HOUSE OF ASSEMBLY

Tuesday 25 August 1998

The SPEAKER (Hon. J.K.G. Oswald) took the Chair at 2 p.m. and read prayers.

STATUTES AMENDMENT (MOTOR ACCIDENTS) BILL

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I move:

That the sitting of the House be continued during the conference with the Legislative Council on the Bill.

Motion carried.

SOUTH ADELAIDE CRECHE

A petition signed by one resident of South Australia requesting that the House urge the Environment, Resources and Development Committee to investigate the removal of the South Adelaide Creche from the State Heritage Register was presented by Mr Meier.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 148, 158, 159, 164, 168, 178, 179 and 197.

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Primary Industries, Natural Resources and Regional Development (Hon. R.G. Kerin)—

Regulations under the following Acts—
Mines and Works Inspection—Principle
Mining—Principle

By the Minister for Human Services (Hon. Dean Brown)—

Libraries Act—Regulations—Principle
Development Act—City of Prospect, Interim Report on the Operation of—Local Heritage Places Plan Amendment

By the Minister for Education, Children's Services and Training (Hon. M.R. Buckby)—

Technical and Further Education Act—Regulations—Vehicles

By the Minister for Environment and Heritage (Hon. D.C. Kotz)—

Native Vegetation Act—Regulations—Exemptions.

PUBLIC WORKS COMMITTEE

Mr LEWIS (Hammond): I bring up the seventy-seventh report of the committee on the Queen Elizabeth Hospital intensive care redevelopment and move:

That the report be received.

Motion carried.

The Hon. R.G. KERIN (Deputy Premier): I move:

That the report be printed.

Motion carried.

QUESTION TIME

MOTOROLA

The Hon. M.D. RANN (Leader of the Opposition): Did the Premier, as Minister for Industry, write a letter to Motorola in 1994 making an offer for Motorola to become the equipment suppliers for the whole of Government radio communications, and will the Premier table a copy of that letter in this House or make it available to the Economic and Finance Committee on request?

The Hon. J.W. OLSEN: Yes, I did write a letter to Motorola, and indicated, amongst other things, issues that had been raised subject to normal commercial criteria. I also point out that, subsequent to the letter to which the Leader of the Opposition refers, an agreement was signed with Motorola. Clause 17 of that agreement refers to the range of incentives put in place for Motorola, about which the member for Hart knows full well, because he was a member of the IDC that the information was presented to. In relation to the agreement, which was post my letter, it states:

Clause 17
This agreement constitutes the entire agreement of the parties in respect of the matters dealt with in this agreement and supersedes all prior agreements, understandings and negotiations in respect of the matters dealt with in the agreement.

Mr FOLEY: I rise on a point of order, Mr Speaker. It would appear that the Premier may be quoting from a Government docket. If he is, I ask that that docket be tabled.

The Hon. J.W. OLSEN: Mr Speaker, I am more than happy for you to have a look at it. It is not a Government docket: it is an amalgam of individual papers collated by my office. It is not a Government docket.

Members interjecting:

The SPEAKER: Order! Members will not continue to speak when the Chair is trying to make a point. The Premier will resume his seat. The honourable member for Hart has a point of order?

Mr FOLEY: Sir, my point of order is that, with the Premier now confirming that it could potentially be a—

The Hon. G.A. Ingerson interjecting:

The SPEAKER: Order!

Mr FOLEY: Sit back, Graham. Just relax, Graham.

The SPEAKER: Order! The member will address his remarks through the Chair.

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: I get so many things mucked up!

The SPEAKER: Order! I warn the member.

Mr FOLEY: I tell you what, sunshine!

The SPEAKER: Order! I warn the member for the second time.

Mr FOLEY: My point of order is that, should the Premier be reading from a Government docket, I ask that that docket be tabled. Further to that, I would ask that the Clerk of the House and you, Mr Speaker, peruse the docket to ascertain whether or not it is a docket.

The SPEAKER: Order! The Premier has given the Chair an assurance that it is not a public document. There is no point of order.

Mr FOLEY: Further on the point of order, Mr Speaker. The question—

The Hon. G.A. Ingerson interjecting:

Mr FOLEY: He's a bit noisy, Graham, isn't he? The point of order is: should the Premier be reading from a

Government docket—not a public document that you, Mr Speaker, mentioned—I ask that you peruse the document to ascertain whether it is a Government document. Mr Speaker, as you know, should it be a Government docket, under Standing Orders it has to be tabled.

The SPEAKER: The Chair is well aware of the rules. I understand that the Premier gave the House an assurance that it was not a Government docket. On that basis, I accept the Premier's assurance.

The Hon. J.W. OLSEN: I also have been in this place long enough to know that, if you quote from a Government document, that is the sequence of events. Also, I know that I would not bring a Government document into this Chamber and quote from it, because in the document referred to—

Members interjecting:

The Hon. J.W. OLSEN: No, you won't, and you're on a fishing expedition that will hit a brick wall. If my memory serves me correctly, pages 4, 5 and 6 of this agreement detail specifically the financial incentives put in place for the establishment of a software development centre. I know it is the member for Hart's wont to break all tradition in this Parliament, as he did on one previous occasion, I think in November 1996, when he detailed the incentive packages put in place for four companies that had gone through the IDC. The member for Hart knows that previously nobody had ever breached the confidentiality of the IDC—nobody did so except for the member for Hart. The member for Hart full well knows the implications for any Government. I understand the member for Hart has said to a range of people in Government agencies, 'I would never do that again.'

The simple fact is he did it. He compromised this Government in its negotiations with new private sector capital investment in this State—and he knows it. What happens is that, based on what you have negotiated with one company, the next company will always want to ramp up on that. Who is the beneficiary? It is the company, not the taxpayers of South Australia; that is the point. I remind the member for Hart that through the Bannon and Arnold years they too applied that criterion to the IDC. It was always honoured because, the moment you do not honour it, you blow out of the water your negotiating position with private sector companies. The simple fact is quite clear—

An honourable member interjecting:

The Hon. J.W. OLSEN: Yes, I wrote a letter and I have also quoted to the House clause 17 of the agreement, which was signed subsequent to any correspondence I had with parties.

Members interjecting:

The SPEAKER: Order! The House will come to order. I remind members that it is the last week of the session. It would be a terrible shame if members started getting a few days off early.

STATE ECONOMY

Mr CONDOUS (Colton): Will the Premier elaborate on the information he gave to the House on 4 August about recent trends in the State's economic indicators and particularly the implications for employment? I understand that more economic data have become available since the earlier question.

The Hon. J.W. OLSEN: In responding to a question on 4 August to which the honourable member referred I gave some figures detailing the way in which South Australia has recently been outperforming other States of Australia in economic indicators such as retail sales, building approvals and new car sales. I was pleased to be at a luncheon for the HIA in South Australia. It released a report two days ago which talked about optimism in the housing industry in South Australia. It is at its highest level and is outperforming every other State in Australia. The Housing Industry Association in South Australia expects that between now and December 1998 the percentage of hiring and new starts will show an optimism and confidence level higher than that of any other State in Australia. Those positive trends are backed up by additional economic data which are now available and which further indicate that the South Australian economy is on the road to a sustainable recovery.

In terms of overall economic growth, State final demand—that is, of public and private consumption and investment expenditure—grew some 4.7 per cent in the year to the March quarter. With that strong growth in line with national trends, it now appears that growth in demand for the 1997-98 financial year as a whole will be comfortably ahead of the 4 per cent that we predicted at the time the budget was brought down a few months ago.

Another interesting matter—and this is where job creation and particularly tackling youth unemployment are important—concerns the attraction of new private sector investment. Business investment in South Australia in the year to the March quarter was up 20.1 per cent. If you compare that with the national average of 10.4 per cent, you can see clearly that in South Australia new private sector investment is outperforming the national investment attraction figures.

In addition to that, the inflation record in Adelaide is better than that in other capitals, at .04 per cent compared with .07 per cent. Furthermore, if you look at the industrial relations record in the 12 months to April you will see that 10 days per 1 000 employees were lost to industrial disputes in this State, whereas the national figure was 74 days. So, the traditional advantage of South Australia's industrial relations record harmony and cost is being maintained. The trend in the ANZ job vacancies index continues upwards and is now running at its highest level since July 1990—its highest level for eight years. Historically, since 1980 there was until recently a close correlation between the ANZ index and actual employment growth as measured by the ABS. The current ANZ index, on the basis of that past relationship, suggests that about 8 000 net jobs are being created annually. Those economic indicators are important for the thrust and direction of the economy.

I conclude my response with one other quote. Other evidence has been put forward today that closer independent analysis of ABS figures shows that movement forward, particularly in respect of unemployment and youth unemployment, is already happening. The analysis of the figures for July shows that youth unemployment in South Australia is improving and that South Australia is one of only two States to show an improvement.

This analysis was done by the Federal Labor Party and announced by its employment spokesman, Mr Ferguson. I would expect the Opposition to give some credence to this, but I note the sudden silence from members opposite. Even if they prefer to keep their head in the sand about all the pieces of economic good news regarding the State's performance, here we have Martin Ferguson giving an independent analysis which shows that South Australia is one of the two better performing States in Australia. Not only are we continuing to identify economic signposts and trends that are

encouraging but no less a person than the Federal Opposition spokesman, Martin Ferguson, endorses that view.

MOTOROLA

Mr CONLON (Elder): Did the Premier or any of his staff recall files from at least two Government departments relating to the Motorola deal, which dates back to 1994, immediately following Opposition questioning several weeks ago in this House about the now Premier's involvement in the deal in 1994?

The Hon. J.W. OLSEN: I think about 10 agencies and Government departments have been associated with this matter over the past four to five years. I point out to the House that the Coroner in his 1983 report said that the Government had to take some action, but the Bannon and Arnold Governments took no action at all. I did seek information as to what different agencies had been doing, and so I should, because we are used to this Opposition making outrageous claims in this House without fact or substance. We have seen where they are headed today—it is another fishing expedition to try to cast a pall of aspersion.

The fact is that this Government has made a decision—this Government has moved a bit forward. The previous Government ignored the report that was brought forward following the Ash Wednesday bushfires. We are doing something about it in the interests of emergency services for all South Australians.

The Hon. M.D. Rann interjecting:

The SPEAKER: Order! The Leader will come to order.

URANIUM POLICY

The Hon. G.M. GUNN (Stuart): Will the Deputy Premier explain the State Government's stance on mining in South Australia—in particular, uranium mining? I was interested to hear criticism from the Opposition's spokesman for the environment during a grievance last week.

Mr Foley: Comment.

The Hon. G.M. GUNN: You're an expert on commenting. Will the Deputy Premier please explain the State Government's stance on this important issue as a great deal of it is taking place within my electorate?

The Hon. R.G. KERIN: As the member for Stuart said, much of the activity in respect of mining in general, particularly uranium mining, is occurring in the electorate of Stuart. Last Thursday, the member for Kaurna made an interesting contribution during a grievance debate about some of the claims that have been made about uranium mining over the past month or so. He actually went so far as to accuse me of being on the front foot and having arranged a dorothy dixer which he admitted pre-empted a question that he had prepared.

I do not think the honourable member should be too surprised that we are on the front foot. As far as the uranium debate is concerned, we have been on the front foot all along. We have been proactive, and we have certainly not been secretive, as the ACF has accused us. I was glad to hear the member for Kaurna acknowledge that we are on the front foot. Last week in this House I corrected some of the myths that have been put around by the Conservation Foundation.

However, for the past two mornings (particularly on regional radio) they have been at it again. Yesterday morning, there was a lot of talk about the Lake Frome area being covered in mines, which were dangerous to the springs and so on. The claims on regional radio yesterday morning completely ignored processes such as the EIS—a process which mining companies need to go through to reach the mining stage. This morning, it was taken a step further when the ACF, the Hon. Sandra Kanck and the member for Kaurna all upped the ante, with accusations that this Government had hidden plans for a uranium enrichment plant—and they are quite hidden because, as Minister, I know nothing about them. So, the claims are totally unfounded.

The ACF and the Hon. Sandra Kanck also have been pedalling a ridiculous notion that new players are currently rushing into the Lake Frome area and attempting to set up uranium mining ventures to beat the Federal election. That is absolutely ludicrous because, as all members would know, given the lead times involved for trials, EISs, approvals and so on, their going in there now in relation to the timing of the Federal election is quite a bit out of kilter.

There is no doubt that the Federal ALP's half pregnant policy threatens to cost South Australia many jobs, much investment and a high level of exports and creates an uncertainty which affects investment not just in uranium mining but also in the wider mining investment area. Once again, I ask the ACF and others to stick to the facts and let us have a good debate on the matter.

HOSPITALS FUNDING

Ms STEVENS (Elizabeth): My question is directed to the Minister for Human Services.

Mr Conlon interjecting:

The SPEAKER: Order! The member for Elizabeth has the call, not the member for Elder.

Ms STEVENS: Given his evidence to the Senate inquiry on 5 May that serious mistakes are being made in our hospitals because of the need to ration funds, his statement on 28 May that hospitals were quarantined from budget cuts and his statement to the House on 20 August that hospital demand had increased up to 7 per cent, did the Minister instruct his department to tell the board of the Queen Elizabeth Hospital to cut its services and, if not, who did?

Members interjecting:

The SPEAKER: Order! The member for Mawson will come to order.

Ms STEVENS: Will the boy at the back be quiet!

Members interjecting:

The SPEAKER: Order! I warn the member for Mawson.

Members interjecting:

The SPEAKER: Order!

Ms STEVENS: The Opposition has a copy of a minute from the Chief Executive Officer of the North Western Adelaide Health Service which tells staff that the Executive Director of the Department of Human Services told the board on 3 August that activity had to be cut to repay a budget overrun of $7.9 million in 1997-98 and that this would be achieved through a 17 point savings plan, including bed closures and a reduction in patient activity.

The Hon. DEAN BROWN: I hate to repeat the fundamentals but I believe that, with a question such as that, the honourable member raises the issue once again: why is there pressure on our public hospital system? It is because private insurance has crashed throughout Australia. And who set up that crash? It was set up by the former Federal Labor Government and, in particular, the failure of the State and Federal Labor Governments to ensure that we were compensated through the Medicare agreement when there was a

significant drop in private insurance and extra people presented themselves to our public hospital system.

An honourable member interjecting:

The Hon. DEAN BROWN: I cannot go back and rewrite a Medicare agreement which was signed off by Federal and State Labor Governments and which had a fundamental flaw in it, that is, that there was no compensation at all for any drop in private insurance. That is the fundamental problem. That is why the demand in our public hospital system increased by 5 per cent last year.

The facts are as follows regarding the Queen Elizabeth Hospital—or the North Western Adelaide Health Service, which covers both the Queen Elizabeth Hospital and the Lyell McEwin Hospital. The hospital overspent its budget by about $8 million. Whoever leaked the information in the paper on Saturday that it had to be repaid was correct in saying that the department has asked for it to be repaid, but they failed to say that the hospital has 10 years in which to repay it. That is the first fact.

The Hon. G.M. Gunn interjecting:

The SPEAKER: Order! The member for Stuart.

The Hon. DEAN BROWN: The hospital very substantially overspent its budget. The honourable member gave a lot of quotes to the House but failed to quote what I said last week, that is, that the hospital budgets have not yet been finalised; that we have secured additional funds from the Federal Government; and that there will be additional money for hospitals and, further, some hospitals will have their workload increased as a result of demand last year. The Queen Elizabeth Hospital will be one of those hospitals that will get both an increase in allocation of casemix and an increase in the funding to go with that. Therefore, I ask that the honourable member just wait until the budgets of the hospitals are finalised and that she stop trying to speculate. The areas in which she speculates, so far, have been wrong. The first claim she made was that we are about to close 20 beds at the Queen Elizabeth Hospital: she was wrong on that. She has made other claims and she has been wrong on those as well.

Members interjecting:

The Hon. DEAN BROWN: I know that is standard, but I just ask her not to speculate, not to jump to conclusions, to wait until the budget is finalised in a few weeks and the hospital has the budget, and then to look at that budget. I point out that all members know that there is an increased demand because of the crash in private insurance, and that it was Labor, Federal and State, that let down public hospitals throughout the whole of Australia by failing to allow one dollar in compensation in the Medicare agreement that has just finished. I stress the fact that this debt was incurred over the period 1997-98. That is when the $7 million or $8 million debt was incurred. It has occurred because we failed to get the extra money that we should have had under the Medicare agreement, but Labor let us down.

MINERAL EXPLORATION

Mrs PENFOLD (Flinders): Will the Deputy Premier advise the House what the response has been from the mining industry to the $24 million exploration initiative recently announced by the State Government?

The Hon. R.G. KERIN: Certainly, the first phase did start in 1993, but this Government has put in a lot of money and extended the commitment way beyond what was there before. In May we announced the latest $23.2 million program, which is a targeted initiative for minerals and petroleum exploration over the next four years and which is phase 2 of the previous program. There is no doubt that the Government has a role to stimulate exploration by the private sector and to make that flourish. When we announced this program, we were looking for industry to come into partnership with us to accelerate the level. So far, industry response has been very positive, particularly from the South Australian Chamber of Mines and Energy, which is thankful for the initiative and which has been very supportive.

In particular, we have received notices of support from Normandy and Pima mining companies, and PIRSA is currently negotiating several joint ventures. It is very pleasing that BHP has signalled that it will double its exploration effort in South Australia this year—an increase to about $3.5 million—and BHP agrees with the Government's assessment that South Australia is under-explored. BHP will be focussing on the Gawler Craton, the Curnamona Province and east of the Peake and Denison Ranges. BHP's quick response to the initiative is welcomed, and I remind members that the initial initiative was designed to stimulate the exploration sector and to drag companies such as BHP along with us.

Since 1993, more than $22 million has been spent on the collection of high quality data. The release of that data was the trigger for impressive growth, which saw the level of private exploration jump from $17.2 million in 1991 to $53 million in 1997. The growth in company activity as measured by those outlays has been matched by some significant and impressive mineral exploration successes. The latest initiative will heighten the intensity of activity and accelerate the mineral deposit discoveries and mine developments; and, very importantly, it should lead to more jobs in regional South Australia, a goal which I hope every member of this House would support.

GOODS AND SERVICES TAX

Ms WHITE (Taylor): Will the Minister for Education, Children's Services and Training support the downgrading of dress codes in public schools if school councils decide to lower those standards to compensate for the additional GST cost of up to $100 for school uniforms? A price check of leading department stores shows that it now costs up to $1 000 to provide a student with summer and winter school uniforms and designated sporting dress. Items such as school blazers, which now retail at up to $200, jumpers at $70, skirts at $120, blouses at $40, dresses at $100, ties at $14, shoes at $80, boys' shirts at $39 and PE uniforms at $160 would all be 10 per cent dearer with the GST.

The Hon. M.R. BUCKBY: The member for Taylor's ability in terms of this question does not surprise me. Contrary to her beliefs, parents in schools very strongly support school uniforms. What is more, they support—

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for the last time. If the honourable member interjects once again, he will leave me with no alternative but to name him.

The Hon. M.R. BUCKBY: I take it from the member for Taylor's suggestion that parents will be disadvantaged by paying GST on school uniforms and, therefore, should be buying clothes other than school uniforms. Therefore, if the honourable member does not want it to apply to school uniforms, she is obviously quite happy for parents to buy jeans and other items which cost much more and to which

will be attached a much greater GST cost than in the case of a school uniform. School uniforms are supplied by companies at a relatively low cost to parents, recognising the fact that there is a cost to parents in terms of complying with the need for students to wear a school uniform. Any parent will tell you that it is much cheaper to dress a student in a school uniform than in other forms of clothing.

The Federal Government has been quite clear in this area, and we are working on that Government's advice that the GST will apply to school uniforms and other items that are purchased. In relation to the member for Taylor's press release last night, I would suggest that she is the only one who is dazed and confused about a GST involving schools, because her press release stated:

> It certainly is contradictory to the Howard Government's official GST document—'Tax reform: not a new tax, a new tax system'—which states that tuition fees are GST free but that 'goods (such as computers and books) and services sold or leased to students by any educational institution will be taxable in the normal way'.

What the honourable member did not say is that any school which purchases books or computers for use by the school in the school alone—not leased, not sold, not loaned and not in any way paid for by the students—is not eligible for GST. Books supplied free of charge for use in classrooms will not be subject to a GST, whereas books purchased by students will be.

As has been stated before, the things that will not be subject to a GST, about which we have been advised thus far by the Commonwealth Government, are school fees, which is tuition at or through a preschool, primary or secondary school, a college, TAFE or other recognised institution; accommodation at a boarding school; goods supplied to students free of charge; excursions on Government school buses; and parents and friends fund raising—only where it is below a $100 000 threshold. Further, as we were advised only yesterday by the Commonwealth Treasury, a materials and services fee is considered potentially to be subject to a GST, but a definitive position will depend on the recommendations of the Taxation Consultative Committee, which will meet after the Federal election.

So, it would appear that the only one who is confused is the member for Taylor. If the Labor Opposition does not like a GST, I remind members opposite of the 'L.A.W.' income tax cuts which were promised by Prime Minister Keating when he was in power and for which we are still waiting. All he could say about the system was, 'Let's raise wholesale sale taxes again.' That is all the present Federal Leader of the Opposition can say, too: 'Let's have another round of wholesale sales tax increases.'

Members interjecting:

The SPEAKER: Order!

HEALTH POLICY, FEDERAL

Mr HAMILTON-SMITH (Waite): Will the Minister for Human Services explain what has been the effect on South Australia of some of the former Federal Labor Government's broken promises on health?

Members interjecting:

The SPEAKER: Order! I warn the member for Mawson for the second time. If he interjects again, I will be forced to name him.

Mr CLARKE: Mr Speaker, I rise on a point of order. What ministerial responsibility does the Minister for Human Services have for alleged broken promises on the part of the Labor Government when he was not even a member of that Government, Federal or State?

The SPEAKER: Order! From listening to the question, I would say that the question was getting pretty close to being outside the responsibility of the Minister and I ask him to confine his answer strictly to areas only within his responsibility.

The Hon. DEAN BROWN: The question specifically related to the effect on South Australia and that is the very narrow part of the question to which I will confine myself in replying. I woke up this morning to the news that in the next day or so the Labor Party is about to announce its new health policies for the forthcoming election. I decided to go back and look at what they promised in 1993—of course, the Labor Party was in Government federally between 1993 and 1996—and to see the extent to which they honoured those promises made in 1993 and highlight the impact of those policies on South Australia. Let me run through some of the 1993 promises. The Labor Government promised to provide $100 million for new initiatives to contract the private sector to provide elective surgery for public patients on waiting lists. Do members think that the Labor Government delivered? No.

In 1993 the Federal Labor Government promised that private hospitals included in regional health service plans could be included under the Medicare Agreement. Do members think that the Labor Government kept that promise? No.

Mr CONLON: Mr Speaker, I rise on a point of order. In light of your earlier ruling that this question was close to being out of order, the Minister gave an undertaking that he would address the effect of these things on South Australia. Is the Minister going to do that or is he going to give us a speech on broken promises?

The SPEAKER: Order! The question did refer to South Australia and I ask the Minister to keep on the subject as it affects South Australia.

The Hon. DEAN BROWN: The next promise made by the Labor Government in 1993 was that an aged care industry review would be carried out, including here in South Australia, to examine the adequacies of nursing staff to meet the increasing needs of those living in hostels. Do members believe that that was done in South Australia? No.

Mr CLARKE: Mr Speaker, I rise on a point of order. The Minister is constantly referring to alleged broken promises of a former Federal Labor Government for which he has no ministerial responsibility in this House. Therefore, I ask you to rule and ask him to sit down.

The SPEAKER: Order! As long as the Minister confines his remarks to the impact on health in South Australia, I will allow him to proceed.

The Hon. DEAN BROWN: The next promise made by the Federal Labor Government in 1993 was to establish a national rural health program which would focus on expanding the rural health centres initiative. I have looked at the position around South Australia, but do members think I could find any benefit out of that policy? No. The Federal Labor Government also promised access to Medicare rebates for people to have bone density determined, particularly relating to women suffering from osteoporosis. That is a very crucial issue and, again, I looked to see if that promise had been implemented. The answer is 'No'.

Members interjecting:

The SPEAKER: Order! The Minister will resume his seat. Members on both sides have had a pretty fair go this afternoon but the standards are not those expected of the

South Australian Parliament. Everyone has a responsibility to maintain those standards, including the member for Schubert—

Members interjecting:

The SPEAKER: Order! —and I ask members to bear in mind their responsibility to the public of this State.

The Hon. DEAN BROWN: I will not go through the entire list, although there are seven more items of major significance which could have had an enormous impact on South Australia's health care but which the Federal Labor Government did not bother to implement. I just caution South Australians to take as a piece of straw any promise made in terms of health care later this week when, in fact, clearly the last time the Labor Government was in office and had a chance to implement its policies, it failed South Australia miserably indeed.

TEA TREE PLAZA

Ms BEDFORD (Florey): My question is directed to the Minister for Local Government. What legal status do the principles and requirements of the Plan Amendment Report have and what lawful or other obligations does the council, as the planning authority, have to comply with those principles and requirements? I ask this question in light of the approval by the City of Tea Tree Gully of a development application lodged by Westfield Corporation in respect of extensions to the Tea Tree Plaza complex. The extensions comprise matters patently offensive to the council's Plan Amendment Report published pursuant to the Development Act 1993 for exhibition to its ratepayers.

The Hon. M.K. BRINDAL: That is a very good and important question. Although I have responsibility for local government, we have a Minister responsible for planning in another place and I will consult with my colleague and get back with a detailed response for the member as soon as is practicable.

PELICANS

Mr VENNING (Schubert): Will the Minister for Environment and Heritage inform the House of the consequences of making pelicans dependent on humans for food and correct the misinformation spread by the Opposition in relation to the recent removal of two pelicans at Renmark?

The Hon. D.C. KOTZ: As members will recall, last week the member for Kaurna stood in this House and indulged in what was a very dramatic rendition of alleged facts in relation to pelicans at Renmark.

Mr Conlon interjecting:

The SPEAKER: Order!

The Hon. D.C. KOTZ: As I suspected at the time, the very dramatic rendition proved to be a litany of fabrication and falsehood. In the first instance, the member for Kaurna claimed that two pelican bodies had been found in a Department of Environment dumpster in the Renmark Caravan Park. This claim is entirely untrue. I would like to inform the House that there is no Department of Environment dumpster next to the caravan park; in fact, there is no Department of Environment dumpster in Renmark at all.

Mr Clarke interjecting:

The SPEAKER: Order! I warn the member for Ross Smith for the second time. If there is a third time, he will be named.

The Hon. D.C. KOTZ: When the media pursued Mr Hill's claims, it seems that no-one was able to verify that pelicans had been dumped in a dumpster—or any bin, for that matter—because no pelicans were to be found. The honourable member also claimed that the ranger involved in this incident was warned by the Minister's office not to make a public statement and to remain silent. This claim is totally untrue. The *Murray Pioneer*, which is the Riverland newspaper, carried an article on this issue the week before the honourable member asked the question that raised the assertion of silencing the ranger. The article is mainly comment from that ranger. The same ranger has been talking about this issue through other media outlets, including radio, throughout the whole week leading up to the time that the honourable member stood here and suggested that the ranger had been silenced.

An honourable member interjecting:

The Hon. D.C. KOTZ: He was encouraged by me. How would he have spoken for a week without that? The honourable member is incorrect once again. You should not add to the falsehoods that you stood in this place and said.

The SPEAKER: Order! The Minister will direct her remarks through the Chair.

The Hon. D.C. KOTZ: The member for Kaurna also falsely asserted that a single child was hurt by the pelicans and that the action of the wildlife officers was as a result of a single complaint by a tourist. I am sure that members in the House will no longer be surprised to know that that, too, was an incorrect and untrue statement. For several weeks, a string of complaints had been made from tourists, local residents and, indeed, the Renmark council itself of injury and harassment by two pelicans. It seems that the council is somewhat divided over the pelican issue. However, the fact remains that the council directly approached the Department of Environment on several occasions to ask it to do something about the problem before a child lost an eye or was chased into oncoming traffic.

In the *Advertiser* yesterday we read letters from several people urging others not to feed the birds. Speaking of their own pelican ordeal at Renmark, one parent said, 'We did not feed or provoke the birds in any way and were horrified when one pelican, followed by two more, attacked our three very young children who were sitting eating their lunch.' After observing the birds for some time, the wildlife officers determined that the two pelicans did pose a threat to the public and, although they did not want to put the birds down, they had no other option. They acted professionally and responsibly in their efforts to deal with what was an extremely difficult and emotive issue. It is outrageous that the member for Kaurna cannot claim to have done the same. He has no credibility at all after this incredible display of fabrication, his litany of falsehoods and his misleading of this House.

Mr FOLEY: I rise on a point of order, Mr Speaker. The Minister just suggested that the member for Kaurna misled the Parliament. If she feels that, she should put a substantive motion.

The Hon. D.C. Kotz interjecting:

The SPEAKER: Order! The Minister will come to order. The custom in this House is that, if a member feels aggrieved, if he or she is in the Chamber, he or she can raise the matter. It cannot be raised by another member on his or her behalf.

MOTOROLA

The Hon. M.D. RANN (Leader of the Opposition): Given the Premier's answer to my question today in which he confirmed that in 1994 he wrote to Motorola, making an offer for it to become equipment suppliers for the whole of Government radio communications network, why did the Premier, in September 1994, as Minister for Industry, deny that any formal or informal commitments were given to Motorola? On 21 September 1994, in the House of Assembly's Estimates Committee, I asked the following question:

> The Minister would be aware of rumours flying around that various informal promises had been made to Motorola about future work that it might get from the Government or elsewhere. Can the Minister deny whether there has been any informal nature to the incentive package?

In reply, the Hon. J.W. Olsen stated:

> Certainly, to my knowledge, no formal or informal discussions or commitments have been given to Motorola.

That is part of the reply. He then went on to say:

> In fact, I can recall in the very early stage of opening up negotiations with Motorola that the approach from Motorola was, 'No side deals in relation to the development of the main package: the main package stands and falls alone, as its own entity.' That was the way in which, conservatively, Motorola approached propositions of this nature. In any event, the Government would not have entered into that mode of operation. I am reminded it is the number one company in the world. It has international standing and reputation that it certainly would not tarnish by any deal other than a straight up-front deal, which has happened in the case of South Australia. I repeat: there has been no formal or informal discussion with Motorola about other components of business.

That is what the Premier said on 21 September 1994. Will the Premier at least table the letter so we can see whether the House has again been misled?

The Hon. J.W. OLSEN: The one thing the Leader of the Opposition overlooks is that an agreement was signed.

The Hon. M.D. Rann: Release the letter!

The Hon. J.W. OLSEN: Just wait a minute. The Leader has tried to create a bit of theatre today. Let us get the facts. I indicated that I wrote a letter to Motorola, as I have written letters to a whole range of companies wanting to attract their position and investment to South Australia. That was in about April or March. In June—

Mr Conlon interjecting:

The Hon. J.W. OLSEN: If the member for Elder will shut up and listen for a moment, he might get some information that blows him out of the water. On 23 June, an agreement was signed before the Leader of the Opposition asked me his question. As I indicated, that agreement, signed between the Government of South Australia and Motorola, said, amongst other things:

> The incentives as set out in this agreement were—

and I will put those financial incentives in general terms rather than the specific terms, for obvious reasons—

- provision of a purpose-built facility and a contribution towards its fitout cost;
- a training and recruitment subsidy for a specified number of employees;
- relief for a specific period for stamp duty, land tax and payroll tax.

> The incentives in the agreement do not include anything in respect of guarantees to Motorola in the supply of future Government contracts, and the agreement itself specifically states that no side deals of this sort were entered into.

I refer to clause 17 of the contractual commitment between the Government of South Australia and Motorola, signed on 23 June 1994. End of story!

Members interjecting:

The SPEAKER: Order! The Premier and the Leader of the Opposition will come to order.

Members interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition and I warn the Premier. This practice of shouting down the Speaker will cease immediately. In future I will not issue any more warnings to members who wish to shout me down.

HOSPITALS, PUBLIC

The Hon. D.C. WOTTON (Heysen): I direct my question to the Minister for Human Services. How will the Labor Party's plans for our health system ensure that public hospitals continue to have long waiting lists in South Australia?

Mr CLARKE: I rise on a point of order, Sir. The Labor Party's plans with respect to the health system are not the responsibility of the Minister for Human Services. Those plans have not even been announced with respect to the Federal election.

The Hon. DEAN BROWN: I point out to the House that just earlier this afternoon it was the Labor Opposition that raised concerns about overexpenditure in hospitals as a result of the blow-out in demand in our public hospital system through a crash in private health insurance. That is the crux of the issue at stake here; that is what the question is about. I know that members of the Labor Party do not like to have this issue raised, because they feel very uneasy—

Mr CLARKE: I rise on a point of order, Sir. I ask for your ruling on my previous point of order.

The SPEAKER: In the view of the Chair, the question is very marginal. I would suggest that the Minister stick very strictly to the impact on the South Australian health system in his reply.

The Hon. DEAN BROWN: Thank you, Mr Speaker; I certainly will, because I am concerned that any further deterioration in the private insurance industry within South Australia will put additional pressure on the public hospital system. We have seen a 5 per cent increase in the past year alone, due to the fact that there was no coverage of additional funding from the Medicare agreement as a result of a further crash in private insurance.

What are the facts? The facts are that the Federal Labor Government took office at the beginning of 1983, when about 62 per cent of South Australians were privately insured. By 1996, when the Federal Labor Government left office, the number of people under private insurance in South Australia had dropped to about 34 per cent. That was a drop from 62 per cent to 34 per cent. What happened to those people? They moved across and were entirely reliant on the public hospital system.

In the past five years alone more than 90 000 people have dropped out of private health insurance and are now relying on the public hospital system. That is the reason why the number of admissions to our hospitals last year increased by about 7 per cent. My concern is that, if we have another 7 per cent drop in private health insurance over the next five years, the public hospital system in South Australia will simply not be able to cope with the extra demand, in the same way as the public hospital system in other States of Australia could not cope with the demand.

The Federal Opposition spokesperson on health, Michael Lee, has already come out and criticised all the measures taken by the present Federal Government. He has criticised the measures, including the 30 per cent rebate to encourage people to go back into private health insurance. I also point out that the Federal Labor Government phased out the then contribution by the Government to the reinsurance pool between 1983 and 1989. That meant that $100 million of additional money was put on to private insurers. It removed the Commonwealth daily bed subsidy of $135 million in 1986, and it reduced the Medicare rebate for in-hospital services to 75 per cent, with the funds being required to cover the other 25 per cent.

My concern is that, if the Labor Party were to gain Government federally and impose the same types of measures and attitudes to private insurance, again we would find the public hospital system here in South Australia under enormous additional workload that would be impossible to cope with in the present state of the system. So, I think it is fair to say that South Australians should be warned of any proposed Federal Government that does not have a comprehensive policy to encourage people to go into private insurance.

I highlight that I have been critical of the Federal Liberal Government's policies, but I acknowledge that in the past two weeks it has now proposed a 30 per cent rebate, which is equivalent to tax deductibility. It also means a 30 per cent rebate for those on low incomes who do not get the advantage of tax deductibility. I have repeatedly made the point, which I make again, that I am looking forward to a Federal Liberal Government that will take action to make sure it eliminates the gap for private insurance when those patients go into a private hospital. That gap is clearly discouraging people from taking up private insurance and is putting further pressure on our public hospital system in South Australia. I warn South Australians to be careful, because the public hospital system will not be able to cope with a further substantial fall in private health insurance.

WARRIPARINGA LAFFERS TRIANGLE

Mr HANNA (Mitchell): I direct my question to the Minister for Aboriginal Affairs. Why has the Department of Aboriginal Affairs only now asked for public submissions on whether Aboriginal remains and artefacts should be assessed at Warriparinga, and why was this process not undertaken two years ago? Warriparinga, otherwise known as Laffer's Triangle, is bounded by South, Marion and Sturt Roads. It has long been recognised as a major camp site of the Kaurna people, with both mythological and archaeological significance. Over 18 months ago the Government began building a major roadway over this very land, which it seems only now is to be properly assessed for its Aboriginal heritage significance.

The Hon. D.C. KOTZ: There are certain provisions under the Acts of Parliament whereby processes must be undertaken. One of those processes provides that advertisements must be placed in a public manner to elicit any submissions from interested parties on a particular Aboriginal question such as, in this case, Aboriginal sites or objects that may be identified in a particular area. This is one of the processes that need to be undertaken to come to a conclusion about either protecting or destroying an Aboriginal site, if that is the case. All these things were taken into consideration during construction of the Southern Expressway. A report was commissioned early in the piece to address all these issues.

It is not a matter of coming in lately. We have been most proactive in this matter, and the processes are continuing. We have taken the lead and we are most interested in making sure that Aboriginal communities and their registered sites are totally protected. It is something that this Government has started to do most strongly and will continue to do, without suggestions by the honourable member that there is any need as a result of our lagging behind.

Mr Hanna interjecting:

The Hon. D.C. KOTZ: It was done two years ago; that is the point you seem to have missed.

MARINE MAMMALS

Mr BROKENSHIRE (Mawson): Will the Minister for Environment and Heritage inform the House of the substantial penalties facing those who kill protected marine mammals in South Australia?

Members interjecting:

Mr BROKENSHIRE: This is a serious issue and the Opposition is not taking it very seriously, Sir. The Leader of the Opposition—

Mr HANNA: I rise on a point of order, Sir. I demand an apology (not that I am ashamed of my physical condition) from the member for Bragg for his comment.

The SPEAKER: There is no point of order. The Chair had no possibility of even hearing what the member for Bragg had to say because of the interjections in the Chamber.

Mr BROKENSHIRE: The Leader of the Opposition has suggested that the State's Cruelty to Animals Act and the National Parks and Wildlife Act need to be toughened.

The Hon. D.C. KOTZ: I thank the honourable member for his very important question. It seems that the spreading of inaccurate information in relation to our wildlife just keeps on coming. Not only is the member for Kaurna happily spreading falsehoods about Renmark's pelicans to score a heap of political points but we now have the Opposition Leader wrongly claiming that our animal cruelty laws are not tough enough. It disappoints me that the Leader of the Opposition seeks to make political mileage out of an issue that is as tragic as the disgraceful shooting of two of our treasured dolphins, but I guess that is the very nature of the Leader of the Opposition.

In South Australia, the maximum penalty for killing a protected marine mammal is $30 000 or two years gaol. This penalty is contained in both the National Parks and Wildlife Act and the Fisheries Act. In addition, if a case of cruelty can be established, the perpetrator faces a further fine of $10 000 and up to 12 months gaol under the State's Prevention of Cruelty to Animals Act. In the case of the dolphin shooting, the offender, if caught, will more than likely be prosecuted for both offences. I hate to disappoint the Leader of the Opposition, but South Australia has some of the highest penalties in this land for offences against marine animals—and they include gaol sentences.

MINISTER'S REMARKS

Mr HILL (Kaurna): I seek leave to make a personal explanation.

Leave granted.

Mr HILL: I understand that, during Question Time today, the Minister for Environment and Heritage accused me of misleading the Parliament. I would like to inform the House that I did not mislead Parliament through my question last week. The question that I asked had a *bona fide* basis. I relied on information provided to me by a senior member of the Renmark Paringa council. I ask the Minister to withdraw her comment.

Members interjecting:

The SPEAKER: Order!

INFLUENZA

The Hon. DEAN BROWN (Minister for Human Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. DEAN BROWN: On 19 August, I gave some figures to the House concerning admissions to public hospitals as a result of the flu epidemic in South Australia. The figures that I gave were not for admissions to hospitals but rather for notifications of the flu epidemic to the Health Commission. I want to clarify that point: those figures are for notifications rather than formal admissions to hospitals.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances.

Mr HILL (Kaurna): Today, I want to talk about the death of some native animals but, in this case, I cannot accuse the Minister of being responsible for those deaths. I am referring to the effect of plastic bags on wildlife. I draw the attention of the House to a document put out by Natural Habitats, Native Plants Consultants, under the name of Mr Adrian Watkins. He advised the general public through this publication of reports in Tasmania earlier this year about two whales beached in Tasmania dying as a result of plastic shopping bags being ingested into their digestive system.

Members might be interested to know that each year about 300 million plastic shopping bags are used by consumers in Australia from Coles Myer stores alone. In fact, an average smaller shop gives away approximately 25 000 to 50 000 bags annually, and Australians throw away 900 million plastic food containers each year. About 65 kilos of plastic is manufactured each year for every Australian, and about 30 per cent of all plastic produced is used once for packaging and then thrown away. Currently, only .5 per cent of plastic is being recycled.

About 46 000 pieces of plastic are floating in each square mile of our oceans. Plastic waste kills up to 1 million sea birds and 100 000 sea mammals and countless fish each year. Altogether, plastic is expected to account for 15 per cent by volume of household garbage and will last for thousands of years in our rapidly diminishing landfills. I thank Mr Dick Olesinski, the Director of ECO Marketing, for that information. ECO Marketing is doing work for the Colonnades Shopping Centre in the City of Onkaparinga on the replacement of plastic bags by other alternatives.

Members may be interested to know that there is an alternative, and that is a corn starch bag, which I am happy to distribute to members of the House. A corn starch bag in every other way resembles a plastic bag. Its one advantage is that it is totally biodegradable.

The SPEAKER: Order! The honourable member cannot display items in the House. I ask him to put it aside.

Mr HILL: I am sorry, Mr Speaker. I will put the non-plastic bag aside. Corn starch bags are an alternative to plastic bags and are totally biodegradable. Once again, I rely on the information provided by Mr Olesinski, who informs me that these bags are totally biodegradable and compostable, and that they biodegrade in between 20 and 45 days in a compost environment. He informs me that tests conducted by Flinders University have shown that, in the marine environment, in addition to biodegrading, these bags sink, thereby minimising dangers to marine life. The polymer used in the bags can be manufactured from a range of inexpensive and natural raw materials that are available annually from different crops such as starch from cereals and tubers. The polymer can be used for a wide range of applications in addition to shopping bags.

So, there is an alternative to the huge number of plastic shopping bags used by Australians each year. As I said, 300 million plastic bags are used by Coles Myer stores alone each year. Unfortunately, the alternative is somewhat more expensive. I think it is about three times more expensive than the current plastic bag, but it may well be that, if a plant could be established in South Australia to produce these bags on a large scale, the price could come down so that they would be more competitive with plastic bags. I would like to see Government and the industry in South Australia get together to develop a voluntary code to replace plastic bags.

Ms Ciccarello interjecting:

Mr HILL: The member for Norwood says that we could use string bags. I am sure that some people would go to the trouble of taking along a string bag, but most would not. They would want to be supplied with a bag to take away their shopping. A corn starch bag is totally biodegradable. After you have used it, you can wrap up your garbage in the bag and throw it onto the compost heap, and the whole thing will biodegrade. This is a possible industry—

Mr Atkinson: Fantastic!

Mr HILL: As the member for Spence says, it is fantastic. This is a possible new industry for South Australia. We need to get cooperation from shopping centres and the Government to investigate it fully. If it were done on a big scale, I imagine the price would come down and it would do wonderful things towards protecting our environment from this danger which is all too present, especially in our waterways.

Mrs PENFOLD (Flinders): In the electorate of Flinders there are many ongoing Landcare projects actively and ably supported by the sterling efforts of volunteers from rural communities across the Eyre Peninsula. Landcare groups are involved in an extensive range of activities such as catchment management, improvement of water salinity and drainage. They also promote land management planning, revegetation, weed control, propagation of seedlings by school students, wetland rehabilitation, mapping of pest infestation and, in addition, they conduct field days and public education programs.

To illustrate the excellent work that is being done, I will briefly outline some of the projects currently being undertaken by local Landcare groups. The Cockaleechie and Coulta Landcare Groups are investigating salinity levels in their catchment areas and using revegetation as a means of control. Seedlings for the Cockaleechie project have been grown in conjunction with the local Cummins Area School. The involvement of school children in projects in this way ensures

that the next generation has an awareness of the need to conserve and nurture our natural resources.

The Big Swamp Landcare Group is looking at the long-term health of its wetland and catchment areas. This involves gaining information on the original state of the wetland, and attempting to restore the wetland using ecological and hydrogeologist advice. The Southern Eyre Aleppo Pine Management Group is involved in the revegetation of roadside weed control and the removal of aleppo pines and mapping of aleppo infestations. This project is being run in conjunction with the community, Transport SA, local councils, SA Water, the Animal and Plant Control Board, PIRSA and DEHAA, and the Port Lincoln prison recently has become involved in aleppo pine removal, with the possibility of chipping the trees for sale as ground cover. The project provides an excellent illustration of how the cooperation of the broader community is vital to the success of such a project.

The Edillilie, Wanilla and Karkoo Landcare Groups are working on improving salinity and drainage in their areas. This requires salinity investigations and monitoring and revegetation programs. Once again, the cooperative nature of such programs is demonstrated by these groups, which on occasion work together and share their knowledge and resources.

The Yeelanna Landcare Group is investigating and promoting sustainable cropping practices and indicators. The group conducts an annual focus field day and seminar, which attracts more than 180 people. The group also promotes property management planning, among a range of other activities. The Marble Range Soil Conservation Group is working on protecting remnant vegetation and a river red gum regeneration and preservation project. The group works with the Lake Wangary School to grow seedlings for catchment areas. Once again, this provides the Landcare group with an opportunity to educate our youth on the essential nature of revegetating, preserving and conserving our natural resources.

In the past, ignorance has in part been responsible for the degradation of our soil, water and other resources. The formation of Landcare groups provides a focus for communities to become educated and actively involved in restoring to balance those resources that the human race has taken for granted and degraded over many generations—degradation helped by rabbits and cloven-hoofed animals and, to some extent, native animals such as kangaroos that have thrived on the plentiful water and crops provided by farming activity.

We have come to realise that, unless we take care of our air, water and soil, it is not possible for the earth to sustain humanity indefinitely. We cannot drink salty water, we cannot grow crops where soil erosion has taken away our top soil and we cannot breathe if there are no trees. If trees are the lungs of the world, we would be prudent to ensure that we continue to plant them. We are fortunate that Landcare organisations are proactive by nature, and their activities have captured the imagination and service of many people in our communities. I commend all those volunteers and professionals who are actively involved in the many and varied projects which have been undertaken, and I would particularly like to thank the many people actively involved in Landcare projects on the Eyre Peninsula.

Mr KOUTSANTONIS (Peake): On this sad occasion I will inform the House of the hapless travels of the local member for Hindmarsh, Miss Christine Gallus.

An honourable member: Who is our candidate?

Mr KOUTSANTONIS: Mr Steve Georganas. Miss Gallus recently was successful in having a private member's Bill passed to legislate in respect of the Adelaide Airport curfew. In relation to this curfew, the Labor candidate, Mr Steve Georganas, was able to influence the shadow Transport Minister, Mr Lindsay Tanner, to introduce an amendment to allow homes which fit the same criteria as homes in Sydney to be insulated against noise pollution. There are some constituents within the electorates of Morphett and Hanson and my electorate who come under this criteria. To my shock, the local member for Hindmarsh, Miss Chris Gallus, voted against the amendment. She voted for the provision under Mr Howard's private member's Bill to allow insulation for homes in Sydney but, when it came to insulation for homes in Adelaide, she voted against the provision. This makes the member for Hanson, you, Mr Speaker (I am sure), the member for Colton and me quite confused about whom she purports to represent. Is she representing the electorate of Sydney or the electorate of Hindmarsh?

Before the last Federal election, both the Labor Party and the Liberal Party promised that, if elected, they would ensure that homes which meet certain criteria would be insulated, no matter which capital city they were in. Miss Gallus went to the election campaign in 1996 with that promise, while the members for Colton and Hanson, you, Sir, and I—

An honourable member interjecting:

Mr KOUTSANTONIS: I took it in good faith.

An honourable member interjecting:

Mr KOUTSANTONIS: It is not the first time a woman has lied to me, but I took it in good faith. Not only did she break that promise but she ratted on her entire electorate by letting down every single person in the flight path. As a great example of how influential she is, Miss Gallus runs around the electorate and talks about how she is the first person to pass a private member's Bill on an airport issue since the Prime Minister's Bill but, when it came to accepting Labor's amendment to allow insulation in homes in the western suburbs, she crumbled. She voted against the Labor Party and voted with her conservative mates—the same people who want to take old people's homes away and put them in nursing homes, and the same people who have let down South Australia for the past three years. Last night I was listening, as I usually do, to Father John Fleming's show on 5AA—

An honourable member interjecting:

Mr KOUTSANTONIS: —I won't say where I was—and I heard Miss Gallus on the radio complaining that, if an election is called, she will have to cancel a trip to Russia. I felt so sorry for the member for Hindmarsh—poor princess, not being able to travel to Moscow on some taxpayer funded junket. And here she is on talk-back radio saying that she hopes the Prime Minister does not call an election because she will have to fly back and cut her trip short. I am sorry, Miss Gallus, that you might have to come back early.

An honourable member: How sorry are you?

Mr KOUTSANTONIS: I am very sorry. This election will probably be the most important election of the century. This is the great divide: the difference between us and them; the difference between equity and inequity. It is about the GST, the greatest evil introduced into this country since Pig-Iron Bob Menzies was selling pig-iron to the Japanese. Miss Gallus believes that it is more important to travel to Moscow on a taxpayer funded junket than to stay here and fight for what she believes in—the GST. Make no mistake, Miss

Gallus is right behind her mates John Howard and Peter Costello: she is no different from the rest of them. She tries to hide the fact that she is a Liberal. We all know who she is and what she stands for. But when I heard her complaining about having to cancel a taxpayer funded trip to Moscow instead of representing her constituents and fighting an election campaign—

An honourable member interjecting:

Mr KOUTSANTONIS: I would not speak if I were the honourable member. I know he enjoys shopping in London—

Members interjecting:

Mr KOUTSANTONIS: I am disappointed in Miss Gallus: I thought that she would be better. But Mr Steve Georganas will be the member for Hindmarsh after the Federal election, and I understand that he will be proud to represent the people of Hindmarsh for three years and that he will stay here in Adelaide representing his electorate and not taking taxpayer funded jaunts and trips to Moscow.

The Hon. G.M. Gunn interjecting:

Mr KOUTSANTONIS: Not taxpayer funded.

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

Mr LEWIS (Hammond): I am surprised at the remarks that the House has just heard. However, I agree with one aspect: the coming election is probably one of the most important elections of this century, whenever it is called, in the Federal domain—

Mr Atkinson interjecting:

Mr LEWIS: They do crop up, for the benefit of the member for Spence, every three years in the Federal arena. It would be better if it were four years.

Mr Atkinson interjecting:

The SPEAKER: Order! The member for Spence.

Mr LEWIS: The member for Peake is mistaken, and other people will be further mistaken by the way in which he argues that this tax would be bad for people in general. Indeed, it is a completely new system of taxation, which will ensure that the Federation can survive through the next century, by providing all the revenue derived from a goods and services tax to the States. I also would have thought that the honourable member would do better to take account of the fact that former Labor Prime Minister, Paul Keating, lied about the tax cuts when he said during the campaign that they were L-A-W, law, but the moment he got into office he set about repealing them. What has happened is that the welfare lobby, and people such as the member for Peake, claim that the tax system changes that are being introduced would cause those on smallest incomes greatest discomfort.

But, neither he nor the welfare lobby said anything whatever about the fact that the moment the Keating Government was re-elected it set about increasing wholesale sales tax on a whole raft of goods and introducing new wholesale sales tax on other goods to the point where it put up the cost of living for all people and unfairly put it up most as a tax take out of consumption expenditure for those who could least afford it. He said nothing about that at any time, nor did the people in the welfare lobby.

I now turn to other matters, the first being a matter of concern to me about what has happened in my electorate. On Friday 10 July, David Moodie in the business pages of the *Advertiser* wrote an article about the Resource Development Corporation (the name of which is to be changed to Murray Basin Minerals), which is trying to raise $10 million in capital to develop the results obtained on the first drilling of mineral rich sands in the strandlines at Mindarie and Mercunda and other minerals in the 20 000 square kilometre area of the corporation's tenement. But, within precisely the same boundaries as it has used to describe the 20 000 kilometre area on which it is working—surprise, surprise—when it first became successful in discovering substantial quantities of minerals which were commercial by inference, a land claim was put on the register on 9 April by Mr Matt Rigney, Chairman of Patpa Warra Yunti Regional Council.

Let me say again that they are precisely identical boundaries. It seems to me that the purpose of the application for that land is to force the mining company to come out up front and pay those people, or Mr Rigney in particular, some capital amount before it goes any further in attempting to develop those mineral resources, which will provide an enormous amount of wealth for the community at large and enhance the capacity of the region to retain its population. More particularly, it would provide jobs for people who live locally and those people, of course, would be members of the Aboriginal community as much as anybody else. So, in my judgment, Patpa Warra Yunti is right out of line. It encompasses 20 000 square kilometres of land, the bulk of which is already freehold or leasehold land presently being used by farmers. It shows the cynicism of what has happened in the course of the negotiations for the establishment of the native title. It is a terrible business.

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

Mr WRIGHT (Lee): I was delighted that the Leader of the Opposition again brought Football Park to the agenda prior to the last Crows match at the weekend. The House will note that, once again, the Leader has pledged that our Party will commit $10 million to the refurbishment of Football Park. I think that this money will be very well spent and I am somewhat surprised that the Government has not taken up this matter. Members would be aware that this is a matter involving ALP Party policy; it is something that we took to the last State election and it is an issue that the Leader of the Opposition has raised again because the Government will not come to the party.

The Government is very happy to inject some $19 million into Hindmarsh Stadium, but I wonder why the critical question concerning Football Park is not being addressed. This is a serious matter: whether or not people are interested in sport or whether or not they believe that money should go into sport, they need to look at the big picture and take account of the fact that AFL football is now big business. There is no doubt that AFL football is big business and we should not neglect the entertainment value and tourism dollars involved. We now have two successful football teams in the national football competition—

Mr Atkinson: No: we have one successful team and one unsuccessful team.

Mr WRIGHT: We have two teams that are performing very well, and I suggest that we will have two successful teams for quite some time. I think that, irrespective of members' football affiliation, realistically we will have two teams that will be strong and healthy and making the finals on a regular basis, and we must look seriously at the issue of Football Park. Unfortunately at present, spectators are being turned away because Football Park is not able to accommodate the demand. We need to take account of the fact that the South Australian National Football League (the manager of Football Park) has not looked for hand-outs over the past 20

years or so and has been given little recognition financially, and perhaps now, after many years, it is time to address this matter. I think more seats should be made available to the public. I was extremely heartened not only by the Leader of the Opposition's raising this issue again prior to the Crows' last match, but also by the following comments made by Mr Leigh Whicker, Chief Executive of the South Australian National Football League:

> And every one of those seats would be put on sale to the public without a premium. If the new stand is built with public money, we have to keep the seats for the public—not the corporate dollar.

If public money is made available for this stadium that should be a pre-condition. Undoubtedly, the seats that would be provided as a result of the injection of $10 million must be made available to the public and not to the corporate sector. Mr Whicker also said that the Labor Opposition's keenness to upgrade Football Park was based on a 'commitment rather than a promise'. That is dead correct, and I think he is to be commended for those comments, as is the Leader of the Opposition for bringing this matter before the public yet again. It is about time that the Government seriously considered the issue, put it on the agenda and sensibly looked at the possibility of injecting money into this stadium.

We should also take account of what is happening with other stadiums around Australia: at Subiaco, the Gabba and Homebush. Other States around Australia are spending big dollars on upgrading their stadium and if we do not do something similar we will fall behind.

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

The Hon. G.M. GUNN (Stuart): In recent days, we have listened to the member for Elizabeth continually make accusations in relation to alleged cut-backs in the health system. She continually bleats and goes on at length about this particular subject, and the facts and issues involved never get in her way. The honourable member has not yet been prepared to recognise what created the problem and why the Government of South Australia has to be prudent in respect of its financial management.

When someone extends their overdraft beyond its limit, there is always a day of reckoning. The long-suffering taxpayers of South Australia have had their overdraft drastically extended and someone has to pay the price. Unfortunately, the price is very prudent management of our public utilities. In view of the financial circumstances, the Government of South Australia should be congratulated on the manner in which it has been able to provide health services. Unlike the previous Government, it has not closed any hospitals.

In my electorate there has been considerable expenditure on upgrading hospitals, and one only has to look around to see what has taken place. The last time there had been a major upgrade of Hawker Hospital was in 1924. That work has been completed and the Government should be commended for that. The hospital board comprises a most prudent and organised group of people. A $19 million hospital was constructed at Port Augusta to serve the local community, as well as the Royal Flying Doctor Service, which brings in people from all over the north of South Australia. A new health facility has been built at Booleroo Centre, where visiting medical specialists now have updated equipment. There is large expenditure—

Mr Atkinson: A new airport; well done!

The Hon. G.M. GUNN: No; as usual, the honourable member does not know what he is talking about. The airport was constructed without Government assistance by the local community. The medical centre received considerable financial input from the State Government, and it was opened by the former—

Mr Atkinson interjecting:

The Hon. G.M. GUNN: The honourable member is somewhat confused and does not understand the facts of the matter. There have been two upgrades of the Booleroo Centre Hospital, particularly for the provision of aged care and palliative care, and it will be an outstanding facility. A new medical centre being established at Orroroo will provide for a service to be operated not only by a doctor but also dentists and will allow the doctor to provide pharmacy services. If there had not been such irresponsible spending by the previous Government, we could have spent more money on providing urgently required medical facilities in South Australia. I am one of those people who believe that the Royal Flying Doctor Service should be supported strongly.

Recently, the Minister for Transport showed initiative by making road widening possible and setting aside particular areas so that Flying Doctor Service aircraft can land on the Stuart Highway. Hopefully, those provisions will be extended across the rest of the State so that the Flying Doctor Service can become more accessible. The Government has agreed to improve the facilities at the Hawker airstrip so that the service, as well as the tourist industry, can utilise that facility. Instead of continually criticising the activities of this Government the member for Elizabeth should consider the financial situation we inherited and acknowledge what the Government has done with the limited resources available to it.

I refer now to a question I asked the Deputy Premier about the uranium industry, and to comments by the member for Kaurna and the Hon. Sandra Kanck, whose knowledge of economics and most other things you could write on the back of a postage stamp: if ever there were a group of economic illiterates, it is the Democrats. Over the past couple of days I have listened to the radio and to their bleating in relation to the uranium industry. The Honeymoon and Beverley projects will do good things for South Australia. I sincerely hope that the establishment at Beverley can be extended closer to Lake Frome so that we can create more opportunities.

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

CITY OF ADELAIDE BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 2, lines 10 and 11 (clause 4)—Leave out 'the schedule' and insert: schedule 1

No. 2. Page 3, lines 5 to 9 (clause 6)—Leave out this clause and insert the following:

Establishment of the Capital City Committee

6. The Capital City Committee is established.

No. 3. Page 6, lines 15 and 16 (clause 14)—Leave out paragraph (a).

No. 4. Page 9, lines 11 and 12 (clause 20)—Leave out subclause (4).

No. 5. Page 9, lines 15 and 16 (clause 20)—Leave out subclause (6) and insert new subclause as follows:

(6) The following provisions apply in relation to the application of Part 2 of the Local Government Act 1934 to the Council:

(a) subsections (1) and (2) operate subject to any change to the composition or representative structure of the Council effected under Part 2 of the Local Government Act 1934 after the seventh anniversary of the relevant day (and until that anniversary no such change can be made by proclamation under that Act); and

(b) sections 23 and 24 of the Local Government Act 1934 do not apply in relation to the Council from the commencement of this section until the seventh anniversary of the relevant day; and

(c) the Council must conduct a review under section 24 of the Local Government Act 1934 as soon as practicable after the seventh anniversary of the relevant day.

No. 6. Page 9, lines 17 to 34 and page 10, lines 1 to 5 (clause 21)—Leave out the clause.

No. 7. Page 14, lines 34 to 36 and page 15, lines 1 to 14 (clause 32)—Leave out subclause (1) and insert new subclause as follows:

(1) The Council cannot pass a resolution under section 359(1) or (2) of the Local Government Act 1934 that would have the effect of a prescribed street, road or public place being closed (whether wholly or partially) to vehicles generally or vehicles of a particular class—

(a) for a continuous period of more than six months; or

(b) for periods that, in aggregate, exceed six months in any 12 month period,

unless any affected council has given to the Council its prior concurrence in writing to the making of the resolution.

No. 8. Page 15 (clause 32)—After line 15 insert the following:

'affected council', in relation to the closure of a prescribed street, road or public place, means a council into the area of which the street, road or public place runs, or a council whose boundary abuts the place to which the street, road or public place runs.

No. 9. Page 16, line 23 (clause 34)—Leave out '2001' and insert: 2003

No. 10. Page 17, lines 8 to 29 (clause 36)—Leave out the clause and insert new clauses as follow:

Lodging of returns

36. (1) Every person who is elected as a member of the Adelaide City Council at the election held on the relevant day must, within 30 days after the relevant day, submit to the chief executive officer of the Council a primary return in accordance with schedule 2.

(2) Every person who is elected as a member of the Adelaide City Council after the election held on the relevant day (other than a person who is re-elected as a sitting member of the Council) or is appointed as a member of the Council must, within 30 days after election or appointment, submit to the chief executive officer of the Council a primary return in accordance with schedule 2.

(3) Every member of the Adelaide City Council must, on or within 60 days after 30 June in each year, submit to the chief executive officer of the Council an ordinary return in accordance with schedule 2.

(4) If a member of the Council fails to submit a return to the chief executive officer within the time allowed under this section, the chief executive officer must as soon as practicable notify the member of that fact.

(5) A notification under subsection (4) must be given by letter sent to the member by registered mail.

(6) A member of the Council who submits a return under this section and schedule 2 that is to the knowledge of the member false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence.

Maximum penalty: $10 000.

Creation and inspection of Register

36A. (1) The chief executive officer of the Council must maintain a Register of Interests and must cause to be entered in the Register all information furnished pursuant to this Division and schedule 2.

(2) A member of the Council who has submitted a return under this Division may at any time notify the chief executive officer of a change or variation in the information appearing on the Register in respect of the member or a person related to the member within the meaning of schedule 2.

(3) A person is entitled to inspect (without charge) the Register at the principal office of the Council during ordinary office hours.

(4) A person is entitled, on payment of a fee fixed by the Council, to a copy of any part of the Register.

(5) A person must not publish—

(a) information derived from the Register unless the information constitutes a fair and accurate summary of the information contained in the Register and is published in the public interest; or

(b) comment on the facts set forth in the Register unless the comment is fair and published in the public interest and without malice.

(6) If information or comment is published by a person in contravention of subsection (5), the person, and any person who authorised the publication of the information or comment, is guilty of an offence.

Maximum penalty: $10 000.

Interaction with Local Government Act

36B. (1) This Division and schedule 2 operate in substitution for Part 8 of the Local Government Act 1934.

(2) A reference in another Part of the Local Government Act 1934 to a return under Part 8 of that Act will be taken to be a reference to a return under this Division and schedule 2.

No. 11. Page 18 (clause 38)—After line 11 insert the following:

(2) Subsection (3) of section 20 applies from the conclusion of the general elections for the Adelaide City Council to be held on the first Saturday of May in 2000 (and any service as Lord Mayor before the conclusion of those elections will be disregarded for the purposes of that subsection).

No. 12. Page 19, clause 1 (Schedule)—After line 6 insert the following:

'closing date' means a closing date under clause 6(1);

No. 13. Page 19, clause 1 (Schedule)—After line 7 insert the following:

'nominated agent' means a person nominated under clause 5 to act as an elector on behalf of a body corporate or group of persons;

No. 14. Page 19, lines 10 and 11, clause 1 (Schedule)—Leave out the definition of 'polling day' and insert:

'polling day', in relation to an election or poll, means the day on which the election or poll is to be held;

No. 15. Page 19, lines 13 and 14, clause 1 (Schedule)—Leave out subclause (2).

No. 16. Page 19, line 26, clause 3 (Schedule)—Leave out '7 December' and insert: 12 December

No. 17. Page 20, lines 36 to 40, clause 5 (Schedule)—Leave out subclauses (3) and (4) and insert new subclauses as follow:

(3) A body corporate or a group that is entitled to be enrolled on the voters roll in pursuance of subclause (1)(b) or (c) may, by notice in writing (in the prescribed form and containing the prescribed declarations) lodged with the Council—

(a) nominate a natural person to act as an elector on its behalf; or

(b) cancel any such nomination previously made and make a fresh nomination in its place,

(and any such nomination will take effect from the next closing date under clause 6).

(4) A person may not be nominated as the nominated agent of a body corporate or a group under subclause (3) unless that person—

(a) is of or above the age of majority; and

(b) —

(i) in the case of a nomination made by a body corporate—is an officer of the body corporate;

(ii) in the case of a nomination by a group—is a member of the group or an officer of a body corporate that is a member of the group.

(5) If the chief executive officer does not, as at 4 p.m. on a closing date, hold a nomination from a body corporate under subclause (3), the body corporate will be taken to have nominated its principal public officer to act as an elector on its behalf.

(6) If the chief executive officer does not, as at 4 p.m. on a closing date, hold a nomination from a group under subclause (3), the group will be taken to have nominated, subject to the operation of subclause (7)—

(a) if there is only one member of the group who is not enrolled on the relevant voters roll under subclause (1)(a) or (b)—that member of the group;

(b) if there are two or more members of the group who are not enrolled on the relevant voters roll under subclause (1)(a) or (b)—that member of the group whose name appears first in the assessment book in respect of the relevant rateable property (disregarding those members who are already enrolled on the relevant voters roll under subclause (1)(a) or (b)).

(7) If the relevant member of a group under subclause (6) is a body corporate, the principal public officer of that body corporate will be taken to be the nominee of the group.

(8) For the purposes of subclauses (5) and (7), the 'principal public officer' of a body corporate will be taken to be the first of the following people who is eligible to be nominated under subclause (4):

(a) —

(i) in the case of a company—the company secretary (or, if more than one company secretary, a company secretary (to be taken in alphabetical order));

(ii) in the case of a body corporate (other than a company) that is required to have a public officer—its public officer;

(b) a director of the body corporate (to be taken in alphabetical order);

(c) any manager of the body corporate (to be taken or determined in alphabetical order).

(9) In determining who is the principal public officer of a body corporate under subclause (8), the chief executive officer may assume that any information supplied to him or her at any time during a period commencing seven weeks before a closing date and ending two weeks after a closing date by a public authority responsible for the registration or incorporation of a particular class of bodies corporate concerning the name, address or age of an officer of a body corporate of that class is current and accurate.

(10) If a person is taken to be the nominee of a body corporate or group under subclauses (5) to (9), the chief executive officer must take steps to advise the body corporate or group of that fact in accordance with procedures set out in the regulations.

(11) A nomination in force under this clause will be recorded in the voters roll alongside the name of the relevant body corporate or group.

(12) A person whose name is recorded in the voters roll under subclause (11) will be regarded as having been enrolled as an elector for the purposes of this Act and the Local Government Act 1934 (and as being a nominated agent for the purposes of the Local Government Act 1934).

(13) A nominated agent of a body corporate or group under section 91 of the Local Government Act 1934 immediately before the commencement of this schedule will be taken to have been nominated by the body corporate or group under this clause (until a fresh nomination is made).

No. 18. Page 21, line 6, clause 6 (Schedule)—Leave out 'fourth Thursday of February and the fourth' and insert: second Thursday of February and the second

No. 19. Page 21, line 8, clause 6 (Schedule)—Leave out 'must be commenced at least five weeks before a closing date and completed within two' and insert: must be completed within four

No. 20. Page 21, lines 10 to 21, clause 6 (Schedule)—Leave out subclauses (3), (4), (5) and (6).

No. 21. Page 21, line 26, clause 6 (Schedule)—Leave out 'at least five weeks before' and insert: within 14 days after

No. 22. Page 21, line 27, clause 6 (Schedule)—Leave out 'date of supply' and insert: closing date

No. 23. Page 21, lines 33 to 35, clause 6 (Schedule)—Leave out subclause (10).

No. 24. Page 22, lines 3 to 34, clause 7 (Schedule)—Leave out this clause and insert new clause as follows:

Entitlement to vote

7. (1) A natural person whose name appears in the voters roll used for an election or poll as an elector in his or her own right or as a nominated agent is entitled to vote at that election or poll.

(2) If an elector's name appears in the voters roll used for an election or poll both as an elector in his or her own right and as a nominated agent, the elector is entitled to vote at the election or poll both in his or her own right and as a nominated agent.

(3) If an elector's name appears in the voters roll used for an election or poll as a nominated agent under a number of separate nominations, the elector is entitled to vote at the election or poll in respect of each of those nominations.

(4) If a person is entitled to vote at an election or poll in more than one capacity, the provisions of this schedule (and, insofar as is relevant, the Local Government Act 1934) will be construed so that they may apply to the person distinctively in relation to each such capacity.

(5) A person whose name has been omitted in error from a voters roll used for an election or poll is, subject to this schedule, entitled to vote at the election or poll as if the error had not occurred.

(6) Subject to a preceding subclause, an entitlement to vote operates on the basis of—

(a) if the area of the Council is divided into wards—one vote for each ward for which the person is enrolled; and

(b) if relevant—one vote for the area of the Council as a whole in a particular election.

(7) If a person is entitled to vote in more than one ward, the person is still only entitled to one vote for the area of the Council as a whole.

No. 25. Page 23, lines 1 to 6, clause 8 (Schedule)—Leave out paragraphs (b), (c) and (d) and insert:

(b) the person's name has been omitted in error from the voters roll for the area.

No. 26. Page 23, lines 7 to 11, clause 8 (Schedule)—Leave out subclause (2).

No. 27. Page 23, line 14, clause 9 (Schedule)—Leave out '(or, in the case of a nominee of a body corporate or group, be nominated)'.

No. 28. Page 23, lines 20 to 22, clause 9 (Schedule)—Leave out subclause (3).

No. 29. Page 23, line 23, to page 26, line 8 (Schedule)—Leave out clauses 10 to 17 and insert the following:

PART 5
ADVANCE VOTING

Special provisions

10. (1) An envelope used for the purposes of advance voting for the City of Adelaide under section 106 of the Local Government Act 1934 must bear—

(a) one declaration in the prescribed form, to be completed by the voter, to the effect—

(i) that the voter is of or above the age of majority; and

(ii) that the ballot paper contained in the envelope contains his or her vote; and

(iii) that he or she has not already voted at the election or poll; or

(b) two declarations in the prescribed form, to be completed by the voter—

(i) one being a declaration in which the voter sets out the grounds on which he or she claims to be entitled to vote; and

(ii) the other being the declaration referred to in paragraph (a).

(2) Advance voting papers issued pursuant to section 106(4) of the Local Government Act 1934 must—

(a) in the case of an applicant whose name appears in the voters roll—include an envelope of the kind referred to in subclause (1)(a); or

(b) in the case of an applicant whose name does not appear in the voters roll—include an envelope of the kind referred to in subclause (1)(b).

(3) A witness is not required for the purposes of advance voting for the City of Adelaide.

(4) The returning officer may make arrangements for the confidential scrutiny of envelopes returned to electoral officers for the purposes of advance voting before the envelopes are deposited in sealed ballot boxes.

Advance voting not to be generally used

11. Voting at an election or poll for the City of Adelaide cannot be conducted entirely by the use of advance voting papers under section 106a of the Local Government Act 1934.

No. 30. Page 27, lines 3 to 36, clause 19 (Schedule)—Leave out the clause.

No. 31. Page 28 (Schedule)—After line 12 insert new clauses as follow:

PART 8
COMPULSORY VOTING

Compulsory voting

22. (1) Subject to this clause, it is the duty of every elector to record his or her vote at each election for the Council for which the elector is entitled to vote.

(2) An elector who leaves the ballot paper unmarked but who otherwise observes the formalities of voting is not in breach of the duty imposed by subclause (1).

(3) In the case of a body corporate or group of persons who are enrolled under clause 5(1), the duty is imposed on the nominated agent (rather than the body corporate or group).

(4) Within the prescribed period after the close of each election, the returning officer must send by post to each elector who appears not to have voted at the election a notice, in the prescribed form—

(a) notifying the elector that he or she appears to have failed to vote at the election and that it is an offence to fail to vote at an election without a valid and sufficient reason; and

(b) calling on him or her to show cause why proceedings for failing to vote at the election without a valid and sufficient reason should not be instituted against him or her,

but the returning officer, if satisfied that the elector is dead or had a valid and sufficient reason for not voting, need not send such a notice.

(5) Before sending any such notice, the returning officer must insert in the notice a date, not being less than 21 days after the date of posting of the notice, on which the form attached to the notice, duly filled up and signed by the elector, is to be in the hands of the returning officer.

(6) Every elector to whom a notice under this clause has been sent must complete the form at the foot of the notice by stating in it the reasons (if any) why proceedings for failing to vote at the election should not be instituted against him or her, sign the form and return it to the returning officer not later than the date inserted in the notice.

(7) If an elector is absent or unable, by reason of physical incapacity, to complete, sign and return the form, within the time allowed under subclause (5), any other person who has personal knowledge of the facts may complete, sign and return the form, duly witnessed, within that time, and, in that case, the elector will be taken to have complied with subclause (6).

(8) An elector must not—

(a) fail to vote at an election without a valid and sufficient reason for the failure; or

(b) on receipt of a notice under subclause (4), fail to complete, sign and return the form (duly witnessed) that is attached to the notice within the time allowed under subclause (5).

Maximum penalty: $50.

Expiation fee: $10.

(9) An elector has a valid and sufficient reason for failing to vote at an election if—

(a) the elector was ineligible to vote at the election; or

(b) the elector was absent from the State on polling day; or

(c) the elector had a conscientious objection, based on religious grounds, to voting at the election; or

(d) in a case where the elector is the nominated agent of a body corporate or group of persons under clause 5—the elector did not know, and could not reasonably be expected to have known, that he or she had been nominated under that clause;

(e) there is some other proper reason for the elector's failure to vote.

(10) A prosecution for an offence against this clause—

(a) cannot be commenced except by the returning officer or an officer authorised in writing by the returning officer;

(b) in the case of a prosecution for failing to vote at an election or failing to return a notice to the returning officer in accordance with subclause (5)—may be commenced at any time within 12 months of polling day.

(11) In proceedings for an offence against this clause—

(a) a certificate apparently signed by the returning officer certifying that an officer named in the certificate was authorised to commence the prosecution will, in the absence of proof to the contrary, be accepted as proof of that authority;

(b) a certificate apparently signed by an officer certifying that the defendant failed to vote at a particular election will be accepted as proof of that failure to vote in the absence of proof to the contrary;

(c) a certificate apparently signed by an officer certifying that a notice under subclause (4) was posted to an elector, at the address appearing on the voters roll or at a postal address provided by the elector, on a date specified in the certificate, will be accepted, in the absence of proof to the contrary, as proof—

(i) that the notice was duly sent to the elector on that date; and

(ii) that the notice complied with the requirements of this clause; and

(iii) that it was received by the elector on the date on which it would, in the ordinary course of post, have reached the address to which it was posted;

(d) a certificate apparently signed by an officer certifying that the defendant failed to return a form under this clause to the returning officer within the time allowed under subclause (5) will be accepted, in the absence of proof to the contrary, as proof of the failure to return the form within that time.

Form of ballot paper

23. The following statement must be printed at the top of every ballot paper for an election for the City of Adelaide so as to be clearly legible by the voter:

You may leave the ballot paper unmarked if you do not wish to register an actual vote in this election.

No. 32. Page 28 (Schedule)—After line 12 insert new clauses and Heading as follow:

PART 9
CAMPAIGN DONATIONS AND EXPENDITURE
DIVISION 1—PRELIMINARY

Interpretation

24. In this Part—

'disposition of property' means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, and includes—

(a) the allotment of shares in a company; and

(b) the creation of a trust in property; and

(c) the grant or creation of a lease, mortgage, charge, servitude, licence, power or partnership or any interest in property; and

(d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action or any interest in property; and

(e) the exercise by a person of a general power of appointment of property in favour of another person; and

(f) a transaction entered into by a person with intent thereby to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person;

'electoral advertisement' means an advertisement containing electoral material;

'electoral material' means an advertisement, notice, statement or representation calculated to affect the result of an election or poll;

'gift' means a disposition of property made by a person to another person, otherwise than by will, being a disposition made without consideration in money or money's worth or with inadequate consideration, and includes the provision of a service (other than volunteer labour) for no consideration or for inadequate consideration;

'journal' means a newspaper, magazine or other periodical, whether published for sale or for distribution without charge;

'property' includes money;

'registered industrial organisation' means an organisation registered under the Industrial and Employee Relations Act 1994 or under a law of the

Commonwealth or another State or a Territory concerning the registration of industrial organisations.

DIVISION 2—RETURNS

Returns for candidates

25 (1) A person who is a candidate for election to an office of the Adelaide City Council must, within six weeks after the conclusion of the election, furnish to the chief executive officer of the Council, in accordance with the requirements of this Part—

(a) a campaign donations return under this Division; and

(b) a campaign expenditure return under this Division.

(2) The returns must be in the prescribed form and completed in the prescribed manner.

Campaign donations returns

26. (1) Subject to this clause, a campaign donations return for a candidate for election to an office of the Adelaide City Council must set out—

(a) the total amount or value of all gifts received by the candidate during the disclosure period; and

(b) the number of persons who made those gifts; and

(c) the amount or value of each gift; and

(d) the date on which each gift was made; and

(e) in the case of each gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—

(i) the name of the association; and

(ii) the names and addresses of the members of the executive committee (however described) of the association; and

(f) in the case of each gift purportedly made out of a trust fund or out of the funds of a foundation—

(i) the names and addresses of the trustees of the fund or of the funds of the foundation; and

(ii) the title or other description of the trust fund or the name of the foundation, as the case requires; and

(g) in the case of each other gift—the name and address of the person who made the gift.

(2) A campaign donations return need not set out any details required by subclause (1) in respect of—

(a) a private gift made to the candidate; or

(b) a gift if the amount or value of the gift is less than $500.

(3) For the purposes of this clause—

(a) subject to paragraph (b), the disclosure period is the period that commenced—

(i) in relation to a candidate in an election who was a new candidate (other than a candidate referred to in subparagraph (ii))—12 months before polling day for the election;

(ii) in relation to a candidate in an election who was a new candidate and when he or she became a candidate in the election was a member of the Council by virtue of having been appointed under the Local Government Act 1934—on the day on which the person was so appointed as a member of the Council;

(iii) in relation to a candidate in an election who was not a new candidate—at the end of 30 days after polling day for the last preceding election in which the person was a candidate,

and that ended, in any of the above cases, at the end of 30 days after polling day for the election;

(b) for the purposes of the general election held under clause 3(1), the disclosure period for a candidate in the election is the period that commences on the day on which this Part comes into operation and that ends at the end of 30 days after polling day for the election;

(c) a candidate is a new candidate, in relation to an election, if the person had not been a candidate in the last general election of the Council and had not been elected at a supplementary election held after the last general election of the Council;

(d) two or more gifts (excluding private gifts) made by the same person to a candidate during the disclosure period are to be treated as one gift;

(e) a gift made to a candidate is a private gift if it is made in a private capacity to the candidate for his or her personal use and the candidate has not used, and will not use, the gift solely or substantially for a purpose related to an election.

(4) If no details are required to be included in a return under this clause for a candidate, the return must nevertheless be lodged and must include a statement to the effect that no gifts of a kind required to be disclosed were received.

Campaign expenditure return

27. (1) Subject to this clause, a campaign expenditure return for a candidate for election to an office of the Adelaide City Council must set out details of all campaign expenditure in relation to the election incurred by or with the authority of the candidate.

(2) For the purposes of this clause, campaign expenditure, in relation to an election, is expenditure incurred on—

(a) the broadcasting of an electoral advertisement relating to the election; or

(b) the publishing in a journal of an electoral advertisement relating to the election; or

(c) the display at a theatre or other place of entertainment, of an electoral advertisement relating to the election; or

(d) the production of an electoral advertisement relating to the election, being an advertisement that is broadcast, published or displayed as mentioned in paragraph (a), (b) or (c); or

(e) the production of any material (not being material referred to in paragraph (a), (b) or (c)) that is required under section 133 of the Local Government Act 1934 to include the name and address of the author of the material or of the person who is the printer of the material (in the case of printed electoral material); or

(f) consultants' or advertising agents' fees in respect of—

(i) services relating to the election; or

(ii) material relating to the election; or

(g) the carrying out of an opinion poll, or other research, relating to the election; or

(h) the production and distribution of electoral material that is addressed to particular persons or organisations; or

(i) other matters or items of a prescribed kind.

(3) If a candidate incurred campaign expenditure of a total amount not exceeding $500 in relation to an election (or incurred no campaign expenditure), the return may be lodged as a 'Nil' return.

Certain gifts not to be received

28. (1) It is unlawful for a member of the Adelaide City Council to receive a gift made to or for the benefit of the member the amount or value of which is not less than $500 unless—

(a) the name and address of the person making the gift are known to the member; or

(b) at the time when the gift is made, the person making the gift gives to the member his or her name and address and the member has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.

(2) It is unlawful for a candidate in an election, or a person acting on behalf of a candidate in an election, to an office of the Adelaide City Council to receive a gift made to or for the benefit of the candidate the amount or value of which is not less than $500 unless—

(a) the name and address of the person making the gift are known to the person receiving the gift; or

(b) at the time when the gift is made, the person making the gift gives to the person receiving the gift his or her name and address and the person receiving the gift has no grounds to believe that the name and address so given are not the true name and address of the person making the gift.

(3) For the purposes of this clause—

(a) a reference to a gift made by a person includes a reference to a gift made on behalf of the members of an unincorporated association;

(b) a reference to the name and address of a person making a gift is—

(i) in the case of a gift made on behalf of the members of an unincorporated association, other than a registered industrial organisation—a reference to—

(A) the name of the association; and

(B) the names and addresses of the members of the executive committee (however described) of the association; and

(ii) in the case of a gift purportedly made out of a trust fund or out of the funds of a foundation—a reference to—

(A) the names and addresses of the trustees of the fund or of the funds of the foundation; and

(B) the title or other description of the trust fund or the name of the foundation, as the case requires;

(c) a person who is a candidate in an election is to be taken to remain a candidate for 30 days after the polling day for the election;

(d) a reference to a candidate in an election includes a reference to a person who is already a member of the Council.

(4) If a person receives a gift that, by virtue of this clause, it is unlawful for the person to receive, an amount equal to the amount or value of the gift is payable by that person to the Crown and may be recovered by the Crown as a debt by action, in a court of competent jurisdiction, against the person.

Inability to complete returns

29. If a person who is required to furnish a return under this Division considers that it is impossible to complete the return because he or she is unable to obtain particulars that are required for the preparation of the return, the person may—

(a) prepare the return to the extent that it is possible to do so without those particulars; and

(b) furnish the return so prepared; and

(c) give to the chief executive officer notice in writing—

(i) identifying the return; and

(ii) stating that the return is incomplete by reason that he or she is unable to obtain certain particulars; and

(iii) identifying those particulars; and

(iv) setting out the reasons why he or she is unable to obtain those particulars; and

(v) if the person believes, on reasonable grounds, that another person whose name and address he or she knows can give those particulars—stating that belief and the reasons for it and the name and address of that other person,

and a person who complies with this clause is not, by reason of the omission of those particulars, to be taken, for the purposes of this Division, to have furnished a return that is incomplete.

Amendment of returns

30. (1) A person who has furnished a return under this Division may request the permission of the chief executive officer to make a specified amendment of the return for the purpose of correcting an error or omission.

(2) A request under subclause (1) must—

(a) be by notice in writing signed by the person making the request; and

(b) be lodged with the chief executive officer.

(3) If—

(a) a request has been made under subclause (1); and

(b) the chief executive officer is satisfied that there is an error in, or omission from, the return to which the request relates,

the chief executive officer must amend the return, or permit the person making the request to amend the return, in accordance with the request.

(4) The amendment of a return under this clause does not affect the liability of a person to be convicted of an offence arising out of the furnishing of the return.

Offences

31. (1) A person who fails to furnish a return that the person is required to furnish under this Division within the time required by this Division is guilty of an offence.

Maximum penalty: $10 000.

(2) A person who furnishes a return or other information—

(a) that the person is required to furnish under this Division; and

(b) that contains a statement that is, to the knowledge of the person, false or misleading in a material particular,

is guilty of an offence.

Maximum penalty: $10 000.

(3) A person who furnishes to another person who is required to furnish a return under this Division information—

(a) that the person knows is required for the purposes of that return; and

(b) that is, to that person's knowledge, false or misleading in a material particular,

is guilty of an offence.

Maximum penalty: $10 000.

(4) An allegation in a complaint that a specified person had not furnished a return of a specified kind as at a specified date will be taken to have been proved in the absence of proof to the contrary.

Failure to comply with Division

32. (1) If a person who is required to furnish a return under this Division fails to submit the return within the time required by this Division, the chief executive officer must as soon as practicable notify the person of that fact.

(2) A notification under subclause (1) must be given by letter sent to the person by registered mail.

(3) A failure of a person to comply with a provision of this Division in relation to an election does not invalidate that election.

DIVISION 3—PUBLIC ACCESS TO INFORMATION

Public inspection of returns

33. (1) The chief executive officer of the Adelaide City Council must keep at the principal office of the Council each return furnished to the chief executive officer under Division 2.

(2) Subject to this clause, a person is entitled to inspect a copy of a return under Division 2, without charge, during ordinary business hours at the principal office of the Council.

(3) Subject to this clause, a person is entitled, on payment of a fee fixed by the Council, to obtain a copy of a return under Division 2.

(4) A person is not entitled to inspect or obtain a copy of a return until the end of eight weeks after the day before which the return was required to be furnished to the chief executive officer.

Restrictions on publication

34. (1) A person must not publish—

(a) information derived from a return under Division 2 unless the information constitutes a fair and accurate summary of the information contained in the return and is published in the public interest; or

(b) comment on the facts set forth in a return under Division 2 unless the comment is fair and published in the public interest and without malice.

(2) If information or comment is published by a person in contravention of subclause (1), the person, and any person who authorised the publication of the information or comment, is guilty of an offence.

Maximum penalty: $10 000.

DIVISION 4—RELATED MATTERS

Requirement to keep proper records

35. (1) A person must take reasonable steps to keep in his or her possession all records relevant to completing a return under this Part.

Maximum penalty: $5 000.

(2) A person must keep a record under subclause (1) for at least two years after the date on which the relevant return is required to be furnished to the chief executive officer of the Council under this Part.

Maximum penalty: $5 000.

Related matters

36. (1) For the purposes of this Part, the amount or value of a gift consisting of or including a disposition of property other than money is, if the regulations so provide, to be determined in accordance with principles set out or referred to in the regulations.

(2) For the purposes of this Part—

(a) a body corporate and any other body corporate that is related to the first-mentioned body corporate is to be taken to be the same person; and

(b) the question whether a body corporate is related to another body corporate is to be determined in the same manner as under the Corporations Law.

(3) For the purposes of this Part, an act performed by a person or committee appointed or formed to assist the campaign of a

candidate in an election will be taken to be an act performed by the candidate.

No. 33. Page 28—After line 12 insert new Schedule as follows:

SCHEDULE 2

Register of Interests—Form of returns

Interpretation

1. (1) In this schedule, unless the contrary intention appears—

'beneficial interest' in property includes a right to re-acquire the property;

'family', in relation to a council member, means—

(a) a spouse of the member; and

(b) a child of the member who is under the age of 18 years and normally resides with the member;

'family company' of a council member means a proprietary company—

(a) in which the member or a member of the member's family is a shareholder; and

(b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting of, more than one-half of the maximum number of votes that might be cast at a general meeting of the company;

'family trust' of a council member means a trust (other than a testamentary trust)—

(a) of which the member or a member of the member's family is a beneficiary; and

(b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together;

'financial benefit', in relation to a person, means—

(a) any remuneration, fee or other pecuniary sum exceeding $1 000 received by the person in respect of a contract of service entered into, or paid office held by, the person; and

(b) the total of all remuneration, fees or other pecuniary sums received by the person in respect of a trade, profession, business or vocation engaged in by the person where that total exceeds $1 000,

but does not include an annual allowance, fees, expenses or other financial benefit payable to the person under this Act or the Local Government Act 1934;

'gift' means a transaction in which a benefit of pecuniary value is conferred without consideration or for less than adequate consideration, but does not include an ordinary commercial transaction or a transaction in the ordinary course of business;

'income source', in relation to a person, means—

(a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and

(b) any trade, vocation, business or profession engaged in by the person;

'a person related to a member' means—

(a) a member of the member's family;

(b) a family company of the member;

(c) a trustee of a family trust of the member;

'return period', in relation to an ordinary return of a council member, means—

(a) in the case of a member whose last return was a primary return—the period between the date of the primary return and 30 June next following; and

(b) in the case of any other member—the period of 12 months expiring on 30 June on or within 60 days after which the ordinary return is required to be submitted;

'spouse' includes putative spouse (whether or not a declaration of the relationship has been made under the Family Relationships Act 1975);

'trade or professional organisation' means a body, corporate or unincorporate, of—

(a) employers or employees; or

(b) persons engaged in a profession, trade or other occupation,

being a body of which the object, or one of the objects, is the furtherance of its own professional, industrial or economic interests or those of any of its members.

(2) For the purposes of this schedule, a person who is an object of a discretionary trust is to be taken to be a beneficiary of that trust.

(3) For the purposes of this schedule, a person is an investor in a body if—

(a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds $10 000; or

(b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

(4) For the purposes of this schedule, in relation to a return by a council member—

(a) two or more separate contributions made by the same person for or towards the cost of travel undertaken by the member or a member of the member's family during the return period are to be treated as one contribution for or towards the cost of travel undertaken by the member;

(b) two or more separate gifts received by the member or a person related to the member from the same person during the return period are to be treated as one gift received by the member;

(c) two or more separate transactions to which the member or a person related to the member is a party with the same person during the return period under which the member or a person related to the member has had the use of property of the other person (whether or not being the same property) during the return period are to be treated as one transaction under which the member has had the use of property of the other person during the return period.

Contents of return

2. (1) For the purposes of this Act, a primary return must be in the prescribed form and contain the following information:

(a) a statement of any income source that the council member required to submit the return or a person related to the member has or expects to have in the period of 12 months after the date of the primary return; and

(b) the name of any company, or other body, corporate or unincorporate, in which the council member or a member of his or her family holds any office whether as director or otherwise; and

(c) the information required by subclause (3).

(2) For the purposes of this Act, an ordinary return must be in the prescribed form and contain the following information:

(a) if the council member required to submit the return or a person related to the member received, or was entitled to receive, a financial benefit during any part of the return period—the income source of the financial benefit; and

(b) if the council member or a member of his or her family held an office whether as director or otherwise in any company or other body, corporate or unincorporate, during the return period—the name of the company or other body; and

(c) the source of any contribution made in cash or in kind of or above the amount or value of $750 (other than any contribution by the Council, by the State, by an employer or by a person related by blood or marriage) for or towards the cost of any travel beyond the limits of South Australia undertaken by the council member or a member of his or her family during the return period, and for the purposes of this paragraph 'cost of travel' includes accommodation costs and other costs and expenses associated with the travel; and

(d) particulars (including the name of the donor) of any gift of or above the amount or value of $750 received by the council member or a person related to the member during the return period from a person other than a person related by blood or marriage to the member or to a member of the member's family; and

(e) if the council member or a person related to the member has been a party to a transaction under which the member or person related to the member has had the use of property of the other person during the return period and—

(i) the use of the property was not acquired for adequate consideration or through an ordinary commercial transaction or in the ordinary course of business; and

(ii) the market price for acquiring a right to such use of the property would be $750 or more; and

(iii) the person granting the use of the property was not related by blood or marriage to the member or to a member of the member's family—

the name and address of that person; and

(f) the information required by subclause (3).

(3) For the purposes of this Act, a return (whether primary or ordinary) must contain the following information:

(a) the name or description of any company, partnership, association or other body in which the council member required to submit the return or a person related to the member is an investor; and

(b) the name of any political party, any body or association formed for political purposes or any trade or professional organisation of which the council member is a member; and

(c) a concise description of any trust (other than a testamentary trust) of which the council member or a person related to the member is a beneficiary or trustee (including the name and address of each trustee); and

(d) the address or description of any land in which the council member or a person related to the member has any beneficial interest other than by way of security for any debt; and

(e) any fund in which the council member or a person related to the member has an actual or prospective interest to which contributions are made by a person other than the member or a person related to the member; and

(f) if the council member or a person related to the member is indebted to another person (not being related by blood or marriage to the member or to a member of the member's family) in an amount of or exceeding $7 500—the name and address of that other person; and

(g) if the council member or a person related to the member is owed money by a natural person (not being related to the member or a member of the member's family by blood or marriage) in an amount of or exceeding $10 000—the name and address of that person; and

(h) any other substantial interest whether of a pecuniary nature or not of the council member or of a person related to the member of which the member is aware and which he or she considers might appear to raise a material conflict between his or her private interest and the public duty that he or she has or may subsequently have as a member.

(4) A council member is required by this clause only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.

(5) Nothing in this clause requires a council member to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the member.

(6) A council member may include in a return such additional information as the member thinks fit.

(7) Nothing in this clause will be taken to prevent a council member from disclosing information required by this clause in such a way that no distinction is made between information relating to the member personally and information relating to a person related to the member.

(8) Nothing in this clause requires disclosure of the actual amount or extent of a financial benefit, gift, contribution or interest.

TOBACCO PRODUCTS REGULATION (DISSOLUTION OF SPORTS, PROMOTION, CULTURAL AND HEALTH ADVANCEMENT TRUST) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I move:

That this Bill be now read a second time.

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

Leave granted.

When Living Health was first established in 1988 its original objectives were to replace tobacco sponsorship programs and to promote good health and healthy practices and the prevention and early detection of illness related to tobacco consumption.

In 1997 the Economic and Finance Committee reviewed Living Health and expressed the view that it had been unsuccessful in achieving its original objectives, and recommended that it be disbanded. The Committee noted that only one-fifth of all monies dispersed by the Trust between 1988 and 1996 were directed towards anti-smoking programs, and its administration costs were reported to be $895 000 in 1995-96.

The Committee's recommendations were unanimous and the membership comprised H Becker, K Foley, S Bass, F Blevins, M Buckby, J Quirke, and M Brindal.

The Government has decided that Living Health as an independent authority should be disbanded and that the budget appropriation of $13.4 million will be allocated to the Department of Human Services, the Department of Transport, Urban Planning and the Arts, and the Office of Recreation and Sport within the Department of Industry and Trade.

The Government guarantees that funding of $13.4 million will be allocated in a similar way in future budgets, and that there will be a continuing focus on health in all grants paid from the allocation.

The Government expects that this Bill will enable additional funding to be provided for sport, art and health programs through considerable savings in administrative costs, and through the elimination of duplication between various Government and Living Health programs in the sports and arts areas.

I commend the Bill to Honourable Members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Interpretation

This clause defines 'the Minister' as the Minister for Human Services, and 'the Trust' as the South Australian Sports Promotion, Cultural and Health Advancement Trust.

Clause 3: Amendment of long title

This clause amends the long title of the principal Act to reflect the dissolution of the Trust.

Clause 4: Amendment of s. 3—Objects of Act

This clause removes references from section 3 of the principal Act to the Trust and its functions.

Clause 5: Amendment of s. 4—Interpretation

This clause removes the definitions of 'fund' and 'Trust' from the principal Act.

Clause 6: Repeal of Part 4

This clause repeals Part 4 of the principal Act which deals with the Trust.

Clause 7: Transitional provisions

Clause 7(1) provides for the transfer to the Consolidated Account of all moneys held in account in the Sports Promotion, Cultural and Health Advancement Fund at the Treasury immediately before the dissolution of the Trust.

Clause 7(2) provides that all property, rights and liabilities vested in or attaching to the Trust immediately before the dissolution of the Trust, vest in or attach to the Minister.

Mr ATKINSON secured the adjournment of the debate.

STATUTES AMENDMENT (FINE ENFORCEMENT) BILL

Adjourned debate on second reading.

(Continued from 19 August. Page 1811.)

Mr ATKINSON (Spence): Almost half the number of people fined in South Australia do not pay their fines without enforcement procedures being set in train.

The Hon. G.M. Gunn: Too many on-the-spot fines are issued unnecessarily.

Mr ATKINSON: The member for Stuart says that is because too many expiation notices have been issued, but if

he had paid attention to the Bill before the House he would have noted that this relates to non-payment of fines: expiation of offences was handled by another Bill earlier in the year or last year. So, we are not talking here about expiation notices or infringement notices: we are talking about fines levied by courts, and I hope that the member for Stuart is clear on that now. As 28 per cent of expiation notices are not paid without some enforcement procedures being set in train, perhaps the honourable member will have something to say about that on another occasion.

Unless a greater proportion of fines are paid, South Australians will lose confidence in the criminal justice system. Law abiding citizens who are fined will be most reluctant to pay if they know that so many others evade the payment of their fines. So, we do not want the payment of fines in South Australia to become optional. That would be not only a revenue blow to the Government but a blow to the public consent necessary for the criminal justice system to operate satisfactorily. The usual penalty for non-payment of a fine is imprisonment. Alas, a class of people in our State cheerfully refuse to pay their fines even though they are able and, instead, serve a term of imprisonment knowing that this imposes costs on the State.

The last Labor Government in this State built a fine defaulters' prison at Northfield which was so congenial to fine defaulters that people broke into it carrying bottles of ale to enjoy the company of their fine defaulting friends. The Bill mostly removes detention or imprisonment as a punishment for fine default, although I notice that the Aboriginal Legal Rights Movement claims the Bill will lead to greater imprisonment of Aboriginal people.

The Bill substitutes suspension for 60 days of the defaulter's driver's licence and suspension of his entitlement to deal with the Registration and Licensing Section of the Department of Transport. I understand that those two items are already in the legislation but, for one reason or another, have not been used to their full capacity or any capacity. Also available are charges on the defaulter's real estate but not selling up the real estate unless the fines total more than $10 000, seizure and sale of the defaulter's goods—again, I understand this has been in the legislation for many years but is not used—and, finally, garnishee orders.

The order in which I mention those punishments is roughly the order of priority in which they will be used by the Penalty Management Unit. Instead of a judge or magistrate setting a period during which an offender will have to pay, 28 days will become the uniform time to pay—the kind of procrustean device that would appeal to the member for Stuart, I would have thought. Offenders who want to make other arrangements will have to approach the new unit in the Courts Administration Authority to be known as the Penalty Management Unit.

Whereas fines are now followed up by the police on warrants threatening imprisonment, fines would now be followed up by the Penalty Management Unit threatening suspension of the defaulter's ability to drive or threatening seizure of goods and garnishee. I think that South Australia Police will be most relieved that its time will not be taken up to anywhere near the extent it is now in enforcing fine warrants. The Bill, if it works, will be a blessed relief for them. Like the member for Stuart and the Aboriginal Legal Rights Movement (a great quinella if ever there was one), I am concerned about the magnitude of punishment for a defaulter living outside the metropolitan area whose driver's licence is suspended. My concern is especially for the family of the defaulter and the effect of suspension on family income, the ability of the family to get to the sports in which they participate and to get to the doctor.

For me, suspension of a driver's licence or prohibition on my ability to deal with the Registration and Licensing Section of the Department of Transport would be no punishment at all because, Sir, as you know I have never driven a motor vehicle, but it is a heavy punishment for someone living in a remote area of South Australia and whose employment depends upon his ability to drive a motor vehicle. Can the Minister indicate whether there is anything in the legislation or contemplated regulations that would ensure that the Penalty Management Unit did not suspend a defaulter's licence or car registration in situations where this punishment would be disproportionate?

The Law Society has been critical of the Bill on the ground that it takes away the discretion of the judiciary to set the time during which a fine may be paid. The society writes:

> The authorised officer who is to adjudicate—

that is, the authorised officer in the Penalty Management Unit—

> as to whether the defendant will get the benefit of a written arrangement pursuant to section 64 is also the person charged actively to pursue the debt against the defendant and in fact is given extensive powers to investigate, seize property and even arrest.

I am not so convinced by the Law Society's argument. Of course, it is a judicial function for a magistrate or judge to try the facts of a case, to bring down a verdict of guilty or not guilty and then to impose a punishment such as a term of imprisonment or a fine of a certain amount of money. It seems to me that, once that fine is decided by a judge or magistrate, it is then an administrative matter how that fine is enforced, and it is quite unreasonable to expect magistrates to have the time or the means to look into an offender's income and assets and determine how long the offender should have to pay and under what conditions.

I think magistrates are unsuited to this function, and it is entirely appropriate that it be referred to an administrative unit, albeit an administrative unit within the Courts Administration Authority, which is of course independent of Executive Government. I just do not accept the Law Society's argument on the separation of powers. I think it makes that doctrine do altogether too much work in order to criticise the Bill before us.

The Bill reduces the minimum number of hours that can be required of an offender under a community service order from 40 to 16 but, generally, the Bill minimises the capacity of community service orders to play a role in managing fine default and the extent to which community service orders can be an alternative to paying a fine. In this Bill the Government is clearly interested in getting the money, and I do not quarrel with the Government about that because I think the system of community service orders has been widely abused.

Many community service orders are not fulfilled at all. The terms of many orders are not completely fulfilled, and I think they are treated as a bit of a joke by offenders. Community service orders are a nice idea but I am told by the Manager of the Hindmarsh City Farm, Snow Edwards, that the lads who come to his farm to fulfil community service orders do not take their responsibilities particularly seriously and, indeed, it takes him all his time to keep on their back to make sure that community service orders are fulfilled to the benefit of the Hindmarsh City Farm as best they can be. As to those offenders with whom I have talked at the farm, they

certainly do not take the orders particularly seriously. They do a bit of work and then, if they can get out the order without completing it, they do.

The Bill minimises the involvement of community service orders in this area and, regrettable though that may be on principle, I understand the practical reasons why the Government has done this. The Opposition is somewhat concerned about garnishee orders as they apply on the bank accounts of offenders. The Government says that it will not garnishee social security payments; as much as anything, it will not do that because it is not allowed to, I understand, under Commonwealth legislation.

The Hon. G.M. Gunn interjecting:

Mr ATKINSON: The member for Stuart says that that may be the end of that, but the Penalty Management Unit can garnishee defaulters' bank accounts. As we know, social security has to be paid into bank accounts these days. Can the Minister explain to the House at what point social security ceases to be social security and becomes a defaulter's savings or assets and, therefore, is capable of being garnisheed?

Mr Lewis interjecting:

Mr ATKINSON: The member for Hammond says it can be garnisheed once there is a credit balance in the bank. I would have thought then that all social security was capable of being garnisheed if that is the answer. The Government says that that is not its intention.

The Penalty Management Unit can also put a charge on a defaulter's land or real estate, but land can be sold up only to make good the fine default if the fines exceed $10 000. The Opposition has no quarrel with that clause. The Penalty Management Unit will make a means assessment of the defaulter and consider allowing for payment by instalments which, as I understand it, cannot be provided for now. Now all we have is time to pay, set by the judge or magistrate. The Penalty Management Unit is in a much better position to make this means assessment than a judicial officer and, furthermore, I would expect some regularity in the means assessment and the policy of the Penalty Management Unit compared to the judiciary, which will not necessarily know what goes on in other courts. I would have thought there would be some consistency in the way the Penalty Management Unit goes about its task, and greater consistency than that that obtains between judges and magistrates who bring different values and experiences to their job.

I find it quite interesting that the Australian Law Reform Commission has criticised the populist notion that fines should be made proportionate to an offender's income. I understand that my old employer, the Shop Distributive and Allied Employees Union, and the member for Peake have been promoting the idea that traffic infringement notices should be made proportionate to an offender's income or assets, or be in proportion to the value of their motor vehicle.

Mr Koutsantonis interjecting:

Mr ATKINSON: I am further told by the member for Peake, by way of interjection, that this has become Labor policy. If it has, it is most regrettable. I will quote what the Australian Law Reform Commission had to say about this proposal. I hope that the member for Peake is listening and that I do not suffer the same fate as the Hon. T.G. Cameron.

The Hon. G.M. Gunn interjecting:

Mr ATKINSON: I won't suffer the same penance, let's say.

The DEPUTY SPEAKER: Order! The member for Spence.

Mr ATKINSON: The Australian Law Reform Commission states:

> The practical difficulties involved in the courts having to determine accurately an offender's ability to pay are too great. Not only would the time involved be excessive, especially in magistrates' courts, but possibly the only method of obtaining the necessary data with complete accuracy would involve access to the offender's taxation records. This would raise privacy problems. The existence of artificial taxation schemes might lead to white-collar offenders being able to conceal their financial position from the courts.

Members behind me can put that in their pipe and smoke it. If the Penalty Management Unit finds that a defaulter is legitimately unable to pay a fine, the unit can refer that offender back to the courts system, and the courts can impose a different and more appropriate penalty such as community service. Indeed, the defaulter can, if he is not satisfied with the Penalty Management Unit's adjudication of his matter, go back before the court to try to get a different order. I remind members that section 13 of the Criminal Law (Sentencing) Act already provides that a court should not impose a fine if a defendant is unable to comply with the order or if the order unduly prejudices the welfare of dependants of the defendant.

If money does become available from a defaulter, the Penalty Management Unit is instructed by the Bill to apply the money in this order of priority: first, the criminal injuries compensation levy; secondly, compensation to the victim; thirdly, costs; and, finally, consolidated revenue. There is a provision in the Bill which allows the Penalty Management Unit to advertise, appealing for information about the whereabouts of a fine defaulter and to publish the fine defaulter's name or names and his or her last known address. I support this provision. Quite properly, the Bill ensures that that advertising is not allowed in respect of juveniles. The Penalty Management Unit can make an order for enforcement ex parte, that is, without notification to or the presence of the defaulter. In this area of the law, I understand the reasons for that, even though it may not seem just on the surface.

The House may be interested to know that there is a list of goods that may be seized under the Bill and others that may not be seized. Those that can be seized are: educational, sporting and recreational goods that are not for the use of children or students; one set of stereo equipment; telephone equipment; antique items; and cars to the value of more than $5 000. Those goods that cannot be seized under the Bill are: necessary clothing; necessary household items such as kitchen utensils, cutlery, crockery, food stuffs, heating equipment, cooling equipment, bedding and linen and other household items which are needed; sufficient household furniture; sufficient beds for all members of the household; and educational, sporting and recreational items that are for the use of children and students.

In relation to electrical goods, each household must be left with the following: one television (so television is now officially ruled a necessity); one radio (I would have thought that that was a necessity, even if television was not); one washing machine and clothes drier (we do not have a clothes drier, but obviously fine defaulters have and they need it); one fridge and freezer; one telephone; and one video recorder.

Mr Koutsantonis: Why do you need a video recorder?

Mr ATKINSON: We do not have one.

The DEPUTY SPEAKER: Order! The member for Peake is interjecting, and he is out of his seat, too.

Mr ATKINSON: We do not have one at present, but the Government has been quite generous here, and it is saying

that one video recorder is a necessity. Perhaps it has drafted these ideas on the basis of the standard of living of the member for Adelaide rather than that of the member for Spence.

Mr Conlon interjecting:

Mr ATKINSON: The member for Elder interjects that, if they were drafted on the basis of the member for Adelaide's income, necessities would include one hunting rifle and one game reserve, and one set of streets.

The Hon. M.H. ARMITAGE: I rise on a point of order, Mr Deputy Speaker. I have identified publicly on many occasions that I am fiercely anti-guns, and I ask the member for Spence to withdraw that stupid accusation.

The DEPUTY SPEAKER: I would suggest that it is not a point of order. However, if the Minister wishes to raise that issue when he replies to the debate, it would be in order for him to do so.

Mr ATKINSON: I will be happy to inform all the member for Adelaide's constituents that he is in favour of a total ban on the ownership of firearms. Other necessities that are exempted from seizure are tools of trade—

The Hon. M.H. Armitage interjecting:

Mr ATKINSON: The member for Adelaide interjects that firearms owners in South Australia are responsible for most of the crime. Very interesting!

Mr Koutsantonis: Another new low.

The DEPUTY SPEAKER: Order!

Mr ATKINSON: As the member for Peake says, another new low in the member for Adelaide's left-liberal doctrine. Other items that are exempted—

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: Sir, the member for Unley refers to me as a 'stupid twit'. I ask that he withdraw.

The DEPUTY SPEAKER: I happen to be aware of the conversation that took place. The Minister was not referring to the member for Spence as a 'twit': he was referring to another member in the House. The member for Spence.

Mr ATKINSON: Other exempt items are cars worth less than $5 000 and items of religious and ceremonial significance, and I am pleased to see that inclusion. I am told by the Attorney-General that in Western Australia and New Zealand, which have this system of fine enforcement, there is 90 per cent payment of fines. The Parliamentary Labor Party is also cognisant of the fact that the New South Wales Labor Government has introduced a similar system of fine enforcement, and it was with that in mind that this was our policy at the last general election. So, we certainly would not want to vote against a Bill which is substantially in line with the Parliamentary Labor Party's policy at the last election. With those remarks and the questions that I have placed on record asking the Minister for a response, the Opposition supports the Bill.

The Hon. G.M. GUNN (Stuart): I have some grave reservations about a number of the provisions in this Bill. I think it is fair to say that the Attorney-General is not pleased with me; however, we shall not let this worry us at all.

Mr Atkinson interjecting:

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: My main concerns are with the provisions dealing with the suspension of a driver's licence and restricting the transaction dealing with the Registrar of Motor Vehicles. My concerns come from the fact that we know that there has been a huge increase in the issuing of on-the-spot fines. Then, the poor individuals who do not have the ability to pay those fines find themselves hauled up before the courts, which impose a fine that they do not have the ability to pay. They then go through a lengthy process and eventually one of these authorised officers (quite arbitrarily, in my view) comes along and says to them, 'We're going to cancel your driver's licence and prevent you from registering your motor vehicle or suspending its registration.' I put to the House and the Attorney-General that this will affect the ability of people to maintain their employment. If you lose your driver's licence and you have to travel considerable distances where there is no public transport to maintain your employment, that is a double penalty; you get a double whammy.

I will not sit idly in this Chamber and see these sorts of provisions inflicted upon people without at least raising my voice in opposition. In relation to cancelling the registration, if a family has one motor vehicle and one member of the family has fallen foul of the law and cannot pay the fine and the authorised officer cancels the registration, the whole family suffers; you are penalising the whole family. I have put this to the Attorney-General at considerable length, but he does not seem to be prepared to compromise at all on this matter. Let me say to this House: every time one of my constituents is penalised and comes to me, I will raise the matter in the Parliament, because I have an inherent dislike for the issuing of on-the-spot fines. They have been misused and abused, and are imposed completely contrary to the manner which was explained to this Parliament when they were originally introduced.

Mr Atkinson: They were introduced before the war.

The Hon. G.M. GUNN: I can't help that. But, during my time in this House, no-one envisaged that the Government would collect in excess of $40 million in on-the-spot fines. It is too easy to hand them out. They are handed out like confetti for trivial matters which should never have attracted them. Some poor individual is stopped by a police officer—in my view under instruction to issue these things—and they cannot pay it; it is hard enough for them to meet the general outgoings of their family. If they cannot pay the on-the-spot fine, they end up in court; then they can lose their driver's licence, have their registration cancelled or even lose some of their property.

I put to this House that I think we are going right overboard. This is draconian, unnecessary and unwise in the extreme. If I am the only one to raise my voice in opposition, so be it. I am elected to represent what I believe to be the best interests of my constituents, and I will do so. My concern is that we are going down this track but we are not addressing the real issues of community safety. My constituents have been attacked in their homes, their property has been vandalised and we do not have the courage to take a—

Mr Conlon: Change the drug laws.

The Hon. G.M. GUNN: I have a view on that, which I will be happy to put before the House in the near future. I had some discussions on the weekend with senior members of the legal profession who deal with that matter, and I was most interested in their point of view. I know that a very large percentage of the people in gaol are there because of drug related matters.

Mr Atkinson: Also because you got rid of the reliance on self-defence.

The Hon. G.M. GUNN: That is another matter, which the honourable member and I will debate on another occasion. I have been referring to paragraphs (e), (f) and (g) of new section 70. As I read the provisions a few pages further on,

they give authorised officers considerable power, but I cannot see in this Bill any provisions dealing with the conduct of authorised officers. Are they allowed to be aggressive and overbearing? These amendments do not say, and I want to know.

Mr Atkinson: Ask 'Porcupine' over there.

The Hon. G.M. GUNN: The honourable member is being uncharitable. The Minister is not the architect of this Bill and it is unfair to cast any aspersions on him, because he has the carriage of it only in this House. The architects are the Attorney-General and those who advise him.

Mr Atkinson: Name them.

The Hon. G.M. GUNN: No, I won't do that. The Attorney and I have had lengthy debates on this matter in the various forums that are available to me. I am surprised that the Opposition will support paragraphs (e) and (f) of new section 70. It is my intention to call for a division on those two provisions, because I think they are fundamentally flawed. I realise that as a general principle if people are convicted they should pay their penalty, but in these sorts of matters the penalty should not be of such a nature that we create circumstances where they have no hope of paying. If we prevent someone from driving a motor car or using that vehicle and it interferes with their employment, how can they be expected to pay those penalties? One has to consider that we have consistently raised the penalties—and they are quite substantial—for what I would consider minor or trifling matters.

We have not addressed the real villains who are attacking my constituents, stabbing them and vandalising their homes. We have not given the police powers under a children's protection Act, which I would like and which exists in New South Wales, to help protect these people. In my electorate I have elderly ladies terrified to walk down the street and vandals are climbing over their roof and vandalising their front yard in the middle of the night. I want some firm action against these villains, but that is too hard to deal with, yet we can take away the driver's licence of unsuspecting people, in many cases for crimes that should not necessitate that course of action. I will not let it rest there: I am having legislation drawn up to change some of the provisions dealing with on-the-spot fines. I look forward to a debate in this House on efficient and proper cautions, stopping people from hiding speed cameras and all those sorts of things. I probably have not endeared myself to certain people with my proposal. However, so be it: I will not lose any sleep.

Mr Atkinson interjecting:

The Hon. G.M. GUNN: I will not be sidetracked. All I can say is that, from my knowledge, most of the firearm owning fraternity are good, upright, law-abiding citizens. A few of them have been hijacked by extremists in the One Nation Party and elements that have done a great deal of harm to the shooting fraternity. They have been hijacked by irresponsible radicals who, unfortunately, have not helped the cause. I say in conclusion—

An honourable member: Terry Cameron.

Mr Brokenshire: He's a good man.

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: I say in conclusion that I have grave concerns about these provisions. I sincerely hope that they do not stand the test of time.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): In relation to the comment made earlier by the member for Spence—

Mr Atkinson interjecting:

The Hon. M.H. ARMITAGE: No. I merely wish to correct the sort of diatribe and stupidity which the member for Spence routinely serves up as alleged cleverness on a most personal level against me. I choose to do nothing more than to correct the member for Spence and not to react personally. The member for Spence indicated that, if someone were to have my personal income, they would need to have, I think the words he used were 'equivalent sums of money to ensure that they might have hunting rifles, game reserves and so on'. I took a point of order, Mr Deputy Speaker, and you indicated that I should correct that remark during my reply. That is what I now intend to do. I have never owned a hunting rifle. I do not believe—

Mr Atkinson: It's a joke, Joyce.

The Hon. M.H. ARMITAGE: The member for Spence says, 'It's a joke, Joyce', quoting Graham Kennedy from about 25 years ago. The member for Spence continually raises these matters so that they are recorded in *Hansard* but, factually, they contribute nothing to the debate other than to indicate the way in which the member for Spence is keen on personal vilification. The only other time that I have picked up the member for Spence on a matter such as this, he abjectly apologised by indicating—

Mr Atkinson interjecting:

The Hon. M.H. ARMITAGE: Well, he chose to apologise by making mealy-mouthed implications along the lines of 'if he had implied something', when in fact he had directly made the accusation on a number of occasions.

Mr CONLON: I rise on a point of order, Mr Deputy Speaker. It is all right for the Minister to give an explanation to an aside of the member for Spence, but I suggest that he come back to the point.

The DEPUTY SPEAKER: Order! There is no point of order.

Mr Foley: Who's tetchy, Michael?

The Hon. M.H. ARMITAGE: The member for Hart indicates that I am tetchy. I am not tetchy at all.

Mr Atkinson interjecting:

The Hon. M.H. ARMITAGE: I'm sure you were, but the interesting fact that the member for Hart continually refuses to identify in any of his interjections or contributions is that I do nothing more than correct the record. I have never chosen in this Chamber to make a personal accusation about the member for Spence, and I do not intend ever to do so, because I do not believe that that is a function of Parliament. However, if the member for Spence makes ridiculous statements, I intend to continue to correct the record.

Mr Atkinson interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.H. ARMITAGE: The Aboriginal Legal Rights Movement claims that this measure will lead to the greater imprisonment of Aboriginal fine defaulters. That is certainly not the intention of the legislation, and the Government does not agree that that prediction will be sustained. The Government would not move legislation which would allow that to happen. The facts are that the Bill wholly abolishes imprisonment for default. In other words, for a fine defaulter to be imprisoned, the fine defaulter must do something else against the law such as, for argument's sake, drive without a licence. The fine defaulter must do something else in addition to defaulting on the fine.

Also, the Bill contains nothing which absolutely ensures that a licence will not be suspended where that is thought by some to be disproportionate. However, whilst that is not

ensured in the Bill, the scheme is clear: disqualification is for a maximum of 60 days, and it would be very simple to do something about it. In the first instance, a person can pay the fine—which, of course, is the preferable position from the Government's perspective—or, if that person cannot pay, all they have to do is enter into an arrangement with the Penalty Management Unit. Once such an arrangement to pay in any way has been made, the suspension is lifted, and it will not and cannot be reimposed except by way of a court order for an alternative sentence, which would wipe out the fine altogether.

So, all it would take to lift the suspension would be to contact the Penalty Management Unit and make an arrangement. It is very simple. The suspension cannot be reimposed without another court order having been made. Also, the Commonwealth Government is very clear about the fact that neither the State nor any private individual can garnishee social security payments. This has been an accepted fact during all the negotiations on the development of the scheme over the past 12 months.

The member for Spence made a technical point: when does a social security payment cease to be a social security payment? The attitude of the Commonwealth Government is clear, that is, when it is genuinely in the hands of the recipient. I assure the honourable member that, if the State Government started to garnishee social security payments from bank accounts or even technically contemplated doing so, the Commonwealth Government would move immediately to stop that. It has never occurred to the State Government to ascertain the answer to that question because it has never considered it even as an option.

In addition, I point out to the member for Spence that what is proposed under new section 70H(2)(b) is that the garnishee process cannot be applied if it would 'cause the debtor or the debtor's dependants to suffer hardship'. So, if it is clear that the garnishment of social security payments would cause hardship, the plain fact is that this remedy will not be used in this situation. This provision is aimed directly at those with assets who can pay but who simply refuse to do so for one reason or another. With those comments and corrections of the member for Spence's personal attacks, I thank the Opposition for its support for the Bill.

Bill read a second time.

In Committee.

Clauses 1 to 15 passed.

New clause 15A.

The Hon. M.H. ARMITAGE: I move:

New clause, after clause 15—Insert:

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)'.

This amendment arises from consultation with the Chief Magistrate. Currently, section 42(1)(g)(ii) of the Criminal Law (Sentencing) Act specifies that payment of a sum of money by way of compensation to any person who may have suffered injury, loss or damage resulting from the commission of the offence may be made a condition of a bond. The present provision allows that order to specify whether the payment be made by way of lump sum or by instalments. I am informed that to continue that power would create an anomalous situation, where every pecuniary sum due by order of a court of criminal jurisdiction would be subject to arrangements entered into by the offender with the penalty management unit except this one. This was a drafting oversight, and the purpose of this amendment is merely to correct the situation.

It is true to say that the Chief Magistrate would prefer that the power remain so that the magistrate retains the power to deliver a complete sentencing package but the manner of payment is very clearly an incident of the sentencing package, and the same could be said of any sentence at all involving a pecuniary sum. There is no reason why this anomaly should remain.

Mr ATKINSON: In light of the Government's amendment that the Minister moved when we were last in Committee, has there been any result of his investigations about the correct method of amending Bills in this Committee?

The Hon. M.H. ARMITAGE: Yes, I am delighted to report that my staff have some information, which I intend to share with the member for Spence over the next little while—and you never know where that might lead both of us!

New clause inserted.

Clauses 16 to 23 passed.

Clause 24.

The Hon. M.H. ARMITAGE: I move:

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.

This amendment also arose as a result of consultation with the Chief Magistrate. Although it was always intended that the new regime would apply in relation to the enforcement of any pecuniary sum imposed by any court of criminal jurisdiction, the definition of 'the court' in what is proposed to be section 60 of the Act, I am informed, caused some confusion. The confusion was that this regime applied only in relation to pecuniary sums imposed by the Magistrates Court rather than any criminal court. Parliamentary Counsel remains of the opinion that the Bill as drafted achieves the latter result but agrees that the new clause should be added so that no reader of the Bill should be left in any doubt as to its intention and effect—something which I believe all members of the Committee would support.

Amendment carried.

The Hon. G.M. GUNN: I take it that, because clause 24 (and it is a very long clause) is the clause dealing with those matters about which I have concern, I therefore have to speak and take whatever course of action I think fit in relation to this clause: is that correct? Clause 24 provides:

Division 3 of Part 9 of the principal Act is repealed and the following Division is substituted:

I take it that this is the clause under which I can now express my opposition to those areas of concern to me?

The CHAIRMAN: The Chair is of the opinion that that is correct.

The Hon. G.M. GUNN: The matters about which I am concerned are what would be an amendment to sections 70E and 70F of the principal Act, and I have some concerns about section 70G, in relation to seizure and sale of land and personal property, and the powers of the authorised officers. Unfortunately, I will have to make my criticisms and concerns known in relation to these matters on this occasion, and it means that I might decide to vote against the whole clause because I have no alternative.

I want to make clear to the Committee that I have voiced my concerns to the appropriate people in relation to these clauses. I made very clear that I intended to pursue this matter on the floor of the House. I am particularly concerned about the consequences that will flow. It is no use members being

concerned after the deed is done, because I believe that some unforeseen circumstances will be created whereby people who are suffering enough already will have a double penalty applied to them, and I will not be party to that. It is all right to say that we will have a review of the Act in 12 months: that is all well and good, and I do not have any difficulty with that. The difficulty I have involves those people of very limited means who, during the ensuing 12 months when these Divisions are the law of South Australia, lose their driver's licence, which prevents them, for instance, from taking their children to catch the school bus.

Has the Minister been advised by the Attorney-General on what will happen in the case of people living in isolated parts of the State who lose their licence or have their vehicle registration cancelled which may prevent them from carrying on with their normal employment or from taking their children to catch the school bus, to seek medical attention from the doctor, dentist or hospital or to sporting fixtures? It is all very well to suspend someone's driver's licence or cancel vehicle registration where there is adequate public transport, but someone living in an isolated small town or in the more remote areas of the State does not have that luxury. In many cases, they do not have a bus service, they certainly do not have trains and there are no taxis—and they could not afford them anyway, even if there were. So, I want to know exactly how the Attorney-General, in his wisdom, will deal with this matter. The answer that I receive will determine whether we will have a division on this matter: it is as simple as that. If I am the only one to dissent, so be it.

The Hon. M.H. ARMITAGE: The honourable member raises in general, I believe, the question of accountability of authorised officers, and I know that the honourable member has a passionate belief in his cause and is a fierce advocate for—

Mr Atkinson interjecting:

The Hon. M.H. ARMITAGE: He has a passion for ensuring the accountability of authorised officers. The Bill carefully integrates 'authorised officers' into the structure of the Courts Administration Authority. Section 22 of the Courts Administration Act 1993, entitled 'Responsibility of staff', provides:

> A member of the Council's staff is answerable, through any properly constituted administrative superior, for the proper discharge of his or her duties to
>
> (a) the Administrator; and
>
> (b) if the position relates to a particular participating court—the judicial head of that participating court.

In other words, there is a specifically legislated line of command, if you like, for legitimate behaviour and, perhaps more importantly, accountability of the staff. As I say, they are answerable for the proper discharge of their duties through those people, and obviously rules of court would be sitting over these people in their actions. The Penalty Management Unit is proposed to be the business unit of Government and, as such, would have standard business rules including the behaviour and the way people have to relate to people, just as people are expected to relate to citizens normally in a legitimate, cautious—

Mr Atkinson interjecting:

The Hon. M.H. ARMITAGE: —I would hope that they would not relate in the way that the member for Spence relates to me—careful and appropriate fashion in the discharge of their duties. I indicate for the honourable member's particular interest that there are quite specific legislative requirements about lines of authority.

The Hon. G.M. GUNN: I thank the Minister for that information, but I raised a number of other matters in relation to, I would hope, the unintended consequences of this clause, that is, the double and triple penalties that will apply. A poor individual, who is issued with one of these dreadful on-the-spot fines and who is unable to pay, would be hauled before the court and could be convicted because it would be beyond their resources to get legal assistance even though they may have a good defence. Legal Aid does not have sufficient resources to provide counsel in some of these cases and, therefore, the people concerned are on their own. They can lose their driver's licence or have their registration cancelled. If they are living in a small country town or an isolated community and they cannot drive a motor car, or the family car is not allowed to be put on the road, how do they then go about getting their family and children to school, to medical attention, to sport or to employment?

Members are aware that hundreds of thousands of these on-the-spot fines have been issued—like confetti being thrown around. Far too many have been issued, in my view. I realise that the Minister is not the architect of or responsible for the proposed legislation, but the Attorney-General is aware of my views. Could the Minister provide any information on the matter?

The Hon. M.H. ARMITAGE: It is important to reiterate, in light of the honourable member's passion about this matter, that no-one likes double and triple jeopardy and double and triple penalties, and we understand that. The honourable member represents—may I say, incredibly ably—a very diverse electorate and understands only too well, and makes very clear to members of the Government regularly, the difficulties of some places that do not have ready access to public transport, and so on. It is important to identify that if someone is unable to pay the fine, as I indicated previously, it is only a matter of those people contacting the Penalty Management Unit and coming to an agreement as to how it will be paid at some stage. The '60 days' reference is only a matter of getting the people's attention so that they do not just ignore the matter.

I refer the honourable member to my previous answer that the Penalty Management Unit will operate with lines of accountability, business rules, rules of court, and so on, hanging over it, so we expect that it would operate expeditiously and carefully for the citizens. Immediately an arrangement is entered into with the PMU, the licence suspension comes off. There is a way in which the person concerned would be able to address the fact that a suspension of licence would cause additional hardship—which is not the intention of the legislation. The legislation has been quite clear in that. As I tried to explain, with opportunities through arrangements with the PMU to remove the licence suspension, it is a legitimate and reasonable expectation.

The Hon. G.M. GUNN: I thank the Minister for the explanation. I do not want to appear to be difficult but this is the time to say it—this is what the Parliament is assembled for: for members to exercise their democratic right, and I make no apology for that. The information that the Minister has given is correct if it is feasible to apply it. However, if one lives at Hawker, Carrieton, Nundroo or some other isolated place—

Mr Atkinson: Mount Herbert.

The Hon. G.M. GUNN: No, that is close to Streaky Bay, and a very pleasant place to live, too. But, if one lives in an isolated community, the wheels of bureaucracy, in my experience, turn very slowly and are very inflexible. A person

will be dealing with a public servant who, with all the best will in the world, has read the section, and it will be like trying to shift a boar pig on a hot day: very difficult when he does not want to go. So, if one lives at Hawker, does that mean one has to lumber down to the court at Port Augusta; or, if at Nundroo, to the court in Ceduna? If someone lives at Oodnadatta, where does that person go? If it is not quite correct, the merry-go-round continues and the bits of paper will be chewed up. Many of these people have not had the opportunity to understand the position that most members here have had and would still be at a disadvantage. I understand that the Minister has tried to be helpful—

An honourable member interjecting:

The Hon. G.M. GUNN: —and I am trying to be very reasonable. I am normally a reasonable person—

Mr Atkinson interjecting:

The Hon. G.M. GUNN: Very reasonable then. I believe that the divisions themselves will create other problems. My argument is not with the Minister: it is with the architects of this division—

Mr Atkinson interjecting:

The Hon. G.M. GUNN: I think that is going overboard. I wish to state clearly my grave concerns about the whole process.

The Hon. M.H. ARMITAGE: The Penalty Management Unit will operate with normal Government business rules. It will not be an expectation that people living in the far-flung parts of South Australia will make bus trips on hot days, etc. Indeed, they will be able to come to an arrangement with the Penalty Management Unit in relation to their fine payment with normal business expectations. For argument's sake, they may choose to deal with the PMU via a telephone call, a fax, an e-mail or whatever other normal communication measures are available for communication between a citizen and a Government business unit.

It is not a matter of the Government attempting to be difficult. Indeed, with the business rules applying and with the ready lifting of the suspension once an arrangement has been entered into, it is an attempt by the Government to be as reasonable as possible given that the fine has been imposed in the first instance for some breaking of the law—no matter how large or minor that may have been in the first instance. It is an attempt by the Government to be reasonable, but I assure the honourable member that his constituents will not have to travel long distances to come to one of those arrangements.

Question—'That clause 24 as amended stand as printed'—declared carried.

The Hon. G.M. GUNN: Divide!

While the division was being held:

The CHAIRMAN: Order! As there appears to be only one member for the Noes, I declare the vote in the affirmative.

Clause as amended passed.

Remaining clauses (25 to 44), schedule and title passed.

Bill read a third time and passed.

CITY OF ADELAIDE BILL

Consideration in Committee of the Legislative Council's amendments:

Amendments Nos 1 to 11:

The Hon. M.K. BRINDAL: I move:

That the Legislative Council's amendments Nos 1 to 11 be agreed to.

Motion carried.

Amendments Nos 12 to 31:

The Hon. M.K. BRINDAL: I move:

That amendments Nos 12 to 31 be disagreed to and that the following alternative amendments be made in lieu thereof:

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

I suggest these amendments to the Bill as it originally left this House because of the time necessary for the City of Adelaide to conduct a poll between now and Christmas, so in that sense they are merely technical amendments. It is the Government's proposition that it disagrees with amendments Nos 12 to 31 inclusive as they come from another place because the other place has sought to introduce compulsory voting, based on a scheme of booth attendance voting, together with advance voting on application.

The Government believes that this should not be agreed to because we firmly oppose any introduction of compulsory voting for the Adelaide City Council. The Government's support for voluntary voting is well established. Members opposite often talk about the Government's right and the Government's mandate. I remind all members opposite that the Government firmly went to the polls supporting voluntary voting.

Members interjecting:

The CHAIRMAN: Order!

The Hon. M.K. BRINDAL: On this issue there was a promise out there, and we believe we have a mandate for voluntary voting.

Members interjecting:

The Hon. M.K. BRINDAL: Members opposite support compulsory voting for local government elections, but I look to the member for Norwood's vote in particular in support of the Government's position, because the whole of the local government sector is opposed to compulsory voting at local government elections and she knows it. If she wants to sit mutely with the numbers, she may do so. The argument against compulsory voting in local government elections is even stronger given the nature of the local government franchise.

Members interjecting:

The CHAIRMAN: Order!

The Hon. M.K. BRINDAL: I suggest the member for Hart lets me finish this so we can get out of here quicker rather than more slowly. Because compulsory voting requires certainty as to the entitlement to vote, these amendments provide for automatic selection of group or corporate nominees from corporate records or the assessment book where a group or company has failed to nominate someone. This system does not ensure that the person nominated is either willing or able to vote and, therefore, the Government believes that this is a compulsive and compelling argument against compulsory voting.

Members interjecting:

The Hon. M.K. BRINDAL: No, I would only describe Barton Road as addictive—nothing else. As the Final Report on the Local Government Elections May to June 1997, by Johnson, Winters and Slattery and Corporate Services

Registry Services Pty Ltd, concludes:

> It is unlikely that a postal vote will ever be an appropriate way of undertaking a compulsory vote. Consequently the scheme inserted in the Legislative Council provides for polling booth and advance voting. However attendance voting, combined with advance voting on application, is likely to produce a higher participation rate from the residential electorate than from sole owners and occupiers of property and from the nominees of groups or corporate property owners, the majority of whom may well reside outside of the council area.

This would disadvantage or alienate non-residential electors and could compromise the key objective of balanced residential and non-residential representation on council. In addition, there are other major practical difficulties associated with the enforcement of compulsory voting. These requirements will add considerably to the costs of the electoral process undertaken by the Electoral Commissioner and paid for by the council. The scheme for a full postal ballot with voluntary voting, with which local government is familiar, should be retained. The amendments, as I have said, are purely technical and I urge the Committee to oppose the amendments proposed by the Upper House for compulsory voting.

Mr CONLON: Briefly, it is extraordinary in the Minister's contribution on the question of compulsory versus voluntary voting that he carefully omits one very relevant piece of information, that is, this Bill has come to this House as a result of a review by the Government's advisory group—GRAG. The Minister, in his defence of the Attorney-General's, as he describes it, compulsive behaviour in regard to compulsory voting, forgets that the review recommended that we adopt compulsory voting in the City of Adelaide. I am sure it simply slipped the Minister's memory. Why does the Minister so compulsively defend voluntary voting? What does he want to ensure? About 30 per cent now vote in the City of Adelaide. The Minister would have the Parliament believe that a system where about 30 per cent exercise their franchise is superior to one where 100 per cent are obliged to exercise their franchise and that that is a better result for democracy.

I find that a little hard to understand. It is a compulsion among the Liberal Party that extends beyond the City of Adelaide: it extends to its attitude to voting in Australia. Even though we suffer from criticism of constituents as to the behaviour of politicians, we in Australia live in one of the freest and best democracies in the world. Our system of government has been free of corruption and free of those things we have seen afflict other nations around the world.

Members interjecting:

Mr CONLON: The member for Waite says it must be our good Constitution. We would have to say that there are many good things in the Constitution. In my view there is only one thing wrong with it, that is, the Head of State happens to live too far away for the sake of most Australians. The one price that we ask people to pay, the one duty in terms of the electoral system that we ask them to undertake for living in one of the freest democracies in the world is that they turn up and exercise their vote. They do not even have to do that—they just have to get their name crossed off the roll.

Australians live in one of the freest and best democracies, in one of the best government systems in the world and the only price we ask them to pay is to turn up and exercise their franchise. The Liberals will not have that on principle. They will not have it on principle because they are principled men and women. What is the principle that operates: it is freedom from the terrible and onerous duty of having to vote. I strongly suspect that is not really the principle that is operating here.

The principle operating here is that the Government and the Liberal Party have sat down and come to the view that, if they remove compulsion and have fewer people vote so that we got voting in State elections down to about 30 per cent, they might get the results they get in local government, that is, disproportionate representation by those we might call Liberal supporters. That is the big question of principle, and that is why they want to save the people of South Australia from the onerous task of voting once every four years or so. They want to do that because it is in their self interest. Let us not hear these sad little arguments in here.

We have had the member for Hartley, Joe Scalzi, recommend that we have a secret ballot in Parliament on ETSA. That is another good one, is it not? This is the approach: lie to them at the election, then hide your vote when you get in here. That would have been a beautiful approach, would it not? Let us not listen to this Government about principles on voting. Let us defend one of the important parts of our strong and healthy democracy, and let us extend it to the most important area of local government in this State.

Mr SCALZI: As we are talking about principles, I wish to make a brief contribution. I agree with the member for Elder that we are the most democratic country in the world and we have a lot to be proud of. However, when it comes to this Bill, his arguments on compulsion for local government are flawed. We are talking about responsibility to vote. I believe in compulsion—compulsory education about our system. If we had compulsory education about our system and if we informed the public of our democratic principles, we would adhere to an individual's right ultimately to participate in and contribute to our democratic system. You cannot take away an individual's right not to participate, because ultimately you would be taking away their freedom of choice. It is a farce to accuse the Government and the Liberal Party of adhering to this only because of political gerrymandering.

The member for Elder is jumping from one thing to another when he talks about secret ballots on ETSA. That issue was to allow individuals to make a pledge to the State and not to a Party. Democratic principles are another issue. We on this side of the Committee are proud to make an individual choice. If I did not want to support the Bill, in the Party room I had the choice of not supporting it, and I could have freely come across.

Members interjecting:

The CHAIRMAN: Order!

Mr SCALZI: Individual principles are more important than any compulsion. How will you decide what is the compulsory electorate in terms of local government? What about those individuals who at present have two or three votes because they own several properties? Will you compel them to vote two or three times? Where does that stand with your principles of equity and social justice? There is a little inconsistency in that regard from members opposite. Before they attack us on principles, they should think about it carefully. Compulsory voting at a State and a Federal level is a different matter. However, the Local Government Association and the local councils do not want it.

Mr Foley interjecting:

The CHAIRMAN: Order!

Mr SCALZI: I said that, if you want to be consistent with your principles, you cannot bring it down to the local level.

Members interjecting:

The CHAIRMAN: Order!

Mr SCALZI: I am not contradicting myself. I support the individual's right to make a choice, and I support the Local Government Association and the Minister on this matter.

Mr CONDOUS: I will be brief on this matter. I want to talk about the attempted move to bring compulsory voting into local government elections. All I can say is that this is a sad day for local government.

An honourable member interjecting:

Mr CONDOUS: You can talk, because you were not involved in it to any great degree. I do not know whether you have been on a council, but I was for 25 years and one month. Even if I were in this place for 100 years, I could never experience the same pleasure I got in my time as a member of the Adelaide City Council. The wonderful thing about local government is that it involves people from the community who are looking to serve their fellow ratepayers in order to achieve a better quality of life in the city they represent. With this change, we will have the debacle where—and I have seen it happen interstate in Victoria and New South Wales—on election day, the how-to-vote cards will have, for example, Bill Smith of the ALP, so and so of the Liberal Party, the Socialist Democratic Party, the Civic Reform Party and so on. Instead of people voting for someone on the basis that they are best served by their bringing in policies that show that there is a sympathy towards a better quality of living for the city, they will vote on Party lines.

What is even worse is that—and it will be the same in this place—when they vote on issues, they will not vote because Bill Smith happened to put up the best argument for the city: they will vote on Party lines. What will be even worse is that, if the known alliances of the developers who put forward a planning proposal and want to get it through have been with either the Labor or the Liberal Party, those people on the opposite side of politics will vote against the proposal. They will have to go through the expensive process of appealing and allowing an independent body to give a decision.

What you are doing today is the gravest injustice to local government that has ever happened before in the history of this State. At present, councils work well. Only a couple of councils are politicised. The rest of them vote on the basis that the best argument gets the best support and, therefore, it goes ahead. It would be a tragedy if this measure went through, and I ask members opposite to consider it seriously, because they will destroy local government. Let people serve people on a local level. Can members honestly say that what we do in this House is a role model that the rest of the world should follow? Really!

Members interjecting:

Mr CONDOUS: I am sorry to say it. Whatever you do, allow local government to continue on its present line, and do not bring in compulsory voting, which would destroy it completely.

Ms HURLEY: The very reason we are here considering the Bill is that this Liberal Government wanted to sack the Adelaide City Council. We have just had the member for Colton tell us that local government works well. His Government wanted to sack the Adelaide City Council. The former Premier wanted—

Mr Brokenshire: Rubbish!

Ms HURLEY: 'Rubbish!' says the member for Mawson, who doesn't remember back that far. That is why we are here considering this Bill—because of the former Premier's failed attempt to sack the City of Adelaide because he blames the City of Adelaide for the lack of development.

An honourable member interjecting:

Ms HURLEY: The member for Mawson interjected that Labor was anti-development. The former Premier blamed the City of Adelaide for being anti-development. That is why he wanted to sack it. This Bill is the aftermath of that process. During that debate, did we hear the member for Colton say that the Government was doing so well? We did not hear him say that at all.

The Hon. M.K. BRINDAL: I thank the member for Colton for his instructive contribution.

Members interjecting:

The CHAIRMAN: Order!

The Hon. M.K. BRINDAL: I acknowledge the member for Elder's point that the GRAG report suggested that there should be compulsory voting. However, in considering the GRAG report, for reasons I outlined previously, the Government did not accept that recommendation. Neither, as the honourable member knows, did the Government accept the recommendation for no wards: we argued in this House that there should be wards. We have lost that argument in both Houses of the Parliament and we will not revisit it. The fact is that we argued for voluntary voting partly on the consistent ground, as the member for Colton said, of its established nature within the local government family.

I want to debunk the myth that only 25 per cent or 30 per cent of people turn out for local government elections. I would point out that a considerable number of councils have a turn-out in excess of 75 per cent, and at the last election the turn-out in the City of Adelaide was 43.02 per cent.

Members interjecting:

The Hon. M.K. BRINDAL: As members opposite are telling me to name them, I seek leave to insert in *Hansard* a purely statistical table.

Leave granted.

Local Government Elections—1995 and May 1997
Voter Statistics for Individual Councils

New Council	1995 Comb T./Out	1997 Total Eligible	1997 Total Voted	1997 T./Out	Percentage Increase 1995-97
Campbelltown	9.88	25 963	2 438	9.39	-4.97
Clare and Gilbert Valleys	39.36	5 544	2 250	40.58	3.11
Coober Pedy	45.47	1 872	612	32.69	-28.11
Copper Coast	33.65	5 163	1 245	24.11	-28.34
Franklin Harbour	45.25	977	531	54.35	20.10
Mt Gambier	21.53	15 936	3 237	20.31	-5.64
Salisbury	9.06	55 027	3 448	6.27	-30.84
Unley	12.69	27 674	5 104	18.44	45.39

Local Government Elections—1995 and May 1997
Voter Statistics for Individual Councils

New Council	1995 Comb T./Out	1997 Total Eligible	1997 Total Voted	1997 T./Out	Percentage Increase 1995-97
Victor Harbor	17.21	8 556	2 471	28.88	67.79
Walkerville	26.48	3 464	868	25.06	-5.38
West Torrens-Thebarton	18.98	22 975	4 037	17.57	-7.44
P. Booth Totals	14.74	173 151	26 241	15.15	2.80
Adelaide	38.10	15 471	6 656	43.02	20.11
Barunga West	42.28	886	625	70.54	66.86
Berri and Barmera	21.62	5 474	2 670	48.78	125.56
Burnside	21.09	23 373	8 100	34.66	64.32
Ceduna	-	2 153	1 445	67.12	-
Charles Sturt	10.12	74 397	26 846	36.08	256.49
Cleve	-	1 496	1 065	71.19	-
Coorong	42.20	3 144	1 905	60.59	43.60
Elliston	66.90	655	416	63.51	-5.06
Flinders Ranges	35.51	176	106	60.23	69.62
Gawler	12.51	7 995	3 298	41.25	229.84
Goyder	49.61	3 637	2 520	69.29	39.67
Grant	43.10	5 751	2 475	43.04	-0.16
Holdfast Bay	18.19	25 085	10 708	42.69	134.68
Kapunda and Light	-	1 500	688	45.87	-
Karoonda-East Murray	-	221	185	83.71	-
Kimba	-	975	747	76.62	-
Lacepede	-	804	605	75.25	-
Lower Eyre Peninsula	52.00	3 001	1 765	58.81	13.11
Loxton-Waikerie	11.61	8 551	5 667	66.27	470.82
Lucindale	60.89	1 039	832	80.08	31.50
Mallala	29.96	4 091	1 682	41.11	37.22
Marion	10.39	55 542	16 579	29.85	187.27
Mitcham	15.12	45 423	15 848	34.89	130.81
Mt Barker	23.72	6 493	2 519	38.80	63.53
Mt Remarkable	59.30	1 245	810	65.06	9.72
Murray Bridge	10.17	11 661	5 961	51.12	402.66
Northern Areas	39.05	833	521	62.55	60.18
Orroroo-Carrieton	-	841	623	74.08	-
Playford	12.78	41 066	11 953	29.11	127.83
Prospect	16.63	2 792	842	30.16	81.31
Pt Adelaide and Enfield	14.92	71 204	25 098	35.25	136.29
Pt Augusta	32.62	10 000	5 993	59.93	83.73
Pt Lincoln	33.83	8 416	6 330	75.21	122.32
Renmark-Paringa	30.84	6 397	4 058	63.44	105.68
Southern Mallee	75.55	328	232	70.73	-6.38
Tatiara	37.97	3 484	2 219	63.69	67.75
Tea Tree Gully	7.99	66 454	19 321	29.07	263.67
Tumby Bay	64.40	2 127	1 653	77.72	20.67
Wattle Range	35.50	9 400	5 450	57.98	63.33
Whyalla	20.15	15 840	8 563	54.06	168.25
Yankalilla	-	391	237	60.61	-
Yorke Peninsula	43.16	11 000	5 982	54.38	26.01
Postal Totals	16.00	560 812	222 138	39.61	147.51
Totals	15.69	733 963	248 379	33.84	115.74

Prepared by the Local Government Association of South Australia.

The Hon. M.K. BRINDAL: I will be brief with the next point. The member for Elder asks why we need voluntary voting in local government elections. I point out to the member for Elder that, unlike State Government, there are two additional methods by which you can claim a vote in local government. One is by dint of property franchise, that is, you are a ratepayer. There will be many businesses where the registered ratepayer is not necessarily the person who

wants to exercise a vote. In the case of compulsory voting, how will you know who in that business is to exercise a compulsory vote? That is the first question.

The second issue is that, under local government election procedures, any resident not being a naturalised Australian citizen can go to the Town Hall and claim the right to vote merely by dint of where they are resident at the time. So, the students at St Mark's can go to the Town Hall and claim the right to vote. I simply ask members opposite how that will work in their compulsory scheme. Once they have registered, claiming the right to vote, will they then be fined if they do not exercise it, or are members of the Opposition suggesting that, with the compulsion of voting in the City of Adelaide, you will disfranchise those people? Why should they register the fact that they might like to vote if as a result of that, and they fail to vote on the day, they are to be fined for doing it? I do not believe this is workable. We need a voluntary system and I urge members opposite to support the present voluntary system so beloved by local government and so strongly supported by the Local Government Association. If members opposite will not support voluntary voting, they should let the local government sector know that they will not, and on their head be it.

Mr FOLEY: I have looked at the Minister's table of local government elections, and it is important to put on the record and debunk what the Minister was pathetically grappling with in trying to justify his case. He cited a figure of 75 per cent. I can tell members that the 75 per cent related to the new council area of Orroroo and Carrieton, where 841 people were eligible to vote. There was a 74 per cent turn-out. Others were Ceduna, where 2 153 were eligible and 67 per cent turned out; Cleve with 14 096 and 71.19 per cent; and Elliston with 655 and 63 per cent. The fact that we have such small councils is obviously a real issue.

But let us look at the area of Salisbury. Cop this: Salisbury, with 55 000 eligible people to vote, had a turn-out of 6.27 per cent. Campbelltown is in the electorate of the soon to be defeated member for Hartley: this is his representation. In Campbelltown, 25 963 voters were eligible to vote, and the turn-out was 9.39 per cent. Even in Burnside, with the blue rinse set sitting at 23 373, only 34.66 per cent of people turned out. In Mitcham, 34.89 per cent turned out. The overwhelming evidence is that in metropolitan council areas, where the vast bulk of the population resides, the turn-out is abysmal. If the Minister thinks that 6.2 per cent of the people of Salisbury electing their council is just, fair and reasonable government, he is sadly mistaken. The total is 33.84 per cent across all councils, but what is clearly demonstrated is that suburban councils are very poorly supported by turn-out. On that alone, the case for the Opposition is overwhelming.

Motion carried.

Amendments Nos 32 and 33:

The Hon. M.K. BRINDAL: I move:

That the Legislative Council's amendments Nos 32 and 33 be agreed to.

Motion carried.

LOCAL GOVERNMENT (MISCELLANEOUS) AMENDMENT BILL

The Legislative Council agreed to the Bill without any amendment.

LOCAL GOVERNMENT FINANCE AUTHORITY (BOARD MEMBERSHIP) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 July. Page 1231.)

Mr CONLON (Elder): The Opposition will support the Government on this Bill, in the spirit of cooperation that we show so often in this place. My speech on this Bill will be brief for two good reasons: the first is the limited ambit of the Bill and the second is that, because it is a local government Bill, no doubt the member for Spence will be in this place shortly to make his own contribution. The member for Spence's contributions on local government matters are as marked for their prolixity as his attitude to grammar is marked for its pedantry.

The Bill deals with the Local Government Finance Authority. Probably most of us do not know what this body does. That is for the very good reason that hardly anyone in South Australia knows what it does, but I am sure that at some point the Minister will explain what it does. I understand that it gets large sums of money and flings them around. In its wisdom the Government has decided it is time to put someone with financial expertise on the finance authority. I can only concur in that: I would think it should have happened some time ago. I will raise a couple of concerns I have with the Bill. Here comes the member for Spence.

Mr Atkinson interjecting:

Mr CONLON: You're a bit late. No doubt the member for Spence has arrived to give that prolix dissertation I mentioned earlier.

The Hon. M.K. Brindal: 'Prolapsed' or 'prolix'?

Mr CONLON: 'Prolix'.

Mr Lewis interjecting:

Mr CONLON: I wanted to use the word 'prolix' alliteratively with 'pedantry'. The Bill seeks to add to the Local Government Finance Authority one or two co-opted members with, I think it is referred to as, 'financial expertise'. As I have said, I would have hoped that the Local Government Finance Authority had some financial expertise, but I do not object to expertise being added. The Minister might like to explain why those co-opted people would have a vote on the board given that, according to the Bill, the board is entitled to employ or dismiss them and given that, in accordance with a further amendment proposed by the Minister, it appears that those people will have the capacity to receive a salary in addition to the allowances that are paid to board members.

It seems to me that this is an ordinary practice whereby, in addition to those people who are either appointed by the Minister or elected, others are co-opted, and those co-opted people offer their expertise and advice but do not vote on matters. This is not something over which we intend to die in the ditch; I simply raise it to see whether an intelligent explanation can be given. The remainder of the Bill simply makes the language of the existing Act able to be understood not only by lawyers but also by ordinary human beings. With those qualifications, I signal the Opposition's support for the Bill, and I look forward to the Minister's explanation and, of course, the prolix dissertation of the member for Spence.

The Hon. M.K. BRINDAL (Minister for Local Government): I thank the shadow Minister for his support and that of his Party for this Bill. As he said, it is largely technical in

nature. In fact, the honourable member raises an interesting point about whether the additional people to be co-opted to the board should be board members or advisers. All I can say to the honourable member is that, as he has informed the House, the board, whilst it operates under statute, is largely the responsibility of the LGA. This request comes directly from the LGA. For the benefit of the shadow Minister, the reason these co-opted people will be members of the board rather than advisers is simply that the board asked us to do that. If the board had asked us to appoint these co-opted members as advisers I am sure that we would have acceded to that also.

This is one of those cases where, as I am sure the member for Elder would be aware, the House is sympathetic and decides that, if this is what another sector of government wants, both sides of the Chamber will cooperate and hopefully provide a better service to local government in the process. I thank all members of the House for their cooperation on this important matter.

Bill read a second time.

In Committee.

Clauses 1 to 4 passed.

New clause 4a.

The Hon. M.K. BRINDAL: I move:

Page 2, after line 7—Insert:

Amendment of s. 13—Allowances and expenses for members

4a. Section 13 of the principal Act is amended by inserting after subsection (2) the following subsection:

(3) The board may determine to pay to co-opted members of the board amounts that are additional to the allowances payable under subsection (1).

New clause inserted.

Remaining clauses (5 and 6), schedule and title passed.

Bill read a third time and passed.

LIQUOR LICENSING (LICENCE FEES) AMENDMENT BILL

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

ADJOURNMENT DEBATE

The Hon. M.K. BRINDAL (Minister for Local Government): I move:

That the House do now adjourn.

Mr LEWIS (Hammond): Earlier in the day, I referred to the unfortunate consequences of the Wik 1 and Wik 2 decisions on what could be the rapid development of the State's economy based on the development of resources, particularly mineral resources, that have been discovered in South Australia. I drew attention to the fact that the exploration licence area that had been taken by a company called Steiner Holdings in the Mallee, which especially covers the mineral rich sands of Mercunda and Mindarie, were the subject of a land claim by Matt Rigney of the Patpa Warra Yunti Regional Council.

What that kind of land claim will do to our mining industry and the employment it creates is simply scuttle it. I believe that, when Mabo I was before the High Court, it was never thought that this sort of approach would be taken. However, the very thing that most commentators and members of the Left said would never happen is now happening. I believe it is tragic that the development, and particularly the jobs that could arise in my region, are now thrown into jeopardy because of that overarching, complete land claim across precisely the area held as exploration licence by Steiner Holdings which will be backed in by a company known as Resource Development Corporation, which will change its name to Murray Basin Minerals.

I now turn to another very serious problem which we have in South Australia. Members will recall what the Premier told us only a year or so ago, when it came to endeavouring to retain our automobile manufacturing businesses in this State—that is, General Motors-Holden's and Mitsubishi. The purpose of the Premier's submissions to Canberra to put on hold tariff reductions in the automobile industry was to secure the jobs of the people who worked in those car manufacturing plants at Elizabeth in the north and Mitsubishi's plant in the south.

As I pointed out at that time, the problem with tariffs is that you get a leapfrogging effect. If Government imposes a tariff to protect the jobs of the people who work there and accedes to the demands of the managers and owners of the company and the work force in getting public support for that tariff, we find that the workers will simply then, through their union, demand an increase in pay, even though they are being paid much more than most of the people I have represented at any time I have been in Parliament, year by year. They do not take any risk at all, by comparison.

An article by Michael Foster, the industrial reporter, on page 3 of today's *Advertiser*, contains the reference 'Holden workers reject pay offer'. Surprise, surprise! If we raised the tariffs, workers would increase their demands for wages to the point where again the tariffs would have to be raised even further. They would become, as a part of our total work force, the leaders in the leapfrogging that takes place in setting wage rates for people involved in manufacturing industries.

As a country, we cannot afford to continue to pay those higher tariffs—they are really taxes—on our imports which affect the economy through the price transfer mechanism. If we attempt to do so, we will find that we all become uncompetitive. It can be seen quite simply that the costs of such wage rises flow through the economy not only by leapfrogging of wages but by the increasing of prices charged by the service industries, until those costs of the increased wages end up in the pockets of the exporters. Accountants, shopkeepers, shop assistants, local government employees and people who work in any of the retailing or service industries in any sector of those industries right through our economy feel that their wage rates should be equivalent or at least maintained on a parity with those who work either in the automobile industry or in some other industry in which there is a monopoly. Let us continue, though, to focus upon the automobile industry and what it is doing.

Those costs, as I have said, transfer eventually into the pockets of exporters whose incomes are reduced proportionally, and when they find that they cannot bear those costs on their present level of production those industries begin to shed labour—and, indeed, some of the proprietors go broke as well. That is very unfortunate, because it means that the country's balance of payments is adversely affected. We have, in fact, by increasing the payment of wages increased the cost of all the goods that we produce in this economy. Increasing the wages of automobile workers in any of those plants where tariffs exist is really saying, 'We want the rest of Australia to pay us higher wages to enable us to keep those jobs and to live in the manner to which we believe we're entitled', without any regard whatever for the consequences. It is a very selfish and unfortunate attitude to take.

The offer made which has now been rejected was 11 per cent over three years, which would amount to something averaging $60 a week. Those workers said that that was not enough. The sum of $60 a week would be more than a good many of the people living in my electorate during the past 10 years have earned altogether. Indeed, I know of 10 people who own farms in excess of 2 500 acres, or 1 000 hectares and who have to pay a dog fence levy, and those people do not have household incomes of $3 000 a year. They still have to struggle on: they have to meet the costs that are fed through the economy from this kind of irresponsible approach taken by the unions in industries that are protected by tariffs and, therefore, industries the jobs of which are protected by tariffs.

Until and unless the automobile industry in this State and nation can become an exporting industry without reliance on tariffs to protect the prices they can charge for the cars they sell in this country, and without relying on the same barrier of protection to enable them to continue selling at a discount rate on the export market—until they can stand on their own two feet without relying on the rest of us—they should not be seeking any increase in pay. As far as I am concerned, once they can do that, by all means, I am happy to see them obtain whatever wage rates can be met by the value of their production—by the benefits that they provide through their work in the community.

I am not bashing any of them: I am trying to make them understand the stupidity of the proposition they make and the greed they display when they say that they want tariffs to protect their jobs and demand higher rates of pay in those jobs than the market is otherwise prepared to pay. Bert Kelly was an outstanding advocate of such commonsense and such clear insight into the consequences of using tariffs in this way. Indeed, whenever we strike a tariff in future, we should require the work force to give a commitment that they will not seek any increase in pay in that industry until and unless the tariffs have been abolished.

Ms KEY (Hanson): My contribution to this grievance debate relates to the public discussion paper, released by WorkCover and the Department of Administrative and Information Services, examining suggestions for a South Australian occupational health and safety regulatory system. There are a number of quite admirable proposals within this review, and I understand that responses to the review are required by 11 September this year. Those responses will be looked at and, hopefully, a proposal for improvements to regulations will be put forward.

In looking at the discussion paper put forward by the Government at face value, one would be very impressed that this system is taking place. However, having come from the industrial arena, it has been my view for a long time that the various industries in this State have been happy with the regulations which have been negotiated and which have been discussed with stakeholders.

My suspicions were even more aroused when I was able to have access to a briefing paper to the Minister for Government Enterprises in relation to an occupational health and safety regulatory review—telephone based survey of rural and retail industries. The purpose of the survey was to look at the methodology and findings of a telephone-based survey conducted in rural and retail industries as part of the review of South Australia's occupational health and safety regulatory system.

WorkCover and Workplace Services (previously known as Industrial Affairs) conducted the survey which focused on the two industry sectors and which reviewed current regulations while looking at a new vision and alternative approaches to the regulatory system. I have no problems in looking at alternative approaches and ensuring that we have good regulations to back up our industrial health, safety and welfare legislation. The survey findings on page 2 of the document (which I do not believe I am supposed to have) include:

> For large farmers and retailers, the regulations play a role in prompting action on occupational health and safety issues;
>
> Whilst there is not a groundswell of support for abolishing the regulations, there is support for making the regulations easier to understand and implement.

Earlier this year, I asked the Minister for Government Enterprises a question about a rumour which was circulating in the industrial arena that the occupational health and safety regulations were to be discounted by 25 per cent. I am pleased that Minister Armitage said that they would be made simpler and it was not just a discount but, hopefully, an improvement and opportunity to make the regulations easier to understand. I thought it was a good answer. The document before me continues:

> Most small farmers (83.7 per cent) and most small retailers (71.6 per cent) did not know which regulations applied to them;
>
> Most retailers (65 per cent) had a copy of the regulations, but less than half (44 per cent) of farmers did;
>
> Of those farmers and retailers who had a copy of the regulations and who had attempted to use them, most found that they had helped to improve safety in their workplaces. However, one out of every five retailers who had used the regulations had not found them helpful in improving safety in their workplace.
>
> A number of farmers and retailers claimed to have used the regulations, yet said that they did not know which ones applied to them.

Obviously, there is a problem. If two major industries are not making use of the regulations, I certainly support Minister Armitage in ensuring that they are more applicable and accessible. But, nowhere in the telephone survey information that I have received does it state that people want to get rid of the regulations. In fact, there is no justification whatsoever to conclude that.

Mary Jo Fisher, Director of Workplace Relations Policy Division, Workplace Services, on 22 July this year wrote:

> Scrutiny of the attachments (in particular) helps to illustrate that these survey results can be 'extrapolated' to support many different and often inconsistent inferences. I therefore suggest these survey results be regarded as indicative of, but by no means conclusive about, particular trends in the rural and retail sectors.

Having looked at the total survey information provided to me by the WorkCover Corporation, I think Mary Jo Fisher is saying, quite rightly, that not enough information is available to suggest that there is anything wrong with the regulations other than a lot of people—and I am sure it is not just the farming and retail industries—do not fully understand them. As a result of my experience in the industrial arena, I would suggest that many employers have no idea about industrial legislation which applies to their workers or to people for whom they are responsible. However, a number of employers have what I would describe as a comprehensive knowledge of what is expected of them, and their responsibilities and rights under industrial legislation.

Certainly, the telephone survey which has taken place does not justify the key findings in the public discussion paper. The key findings of the survey are as follows:

In the context of the retailing and farming industries, information about existing regulatory framework (of legislation, regulations, codes of practice, etc) and the way that information has been structured and disseminated:

- does not appear to have helped promote a common vision for health and safety in South Australia; and
- has not adequately communicated either the need for hazard management to be undertaken within the enterprise, or how that hazard management can be carried out.

I do not have any problems with that. It continues:

- The main determinants of an employer's knowledge of and ability to apply the regulations are size and, to a lesser extent, industry.

How that assumption can be made when only two industries have been considered does make me wonder how this would be a key finding. It continues:

- The majority of small employers with whom we consulted did not know which regulations applied to them;
- Even if more employers did know which regulations did apply to them, most regarded those regulations as irrelevant to solving their OHS problems, probably because most regulations have a hierarchical/systemised approach to problem solving, rather than providing clear, practical guidance.

This is quite a thick booklet and in the time I have available I cannot go through all the issues but, as a result of the evidence of the telephone survey in the rural and retail areas, the conclusion is that we do not need to have regulations in their present form; that we should go for the old adage of letting people come to the conclusion that obeying occupational health and safety law is a good thing; and that we should not have policing to ensure that they do that.

There is also a suggestion that regulations or codes of practice are not necessary and, because employers do not understand them or are not obliged to find out their rights and responsibilities as employers, we should do away with them altogether. I find it hard to believe that the information which has been provided to me, plus the briefing paper which Mary Jo Fisher provided to Minister Armitage on 22 July, justifies the conclusions which have been reached in the public discussion paper. The findings and the criteria would lead the stakeholders in the occupational health and safety area and the people who are interested in this area to assume that we do not need a regulatory system in relation to occupational health and safety.

Motion carried.

At 5.53 p.m. the House adjourned until Wednesday 26 August at 2 p.m.