local government. People can disagree with us, and they do, and they will continue to do so. However, to argue that it is inappropriate for us to raise the issue and that it is an indecent political procedure for the majority of elected members in this Chamber to carry it into the Bill is not only illogical but an insult to the way this Parliament works. At this stage in Committee I indicate that the Democrats support the retention of the amendment which we, by a democratically elected majority, passed to the Bill in an earlier debate.

The Hon. P. HOLLOWAY: The Hon. Terry Roberts has been handling this Bill for the Opposition, but we will insist on the amendments. I guess the matter will now go to a conference where, presumably, some negotiations will be had and we will see what comes out of it. I support the original amendments.

The Committee divided on the motion:

AYES (9)

Cameron, T. G.	Davis, L. H.
Griffin, K. T.	Laidlaw, D. V.
Lawson, R. D.	Lucas, R. I. (teller)
Redford, A. J.	Schaefer, C. V.
Xenophon, N.	

NOES (8)

Elliott, M. J.	Gilfillan, I.
Holloway, P. (teller)	Kanck, S. M.
Pickles, C. A.	Roberts, R. R.
Weatherill, G.	Zollo, C.

PAIR(S)

Dawkins, J. S. L.	Crothers, T.
Stefani, J. F.	Roberts, T. G.

Majority of 1 for the Ayes.

Motion thus carried.

The Hon. R.I. LUCAS: Mr Chairman—

The Hon. G. Weatherill: I don't know why he doesn't sit over there. He is sitting with us and he should be sitting over there. He is scabbing on us. It's bloody ridiculous.

The Hon. R.I. LUCAS: If the honourable member has a problem, he can sort it out later on.

The Hon. G. Weatherill: No, I think that you should sort it out.

The Hon. R.I. LUCAS: If the honourable member has a problem, let him sort it out.

The Hon. G. Weatherill: You are the ones who conned him into doing it.

The Hon. R.I. LUCAS: We could not con him into anything that he did not want to do.

The CHAIRMAN: Order! Would the Treasurer please address the Chair.

The Hon. R.I. LUCAS: I am advised by Parliamentary Counsel that the remaining amendments are, in essence, consequential on what the Committee has just dealt with. They are all part of the package of the issue of compulsory voting as opposed to voluntary voting, and I therefore move:

That the Council do not insist on its amendments Nos 16 and 19 to 21 but agree to the alternative amendments made by the House of Assembly.

Motion carried.

Members interjecting:

The Hon. G. Weatherill: Sit with the Liberals; that is where you are.

The Hon. L.H. Davis: Just calm down, George!

The Hon. G. Weatherill: Just calm down? This is the guy who used to stand up when he was in the trade union and talk about scabs.

The PRESIDENT: Order!

LOCAL GOVERNMENT FINANCE AUTHORITY (BOARD MEMBERSHIP) AMENDMENT BILL

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

The Hon. R.I. LUCAS (Treasurer): I move:

That this Bill be now read a second time.

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

The PRESIDENT: Is leave granted?

The Hon. P. Holloway: No!

The PRESIDENT: Leave is not granted.

The Hon. R.I. LUCAS: This Bill provides for two principal matters. It allows the board of the Local Government Finance Authority to co-opt up to two additional members with financial expertise, and it requires the Minister to whom the Act is committed to table the authority's annual report in Parliament within 12 sitting days of its receipt. The first amendment is put forward at the request of the present board of the Local Government Finance Authority. The board needs independent technical financial advice in order to discharge its responsibilities of oversight of the work of the authority effectively.

As the existing membership is essentially representative, it is not possible to ensure that enough of the needed expertise is around the table. The Treasurer's nominee brings high level financial skills to the board but there is no other assured source. While there are occasions when the board should, and does, purchase such independent advice, there are times when there is need for a continuing skilled presence at the board table. Changes in the financial marketplace have made it necessary for the LGFA to prepare itself for more aggressive competition and for more considered risk management. This amendment will enable it to continue to do so.

The second substantive amendment implements a recommendation of the fourteenth report of the Statutory Authorities Review Committee Inquiry into Timeliness of Annual Reporting by Statutory Authorities. In bringing the Bill forward, the opportunity has also been taken to update the language of the principal Act to take account of a change in the language of the Local Government Association constitution and to take account of changes in the conventions of parliamentary drafting. The schedule contains these changes which are entirely technical in nature. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Clause 1: Short title

This clause is formal.

Clause 2: Amendment of s. 7—Constitution of the Board

The Act is to be amended so as to allow the board to co-opt one or two additional members with financial expertise to assist the board in the performance of its functions.

Clause 3: Amendment of s. 8—Terms and conditions of office

A co-opted member will be appointed on conditions determined by the board. The appointment of a co-opted member will be able to be terminated at any time by resolution of the board or the Authority.

Clause 4: Amendment of s. 10—Procedures, etc., of the Board

This amendment is consequential on the proposal to allow the board to co-opt one or two additional members.

Clause 5: Amendment of s. 13—Allowances and expenses for members

This amendment will allow the board to pay additional amounts to co-opted members of the board.

Clause 6: Amendment of s. 34—Annual report

This amendment specifies 12 sitting days as the period within which the Minister must lay a copy of the annual report of the Authority before each House of Parliament.

Clause 7: Statute law revision amendments

The opportunity is being taken to make statute law revision amendments to the principal Act.

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

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

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

Page 24, after line 21—Insert:

Amendment of s. 95—Application of certain revenues

52. Section 95 of the principal Act is by inserting in subclause (1) 'and the fees paid by interstate practitioners on giving notice of the establishment of an offence in this State' after 'fees'.

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

That the House of Assembly's amendment be agreed to.

The amendment inserts in the Bill a provision which is a money clause and which is necessary for the proper implementation of the Bill.

Motion carried.

EMERGENCY SERVICES FUNDING BILL

In Committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. IAN GILFILLAN: I move:

Page 2, lines 24 to 27—Leave out paragraph (b) and insert paragraph as follows:

(b) in relation to dedicated land within the meaning of the Crown Lands Act 1929 or land dedicated by or under any other Act, being land that has not been granted in fee simple but which is under the care, control and management of a Minister, body or other person—

(i) in the case of land from which the Minister, body or other person derived income in the immediately preceding financial year that exceeded the Minister's, body's or other person's costs incurred in that year in the care, control and management of the land—the Minister, body or other person;

(ii) in any other case—the Crown;

The intention of this amendment is to distinguish Crown land that is being run as a profitable enterprise by some entity—Government, council or other entity—and to make that person or body liable for paying the levy. However, where no such body, person or Minister is involved in running a profitable organisation, the Crown would be liable. Where there is a net profit, the body making the net profit from that land will be the entity responsible for the levy.

The Hon. K.T. GRIFFIN: There are a number of amendments to this Bill, some of which were only on file mid-afternoon. Everybody has been busy on a number of other issues and it has therefore not been easy to get on top of the amendments, particularly because some of them either duplicate other members' amendments or are in substitution for other amendments. In order to ensure that we deal with this as efficiently as possible I will propose that we report progress. That means that if it does go to a conference it is more than likely it will be on Thursday or even Friday if we cannot get issues resolved, but in the meantime the opportunity to consider the amendments at a more leisurely pace might help to short circuit that process.

Progress reported; Committee to sit again.

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

A quorum having been formed:

SELECT COMMITTEE ON THE PASTORAL LAND MANAGEMENT AND CONSERVATION (BOARD PROCEDURES, RENT, ETC.) AMENDMENT BILL AND COVERAGE OF THE PRINCIPAL ACT

The Hon. DIANA LAIDLAW (Minister for Transport and Urban Planning) brought up the report of the select committee, together with the minutes of proceedings and evidence and moved:

That the report be printed.

Motion carried.

The Hon. DIANA LAIDLAW: I move:

That Standing Orders be so far suspended as to enable the Pastoral Land Management and Conservation (Board Procedures, Rent, etc.) Amendment Bill be not reprinted as amended by the select committee and that the Bill be recommitted to the Committee as a whole immediately.

Motion carried.

PASTORAL LAND MANAGEMENT AND CONSERVATION (BOARD PROCEDURES, RENT, ETC.) AMENDMENT BILL

Bill recommitted.

Clause 1.

The Hon. DIANA LAIDLAW: I would like to thank honourable members for their cooperation tonight on forming an absolute majority of members to enable the select committee report to be presented and considered immediately. I do so only on the basis that we know that business tomorrow will be formidable and we could make some progress on this matter this evening.

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: And in the mood of the goodwill that was evident throughout the select committee I take the tip from the Hon. Michael Elliott and say that all parties did agree that this report be brought forward now and that I speak to it. We will then seek to report progress. The select committee was established on the basis that the majority of members wanted to consider the Bill that had been introduced by the Government which sought to address the whole matter of the use of unimproved land values to determine pastoral lease rentals. The Bill was referred to the select committee with an additional reference to look at matters that related to the principal Act that may well be relevant to the broad State interest and the range of special interests in pastoral lands.

The Government, I should note, did not support the establishment of the select committee but certainly we agreed to cooperate fully once the majority of members indicated their wish to progress the matter that way, and all members have cooperated, I believe, in an outstanding fashion, in the true style that has been established by the Legislative Council in the past, in working together to progress this matter promptly.

We did travel to pastoral areas of the State, including Glendambo—and we brought rain, which would please you, Mr Chairman.

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: Well, politicians do not get credit for much today, and rain came while we were there, so I think we should take credit for it. We travelled to Marree, Port Augusta and Yunta.

The Hon. M.J. Elliott interjecting:

The Hon. DIANA LAIDLAW: And we brought rain to all those places. Indeed, it was generally appreciated that the committee had travelled north of Gepps Cross, although all the people we met would have appreciated our being able to stay longer to meet with them, and we would have welcomed such an opportunity also. Because we had made a decision that we wished to progress this select committee and report in this current session, it was quite difficult to get all members together. We felt that it was important for the pastoralists that they knew that the entire select committee, and not just some of the members, went to the pastoral areas. So, seeking a common date for all members to meet was really my guiding principle, and I am pleased that all members of the select committee and its support staff, including Chris Schwarz, the Secretary, Leith Yelland, Research Officer, and representatives of *Hansard* were able to come with us on that occasion.

In addressing the Bill, it was interesting that there was a unanimous view for unimproved values remaining as the basis for the assessment of rent. We have certainly supported that conclusion. We did find that many pastoralists with whom we spoke considered that the Bill meant that they would not have a reassessment of rent of their leases until a period of five years from the last assessment. That is not in fact what is provided for in the Bill, and there is an opportunity for the Valuer-General to make another assessment within that five year period or for the Minister to determine that such an assessment would be held.

We have made reference to that fact and have supported with goodwill the provision of a five year period from assessment to assessment, but kept the discretions for the Valuer-General and the Minister on the understanding that they would be used only in exceptional circumstances. We have reflected on the cost of such a valuation being undertaken within a five year period, of some $90 000 per assessment, and on that basis we believe that the cost alone would be a discouragement for the Valuer-General or the Minister undertaking assessments on a more regular basis. So, we believe that the pastoralists' general understanding of this Bill

concerning pastoral lease rental determinations every five years will probably be the rule.

There is provision in the Bill for the board to meet via teleconferencing facilities, and we have supported that. However, we have noted that it is very important that the existing two monthly face to face meetings of the Pastoral Board be continued and that we would wish the board to meet at least four times a year, either in Adelaide or in pastoral centres, and not use the teleconferencing provisions in this Bill as a reason to circumvent meetings of the full board.

We have proposed an amendment to the rental appeal provisions, because it was pointed out to us that there was a potential as the Bill is drafted to provide for third party appeals, yet that was not the Government's intention. The committee recommends a small amendment to provide that the lessee or the Valuer-General may seek a right of appeal. This amendment removes the words 'person including the Valuer-General' which the committee believes could lead to the misunderstanding that there could be a third right of appeal.

In terms of the extension of statutory time to complete the first lease assessments, the committee supports the extension of the date to 31 December. It does so on the understanding that the assessment process is now 80 per cent complete.

In terms of the principal Act, the committee proposes amendments which will provide for an annual report to the Minister and the Parliament by the Pastoral Board. There was a lot of discussion about this matter. I think it was of some surprise to most committee members that provision for such an annual report did not already exist.

However, the committee notes that there was particular concern about the content of that report. The committee is firmly of the view that the annual report by the board should contain land condition monitoring and stocking data at original or district level, but that such data should not be property specific. That is the committee's recommendation, and we hope that the board and the Minister respect this recommendation, which reflects the wishes of pastoralists as well as the Conservation Council and others to whom we spoke about this matter.

The committee also noted that much of the information that it views as important in terms of an annual report is already prepared by each pastoral soil conservation district. Therefore, it should not be difficult to compile that information or place it in the annual report of the Pastoral Board in the future.

In terms of the composition of the Pastoral Board, the committee recommends no change. However, we spent considerable time looking at the composition of the board. I highlight that in terms of administrative policy the committee recommends that the Minister for Environment and Heritage and Aboriginal Affairs examine ways of ensuring that pastoral lease rent levels be advised by 30 June in each year of determination, even if the final payment date remains at the end of February of the following year.

The committee has not moved a specific amendment to the Bill to that effect, but it understands that this recommendation can be accommodated by the department when looking at lease rent levels. We certainly believe from all the advice we have received from pastoralists that this would make it much easier in future to balance their budget for the forthcoming year. I think all of us with goodwill would seek to help pastoralists in this way.

One of the terms of reference provides for other matters that relate to the principal Act where we believe that the Act could better address the broad State interest and the range of special interests on pastoral lands. I note that the report lists six such issues. We have not, however, agreed on how those six issues should be addressed or resolved. However, there is general agreement amongst the committee that those six matters may well warrant further examination. I briefly outline them, as follows: 5.1, a proposal that a portion of the moneys received by Government from companies and groups involved in mining exploration on pastoral leases be transferred to the pastoral program funding base towards the monitoring and rehabilitation of impacts that are additional to normal stock and public access management; 5.2, a requirement for a more permanent, continuous form of pastoral lease that would be more applicable to future diversity of land uses in the range lands; 5.3, a continuing concern about public liability on pastoral leases, and particularly a lessee's liability for injury and damage in cases where public access to the lease or leases is without the knowledge or approval of the lessee. Of all the six issues listed, I suspect that there was more common agreement amongst members of the committee that this issue of public liability should be addressed as a matter of priority: it certainly was a matter that was raised across the pastoral areas of the State.

I outline the remainder of the six matters as follows: 5.4, a suggestion that a set proportion of the lease rent for each station or management unit be refunded to the lessee, specifically to be spent on rabbit warren ripping and other designated rabbit control measures to complement calicivirus; and 5.5, a concern that there be an adequate future funding base for ongoing assessment and monitoring of pastoral lands, irrespective of the level of cost recovery arising from future rental incomes—as noted earlier, however, the committee accepts that when the initial lease assessment program is complete it is expected that program costs will be offset by lease rental income; and 5.6, a growing interest in the broader program of measures to conserve these areas within the existing pastoral zones that are not grazed by stock.

I do not believe I need to say much more at this stage in speaking to the report. Certainly, other members will have different areas that they wish to emphasise in terms of our investigation. I note, however, that it was a pleasure to work with the Hon. Mike Elliott, the Hon. Ron Roberts, the Hon. Paul Holloway and the Hon. Caroline Schaefer, all of whom made my job as Chair of the committee a very easy and interesting job.

On a personal level, I had an opportunity to learn a great deal about pastoral land management issues, of which I did not have knowledge, despite 15 years as a member of this place. I had never been to Glendambo before, although I had visited Marree, Yunta and Port Augusta at other times. So, that was an excellent opportunity for me at a personal level.

I also thank and compliment our Secretary, Mr Chris Schwarz. He has been diligent and never lost his sense of humour in trying to arrange many meetings within a short space of time for many busy people. It is not an easy exercise, and he did it well. I wish to acknowledge the efforts of Mr Leith Yelland in terms of the writing up of the material and research and evidence that we received. Mr Yelland was recommended to the committee by the Minister for Environment and Heritage and Aboriginal Affairs. Mr Yelland has had long experience in pastoral board matters, and that certainly proved of benefit to us in considering these issues.

I commend the report to all members and note that there will be two amendments of some substance and one to the schedule that we must address in Committee.

Progress reported; Committee to sit again.

ADJOURNMENT

At 9.37 p.m. the Council adjourned until Wednesday 26 August at 2.15 p.m.