HOUSE OF ASSEMBLY

Wednesday 17 February 1999

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

SUPPLY BILL

His Excellency the Governor, by message, recommended to the House the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

PILCHARDS

The Hon. R.G. KERIN (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.G. KERIN: Yesterday in this House the Leader of the Opposition made a number of unsubstantiated and incorrect statements insinuating that my ministerial office and department had been involved in some form of cover-up over information relating to the likely cause of the pilchard mortality event late last year. I would like to set the record straight. There has been no cover-up. A draft technical report was prepared by SARDI on aspects of the pilchard mortality for the Joint Scientific Pilchard Working Group of the Committee for Emergency Animal Diseases, a national committee of which South Australia is a member. The report was tabled as a working document for the national committee's meeting in Adelaide on 15 December. As it was a draft report commissioned by this group it had not been released to any other organisation prior to this meeting. Therefore, any FOI requests for those minutes should be made to the Committee for Emergency Animal Diseases. It was one of a number of draft status reports on various aspects of the research program into the pilchard mortality event and was presented by a number of research organisations to the working group.

Two observations made in the SARDI report documented the distribution and timing of the pilchard mortality associated with tuna feeding operations. These observations were not addressed by data collated in the report. The group discussed this report in detail and unanimously agreed that those observations in the report which could not be supported by the scientific facts be withdrawn. These observations were withdrawn with the approval of those authors of the reports who were present at the meeting.

The Hon. M.D. Rann interjecting:

The Hon. R.G. KERIN: A national committee.

The Hon. M.D. Rann: What about the South Australian scientists?

The SPEAKER: Order! The Deputy Premier has leave to make a statement.

The Hon. R.G. KERIN: In fact, I can quote from the minutes of that meeting (the national meeting):

> There was extensive discussion of the report and the group agreed that the report (as modified) provided a consistent interpretation of the evidence collected to date. Discussions concerning the origins of the virus ensued and the group agreed that there was no known evidence of herpes virus being implicated in pilchard deaths overseas.

The Leader of the Opposition yesterday asked whether, and I quote:

> . . . the findings and recommendations of that report were subsequently altered at the direction of the Minister's department; what changes were made and on whose instructions were they made?

Neither myself nor my ministerial staff had even seen the report. It was prepared specifically for this working group—

The Hon. M.D. Rann: Wasn't it important enough?

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

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for flouting the authority of the Chair.

The Hon. M.D. Rann: And the Premier, Sir?

Members interjecting:

The Hon. R.G. KERIN: He wants an early minute, I think. I repeat: neither myself nor my ministerial staff have seen this report. It was prepared specifically for this working group and tabled with them for discussion on 15 December. Any changes made to the report were made at that meeting at the request and agreement of the members of the group. This group consists of eminent scientists from around Australia, experts in their fields. Clearly the Opposition has got that very wrong.

The Leader of the Opposition also stated that SARDI was given the task of investigating the cause of the 1998 pilchard kill. That is also wrong. SARDI was one of a number of organisations involved in investigating various aspects of the pilchard kill but it was not asked to investigate the cause. The Leader of the Opposition then went on to ask why the Director of Fisheries failed to inform the Environment, Resources and Development Committee of Parliament of the findings of the SARDI report. In fact, the information which was presented to the CCEAD working group was included in the evidence given by the Director of Fisheries to the Environment, Resources and Development Committee the very next day—16 December 1998.

Specifically, the conclusions of the SARDI report are contained in the evidence given by the Director of Fisheries on pages 107 and 108 of *Hansard*. The suggestion by the Deputy Leader of the Opposition that a letter was sent from Dr Jones of SARDI to the Director of Fisheries expressing concerns that the Director of Fisheries misled the parliamentary Environment, Resources and Development Committee about the pilchard kill is also wrong. At no time has Dr Jones written to the Director of Fisheries expressing such a concern. Dr Jones did write to the Director of Fisheries outlining a range of technical information on the history of the 1995 and 1998 pilchard mortality events. This was to provide—

The Hon. M.D. Rann: Have you released that?

The Hon. R.G. KERIN: This was to provide the Director—

The Hon. M.D. Rann interjecting:

The Hon. R.G. KERIN: We will talk about FOIs later.

Members interjecting:

The SPEAKER: Order! The member for Adelaide will also come to order, and the member for Waite.

The Hon. R.G. KERIN: This was to provide the Director with additional information on the subject of pilchard mortality events both locally and overseas. At no time in the advice given by Dr Jones did he express concern as suggested by the Deputy Leader of the Opposition. Again you got it wrong. And further, I have no objection to this technical advice being made available to the members.

Finally, I would like to state that after extensive testing of pilchards from both the 1995 and 1998 kills there is no data

to date linking imported pilchards to this virus. Further tests are continuing, but it is important to note that no virus has been found in imported pilchards, and no evidence of any herpes virus has been found in overseas pilchard stocks. It is obvious that the Opposition line of questioning yesterday was ill-informed, unresearched and just plain wrong. The incorrect accusations made against me, my staff and public servants within my department are most regrettable as they are totally unfair and avoidable with a minimum of research.

Members interjecting:

The SPEAKER: Order!

Mr Foley interjecting:

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

The Hon. G.A. Ingerson interjecting:

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

ECONOMIC AND FINANCE COMMITTEE

The Hon. G.M. GUNN (Stuart): I bring up the twenty-seventh report of the committee, on State owned plantations, and move:

That the report be received.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the eighth report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

WATER OUTSOURCING

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Minister for Government Enterprises. Why did the Government enter into arrangements with United Water after the water contract had been signed to vary the contract to allow United Water to take on design work in addition to the project management for the $210 million environmental improvement project, even though the original request for proposal papers specifically forbid this happening? In evidence to Parliament's water select committee in February 1997, one of the bidders for the contract, Mr Pierre Alla, said there was a clause in the request for proposal documents that stated that the winning consortium would not be allowed to undertake, by itself or by its subsidiaries, any of the capital works, which includes design works.

Members interjecting:

The SPEAKER: Order! The House will come to order when questions are being asked. The Chair had great difficulty in following the question as interjections were coming from both sides. The Premier and the member for Elder will both come to order.

The Hon. M.H. ARMITAGE: Sometimes I wonder why the *Hansard* reporters bother. I actually detailed all this previously, in a ministerial statement yesterday. It is absolutely clear that the Deputy Leader of the Opposition has paid no attention to what I said yesterday. As I indicated yesterday—and I am very happy to repeat it to the Parliament—the arrangement to form United Water Technologies was done with the express view of an independent consultant, who indicated that the best result for South Australia was to go down this path. That is the bottom line. The bottom line is that the best result for South Australia has ensued from this arrangement.

As I indicated yesterday, the best result is on projects such as the dissolved air flotation filtration plant, which provides water to be piped to Virginia. The best result on that project is a 10 per cent saving on capital works which, in the public interest, is a $2.5 million saving. I am not surprised that an independent consultant would say, 'That's a good idea.' If we went out into Rundle Mall now and asked people, 'Do you think that is a good idea?', about 100 out of 100 people in South Australia would say that, if we can advance things such as the dissolved air flotation filtration plant, if we can do it more quickly and cheaply, and if the Virginia growers can more than double their production, 'Get on with it.' That is exactly what they want Governments to do—to get on with it.

As I indicated yesterday, these matters are in the contract as to how this would be dealt with, and the simple fact is that the Opposition absolutely delights—and I have to say that word sadly—in trying to bring down South Australia's international class water industry. Why does it do it? It is because it had no ideas when it was in government. It realised that there was a $47 million loss in the last year of a Labor Administration and, as I pointed out to the House yesterday, in the last financial year there was a $170.7 million profit, so that is a huge turnaround. But, of course, the Labor Party does not like to admit that, because it simply refuses to acknowledge that the involvement of the private sector is successful.

Even if they do not like the financial figures, I think members opposite should go out to the 70 plus firms that are now exporting business and growing their businesses in the water industry. The employment which those people are generating is absolutely huge and it is a great success story, despite the continual carping of the Opposition.

PILCHARDS

Mrs PENFOLD (Flinders): Will the Deputy Premier advise the House whether there is any truth in the claims made in a media release yesterday by the Leader of the Opposition that the pilchard deaths in South Australia—

The SPEAKER: Order! The question at this stage is out of order. I suggest that the honourable member either consult internally or bring it up to the table. We may have to look at it.

Mr HANNA: I rise on a point of order, Sir. Could the question not be appropriately addressed to the Leader of the Opposition?

The SPEAKER: Order! There is no point of order. I remind members regarding the question of frivolous interjections as well.

WATER OUTSOURCING

Ms HURLEY (Deputy Leader of the Opposition): Does the Minister for Government Enterprises accept that the reason that the original request for proposal documents in the water contract excluded the winning consortium from taking on any of the capital works was that it would create a conflict of interest because it placed the project managers in the position of supervising their own work? In evidence to

Parliament's water select committee in February 1997, Mr Pierre Alla from Australian Water Services said:

> One of the conditions of the contract is that the winning tenderer will not be allowed to do it [that is, any capital works] as it is in the position of project management.

The Hon. M.H. ARMITAGE: The Deputy Leader of the Opposition is on exactly the same sort of tactic as the Opposition utilises frequently in this House, that is, to attempt to bring down an industry that is growing. The Opposition does not want successes in South Australia.

Mr Foley interjecting:

The SPEAKER: Order! I call the member for Hart to order.

The Hon. M.H. ARMITAGE: The Opposition does not want successes in South Australia. Why? It is because it wants the Government to fall so that it can come over to this side of the Chamber. That is its sole reason for being in politics. Absolutely no consideration whatsoever is given to growing an industry and, in fact, being pleased that other companies are having success. That is why it continually attempts to bring down industries that are being successful. I have identified previously that this arrangement was specifically identified as the best possible result for South Australia not by the Government but by an independent consultant.

Members interjecting:

The SPEAKER: Order!

ADELAIDE SOCCER CLUBS

Mr SCALZI (Hartley): In the light of recent media, will the Minister for Recreation and Sport please explain the current position with respect to the two Adelaide soccer clubs?

The Hon. I.F. EVANS: I thank the honourable member for his question. I note the recent media comments in relation to the soccer clubs and the soccer levies in general so I want to clarify the current position. The two national league clubs, through the federation, came to me as Minister in December to speak about the levies and the capacity of the clubs to pay those levies. We agreed to bring in a consultant to look at the federation's and the clubs' accounts to see the impact of the levies on those accounts. It will be between four and six weeks before I get the consultant's report. We agreed to suspend the levies in the meantime so, as per the underwritten agreement, the Government is picking up the levies on behalf of the clubs or the federation. Some questions have been raised about how much the levies will cost, and I am advised that the Government will pick up $70 000 per quarter extra.

Yesterday, reference was made to comments that I apparently made in the media. I did not made those comments in the media and neither did my spokesperson make those comments. The comments attributed to me yesterday were actually made by the journalist, and I confirmed with the journalist this morning that the comments read into the *Hansard* yesterday were not my comments or those of a representative of mine.

According to the Soccer Federation, the stadium is worth about $12.5 million. That figure can be found in the federation's October 1998 annual report. That question was raised yesterday so I put that on the record. I also pick up the point as to whether this is an unfair burden in relation to the soccer clubs. The Government did not force the soccer community to take on the levies. The Government did that in negotiation with the soccer community. Over a period of about 18 months, the soccer community negotiated with the Government the type and the size of the levy.

Members interjecting:

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

The Hon. I.F. EVANS: I now come to the real question, which is public policy.

Mr Foley: Tell us!

The Hon. I.F. EVANS: I will tell you, Flip-Flop, that's all right! Yesterday the Government was criticised about its public policy position, so I should like to examine that position. What is the public policy position of this Government in relation to soccer? The Government has helped the soccer community to underwrite the development of Hindmarsh Soccer Stadium to create the only purpose-built soccer stadium in Australia in time for the Olympics and to leave a legacy to the sport. The Government has supported the soccer community.

While the Opposition was in Government, what did it underwrite? Through various business trading enterprises, the Opposition underwrote plywood cars for some $31 000. As a public policy position, what would people rather underwrite? The development of Hindmarsh stadium or plywood cars? The Opposition also underwrote things such as DC10s, trains, buses, cherry pickers, and South African goat farms. Something like $6.6 million went down the tube on those. The Opposition underwrote Hurricane Andrew in Florida, and $22 million went down the drain there. What about the New York property deal? Approximately $US37 million went down the tube there. The absolute cracker, the absolute beauty, was the fact that the State Bank went down to the tune of $189 million at Wembley. Yet that mob have the cheek to stand up in the public arena and criticise this Government for backing the South Australian soccer community in developing a decent stadium, while they were losing money overseas at places like Wembley.

Members interjecting:

The SPEAKER: Order! Both sides of the House will come to order!

The Hon. I.F. EVANS: The only public policy position—

The SPEAKER: Order! There is a point of order. The Minister will resume his seat.

Mr ATKINSON: I rise on a point of order. I put it to you, Sir, that the Minister is debating the answer and that is out of order.

The SPEAKER: I take the point of order. The Minister is starting to stretch a very long bow and he is going in and out of debate. I ask him to keep his facts relevant to the question that he was asked.

The Hon. I.F. EVANS: Mr Speaker, if I have to choose—

Members interjecting:

The SPEAKER: Order! I call the member for Colton to order!

The Hon. I.F. EVANS: I finish on this remark. If I had to choose between the Opposition's public policy, which was, I assume, to develop plywood cars (underwritten by the taxpayer), to put in the South African goats (underwritten by the taxpayer), take them to the train (underwritten by the taxpayer) and then to the airport, lift them up in a cherry picker into a DC10 (underwritten by the taxpayer), fly them elsewhere, but not via Florida, where they are losing money because of hurricanes, or via New York, where they are losing money in property deals, and dump them at Wembley in an exhibition hall or a holiday camp, where the State Bank

lost $189 million, and our policy position of building a stadium, I would take our policy every day.

PILCHARDS

The SPEAKER: The honourable member for Flinders.

Mrs PENFOLD (Flinders): Thank you—

Members interjecting:

The SPEAKER: Order! There is a point of order.

Mr CLARKE: I rise on a point of order, Mr Speaker. Question Time is for questions without notice. It was obvious that the member for Flinders was drawing up her question with the Minister who is about to answer that same question. Is it—

The SPEAKER: Order! There is no point of order. The honourable member is well aware of the way we run Question Time. We alternate. As this question was out of order—because the honourable member asked whether a statement in the press was accurate—I drew the honourable member's attention to it in terms of its wording. I gather that it has been corrected, and I now call the member for Flinders.

Mrs PENFOLD: My question is directed to the Deputy Premier in his capacity as Minister for Primary Industries.

Mr Koutsantonis interjecting:

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

Mrs PENFOLD: Will the Deputy Premier tell the House whether the pilchard kill is comparable to the *Exxon Valdez* disaster? Yesterday, the Leader of the Opposition put the question out as a press release and compared the two incidents.

The Hon. R.G. KERIN: I certainly thank the member for Flinders for the question, and it is a pity—

Members interjecting:

The Hon. R.G. KERIN: I must admit that I saw her about five minutes ago when we had to—

Members interjecting:

The Hon. R.G. KERIN: I thank the member for Flinders not only for the question but for her understanding of this issue, because it is far greater than that of many other people in this place.

An honourable member: And former members.

The Hon. R.G. KERIN: Yes. As I said before, there has been absolutely no cover up on this matter. I repeat two important facts in relation to this whole matter in case they were lost on some people earlier. First, there is no scientific evidence of herpes virus in pilchards overseas, which blows away a lot of what some people are saying. Secondly, there is no scientific evidence of herpes virus being detected in frozen imported bait. People would do well to remember that. There is no doubt that the kill was bad news for South Australia, particularly for the people of the Port Lincoln area; but let us keep a sense of perspective about this.

Yesterday, the pilchard kill was used for some rather base political purposes in a way which threw it right out of perspective and in a way which really does start to hurt South Australia in terms of comparisons such as that. To understand the perspective, let me refer to a couple of matters which are not within my responsibility but which relate to the *Exxon Valdez*. The *Exxon Valdez* led to the death of as many as 300 000 sea birds, 10 000 otters, 16 whales, 147 bald eagles, countless tonnes of fish and kelp and to the destruction of many spawning grounds for fisheries. Also, 42 million litres of crude oil was emptied into the Gulf of Alaska, covering an enormous area of coastline and ocean. The total cost of the disaster was estimated as high as $A22.5 billion. If we want to talk about disasters in South Australia, the only one we could line up at all with the *Exxon Valdez* is the last Labor Government.

The pilchard deaths are an important issue but, as I said, by the same token they need to be kept in context. Yesterday's media release was exaggerated rubbish put out for a very specific purpose. It really did demonstrate once again that the Leader of the Opposition has some real problems getting the facts right in relation to claiming a cover up. In terms of the claim of a cover up, five FOIs were put forward. Perhaps members of the Labor Party ought to start talking within their ranks about who will put in FOIs and when. Even after FOIs and heaps of information, members opposite still cannot substantiate any claims of a cover up. The reason they cannot do so is that there was no cover up.

It was a disgrace when, yesterday, the Leader wasted the first three questions on baseless and exaggerated claims in the hope that he could bluff the media into a run on last night's evening news. And yet that is what happened yesterday: three questions were asked, the media were given something for that night—even though it was unsubstantiated—and the Leader then walked out and left Question Time. With the mumblings from the other side, I would suggest to the Leader that it is an enormous risk to leave Question Time to his colleagues.

The incorrect information was used to create a media flurry late yesterday of inaccurate reporting. Once again we see the Opposition trying to damage an industry that is really creating some real jobs and regional development in that area over there. The Opposition simply created a few hours of media reporting based on inaccuracies. It is a pity they did not put the same scrutiny into the truth of statements within questions as they do with answers that come from this side.

Another point is that the Opposition has a great ally in Mike Elliott in another place on this. He obviously sees himself as superior to the best scientists in the field in Australia when he says:

> There is no reasonable doubt now that disease was introduced into the pilchard fishery by the imported pilchards. I have seen enough scientific evidence now to make fairly clear that the imported pilchards brought in the disease that decimated the fishery not only in South Australia but also interstate.

I have read that back to scientists and they laugh and think that these people have got it totally wrong. The pilchard die-off is an incident that we all wish did not occur—there is no doubt about that—but the fact that this unfortunate exercise has been used to impugn the reputation of good honest people in both industry and the department is a despicable act. In future let us see if the Opposition gets a couple of things right.

WATER OUTSOURCING

Ms HURLEY (Deputy Leader of the Opposition): Will the Minister for Government Enterprises advise whether the two losing bidders for the water contract have been informed that the design services for the $210 million environmental improvement project have been handed exclusively to United Water, even though the original request for proposal documents forbid this from happening? In a letter sent to all three bidders of the water contract, the lead evaluation team stated:

> Regardless of who ultimately wins this contract, we very much hope that your company and its shareholders will seek to be involved in other opportunities in this State.

Mr Pierre Alla, one of the losing bidders, when asked about this letter, told Parliament's water select committee in February 1997 that there was at that time:

> $200 million of such works still to be undertaken. We are waiting for that to be put on the market—

they may have to wait a while—

> because one of the conditions of the contract is that the winning tenderer will not be allowed to do it as it is in the position of project management.

The Hon. M.H. ARMITAGE: Hell hath no fury like a losing bidder scorned. I will go through the facts again as they do not seem to be sinking in. As I indicated previously, both yesterday and today, this exact arrangement was identified in 1995. When the contract was signed there was an agreement between SA Water and the winning tenderer, who happens to be United Water, that United Water would do engineering, management and a number of other things as were necessary relating to SA Water capital works and international projects. They have done that and done it well and have saved the taxpayer of South Australia countless millions of dollars.

That is not good enough for the Deputy Leader—and probably not good enough for the Leader of the Opposition either, who happens to be here at the moment. The Deputy Leader does not like it because it is an arrangement entered into, predicted before the contract was signed, agreed to by an independent consultant and is having success in delivering things for South Australia at a cheaper cost than would ever otherwise actually occur. The agreement, as I said yesterday, was identified specifically by SA Water. It was the day after the contract was signed that the cooperative arrangement to the benefit of South Australians between SA Water and the successful tenderer would be the subject of further negotiations under commercial conditions leading to a separate contract, and that is exactly what has happened. There is nothing untoward that was not predicted in the arrangements that occurred when the bid was finalised, the contract was signed and the negotiations entered into.

It is as simple as that. And who has benefited? Every single South Australian, including the members of the Opposition and their constituents. In this Chamber over the past five years the Government has been subjected to a series of invective saying we are not spending enough money on the people of South Australia, particularly in the Opposition's electorates. First, we do not have the money. Actually, we do have the money but it is all going to pay interest, but that is not because of anything we have done but directly because of the direct failings of the Labor Government. Secondly, when creatively and effectively to plan for the future by making an international industry that employs a lot of people the Government actually saves money—10 per cent on one project that I identified yesterday—all of which can be applied to the benefit of South Australians, what does the Opposition do? It criticises. It can try to have it both ways but the sensible people in South Australia know that they cannot have it both ways.

The Deputy Leader of the Opposition delights in coming in here and making vague accusations. Every now and again she throws in a conflict of interest to try to get the media's attention. We know exactly where that leads: that leads her to press releases such as the Schlumberger contract complaint, which was so far wrong it was a joke.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: The *Exxon Valdez* was in a press release?

An honourable member interjecting:

The Hon. M.H. ARMITAGE: Absolutely. Indeed, it was the *Exxon Valdez* of press releases—quite right—in other words, a complete disaster. Earlier this week or perhaps last week the Deputy Leader of the Opposition came in and slipped in a little conflict of interest with Currie and Brown. I identified that as completely fallacious yesterday. It is a tactic which the Opposition uses all the time just to try to titillate the media so they will think there is something on. As I identified yesterday and as I have continued to identify today, the arrangement was predicted all along. As I indicated yesterday it has been done on the advice of an independent consultant. It is not the Government's particular view but an independent view, and it is producing benefits to South Australia.

STATE DEVELOPMENT

Mr HAMILTON-SMITH (Waite): Will the Premier advise the House of impediments to State development in South Australia?

Members interjecting:

The Hon. J.W. OLSEN: Exactly. The greatest impediment to economic development is the Opposition in South Australia. This State needs a 'can do' mentality. It needs to give encouragement to people who are prepared to have a go in South Australia and invest in South Australia.

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. I am sorry to interrupt the Premier. The House is now moving back to scatter gun interjections. I warned members at the beginning of the year that we will not tolerate it this year. Please be warned again: if you keep it up, there will be a consequence and for couple of you it could be quite a serious consequence.

The Hon. J.W. OLSEN: We have had tough times in the past, brought about by a range of measures, one of which was Keating-Hawke high interest rate policies compared to today. Secondly, we had seasonal conditions through our country areas of South Australia that impacted against the economy of this State and, thirdly and importantly, we had the disaster of the State Bank. But we have gone through and worked our way through that phase and, through five years of good policy direction from this Government, we are seeing economic trends start to emerge—the best for the past couple of decades. I can assure the Leader of the Opposition that at the Premiers' Conference I will have great delight telling his counterparts from Queensland and New South Wales how our gross State product growth factor is higher than theirs at the moment according to the National Australia Bank. When he and his counterparts were in Government they did not have that opportunity.

It was only a few years ago that development at Glenelg that we talked about was just a dream. Five plans were put up by the Opposition and it did not deliver on one of them. It is a Liberal Government that has delivered on them. If you go to the Barossa Valley—

Members interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for the second time.

The Hon. J.W. OLSEN: The Leader of the Opposition needs only to walk down North Terrace and see where about $80 million will be spent on a new state of the art department

store in South Australia. I am more than happy to put that or any other interjection on the record. Or, he can go up to the Barossa Valley. In 1985 or 1987 John Bannon with great fanfare said we would have this tourism development in the Barossa Valley. Well, it was not a Labor Government that delivered it: it was a Liberal Government that delivered it. Construction is under way now and it will be opened in a few months. That track record is the difference between the Labor Party and Liberal Government in this State. It has been indicated that consumer confidence is starting to pick up, demonstrated by real estate figures, retail figures, building approvals and a trend line for the past six months.

Even the member for Hart, who, *ad nauseam*, reads the *Financial Review* in Question Time each day, except when he is preening himself for the next question—and I wonder whether Clyde has a comment in there today—

Mr Foley interjecting:

The Hon. J.W. OLSEN: Another crabbing exercise?

Mr Foley interjecting:

The Hon. J.W. OLSEN: I thought the member for Hart was interjecting how he and the member Elder went crabbing over the January period. That would have to be the biggest fishing expedition of the ALP since Alan Bond took Bob Hawke and Brian Burke on a fishing trip. What we really want to know is how wide the invitations have gone for the barbie on Sunday. We would really like to know what is on the spit on the barbie on Sunday. Coming back to the import of the question—

Members interjecting:

The Hon. J.W. OLSEN: Rann? I do not think he has the invitation yet, but I am sure that we have embarrassed the member for Hart enough that he will now send him an invitation to go to the barbecue. To come back to the import of the question, economic development, restructuring and capturing new private sector capital investment for this State are important. They are a key component and priority of this Government. We have demonstrated that the bases of the questions we get from the Leader of the Opposition and Deputy Leader on, for example, the water contract or in relation to the pilchards, are simply wrong. The allegations are made without any research, without looking into the substance of the matter, and are put on the deck in the Parliament to get a quick run in the media and ignore the truth of the matter. What the Ministers have done today is clearly demonstrated that the bases of the questions posed by the Opposition have been factually wrong. It behoves anyone to take with grave reservation allegations from those opposite, because what they are on about is destroying confidence in major national and international companies and the economic future of South Australia.

That is what the Opposition wants. Why does it want it? For base political purposes. It wants this State to stall for the next 2½ or three years to the next ballot box. That is what members opposite are on about. They do not care about South Australians and their future and jobs. They shed crocodile tears when they ask, 'What about jobs?' If they were really serious about jobs they would be out there with us in a bipartisan way ensuring that we attract new private sector capital investment. With every contract the Government signs, they would not be criticising us about process, forcing an inquiry into it, then having a probe on the inquiry and then making an investigation into it. So they send a signal to every company that is thinking about investing in this State that if you go to South Australia you will be put through the wringer by the Labor Party. That is the message they are sending out. Have a look at the EDS contract and information technology and what that delivered in jobs. You have only to look at the Morgan and Banks recent survey that growth in jobs in the IT area in South Australia is outperforming the nation. If you go to the food industry, you will see another initiative, the Food for the Future plan that has been put in place. Our growth in that industry sector is also outperforming the national average around Australia.

That is about rebuilding an economy from the position which we inherited. It is about putting positive policies in place to build that future, and what do we have from the Opposition? It simply says 'No.' The Opposition has no policies and it is not interested in South Australia's future; and the point is that the electorate is seeing the vacuum in its ranks.

WATER OUTSOURCING

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Minister for Government Enterprises. On what basis, on whose request and when did the international consulting firm Boston Consulting recommend that it was more appropriate for United Water to take on the design work in addition to the project management work that has allowed United Water to take on a $63 million slice of the $210 million environment improvement project without its going to competitive tender? Yesterday, the Minister in a statement to the House said that it was independent expert advice from the Boston Consulting Group which recommended that while 'recognising the role for competitive tendering' it is 'more appropriate' that United Water take on the design work for SA Water's capital works project without competitive tender.

The water contract allows United Water to charge 7 per cent for project management fees, and the variation agreement signed two years later with United Water has allowed its share to rise to 30 per cent to include design services. Will the Minister table the Boston Consulting report?

The Hon. M.H. ARMITAGE: The exact detail as to when and who, and all that sort of information, I have no idea about, but I am happy to obtain the detail. However—

Members interjecting:

The Hon. M.H. ARMITAGE: Yes, I am very happy to come back and provide the facts rather than the flummery. The important aspect is that what the Deputy Leader of the Opposition ought to do—so that she is not subjected to another Schlumberger episode, shall we say—is to ask the person who has given her this information—whom I think the Deputy Leader has identified as a losing bidder—

An honourable member: Where are you going, Mike?

The Hon. M.H. ARMITAGE: The Leader's off. Bye Mike; see you Mike. The Deputy Leader of the Opposition ought to be 100 per cent clear about whether the competitive arrangements are related to the capital works or, indeed, the program management requirements, because they are two different things. Once—

Ms Hurley interjecting:

The Hon. M.H. ARMITAGE: The Deputy Leader has now said, 'Of course they are different things.' That is fascinating, because in the area of the cooperative agreement between SA Water and the contractor, whoever that may be, it in fact identifies that SA Water has a number of skilled resources which will be required as part of SA Water's client role—that is what happens when you do an outsourcing: SA

Water becomes the client—and others who present as an available and valuable asset to be utilised in the furtherance—

Mr Conlon interjecting:

The SPEAKER: The member for Elder will come to order.

The Hon. M.H. ARMITAGE: —of the project. It then goes on to identify current capabilities, which include things such as water and waste water engineering, which is exactly what the Deputy Leader of the Opposition is referring to in her question and, after a number of other things, it identifies the following:

> Please submit your proposals as to how these capabilities could be developed and utilised in the best interests of the SA water industry.

It is absolutely clear—

Ms Hurley interjecting:

The SPEAKER: The Deputy Leader will come to order.

The Hon. M.H. ARMITAGE: —as I said yesterday, that the arrangement which has an independent sign-off as being the best possible arrangement for South Australia and which I demonstrated yesterday (and I am happy to keep demonstrating) is a good one for South Australia, because it delivers projects that have an economic bonus to the State. It delivers them quickly and more cheaply than under any other arrangement. All that occurs as was predicted and, indeed, as was asked for when people were requested to submit their proposals as to how those capabilities could be developed and utilised in the best interests of the SA water industry. I think I have answered four questions in this vein; I am very happy to answer 10 but they are the facts.

HOLDFAST SHORES DEVELOPMENT

Mr CONDOUS (Colton): Will the Minister for Government Enterprises advise the House of progress regarding the Holdfast Shores development?

The Hon. M.H. ARMITAGE: I am delighted that the member for Colton has asked this question, because it gives me the opportunity to inform the House about, quite frankly, the stunning success of the project which, as the Premier has already identified today, is indeed a project and not one of the five failed attempts in regard to which the Leader of the Opposition, as one of the Cabinet Ministers, the member for Hart, as one of the senior advisers, and others were sitting around the table when, in fact, the projects did not get up and running.

Some of the facts about this project, which anyone who drives to the far end of Anzac Highway is able to see, are as follows. I am advised that the project construction is proceeding on schedule for the first building of the site known as Marina Pier, and completion is identified as November this year. At the same time, the excavation of the marina is anticipated to be complete and the boating berths installed—a great result for South Australia. I understand that 78 of the 80 apartments offered in Marina Pier have been sold, along with all the boating berths: 78 out of 80 apartments have already been sold off the plan. That is a great success and one which, it is pity, the Labor Party did not bring to fruition in its five failed attempts over 11 years.

In addition to the 78 of the 80 apartments in the Marina Pier building that have been sold, I am further informed that, in the second building plan for the site known as Marina East, 60 of the 82 apartments have already been sold, and construction does not start until May. That is a great result for South Australians. I know it galls members of the Opposition to acknowledge that it is actually happening and that it is good, but they are the facts. I am also informed that 22 blocks of land offered recently on the northern Patawalonga site were sold within 40 minutes from a ballot system, and they will be developed for residential use—a great result for South Australians. At the moment 160 workers are employed on site associated with the construction, and I am told that at least this many are directly associated with the activity in off-site roles—160 people employed. That is a great result for South Australians—galling for the Labor Party with its carping, incessant criticism but a great result for South Australians.

They are the facts, and they identify that this program and project is a great success. Frankly, it is in contrast to these facts that the Opposition and, indeed, the Democrats in another place continue to rely on snide, inaccurate information and rumour to attempt to discredit what is a great project. Yesterday the member for Elder referred to a document from within Government to assert that the project was unsuccessful due to problems with the Patawalonga harbor. The facts are that this document was little more than a draft document prepared to canvass and clarify possible issues for the project with other Government agencies. I have been advised that the intended recipients of the document regarded the costs and issues outlined as inaccurate.

The issues that were raised are now either resolved or in the process of being resolved. I make no apology for that. If one is actually going down the line of a major project such as this to the benefit of South Australia, people other than the members of the Labor Opposition know that there will be hurdles. These projects do not always go smoothly. Most people who have added onto their home something as contained as a bathroom know that there are dilemmas all the time. The very fact that there are any issues with which the Government is dealing or has, indeed, already dealt ought to be regarded not as a difficulty or a dilemma for the Government but as part of getting South Australia's economy on the run again. That is exactly what we have done with this project. The Opposition continues to raise these sorts of issues in a negative, partisan way, quite clearly attempting to denigrate the efforts of the Government, and talking down projects and jobs, all to the detriment of South Australians.

I mentioned the Leader of the Democrats in another place. On Monday, he sought again to raise opposition to the project, which is surprising, because the whole Parliament agreed with this project. We had a tripartite agreement which I remember being thrashed out late at night, and the Leader of the Opposition had his media release ready before he had signed it: presumably he wanted to take all the credit for it then but, now that it is working, he wants to undermine it. However, on Monday the Leader of the Democrats made a number of absolutely erroneous comments about the project. The thing that most galls me is that I am informed that, at the media conference, the Leader of the Democrats accused me of not responding to a letter from the council about this matter and not doing the job appropriately. That was very interesting to me, because I did not remember any letter from the council, so we rang the council and said, 'We can't find the letter.' They said, 'The letter hasn't yet been written.'

Mr FOLEY: I rise on a point of order, Mr Speaker. The Minister is debating a matter involving a member from another House, Sir. He has clearly entered into debate and should be ruled out of order.

The SPEAKER: Order! I will not uphold the point of order. However, it is concerning the Chair that we have been into Question Time for three-quarters of an hour, we are

three-quarters of the way through, and I still have called for only four questions from either side. I would ask members to bear in mind the advantages of ministerial statements, and I ask the Minister to come back to the question that was asked and start to wind up his reply.

The Hon. M.H. ARMITAGE: I make the observation that, from the Deputy Leader of the Opposition, I have had the same question on four occasions. It would seem to me that they are wasting their time. However, as I identified, this project is a very successful one for South Australia, and both the Democrats and the ALP continue to try to denigrate it, to bring it down, so that the jobs and the benefits that are flowing to the family of workers will not continue to accrue.

DEFAMATION CASE

Members interjecting:

The SPEAKER: Order on my right!

Mr ATKINSON (Spence): I ask the Premier: is the taxpayer indemnifying the member for Bragg in the defamation case being taken against the member and the Treasurer by the Hon. Nick Xenophon and, if so, when was the policy altered to extend that protection to Government backbenchers? Ministers of the Crown are indemnified by the State against alleged defamations made in carrying out their portfolio responsibilities. However, in the past, this protection has not been extended to backbenchers. The Liberals' code of conduct, Government to Serve the People, released in November 1993, makes no provision for taxpayer protection for backbenchers, and it limits protection to Ministers.

The Hon. J.W. OLSEN: I will seek advice from the Treasurer as to the response and the arrangements that have been put in place.

CHINA, STATE TIES

Mr VENNING (Schubert): My question is directed to the Premier and Minister for Multicultural Affairs. Given the celebrations surrounding the Chinese New Year and that this is the Chinese Year of the Rabbit, will the Premier detail to the House the importance to South Australia of maintaining and strengthening ties with China?

The Hon. J.W. OLSEN: I thank the honourable member for his question, because it really touches on another priority policy area of the Government, that is, building international linkages so that South Australia develops its reputation as an export focused State. Exports are the future of South Australia and are the insurance policy against national domestic economic downturn and downturn in various regional economies. The celebration of the Chinese New Year is one of the most colourful and exciting events in South Australia's multicultural calendar. The importance of the Chinese community to South Australia cannot be overstated. There are about 11 000 Chinese speaking people in this State.

Last Saturday night I had the pleasure of attending the Asia-Pacific Business Council for Women's celebrations for the New Year. At that dinner, impressive Chinese artwork was auctioned to raise money for the Hanson Centre for Cancer Research. I understand the auction raised nearly $6 000 for this worthy cause. The money comes on top of some $17 000 raised by the group about two years ago.

The community spirit is a marvellous quality of our Chinese community. Recently, the Government has provided significant support to South Australians of Chinese background. The Government has provided funding for the community English classes and for the Support and Meals Program for Chinese families on low incomes, and funding from the Office of the Ageing for intergenerational and cultural activities.

In addition, Ms Ida Wong was recently appointed as a member of the South Australian Multicultural and Ethnic Affairs Commission. At 22 years of age, she is the youngest member of the commission. The commission had its first meeting for the year last week, and the Chairman, Mr Basil Taliangis, has conveyed to me how impressed he was with Ida's enthusiasm and contributions to that meeting, clearly indicating that she will make a substantial contribution to the commission. On my recent visit to China, I indicated that we would be opening our fourth office in the People's Republic of China—the only State to have that number of offices in the People's Republic. We were the first State to have an office in China and we have now expanded the number of offices to four.

The reason for that is to ensure that we get the benefit of the demand of 1.2 billion people in the provision of a range of goods and services. To demonstrate the importance of that, I point out that Chinese investment will be part of the redevelopment of the Queen Victoria Hospital and will undertake the refurbishment of the Australian Taxation Office (formerly) in King William Street—that is, the office that remained in a derelict state for a number of years. This investment will enable that to move forward.

Whilst there, I was able to witness the signing of a contract involving Woodhead International out of Adelaide which, with Block 33 and Shanghai, will undertake the complete refurbishment of the Dutch architecture village so that that will bring about substantial further opportunities for South Australian innovation in heritage preservation and restoration. It is that sort of sale of our expertise into the international marketplace and that investment that is coming into South Australia that is an important outcome of trade missions and bilateral arrangements between us and respective communities and economies overseas.

That is the reason why the multicultural nature of our community is so important to us. It provides us with linkages and opportunities to sell our goods and services into the international marketplace which, in other circumstances, we would have great difficulty accessing. The international Chambers of Commerce underpin the work of Government agencies in showcasing the very best of what South Australia can do. The Chinese communities are a key component of those international communities in South Australia that have made an invaluable contribution to this State, and I have no doubt that they will continue to do so for a long time to come.

SELECT COMMITTEE ON WATER ALLOCATION IN THE SOUTH-EAST

Mr HILL (Kaurna): Has the Premier sought or held discussions with any witness listed to appear before the South-East water select committee about the nature and content of their evidence?

The Hon. J.W. OLSEN: No, not to my knowledge. I will go away and check who is on the list. I have not seen the list, but I will check who is on the list.

INDUSTRIAL RELATIONS

The Hon. G.A. INGERSON (Bragg): Will the Minister for Government Enterprises confirm that the fundamental

rights of workers will be part of any foreshadowed industrial relations reform agenda of this Government?

The Hon. M.H. ARMITAGE: The honourable member's question goes to the heart of the fact that the Government, unlike the ALP, continues to generate fresh policy initiatives for the benefit of South Australians. At the last election, the Government received the endorsement of the South Australian community for its focus—

Mr Koutsantonis: You're joking!

The Hon. M.H. ARMITAGE: The member for Peake interjects that we are joking but he says it from the left of the Chamber: we are over here on the right of the Speaker. It is my pleasure to identify today that I am forwarding to the Industrial Relations Advisory Committee a draft Bill with a view to introduction of the Bill to this House in the next few weeks.

In my other role as Minister for Information Economy, I am acutely aware of the fact that there is a revolution taking place as we move from the industrial era to the information era—and sometimes I think the Opposition is stuck back in the old days. These issues must be looked at with creativity and flexibility, and our industrial relations policy does just that. The tragedy, frankly—obviously identified by the cacophony opposite—is that the ALP, which was born in the industrial revolution as the political arm of the unions, factually has failed to grow up. It refuses to embrace new policies.

I will be sending a copy of the Bill to each member of the House, but I would like to mention a couple of specific areas that the ALP needs to address in getting ready for the twenty-first century and, indeed, to withdraw its opposition to provisions which will promote the rights of workers. In relation to the rights of freedom of association, there will be in the legislation an obligation factually to document consent for the deduction of union fees. This to me does not seem any great problem; people ought to be able to consent or not.

There is a fundamental right, which is the right of people to control their own labour. Employees and employers under our legislation will be able to contract directly to control their own relationship without the dead hand of a third party. More importantly, people have a right to expect to work and the provision for unfair dismissals, frankly, in the legislation as it presently stands, cost jobs. The evidence is very clear, and I will be identifying to the House, that employers often will not offer workers employment with these current laws in place. Last year, the Federal ALP successfully moved in the Senate to disallow the unfair dismissal regulation. The ALP policy—I think, at least, it has one—is quite simple: the Liberals say 'Yes'; the ALP says 'No.' It is as simple as that. When this very important Bill comes before the House I think the ALP has a choice: to move into the future or factually to continue to be tied to the apron strings of the unions, rooted in the past.

HANCOCK, Ms C.

Mr WRIGHT (Lee): My question is directed to the Minister for Tourism. Are all matters pertaining to the termination of the employment of the former CEO of the Tourism Commission, Ms Carole Hancock, now settled; if not, why not; and, if so, what was the total pay-out to Ms Hancock?

The Hon. J. HALL: Some of the detail I would be happy to provide to the honourable member. The absolute pay-out has been made and I can give you a figure. The total pay-out before tax was $210 189 and after tax $151 133.86. As there is still the potential of litigation, I would prefer to take on notice further questions relating to the termination of Ms Hancock's agreement with the Tourism Commission.

FIRE SERVICE RADIO NETWORK

The Hon. G.M. GUNN (Stuart): Will the Minister for Emergency Services tell the House, in the event of a major fire at a northern location, such as Port Pirie, how would existing radio services perform for the Metropolitan Fire Service vehicles; and has the fire service experienced any other problems with the current radio network recently?

Mr KOUTSANTONIS: I rise on a point of order, Mr Speaker. This question is hypothetical. In his question the member for Stuart asked, 'What would happen if there was a fire?' It is clearly hypothetical and out of order.

The SPEAKER: Order! The Minister has a ministerial responsibility in this area. I am prepared to let the Minister start to reply. If he moves into the area of hypothetical replies, I will pull him up.

The Hon. R.L. BROKENSHIRE: Thank you, Mr Speaker. I can understand why the member for Peake is worried about—

The SPEAKER: Order! The Minister will come straight to the answer.

The Hon. R.L. BROKENSHIRE: I am pleased to answer this important question. This question is, first, about responsibility, duty of care, occupational health and safety and, secondly and most importantly, this question is about life and the protection of property.

It is interesting to note that in recent times the Opposition and the United Firefighters Union have been running around saying that radio networks, computer-aided dispatch information technology and that type of equipment is a waste of time. This is far from a waste of time—

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: I know that the member for Elder does not appreciate the fact that this Government is getting on with the job, and I understand that the member for Elder is concerned about numbers, as a result of his support—

Mr Conlon interjecting:

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

The Hon. R.L. BROKENSHIRE: Thank you, Mr Speaker, for your protection.

The SPEAKER: You do not need my protection: just get on with your answer, please.

The Hon. R.L. BROKENSHIRE: The South Australian Metropolitan Fire Service continues to support the new Government radio network. The existing South Australian Metropolitan Fire Service communications networks and equipment are limited currently in range, reliability, and functionality, and they do not provide emergency service interoperability, particularly at major incidents. That is one issue that indicates that we need to get on with the delivery of a new radio network for the Metropolitan Fire Service and, indeed, for all emergency service organisations.

Further, fire service headquarters have advised me that the Government radio network project offers a cost efficient radio/data/paging solution when compared with potential agency specific solutions, and they have indicated to me that the current radio network is simply inadequate. They have indicated to me that a 'do nothing' option for emergency

service organisations, including the Metropolitan Fire Service, certainly is not a viable alternative.

There are problems at the moment in turning out retained firefighters as one example. This problem will be overcome by our Government through the commitment to the Government radio network contract and in future, when that contract goes through, we will be able to carry a paging facility for turn out of those retained firefighters. In relation to the current radio network in the Metropolitan Fire Service, the Australian Communications Authority has now commenced implementation of broadband network strategies, including auctioning of frequency band allocations, and that means that it is not satisfactory when it comes to the current radio network with the Metropolitan Fire Service. In fact, this particular status will render them subject to radio interference in areas such as Mount Gambier. I would have thought that all these very important issues would be supported by the member for Elder, in particular, the Labor Party and the United Firefighters Union.

Yesterday was the anniversary of the 1983 Ash Wednesday bushfires. Here we are 16 years later. When the Labor Party was in Government, it was responsible for dealing with the Coroner's report. What did it do when it was in Government? It did not respond to the Coroner's report and one of the vital components of that report was that we had to upgrade information technology, radio communications and computer-aided dispatch.

The member for Elder hates this because he is happy to be part of a do nothing, sit on your hands, Labor Opposition. On this side, not only have we taken Coroner's reports and all the other information seriously, we are now delivering. We have respectability out there because we get on with the job. The Labor Party does not have that because it has never got on with the job. It is not interested in the safety and wellbeing of the community—

Members interjecting:

The Hon. R.L. BROKENSHIRE: No, you are not interested. The Labor Party is also not interested in the occupational health and safety of firefighters in a union that supported the member for Elder. We are, so we will get on with this important initiative.

ECONOMIC AND FINANCE COMMITTEE

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

That the twenty-seventh report of the committee, on State-owned plantation forests, be printed.

Motion carried.

MODBURY HOSPITAL

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

Leave granted.

The Hon. DEAN BROWN: In answering a question in relation to Modbury Hospital yesterday, I undertook to outline to the House the additional services which have been provided at that hospital since Healthscope took over its management. Before doing so, I point out to the House that Modbury Public Hospital has a full three year accreditation from the Australian Council on Health Care Standards. That is the maximum period for which accreditation from this independent body can be awarded and it comes about after a rigorous assessment of the quality of services and facilities. It would seem that, because Modbury is under private management, it has attracted unjustified criticism, not because of the quality of the services but simply through political opposition to the very notion of private involvement. As the House will see, those critics are also ill-informed.

Healthscope is required under the contract to provide the same or higher levels of service than was the case under public management. It has done that and a lot more besides. Since Healthscope took over the management of the hospital, in addition to maintaining existing levels of service it has provided—

Ms Stevens interjecting:

The Hon. DEAN BROWN: I ask the member for Elizabeth to listen to this. It has provided outreach nurses to support patients returning home after treatment. It has provided fine needle biopsy for mammograms and angiograms, which were previously provided outside the hospital. It has provided after hours teleradiology through on-call specialist radiologists. Healthscope has upgraded the CAT scanner to the latest generation technology and it has increased and upgraded the Doppler ultrasound units. It has also provided an increase in outpatient sessions in ear, nose and throat services. It has provided an increase in urology outpatient and operating sessions. It has introduced breast-feeding clinics. It has commenced paediatric surgery outpatient clinics which will lead to the introduction of paediatric surgery, and it has appointed a half-time intensivist for the high dependency unit.

These are just some of the extra services that have been introduced at Modbury since Healthscope took over. Modbury Public Hospital has, deservedly, a high reputation for the range and quality of services that it offers. That view is backed up by the Independent Council of Health Care Standards for the whole of Australia. It is also backed by patient surveys which show a very high level of satisfaction from those who actually use the hospital, as opposed to those who criticise from afar. The hospital and its dedicated staff deserve due recognition for the tremendous service they provide to the people of the north-east. They certainly have the support of this Government.

GRIEVANCE DEBATE

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

Mrs GERAGHTY (Torrens): Since just before new year, but particularly since new year's eve, my office has been inundated with calls from members of the public who are really concerned about the proliferation of fireworks. Those calls have come not just from my electorate but from right across the State. All of these callers have expressed their concern about the apparent ease with which people are able to purchase fireworks. Illegal sales must be occurring in the community because banned fireworks such as crackers and skyrockets are being used.

One of my constituents complained that he nearly had his house set on fire when skyrockets fell down on to shadecloth and into the compost heap. One other constituent and another from a further north-eastern suburb described their back garden as like a demolition site or a war zone because there were bits of spent rocket cartridges all over the place. Others

have brought into my office balloons tied to crackers, so I have got spent firecracker shells all over the place. In addition, this problem is having a devastating effect on people's pets and on the elderly citizens in the community who are frightened by the use of fireworks.

It is obvious that the current regulatory position on retailing and the use of fireworks is not working. In order to get a permit, a schedule 9 form has to be completed and the retail outlet has to fax that through to the relevant council or the State authority for approval before one is supplied with the fireworks. The person who purchases fireworks should then notify neighbours and the police about the date and time they are to be let off. However, as I said, it is clear that the regulations are not working and councils are reporting a great increase in the use of fireworks, particularly over the Christmas season.

The Onkaparinga council reported dozens of backyard fireworks displays, although it had issued only six permits. A spokesman said it is of growing concern and the worst it has been in three years. The Tea Tree Gully council fire prevention officer, who is a local CFS member, said that the reports from that area were that it was raining skyrockets on new year's eve, and it is believed that the Greenwith fire was started with skyrockets. I believe that seven fires across Adelaide over the Christmas period were attributed to fireworks being let off.

What is of most concern is that young people are getting their hands on fireworks and they are letting them off where they please. I have had a substantiated report of fireworks being let off one evening in 34° heat in an area with uncut grass. I do not think that anyone is opposed to fireworks displays in the community, but they need to be properly supervised. More importantly, the Minister commissioned an investigation into the retailing of fireworks and public use in September 1997. He has had the report since the middle of last year but he has done absolutely nothing about it. In fact, it has not been put out to the public to make comment. I should like to know what he is going to do about this.

The member for Price mentioned to me that he had received reports of illegal fireworks being purchased in markets around Adelaide, and I will follow that up because we know that people are buying $100 or $50 worth and that they are being supplied. Retailers are saying that they are doing the right thing and, if we are to believe them, we should ask them what they are doing about people who they know are selling them illegally. I know of constituents who have purchased fireworks out of the boot of a car and I have also had constituents purchase fireworks from a licensed retailer. We need to deal with the issue.

Mr VENNING (Schubert): Today, as members know, the Barossa and region is booming. It is busting out all over. Most industries in the region are experiencing unparalleled success. Investment is coming from everywhere, not only from within Australia but from overseas. In fact, there is huge private investment and in excess of $700 million is forecast in the next year to year and a half.

I refer, for example, to Mildara Blass, Southcorp, Orlando, Tarac etc. There are positives everywhere—train services, radio stations, and the list goes on, but there are negatives. The growth of business and population is 20 per cent above all expectations and predictions. The region is outgrowing its infrastructure—and the Government's efforts to keep up. It is a nice problem to have, I know, as the contrary is not good, and we must give this region its head, allow it to reach its true potential and take away any impediment to its continued growth. In order of priority, the infrastructure most affected are: water, roads and, now, electricity.

Members have heard me make speeches on these matters before, but I need to update the House. Today, I shall refer only to the first these of matters, namely, water. We have an acute shortage of water right now. Often, homes in the higher areas are without water. I am very pleased at what the Government has already done: first, there is a filtered water supply to most of the region but not all. The problem is that this water is now being used on the vineyards, especially on younger vines in the critical stage of their growth development. So, the taps are on, but it certainly could have been worse.

The vignerons and the wine companies have been very proactive as they realise how important the future of the world's premium wine region is on the availability of good quality water. They formed a group known as BIG (Barossa Infrastructure Group) and put their ideas forward. Mr Mark Whitmore was its first Chairman (I have mentioned that in this House before). First, they successfully negotiated with the Government to utilise unused capacity in the Swan Reach-Barossa pipeline, to buy off-peak water and to transport it at a reduced rate—as long as it was taken before 31 October; in other words, water taken during the cooler, wet months. Many growers took it up and stored the water in their drought depleted dams and tanks, and some recharged their aquifers by putting it down their bores, knowing that they would get a credit of 80 per cent for that. Those who availed themselves of this offer certainly reaped a huge benefit, especially after a very dry winter and summer period, which is continuing. At best, dams are only a third full, unless those growers availed themselves of this privilege.

I now refer to the important part of my speech today. The BIG group has a step further to go to ensure a permanent, alternate supply of unfiltered water for the vineyards. It is a very clever concept. They will take the unfiltered water from the Mannum-Adelaide line, pipe it to the now largely redundant Warren Reservoir (needing an increased service) and then the growers, using their own infrastructure, will pipe the water from there to the Valley floor to the individual vineyards. This will cost the growers approximately $32 million. A levy of approximately $4 000 to $5 000 per hectare per vigneron is a huge outlay by anybody's expectations. But, this week, right now, negotiations are still continuing between the BIG group, its new Chairman Mr David Klingberg, Mr Whitmore and the Government via SA Water. Time is running out to get all this up and running before next summer so that any of it can be used.

I spoke to the Premier and the Minister this week and to SA Water. I hope that we will see a green light very shortly—even this week. The guarantee of access and the cost of water has to be agreed to before any further progress and the prospectus to the growers can proceed. The price for the water was agreed in principle in the original negotiations at approximately 32¢ per kilolitre. Any price in excess of this will see the vignerons continue to use filtered tap water—as they do now. The initiative needs to be supported and rewarded by the Government as it delivers infrastructure which the Government would normally provide itself and frees up the filtered water for use in the homes in the Barossa and the region, which is a problem we would have to address anyway. I urge all involved in the decision making process to think positively and to allow this region to continue its success. This region, as well as others in regional in South

Australia, will drag South Australia from its economic doldrums, if we let it.

Ms STEVENS (Elizabeth): The Government's plans to rationalise the delivery of hospital services deserves very close examination. They occur in the context of increasing demand for health services, particularly as a result of an ageing population, technological changes and rising community expectation. They also occur in the context of a Government which has been and still is hell-bent on making cuts to our health system despite promises to the contrary made to the electorate. Before Dean Brown was elected in 1993 he promised that efficiencies made in our hospitals would be ploughed back into the health system. Instead, over $230 million was cut from services at all levels. John Olsen in his first budget since the 1997 election promised to quarantine hospital budgets from cuts. Instead, $30 million in planned growth funding has been cut.

So, the track record of this Government in doing anything other than cutting services is not good. Over recent months we have had four secret reviews of hospital specialities, and there are more to come—19 in total. These were done by consultants in consultation with selected clinicians. They have made recommendations to the Government which included no maternity services at the Queen Elizabeth Hospital and Modbury as well as changes to cancer services and cardiac services. The boards of hospitals will have four or five weeks to respond to these recommendations, but the whole process will not be clear, because all 19 reviews will not be completed for some time. So, they will have a short time to comment on a small slice of the whole picture—hardly a comprehensive consultation process.

The Opposition supports the planning and provision of hospital services to make the best use of facilities, to avoid unnecessary duplication and to place services where people are, but we do not support the cutting of basic services that are needed by the community. What have we heard about the savings that will be made as a result of this new system? Have we heard that they will be redirected to other areas which face critical funding shortages and huge increases in demand, services such as domiciliary care, the Royal District Nursing Services, mental health services in the community, services to people with disabilities—these services that will keep people well and out of hospital? Have we heard anything about the redirection of those savings to those services? No, we have not.

The Government has only outlined plans to cut expenditure and reduce services, with no commitment to increasing services in critical areas. It is what we have seen time and again from this Government, and it shows how shallow its commitment to the people of South Australia really is. In answer to a question yesterday, the Minister for Human Services said that health professionals hoped that this new scheme would not be torpedoed by cheap politics. I invite the Minister to demonstrate this fact by detailing the new services that will come from this rationalisation and to prove to the people of South Australia that health services are the goal—not just the cutting of services and the re-direction of dollars into Government coffers.

Mr LEWIS (Hammond): Seemingly unrelated events in recent days have caused me to become at least bemused by the apparent, indeed very definite, relationship that exists between them. In today's newspaper we see on the front page reference to the $11 million Adelaide Oval lights lawsuit. Whilst I have no intention whatever of canvassing the merits of argument about that, I know that for months, indeed years, the Adelaide Oval's retractable light towers have been the object of controversy, even before they were built. They failed to perform to specification even though they went through major redesign during the course of the preparations of the contract for their construction by Baulderstone. It has been alleged openly and publicly that the drive system designed to lift the light tower was intended to be much lighter than what it in fact ended up weighing.

The allegations were about poor design in the gearing system relative to the capacity of that gearing system to hold the weight and whether or not the pits would flood from water in storms and/or seepage and things of that nature which were overlooked in that design. Those allegations were made about the firm that did the design. Also in recent time, like the last 48 hours, we have heard how anxious people from North Haven on Le Fevre Peninsula and others living in the suburbs of Le Fevre Peninsula are about the proposed power station to be erected at Pelican Point and the alternative use of at least some of the land there, indeed all of it, of which some would be used for the power station, as residential land and as a marina, and that is to become the subject of litigation we now understand between the Port Adelaide Enfield City Council and the State Government.

Before I say anything more about that, may I say that all of us have been through some fairly hot times lately. I am not just referring to the political heat but to the heat of this summer. We know from the brownouts and blackouts that have occurred in South Australia that what I said in this Chamber six or seven years ago, that we needed to start planning for a power station and an adequate power supply for the late 1990s, has turned out not only to be true but tragically so because I am sure that some people have suffered heat stroke as a consequence of our not having sufficient power generation capacity.

The quaint connectedness between that action to be undertaken down at Pelican Point against the power station and the Adelaide Oval lights might have escaped many people, but it has not escaped me. I want to see that power station go ahead. I do not care where it goes, but it is vital that it goes ahead if this State is to meet its peak demand for power in its hottest whether and maybe even its coldest months. It is vital because we do not have the certainty that the existing interconnection at Mingbool or generating capacity is up to meet the demands that will be placed upon it next summer if we are not ready for it.

Therefore I draw attention to what I think is the misleading information put about by a firm of engineers who did that design—Dare Sutton Clarke. That happens to be the some outfit that is giving the Port Adelaide people on the Le Fevre Peninsula advice about the wisdom of establishing residential properties and a marina on Le Fevre Peninsula and Pelican Point. I urge those people and the two honourable members in this place who have some influence in that immediate community to re-examine that advice and consider carefully the cost implications because I do not think those engineers have been very competent according to the track record as we have seen it in the way in which they have given advice in the past. I do not think that the measure of costs related to the remediation of the extensive pollution that has occurred across that site and how that would impact on the block cost for each of the blocks has been properly and fairly measured. They are being led down a blind alley.

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

Mr HILL (Kaurna): Last week I was pleased to receive correspondence from the World Wide Fund for Nature Australia. That correspondence was about its recently instigated marine pollution report card. It provides a report card on each of the States and Territories in Australia, although not the ACT, of course, because it does not have any marine environment to report on. The report card identifies 10 pollution hot spots across Australia. Of these 10 spots five are relevant to the South Australian coastal marine environment. The WWF believes that the South Australian Government should urgently take action to address a number of these hot spots, in particular the threat to the marine environment from agricultural run-off, introduced marine pests, Tributyltin and other toxic chemicals, persistent organic pollutants and marine litter.

A significant finding of the report in relation to South Australia was the lack of information on the extent and environmental impact of many forms of marine pollution and the need for additional research and monitoring to identify better environmental practice to reduce marine pollution. Of the 10 areas considered in some detail, five areas in which South Australia had room to improve included the area of introduced species, the existence of Tributyltin (known as TBT), which I understand is applied to boat hulls to prevent marine organisms from attaching themselves, and has other industrial applications. It is extremely toxic to many marine species and can leach from the boat into the marine environment. Overseas, TBT has been linked to the decline in some marine species, including commercially imported species such as oysters. By entering the food chain it poses a risk to other species such as seals and dolphins and possibly humans.

Other areas that the fund commented on included estuary pollution, lack of information and marine litter. The report card rated each State on two things: first, the extent and impact of marine pollution; and, secondly, the extent of research and monitoring undertaken into marine pollution as determined by the publicly available scientific literature. When we get to South Australia there are four areas: point source pollution; diffuse pollution; litter; and accidents in shipping. There were three possible categories for each of these: poor, fair and good. I am sad to say that in the case of South Australia there was not one recording of 'good' for either the extended impact of pollution or research and monitoring into that pollution. In fact, South Australia of all the States and Territories covered received the worst report. Each of the other States had at least one or two 'goods'. Queensland received four 'goods', three 'fairs' and one 'poor'. For South Australia there were no 'goods', three 'poors' and five 'fairs'. It is a poor result and that reflects badly on this Government and on the Minister for the Environment.

Last year was the Year of the Ocean and the Government spent an amount of time producing and preparing a document about the State's strategy for marine issues. That strategy was released at the end of the year. It did not say a lot and certainly did not compare at all well with the document that was put out by the Labor Party last year and, for all I know, it has disappeared. It is a great shame that the Minister, who put out some sort of positive press in relation to this report card, did not seriously address the issues that the report card identified and, briefly, in the time available I will go through them. In terms of point source pollution the report gave South Australia a 'poor' rating for the extent of the pollution and said:

> Sewage discharge is believed responsible for large scale loss of seagrass and increase in algal blooms. Industrial discharges into Spencer Gulf have contaminated over 600 kilometres with heavy metals. Remote areas of the coastline are believed to be in good condition.

In terms of diffuse pollution, the report card gave South Australia a 'poor' result and had this to say:

> Sediment deposition from agricultural run-off and industrial sources has caused extensive seagrass loss. Agricultural fertilisers are largely responsible for elevated nutrient levels in a number of rivers.

In the area of litter we got a 'fair' result. It said:

> Fishing industry identified it as a major source of litter—rope, packaging bands, bait boxes and fishing nets. Lower levels of land based litter found.

In the area of accidents and shipping we also received a 'fair' result.

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

Mr SCALZI (Hartley): Last Tuesday I presented a petition from the residents of Glynde of over 600 signatures with regard to opposing a proposed ETSA depot at 59 Barnes Road, Glynde, as it was not conducive with the existing residential surroundings. The petitioners strongly protested. I also had many letters outlining people's concerns. The proposed ETSA depot is a matter that has been close to my heart. I was brought up in the area, in fact in Edward Street, Glynde. I was very much aware of the land belonging to ETSA, as has been the case since 1957. I arrived in Australia in 1959 and as a boy I could see clearly that there would be an ETSA substation in that corner. However, that never eventuated, but a lot of the residents who have settled in the area were quite prepared for the substation, provided it was well camouflaged by trees, but it did not happen.

Earlier this month the residents were made aware of the proposed ETSA depot, which was totally different from the proposed substation, and there was a lot of concern. On 5 February I attended a meeting along with 130 others, including Mr Doug Schmidt from ETSA and Mr John Henderson, Mr Ivor Wiles and Mr Ian Rohde, residents of that area. I must say that the meeting was a very good example of how residents can get together and let various Government departments know their feelings towards certain developments. I am pleased to report that yesterday I received a letter from the Treasurer which states in the last paragraph:

> The meeting held at Glynde Lodge Retirement Village provided ETSA with an opportunity to gauge community support for its proposal and to identify residents' concerns. ETSA acknowledges the valid concerns of the residents and has accordingly taken the decision not to proceed with the proposal. The application will therefore be withdrawn from the planning process.

That is great news. In eight days, the residents organised themselves with letters and placards, and there were more than 600 signatures of protest against the development. It is clear that it was not in the right place. Many elderly people live in the area, not only in Davis Road but also in the Lutheran Homes on adjacent Barnes Road, and to have 20 standard vehicles as well as 12 trucks on a 24 hour basis was certainly inappropriate.

I thank ETSA and its representatives who attended on that evening and listened to the residents and the elderly in that area; the Minister for his prompt action in providing those

representatives; and Mr Ian Rohde and Mr Ivor Wiles from the retirement village who organised the meeting. I certainly believe that the outcome is great news for the residents of Glynde. I am delighted with the result.

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

SELECT COMMITTEE ON WATER ALLOCATION IN THE SOUTH-EAST

The Hon. G.M. GUNN (Stuart): By leave, I move:

That the committee have leave to sit during the sittings of the House this week.

Motion carried.

PUBLIC WORKS COMMITTEE: LEIGH CREEK COAL DUMPING BRIDGE

Mr LEWIS (Hammond): I seek leave to amend my proposed motion by adding the words 'and the recommendations adopted'.

Leave granted; proposed motion amended.

Mr LEWIS: I move:

That the eighty-seventh report of the committee, on the Leigh Creek coal dumping bridge replacement, be noted and the recommendations adopted.

The Leigh Creek coalfield is located about 250 kilometres north of Port Augusta. It provides 3 million tonnes of coal to the Port Augusta power station, and that results in the consequent removal of 12 million cubic metres of overburden each year. For the benefit of members, that is what you would call a strip ratio of about eight to one. If you want the 3 million tonnes of coal, you need to move about 12 million cubic metres of overburden. One cubic metre of overburden weighs more than two tonnes. The project involves the replacement and strengthening of the coal truck dumping bridge at Leigh Creek. That is a large structure with ramps either side of it enabling the huge dump trucks to drive up onto the concrete structure and dump their coal through a chute into appropriate milling and elevating equipment beneath so it can be transferred by that mechanism from the truck, milled to an appropriate size and put into rail trucks for transport to Port Augusta.

In addition to that, a detailed net present value analysis of the various options undertaken by the South Australian Generation Corporation, that is, Flinders Power Pty Ltd, over a 10 year period using a discount rate for the preferred option of replacing and strengthening the crusher bridge and purchasing a large rubber tyred loader included in the most recent estimates of a capital expenditure of $12 million provided an NPV cost of this option of $12 million with a pay-back period of five years, which is a pretty good investment.

In summary, Flinders Power proposes to replace and strengthen the crusher bridge, which is a crucial element of the coalfield's activities but which is currently in very poor structural condition. It looks a bit like the Festival Plaza car park, if you like: there are cracks and fractures all through it. Anyone who knew anything about concrete would see that it was an unsafe and unstable structure. Further, it will improve the operating efficiency of the Leigh Creek coalfield by enabling larger sized trucks to be operated from the pit to the point where the coal is dumped ready for milling and loading for dispatch on the railway to Port Augusta.

On Monday 16 November a delegation of the Public Works Committee went to Leigh Creek to inspect the site of the new unloading bridge and the coalfields in general. We did that so that we could be familiar with the surroundings and get an idea of how the work was done. The committee, accompanied by a geologist familiar with the region, was able to see at first hand the Leigh Creek coal mine and its equipment and facilities. We were escorted to the lowest point in the mine (some 200 metres deep) in the two mine pits and immediately gained an appreciation of the difference between the coal and the shale which contains hydrocarbons and which is referred to as overburden; the various angles at which the coal is mined; and the area where the overburden is stacked and the enormity of the earth moving equipment used, particularly the Wabco 240-tonne dump trucks and the electric rope shovel truck loaders that were there. They are huge.

Members observed the earth moving graders clearing overburden to create a path so that more coal could be mined. They also saw overburden being loaded into those huge dump trucks and carted away. We were impressed by the efficiency of the operation and the way it had been planned and engineered, as was demonstrated by the synchronisation of the trucks travelling to and from the pick-up and dispatch sites.

We also noted the lack of vegetation in the vicinity of the mining pits, and particularly in the soil that had been placed over the stacks of the previously mined shale. Importantly, the committee travelled to the coal crushing area where we inspected the coal dumping bridge, which is to be replaced; the coal conveyor system, which transports the coal to the secondary coal crusher; and the enormous stockpile of crushed coal awaiting transportation on the railway line to the Port Augusta power stations. We noted with concern the fragile nature of the main concrete beams and columns that support the bridge where large cracks, as I have stated, were clearly visible.

Without any exception, we all agreed it was obvious that the bridge was fast becoming structurally unsafe if left unattended for much longer. The committee was assured that there was a constant monitoring of the bridge structure to detect any change or movement that would compromise its safety and that of the people working on it. The site inspection clearly demonstrated the urgent need to replace it. The Public Works Committee therefore recognises that it must be replaced. The constant use of salt water for dust suppression on the roads, together with the poor quality concrete, has reduced the strength of the main beam supports and the decking on either side. An inspection of the structure showed us first-hand just how tenuous it is.

We know, and it was pointed out to us, that some repair work to the bridge had already been undertaken. Engineering consultants have cleared it for extended use in its current condition subject to certain safety precautions during the ensuing limited period from the time of our inspection until April this year, when minimum power requirements will enable the reduction of the amount of coal that has to be mined and shipped and thereby the replacement work on the bridge to be undertaken. Notwithstanding this, members agree that the bridge needs to be urgently replaced.

In the process, we will achieve a more cost effective solution and much better safety outcomes in the long term,

particularly by preventing the possibility of a serious accident. This will, as I have explained, be undertaken during the Port Augusta power station's being taken down, or an outage when the coal demand will be relatively low, with repair work down-time being minimised. There will be an overall productivity benefit with minimal disruption to coal supply to the Port Augusta station as a consequence of their being able to use stockpiles from the Leigh Creek end as well as at Port Augusta itself.

The committee was inundated with correspondence and other discussion directed to us as individual members of the committee, as well as to our offices in the Parliament, with concerns held by people in the wider community about the health risk to anyone who has lived at Leigh Creek for an extended period or, more particularly, those who have been associated with mining in that they have been exposed to gasses, dust and smoke created by the removal of the overburden. We took extensive evidence in relation to this issue as a consequence of the number of approaches that have been made to us, and we took it at very short notice.

Much of that evidence is in conflict with the evidence given to us by the proponents. Evidence did seem to indicate, however, that substantial progress has been made in the past four years—although the committee believes that further work is required, as indicated by the recommendations at the end of our report. We saw in the videotapes, for instance, the spontaneous combustion and explosion that occurred when you pulled a dragline bucket through the so-called overburden as the dust and gasses escaped, mixed with oxygen and simply came alight. We saw also the videotapes of where gas was escaping visibly from the stacks over the years and how condensate taken from those stacks could be easily obtained by simply pushing a piece of plastic pipe into the holes and allowing the gas in that pipe, so trapped, to condense and settle into a beaker. It was not just water: there was quite obviously a range of hydrocarbons present in substantial quantity.

We heard of the great number of people who some of the witnesses told us had sustained chromosomal damage, which, if members think about it—indeed, scientists tell us—is the precursor of all forms of cancer. We also know from anecdotal evidence and papers that we have read elsewhere that, for those people who sniff petrol or, indeed, any of the volatile hydrocarbons, the consequences in terms of cancers are horrific and the damage done to all organs, including the brain, is something which requires further and more careful examination.

It is the only aspect of the work that has not been more carefully examined by agents associated with the coal mining operation, whether that is ETSA, Flinders Power, or a body of any other name. Everything that could have been done has been done on every other aspect of occupational health and safety for people working for that corporation in the Leigh Creek area in general and those working in the mine in particular, but no longitudinal epidemiological study has ever been done of the numbers of people who have suffered from cancer, of any of their body parts, to discover whether or not that number is greater than the number in the wider population; and it appears that, on the face of it, there is a likelihood that such is the case.

Accordingly, the committee recommends that the House refer the committee's concerns regarding possible adverse impacts of past and present coal mining operations on the health of workers and residents of Leigh Creek and the environment to the parliamentary Occupational Health and Safety Rehabilitation and Compensation Committee; further, that the House refer the matter of the possible commercial benefits and environmental impacts of mining or not mining oil shale at Leigh Creek to the Environmental, Resources and Development Committee for its scrutiny and recommendation; and, further, that the Parliament require that both the committees provide at least an interim report within three months of the receipt of this reference. As such, the committee, pursuant to section 12C of the Act, is happy to report to the Parliament that it recommends the proposed works. Planning and expenditure in the pursuit of that goal is already under way.

Ms THOMPSON (Reynell): As the member for Hammond said, when we inspected the coal dumping bridge, there was no doubt that it was in a very sad state and that the licence to continue the use of that bridge was being extended on about a monthly basis. The fact that the Public Works Committee was visiting Leigh Creek and looking at matters surrounding the operation of Leigh Creek led a number of people to contact us regarding issues about the desirability of the current *modus operandi* of Leigh Creek. The issues principally surrounded the spontaneous combustion of what some people call the overburden and what others call the oil shale potential resource.

The issue of the health effects of breathing in the gasses released when the overburden is on fire was very difficult to quantify. Many witnesses told us, of their own personal knowledge, of the health experiences of people who had lived and worked in Leigh Creek. However, the nature of the population of Leigh Creek is such that it changes constantly. When I was discussing this matter with one of the teachers in my area, he said that he had worked in Port Augusta for some time and was just stunned by the number of families that would suddenly come to the school because they had had to come from Leigh Creek to receive medical treatment as the conditions they had contracted could not be treated in the Leigh Creek Hospital. So that shed some light on the fact that, when we tried to discover from the records of the Leigh Creek Hospital whether there were any abnormal health experiences in the region, there was no evidence because, according to this person and at least two others to whom I spoke, as soon as people ran into any sort of health problem, they would move away from Leigh Creek.

We also had disturbing reports of people being told that they could not discuss their compensation settlement and, therefore, shed any light on what the health impacts were through their compensable experience. This was something else that alarmed members of the committee and made them wonder whether there was an issue about health at Leigh Creek. We were also hampered in discovering this by the fact that a number of reports that were promised to us were not provided, and this is the second time that promised reports have suddenly disappeared when we have been looking at a matter. It is, indeed, a disturbing precedent. However, some of the evidence that came before us led us to discover what course of action we might take to enable the works on the bridge to proceed rapidly but not to ignore the requests of so many people for us to look at this health matter. The evidence states:

Mr Colin James, the Chief of Staff of the *Advertiser*, investigated the issue of Leigh Creek health in 1994 and 1995. He summarises his concerns as follows:

> . . . that fires and amounts of overburden being removed from the mines were contained in carcinogenic polynuclear aromatic

hydrocarbons and those PAHs had been responsible for a number of cases of cancer in residents in the township and within the work force at Leigh Creek.

He also stated:

> . . . it was the widely held belief by the people who were agitating on this issue that ETSA knew full too well there was a danger that their work force residents were being exposed to carcinogenic fumes; that ETSA had not taken enough caution to protect those people from the effect of those toxic fumes; and that it started doing something about it only when it became an issue in 1994. If you want my opinion, you have to go back before 1994 and look at what was happening at Leigh Creek.

Certainly, that was the difficulty we faced—that it was clear that, after 1994, a number of measures had been put into place to improve the health and safety at Leigh Creek, and some health monitoring of the workers had commenced as well. This followed some events surrounding improvement notices issued by Mr Michael Wilson, a workplace inspector with the then Department for Industrial Affairs. These notices were overturned in the Industrial Court but, nevertheless, ETSA and then Flinders Power implemented a number of the recommendations that were contained in those notices.

So we are aware that things are better now, but we are also aware that some of the most insidious diseases take a long time to manifest themselves. We are also aware with the way the transient work force of Leigh Creek is now scattered all around Australia that an epidemiological study will not be easily done, but that does not mean to say we should not look at what is the best way of identifying whether there are health risks. Last week, we dealt with the Islington remediation project. That was necessitated by the fact that asbestos, which is a product that we had proudly used, has proved itself to be a real danger to humanity. We, therefore, feel that we need to explore what workers are telling us and really take seriously their concerns.

We noted that, in relation to the current health monitoring that is occurring under the supervision of Dr Christopher Kelly from Job Fit Medical Services, there is still some cause for concern. Workers are now being offered this health monitoring service, and the results of it are being aggregated and considered. One area of particular interest is the airways and the lungs and any damage that has been done to them. However, we also know that smoking has a very likely adverse impact on the airways and the lungs. It was necessary to look at the smoking statistics of the population, as well. It was found that 29 per cent of the participants were reformed smokers, compared with 27 per cent of the Australian population; and 29 per cent of the work force currently smoked, compared with 24 per cent of the Australian population. However, there were different rates of smoking among different groups in the work force, the highest being the operators at 35 per cent.

It was interesting to note that, when the study measured small airway disease, it found that overall there was a prevalence of abnormalities of small airway function in 20 per cent of the work force. There is no equivalent data for the Australian population, so that alone does not tell us whether we should be alarmed. However, two findings were interesting, and I will quote Dr Kelly:

> First we found that about 11 per cent of the operators had abnormal lung function for small airway problems and then it ranged through to the office workers of whom 45 per cent had abnormalities of the small airways.

So what is interesting there is that the operators had the highest rate of smoking, yet the smallest rate of damage to the small airways. This needs to be looked at in the context of the operators being very much protected in their working environment at present by having appropriately filtered air conditioners on their plant.

Mr Lewis: That is in more recent years.

Ms THOMPSON: Yes, so they are protected today from some of the possible worst impacts of the smoke around the area. However, the office workers are not. So that one finding of the higher rate of damage in the airways of the office workers is a signal that we need to seriously investigate this matter further.

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

The Hon. G.M. GUNN (Stuart): I want to say something in relation to this matter, because—

Mr Conlon interjecting:

The Hon. G.M. GUNN: I know it is, and I will exercise my right. The Chairman of the committee has said that one of its recommendations is as follows:

> The House refer the committee's concerns regarding possible adverse impacts of past and present coal mining operations on the health of workers and residents of Leigh Creek. . .

This matter has been raised on many occasions. It has been put to me strongly that this is as a result of the activities of one inspector, a Mr Wilson. From the inquiries I have made and from the information that was given to me by unions and other residents at Leigh Creek, they were less than impressed by the evidence of that inspector, and inquiries carried out quite independently a few years ago by the Commonwealth Rehabilitation Centre came to the clear conclusion that the claims made did not stand up to adequate scrutiny. It has been suggested to me that there has been a try-on here by certain people who want to gain considerable compensation, led by a Mr Benn and Mr Matschoss. I attended a Trades and Labor Council meeting a few years ago at Leigh Creek where this matter was discussed.

Mr Conlon: I'm surprised they let you in!

The Hon. G.M. GUNN: I was made most welcome.

Mr Conlon interjecting:

The Hon. G.M. GUNN: The way the honourable member is carrying on, he would have probably got the same treatment as Mr Matschoss. It was interesting to me from the discussions we had in relation to this matter that the overwhelming majority of the work force did not share the views of one or two of those malcontents who were setting out to cause trouble.

Mr Matschoss was virtually invited to leave in a typical Australian fashion, and it was made very clear to him what would happen to him if he continued to express views which were quite contrary to the union movement's view at that time at Leigh Creek and quite contrary to all the evidence that had been given.

Following that, the now Premier and I made an inspection at Leigh Creek and when we arrived a very large group of people met us at the airport. That is unusual at Leigh Creek. When the Minister indicated his total support for the stand taken by the community he was given a rousing reception and people were clapping and cheering. That clearly indicated to us that these outrageous claims did not have community support; they were not supported under any circumstances by the examinations that had been carried out and it is unfortunate that the committee did not take the trouble to get hold of that quite independent report which was conducted and which investigated all these concerns at great length.

Mr Lewis: WorkSafe Australia: we looked at that.

The Hon. G.M. GUNN: I am pleased about that.

Mr Lewis: It doesn't address our concerns.

The Hon. G.M. GUNN: I am standing up for the facts as they have been put to me clearly.

Mr Conlon interjecting:

The Hon. G.M. GUNN: I suggest to the honourable member who interjects that he talk to his colleagues and ask what they think about the people who are pushing this line. I and other members have received boxes of material from them, most of it irrelevant nonsense, and the honourable member's colleagues when in Government knew it was absolute nonsense. I have discussed this at length with very senior management—

Mr Conlon interjecting:

The DEPUTY SPEAKER: The member for Stuart has the floor.

The Hon. G.M. GUNN: It is unfortunate that the member for Elder has no regard for the work force or future employment of these people at Leigh Creek and that he wants to engage only in the usual nonsense, trivia and scuttlebutt for which he is noted. He has no regard for their views whatsoever. He wants to interrupt me when I am standing in this House supporting their views.

I say to the members of the committee that I am somewhat amazed that they have accepted some of the quite outrageous comments which have been made. I understand that this matter went to the Industrial Court and that Mr Wilson was regarded as an unreliable witness. I put on the record that there is another point of view besides the point of view that has been put by the committee in relation to this matter.

I am delighted that approval has been given for upgrading infrastructure at Port Augusta and Leigh Creek because it is absolutely essential for the future generating needs of the people of this State. I think the House should be aware that the efficiencies which have been carried out at Leigh Creek have made it one of the most productive coal mines in Australia. When one considers the ratio of coal to overburden removal and the hours that they have been able to get out of the equipment, they have an excellent record. It has been well managed and the work force has supported the management in a most constructive manner. As I said earlier, it is unfortunate that the committee has taken its time with what one could only say is based on the most dubious material which is not supported by rational argument or scientific evidence. It has been put to me that a few of these people are trying to get a large pay-out so that they can organise themselves in other forms of enterprise. I sincerely hope that members take into account other well-documented points of view, other than the information which has been given to the committee.

Ms KEY (Hanson): I want to comment on this issue. For a number of years I was an organiser for the United Trades and Labour Council in the area of Leigh Creek, but I must have missed the famous meeting when the honourable member attended. I assume that his union card was in order and that was how he received an invitation to the meeting.

Having attended a number of those meetings and having taken the minutes at a number of those meetings, I have to say that health problems as a result of overburden and smoke which came from that overburden from combustion was an issue. Over the years, I have received a number of faxes and letters from people who live in Leigh Creek. They identify me as a person who has been to Leigh Creek a number of times and who might be able to take up the cause of workers and residents in that area.

I have been stunningly unsuccessful in raising these issues at many forums because a lot of people do not consider there to be a problem in Leigh Creek. All I can go on is the evidence that I have collected over the years and, since I have been in this place and been the shadow Minister for industrial affairs, the amount of correspondence which has come through my office on the issue of Leigh Creek and the health, safety and welfare of not only workers but also people who live around the Leigh Creek area.

Certainly, Mr Bruce Benn, whom I have known for a number of years, has corresponded with me. Whatever other people might think, he has continued to campaign for something in which he believes strongly and I take his claims seriously. I also received a letter that goes back quite a way as far as this whole sorry saga is concerned (1984). Many workers got together and talked about the situation and the lack of action that emanated from the various grievances and complaints which the workers had raised. A letter written by Mr Harrison Anderson states:

> Over the years, the family conversation has often turned to the fact that, in the one little street in which we lived, there were so many deaths from cancer and other 'mystery' diseases: virtually every household. Gradually we learned that dozens of people from Leigh Creek were ill or died of cancer prematurely. Of the people who were there in the 1950s it could be as high as 10 to 15 per cent of the population. I tried once before to determine from statistics if it was an abnormal rate for a population [due to cancer]. It seems to me that the whole of South Australia's cancer rate is high and therefore the 'norm' is higher. I presume the latter is due to the 'lost' radiation clouds from Maralinga etc, some of which passed near Leigh Creek and some went over Adelaide.

The writer goes on to say that he was asked to give a social record of the people he had known while he worked at Leigh Creek. He answers that a number of workers he could remember died from cancer: Mr Howard died of throat cancer; Malcolm Place died of rheumatic fever although the symptoms were seen to be like galloping leukemia; Mr Simms died of throat cancer; Mrs Reed died of cancer of the uterus and bowel cancer; Claire Knuckey died of knee cancer; Mr Cise died of bladder cancer; Mr Boyd died of throat cancer. The letter continues that a number of other people in the street were suffering from asthma, chronic fatigue syndrome or Parkinson's disease. That is just one example of the sort of information that I have received from people who used to work at Leigh Creek.

I have also noticed from the reports that I have received that, although the evidence is not conclusive that the Leigh Creek work is associated with people dying from cancer, as the honourable member has already pointed out, a lot of prerequisites or indicators in the environment at Leigh Creek could support an argument that it is an unhealthy place to be and that there is an association with cancer. I refer members to the report 'Issues Associated with the Improvement Notices at Leigh Creek Coal Mine, South Australia', which was done by WorkSafe Australia. It looks at a number of prerequisites for the claims being made by former workers and people living up there with regard to their health.

I have also received information from a number of teachers who may not have worked on the actual mine site but who worked in and around Leigh Creek, claiming that some of their number have had cancers of different sorts which they believe were associated with Leigh Creek, where they worked. I have already quoted a list of townspeople whom one worker knew, but countless numbers of people have written to me saying that a number of people in their

street or people they knew were not around any more because they had died of cancer.

That might be coincidental, but our shadow Minister, Terry Roberts, who has been talking to local Aboriginal people and who has done a survey of Aboriginal people in the Leigh Creek area, has found that a number of Aboriginal people in that area have either died from cancer or have problems with complaints that are related to some sort of cancer illness.

I wonder why we are frightened to follow up on this issue. Why are we frightened to make sure that there is no connection so that we can protect the workers who are there now and the population who live in the Leigh Creek area? I would support such an investigation. People might say that investigations have been undertaken, but the issue has not died and it is still of concern to local people and to trade unionists who represent workers or who have represented workers in Leigh Creek. It is certainly of concern to people who work in the township or around the township.

It would be perfectly reasonable for the Public Works Committee to suggest that there be a testing process to make sure that the people of Leigh Creek live and work in an environment that is safe and healthy for them. It would be perfectly reasonable for a proper study to be conducted to determine whether the claims and allegations that are being made can be supported. If that is the case, we should do something about the claims and allegations about the unhealthy and unsafe living conditions and the bad environmental conditions in Leigh Creek.

Mr WILLIAMS (MacKillop): Several issues have been raised on this matter today, as they were over the time that the committee looked into this project. It is important to realise that this is a Public Works Committee report. The Public Works Committee was asked to look into some remedial work for a coal dumping bridge at Leigh Creek which would increase the efficiency of that mine, which is important to every citizen, every business and all industry in South Australia because it is an integral part of our power-producing network. In fact, it provides the feedstock to the power generators at Port Augusta.

There are two reasons why this project came up. One is that the Playford B Power Station is being upgraded and refurbished to provide power in the short term over the next few years whilst other power sources are being developed to provide electricity in South Australia. The other reason is that it has been identified that the coal dumping bridge at the Leigh Creek mine is in a very poor and unsafe condition. The assessment was made that the bridge should have some remedial work done to it, and we had the opportunity to inspect it on our site visit. The concrete is fretting and large bolts and fishplates have been put through the concrete work of the bridge to support it in the short term. The operators of the mine have set a date that the bridge will stop operating, which I think is June this year, and there is some urgency to have this remedial work carried out.

The operators of the mine also said that they could increase the efficiency of the mine by increasing the capacity of the bridge to allow it to use much larger trucks. As the member for Stuart rightly pointed out, this is one of the most efficient mines for shifting material in Australia, and it has to be because of the ratio of overburden to the coal that is being mined. It is reasonably poor grade coal, and South Australia relies on it, so the mine has to be efficient to produce electricity at a realistic price. It is a very important project and the committee was charged with assessing the public benefit or public good of it.

I do not think that the committee had any problem assessing the public benefit of the work to the coal dumping bridge and the efficiencies to be gained by replacing it with a much more substantial structure to accommodate the larger trucks, which are already on site, but which are used only for carting overburden, so they can carry both the ore and the overburden. Hence, the committee's recommendation that this project meets the public benefit.

However, in looking at this project, at least two other issues came up. One was the health issue, which has been discussed at great length today. The health issue arises out of the oil shale which overlies the coal seams at Leigh Creek. The oil shale is removed in the overburden and used to be dumped in great heaps around the mine site but now it is put back into some of the holes that were created to take coal out in earlier times. Oil shale sometimes spontaneously combusts and the health question arises out of that combustion. However, the other issue that was raised in the committee was whether an oil shale industry should be established in that area to extract oil from the shale and whether that could be a commercial industry.

One of the problems that I had as a member of the committee looking at this matter is that both these issues—the oil shale proposal and the health issue—were beyond the purview of the Public Works Committee and, indeed, only got in the way of the committee's response as to whether the project was worth while in the public interest. The health issues fall within the purview of other committees of this Parliament, and the Public Works Committee has recommended that some of these other issues should be looked at by other committees. I do not have any problem with that and I do not think that the committee has a problem with that. However, I was concerned that the valuable time of the Public Works Committee was taken up on issues that were outside our ambit when we had plenty of other matters to deal with that were within our ambit.

At the end of the day, a realistic recommendation has been put before the House, that these issues should in fact be handled by the appropriate committees. As I understand and as I have read in some of the reports that have been issued, at least in respect of health, this has been looked at in the past. Some people would suggest that all the questions have not been answered, and I have some sympathy with some of the people who have expressed those opinions. I recommend that the House adopt this report, including the recommendations that further work be done by the appropriate committees. Certainly, the House should adopt the Public Works Committee report into the coal dumping bridge, the work associated with that and the main project that the committee was asked to look into so that that very important work can proceed *post haste*.

Ms BREUER (Giles): I will not talk for very long, but I did want to speak on behalf of the Aboriginal people in the area. I have had a number of approaches from people in the Aboriginal community from that area and also from people from my own community who are familiar with the area and, through friendship with them, they have spoken to me about this issue. These concerns about Aboriginal health in that area go back many years. I was involved in helping Terry Roberts set up the survey that is currently taking place there. Of course, one problem is: who will fund that survey? There did not seem to be any money available, it was time consuming,

and it appeared to be reasonably expensive to do this. Many Aboriginal people have been living in that area for many years and are still living there. From speaking to these people my impression is that there have been many unaccounted for deaths in the past and that the number of these deaths is considerably higher than in other Aboriginal communities.

Although Aboriginal health is a major issue in this country, we do not really have a record in these terms of which we can be proud. Aboriginal health is a major issue in any part of Australia, but in this area in particular they do have concerns. Of course, one problem when you look at deaths in Aboriginal communities is the Aboriginal culture, the customs, where it is just not appropriate to talk about people after they have died; you cannot mention their names. To get some valid information on this is difficult—

Mr Venning interjecting:

Ms BREUER: And a very good member, too. It is very difficult to collate a lot of this information because of the nature of Aboriginal communities, and to find out about people from the past is a very difficult process. It will be a time consuming process. When you work with Aboriginal communities it is also very difficult to get information quickly. As anybody who has worked with Aboriginal communities knows, it is a process that takes a long time. You cannot just go in and get your information in half a day. That is the area I wanted to emphasise: that we do need to do a lot more work in this area. We need to put more resources into this area, and we must not ignore the concerns of Aboriginal people in that area.

The Hon. G.A. INGERSON secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: SENSATIONAL ADELAIDE 500

Mr LEWIS (Hammond): I move:

That the eighty-eighth report of the committee, on the Sensational Adelaide 500 capital works, be noted.

The rights to the V8 super car motor racing series in Australia are vested in AVESCO. In July 1998 this company approached the State Government to assess its interest in staging the 500 kilometre endurance race in Adelaide. The event will now be a new addition to the Shell championship series. The South Australian Motor Sport Board proposes to undertake various capital works for the purpose of re-establishing the Adelaide street circuit to enable the staging of the Sensational Adelaide 500 V8 super car race here in April this year.

The estimated cost of the proposed works is $4.7 million. A report has been provided by the South Australian Motor Sport Board which indicates that the economic impact measured as the creation of income and jobs for Adelaide from hosting this event will be: the generation of new expenditure in the State of $10.8 million, the creation of value-added outcomes of $11.4 million and the creation of 240 additional annual jobs in full-time equivalents. Over five years (being the first period of the contract) the impact will amount to $57 million in total income generated within the region and the generation of an additional $700 000 per year to the State Government in taxation.

Those figures are not the committee figures. They are figures the committee has accepted in good faith from the proponents. We noted that the project funding basis for the proposed work shows that the net present value is less than one and therefore negative. That was making the first case assumption that only revenue which comes into the State Treasury, the $700 000, was the net benefit to the State against the costs of the $4.7 million in total. It is small wonder that it is negative. However, in more recent times we have required proponents to use a model which, in addition to the model just referred to, assumes that South Australia as a corporate entity making an investment in one of its subsidiaries generates revenue for several other subsidiaries, if you like, several other sectors in the State's economy.

What will be the additional benefits that come into the South Australian economy? By what measure will it grow? We are told that that will be in the order of $11.4 million, which makes it an outstanding investment. However, no net present value calculation was made on the use of that data for the benefit to the South Australian economy—not as is in the instance of the first case the net present value of the benefit to the South Australian Treasury. That is an altogether too narrow focus for it to be relevant to decision making processes.

The committee is told that an economic assessment will be undertaken at the completion of the 1999 Sensational Adelaide 500 to verify the actual level of economic benefits received. Let me state now: I and every other member of the committee look forward to getting that result to find out how effective and how successful it is first up. Whilst it will not be the be all and end all, it will be an indication to us as a committee, to us as a House of the Parliament and, indeed, to the whole of the State of South Australia as to whether it is a sound investment.

It is proposed to construct the following major facilities: concrete crash barriers, tyre barriers, track upgrades, kerbing, circuit and crowd control, fencing, plumbing upgrades, electrical system upgrades, overpasses for people to get from one side of the track to the other (as was the case with the Grand Prix), gravel traps for cars that spin out off the track, and various other sundry works. Also, there will be substantial expenditure on a recurrent basis for the hiring of equipment.

The committee understands that the proposal has been accepted on the basis of its potential to recreate the Grand Prix type carnival atmosphere here in the city, to generate interstate tourism as a consequence and to achieve those economic benefits to which I have just referred. We recognise that the Government has a remarkable reputation for staging major motor racing events here. The Sensational Adelaide 500 will build on that excellent street circuit image which has been created during the years of the Grand Prix, and it is still widely accepted as one of the best street circuits in the world, whether in this country or elsewhere.

We note that the fixed capital works to be undertaken in relation to the event will comprise works at or below ground level on the public roads and the parklands. In other words, there will be no residual visual or other structural contamination of the open space of the parklands or any other roadside access point. All other above ground capital works will be of a temporary nature. They will be removed at the end of the event to restore the parklands to a standard comparable with the one that existed prior to the event's being staged.

The committee was assured that there will be no permanent alienation of parkland. Moreover, we are told that the proposed project has a number of key aims which have been designed to do five things: generate additional tourism visitation, additional State promotion and media coverage, and a significant economic benefit for South Australia; redevelop the Adelaide street circuit to a level suitable to

obtain a track licence from the Confederation of Australian Motor Sport; meet the objectives of the South Australian Government by staging a large scale, high economic impact and high media exposure event in Adelaide on an annual basis; establish the Sensational Adelaide 500 as the major motor sport event in Australia, particularly for corporate clients (we will not have the Grand Prix here forever); and improve the underground infrastructure in the east parklands and Victoria Park racecourse area, which can be utilised by other major events.

The infrastructure to which we refer in making that remark are telephone lines, an electricity distribution network and access points for water, both for the supply of fresh potable water and the removal of grey and waste water of any kind when large events are held on the parklands requiring people to be provided with appropriate facilities that therefore result in the need for such things. Given all the foregoing evidence and information, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports that it recommends the proposed public works. In making that observation, I personally say that this is one of the projects for which I believe the member for Bragg can take a bow. Had it not been for his energy, it would not have come about, and I am sure he will have something to say in consequence of the ensuing debate on the matter.

Ms THOMPSON secured the adjournment of the debate.

TOBACCO PRODUCTS REGULATION (SMOKING IN UNLICENSED PREMISES) AMENDMENT BILL

The Hon. DEAN BROWN (Minister for Human Services) obtained leave and introduced a Bill for an Act to amend the Tobacco Products Regulation Act 1997. Read a first time.

The Hon. DEAN BROWN: 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.

Honourable members will be aware that the smoke-free dining legislation came into operation on 4 January 1999. The transition to the new legislation generally has been smooth.

However, the operation of the legislation has revealed significant discrimination against unlicensed premises which do not have the same right to apply for an exemption as licensed premises. This amendment will allow unlicensed premises the right to apply for an exemption.

The important principle of not being allowed to smoke where meals are consumed is still preserved.

More specifically, concerns have emerged in relation to coffee shops, bowling alleys and roadhouse cafes, particularly truck stops. These premises, many of which are small businesses, are not licensed premises and as the legislation currently stands, cannot apply under section 47 of the Act for an exemption.

The coffee shop operators claim that this creates an unlevel playing field, that as small businesses they are being discriminated against (as are their patrons) compared with licensed premises (and their patrons) and that they are losing business and having to put off staff. In some cases, former office worker patrons are now going to nearby licensed premises to smoke during a coffee break.

Roadhouse and truck stop operators, particularly those in the South East, contend that truck drivers are now bypassing them and continuing over the border where they stop for their break, resulting in a significant downturn in business, estimated at 10-20 per cent in some cases. Smoke-free dining is the latest in a series of issues impacting on roadhouse businesses.

The Government has listened to the concerns of these groups and, on equity grounds, is prepared to amend the legislation to provide the operators of unlicensed premises with the mechanism to apply for an exemption in a similar manner to licensed premises.

In terms of the amendment, the general prohibition on smoking in an enclosed public dining or cafe area will not apply in relation to—

an area within unlicensed premises (whether being the whole or part of an enclosed public area) that—

(i) is not primarily and predominantly used for the consumption of meals; and

(ii) is for the time being exempted by the Minister for Human Services.

Conditions may be placed on such exemptions, as they can be for licensed premises. The review and appeal mechanisms in the Act will apply except that the appeal will be to the Administrative and Disciplinary Division of the District Court in the case of unlicensed premises (whereas for licensed premises it is to the Licensing Court of South Australia).

The Bill is about equity and level playing fields. The Government in no way resiles from its commitment to a strong and effective anti-smoking strategy as announced last year. Work on that strategy is proceeding, with the goal of reducing the prevalence of smoking, particularly among young people, by 20 per cent over the next five years.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure by proclamation.

Clause 3: Amendment of s. 47—Smoking in enclosed public dining or cafe areas

Section 47 of the Act prohibits smoking in enclosed public dining or cafe areas. This clause amends the section to empower the Minister to exempt areas within unlicensed premises that are not primarily and predominantly used for the consumption of meals.

Clause 4: Further amendment of principal Act

SCHEDULE

Further Amendments of Principal Act

The Schedule updates references to Ministerial titles and other legislation.

Ms STEVENS secured the adjournment of the debate.

CONTROLLED SUBSTANCES (FORFEITURE AND DISPOSAL) AMENDMENT BILL

The Hon. DEAN BROWN (Minister for Human Services) obtained leave and introduced a Bill for an Act to amend the Controlled Substances Act 1984. Read a first time.

The Hon. DEAN BROWN: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to amend the provisions of the *Controlled Substances Act, 1984* to allow for the forfeiture of property used in connection with drug offences and to provide for the immediate disposal of controlled substances and dangerous materials, including hazardous chemicals often used in the manufacture or production of illicit drugs.

Forfeiture provisions are to be found at Section 46 of the *Controlled Substances Act, 1984*. Those provisions received judicial scrutiny in the case of *R v Howarth* 162 LSJS 317. In that matter it was determined that the wording of Section 46 only provided for the forfeiture of illicit drugs and items such as syringes which had been 'the subject of the offence'. Therefore, equipment, chemicals and items used in the production of the drugs could not be forfeited. The decision was re-affirmed on 1 May 1998 in the civil action of Record v the State of South Australia Action No. 97/2760 where the court ordered the return of hydroponic equipment which had been used to produce cannabis.

These decisions have broader ramifications. Hydroponic equipment is not the only type of paraphernalia affected. Amphetamines, 'ecstasy', 'P.M.A.' and 'fantasy', have been responsible for a number of fatal drug overdoses in this and other States in recent times. They are all illicit drugs, manufactured using elaborate devices and laboratory equipment. As a result of the recent judgements, such items will often be returned to the offender at the completion of

criminal proceedings, in spite of a conviction for the offences charged. Other things such as chemical formulae and detailed written instructions on drug production are also liable to be returned to convicted persons. This also extends to equipment seized when Expiation Notices are issued for simple cannabis offences.

Clearly, it is desirable to ensure that when offences against the *Controlled Substances Act* are detected, including cannabis cultivations and clandestine drug laboratories, forfeiture provisions are available to ensure that not only is the drug itself forfeited but so too are articles used in connection with the offence. Whilst there is some scope to seek forfeiture under the *Criminal Assets Confiscation Act, 1996*, this avenue is often not available or is inappropriate.

Clandestine drug laboratories present significant occupational, health, safety and welfare problems to police, fire service officers, forensic scientists and other persons who must dismantle, remove and store the illicit drugs, equipment and other chemicals found. Persons involved in the production of these drugs often leave corrosive, toxic and potentially explosive chemicals in unlabelled and unsuitable containers. Not only is the seizure and transport of these materials difficult and expensive, the safe storage of them is potentially hazardous and requires specialised facilities, which are costly and not readily available. The *Controlled Substances Act* does not currently provide for the destruction of these materials.

In the interests of the community it is appropriate to allow for the destruction of illicit drugs and associated dangerous articles at the earliest opportunity whilst ensuring evidence is retained for criminal proceedings.

The Bill achieves these outcomes by repealing the existing forfeiture and destruction provisions and replacing them with a new section to ensure that illicit drugs and property used in connection with drug offences can be efficiently and safely dealt with and where appropriate, be forfeited by court order.

I commend the Bill to the honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Substitution of Part heading

This clause repeals the heading to Part 6 of the Act, 'PENALTIES, FORFEITURE, ETC.' and substitutes it with the heading 'OFFENCES, PENALTIES, ETC.', indicating the proposed contents of Part 6 given that forfeiture will now be dealt with in Part 7.

Clause 3: Repeal of Divisional heading

This clause repeals the heading to Division 1 of Part 6, obviated due to the removal of Division 2 of Part 6.

Clause 4: Repeal of Division 2

This clause repeals Division 2 of Part 6 of the Act which dealt with forfeiture of substances, equipment or devices. The contents of the repealed Division are now to be found in new section 52A.

Clause 5: Substitution of Part heading

This clause repeals the heading to Part 7 of the Act, 'POWERS OF SEARCH, SEIZURE AND ANALYSIS' and substitutes it with the heading 'SEARCH, SEIZURE, FORFEITURE AND ANALYSIS', indicating that Part 7 is to include forfeiture provisions.

Clause 6: Substitution of s. 52A

This clause substitutes section 52A with a new section headed 'Seized property and forfeiture'.

Subclause (1) provides that, subject to qualifications contained in the section, seized property must be held pending proceedings for an offence against the Act relating to the property.

Subclause (2) gives the Commissioner of Police the power to direct that certain seized property be destroyed, regardless of whether a person has been charged with an offence relating to that property. The types of property to which the subclause relates are prohibited substances, drugs of dependence or other poisons, or property that is, in the opinion of the Commissioner of Police, likely to constitute a danger during storage pending proceedings for an offence against the Act relating to the property.

Subclause (3) provides that property referred to in subclause (2) may be destroyed at the place at which it was seized or at any other suitable place.

Subclause (4) provides that if a charge is laid or is to be laid for an offence relating to property referred to in subsection (2), samples of the property that provide a true representation of the nature of the property must be taken and kept for evidentiary purposes, the defendant has the right to have a portion of the sample analysed by an analyst, and the defendant must be given written notice of that right. The obligations contained in subclause (4)*(a)* and *(c)* and the right contained in subclause (4)*(b)* provide a degree of transparency in the process of analysis of samples that are to be kept for evidence.

Subclause (5) provides that possession of samples taken under the section must remain at all times within the control of the Commissioner of Police or his or her nominee.

Subclause (6) provides that the regulations may make provision relating to the taking of samples of seized property and analysis of those samples.

Subclause (7) provides that the Magistrates Court (on application by an authorised officer) or any court hearing proceedings under the Act may order that the seized property be forfeited to the Crown if it finds that the property was the subject of an offence against the Act, or consists of equipment, devices, substances, documents or records acquired, used or intended for use for, or in connection with, the manufacture or production, or the smoking, consumption or administration, of a prohibited substance or drug of dependence.

Subclause (8) gives the Commissioner of Police the power to direct that property forfeited to the Crown under the section be destroyed or otherwise disposed of.

Subclause (9) provides that, subject to qualifications set out in subsections (10) and (11), if seized property has not been forfeited to the Crown in proceedings under this Act commenced within the prescribed period after its seizure, a person from whose lawful possession the property was seized, or a person with legal title to it, is entitled to recover either the property itself or compensation of an amount equal to its market value at the time of its seizure.

Subclause (10) is a qualification to the preceding provision dealing with recovery of property and compensation, with the effect that monetary compensation for the property is not recoverable where the property has been destroyed under subclause (2) if the property was the subject of an offence against the Act, or consists of equipment, devices, substances, documents or records acquired, used or intended for use for, or in connection with, the manufacture or production, or the smoking, consumption or administration, of a prohibited substance or drug of dependence.

Subclause (11) is also a qualification to subclause (9). It gives a discretionary power to a court hearing proceedings (referred to in subclause (9)) in relation to property that has not been destroyed under subclause (2) for the recovery of that property or compensation from the Commissioner of Police, to make an order for forfeiture of the property to the Crown.

Subclause (12) provides that the section does not affect the operation of the provisions of the *Criminal Assets Confiscation Act 1996* relating to forfeiture of property referred to in section 4*(a), (b)* or *(c)* or any other provisions of that Act.

Subclause (13) defines 'the prescribed period' and 'seized property' for the purposes of the section.

Clause 7: Statute law revision amendments

This clause provides for the further amendment of the Act by the Schedule which contains statute law revision amendments.

Ms STEVENS secured the adjournment of the debate.

SUPPLY BILL

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training) obtained leave and introduced a Bill for an Act for the appropriation of money from the Consolidated Account for the financial year ending on 30 June 2000. Read a first time.

The Hon. M.R. BUCKBY: I move:

That this Bill be now read a second time.

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

Leave granted.

This year the Government will introduce the 1999-2000 Budget on 27 May 1999.

A Supply Bill will still be necessary for the early months of the 1999-2000 year until the Budget has passed through the parliamentary stages and received assent.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill.

The amount being sought under this Bill is $600 million, which is an increase of $100 million on last year's Bill.

For the past three years the amount of the annual Supply Bill has remained constant. The increase this year is necessary due to the

gradual rise in the amount of appropriations over this period and in particular the introduction of accrual appropriations in 1998-99.

The Bill provides for the appropriation of $600 million to enable the Government to continue to provide public services for the early part of 1999-2000.

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $600 million.

Ms STEVENS secured the adjournment of the debate.

LOCAL GOVERNMENT BILL

The Hon. M.K. BRINDAL (Minister for Local Government) obtained leave and introduced a Bill for an Act to provide for local government; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

The reform program

The Local Government Act Review is a key element of the Government's Local Government Reform Program, complementary to the initiatives undertaken for boundary reform. As honourable members will be aware, the amalgamation of many councils in South Australia has resulted in achievement of considerable efficiencies and wide ranging benefits to local communities.

As we move into the next century, the capacity and responsiveness of Local Government will be crucial to retaining and enhancing South Australia as a preferred location in which to live and work.

The vision

The Government believes that in order for South Australia to compete in a global economy it needs the advantages of carefully controlled taxation and regulatory regimes, a sound and diverse regional economy, an efficient, effective and accountable public sector, and encouragement for individual and community enterprise.

Our vision for this State includes a stronger, more efficient Local Government sector which is able to play a key complementary role with the State in economic development and which is ready to meet the challenges of the twenty first century.

To enable this challenging role to be played in the variety of ways needed in SA's diverse local communities, the new legislation must encourage an economically and socially effective system of Local Government. This system should provide a focus for personal involvement in community life, meet complex community demands for securing a better and wider range of local services and infrastructure, participate effectively in strategies for the regional economic development of the State, interact productively with other spheres of Government, and link local communities with broader resources.

Local Government has itself taken a leading role in the development of these Bills, with the dedication of significant time, energy and other resources to information sessions, workshops, and detailed discussions. The Local Government sector as a whole, through its peak representative body the Local Government Association, has welcomed the moves to rewrite the Act and has contributed very substantially to the present form of the Bills. The Government acknowledges and records that this Bill is the better for their input.

The legislative strategy

At present the Local Government legislative framework consists of some 40 Acts of Parliament, including the *Local Government Act 1934*. Some are common to all public sector agencies or officers, while others are more specific and relate to particular regulatory activities. It is therefore difficult to readily find the laws they need to know about.

The Local Government Act itself sets out the framework within which councils operate. During the past 60 years there have been many changes and additions to the Act, resulting in a complex and sometimes confusing legislative framework. Although large Parts have been reviewed and rewritten, there has been no single comprehensive revision of the Act until now.

One of the objectives for the review of the Local Government Act is that remaining Local Government Act provisions concerning regulatory regimes in which both State and Local Government have a role should, if the provisions are still required, be located in the specific legislation which deals with that function. The necessary relocations or transfers will rationalise the legislation without necessarily changing the scope of Local Government responsibilities. Some of these transfers are made in this legislative package and in the *Statutes Repeal and Amendment (Local Government) Bill 1999*, while some provisions will need to be retained in the *Local Government Act 1934* until such time as they can be addressed in impending reviews of their proposed host legislation.

This rationalisation process means that the new Local Government legislation focuses more clearly on the processes which characterise the system of Local Government.

While a core aim of the Review has been to make the new Local Government legislation easy to read and understand, inevitably there remains some residual complexity in Acts which set out a framework for a whole system of government. In order to ensure that the new framework is as accessible as possible the Office of Local Government will work with the Local Government Association to produce implementation materials with guides, model codes and handbooks to assist the various people and groups who use the legislation to become familiar and comfortable with it.

The design of the new legislation assumes that changes will occur in the roles of State and Local Government in relation to particular functions; in structures of Local Government and forms of community participation; and in corporate organisation for local service provision. While it seeks to provide that level of certainty which is essential to good governance, the new legislation is designed to be flexible enough to accommodate change without a wholesale re-writing of the Act.

The legislation package

The package of Bills before Parliament will consist of—

- new constitutional, corporate, operational, taxation, law-making, and management procedures for the Local Government system, including the management of Local Government lands, in the *Local Government Bill 1999*;
- revised and clarified provisions for Local Government elections in the *Local Government (Elections) Bill 1999*;
- provision for the staged repeal of the *Local Government Act 1934* and the relocation of regulatory functions shared by both State and Local Government to other existing specific State legislation, in the *Statutes Repeal and Amendment (Local Government) Bill 1999*.

The aim of the package as a whole is to:

- recognise the fundamental importance of Local Government to the communities of South Australia;
- provide a modern operational framework for Local Government;
- assist in clarifying the roles of State and Local Government; and
- simplify and provide a more cohesive approach to regulatory functions.

The development of the legislation has been informed by many considerations, among them the broader international, national and state context in which we find ourselves and also, importantly, what the South Australian community, including Local Government itself, expects of Local Government and its legislation.

Consulting the community

In 1996, shortly after the Government decided to accelerate its Local Government reform program, an invitation was extended to councils, stakeholders and the public to identify issues which should be addressed in the review of the Local Government Act. Responses to this invitation were received and analysed, previous research and relevant inquires and reports were reviewed and some specific studies were commissioned. In addition, systems in other States and countries were considered. From all this material Consultation Draft Bills and discussion papers setting out proposals for new Local Government legislation were prepared and released in April 1998.

For three months opportunities were provided for people to share information, debate key issues and make submissions on the Drafts. Many of the consultations, especially those with councils, were conducted in close liaison with the Local Government Association, and other key peak bodies also took part. The outcome of the discussions, the submissions and other material have been assessed and considered carefully in arriving at the Bills now brought to Parliament. Indeed discussions have continued throughout the period of preparation of the Bills to ensure that as far as possible the provisions brought to Parliament are agreed.

Competition principles

The Competition Principles Agreement was signed by all States and Territories and the Commonwealth Government in 1995. The Agreement requires the State to review all legislation for actual or

potential restriction of competition and to remove provisions which may restrict competition in the market place unless—

- they are necessary to achieve the objectives of the legislation; and
- the community benefits outweigh the costs.

A component of the Local Government Act Review has therefore been the review of proposals contained in the Bills to ensure that the only restrictions on competition retained are necessary in the public interest, and that any regulatory powers contained in the Bills include processes to consider the effect any exercise of them may have on competition.

Areas identified as having a potential to restrict competition which have been included in the Local Government Bill after careful assessment of their costs and benefits to the community are—

- approval requirements for some uses of public land
- professional qualifications for valuers and auditors; and
- capacity for councils to give rate rebates to encourage business.

Processes for the adoption of by-laws in future will have to include examination of proposals for competition implications.

In each of these cases the Government is confident that the benefits to the community of engaging in the measures proposed outweigh the costs of the potential restriction on competition.

In addition, some matters proposed for transfer to other legislation are to receive further consideration in relation to their new host legislation, for competition policy implications as well as other matters. It is intended as a temporary measure that these will be held in a remnant *Local Government Act 1934*. They are—

- Provisions concerning lodging-houses;
- Provisions concerning cemeteries;
- Provisions concerning passenger transport regulation;
- Provisions concerning traffic management and parking control;
- Provisions concerning sale yards and bazaars.

The Local Government Bill 1999

The Local Government Bill embodies a new legal framework for the constitution and operation of the system of Local Government in South Australia.

The Bill contains fourteen chapters, covering the system and constitution of Local Government, powers of councils, the roles of elected members and chief executive officers, arrangements for council meetings, administrative and financial accountability requirements, finance, rates and charges, the care of community land, the making of by-laws, review of Local Government operations and decisions and miscellaneous matters.

Chapter 1—Preliminary

Chapter 1 sets out the objects of the new Local Government Act, and contains provisions relating to its interpretation including definitions of terms. The main changes from the current Act are the inclusion of objects for the Act and some new definitions.

Chapter 2—The system of Local Government

Chapter 2 sets out the scope of the Local Government system in South Australia. The chapter brings together and expands descriptions of councils' roles and general functions which are scattered throughout the current Act. Its aim is to provide necessarily broad but nonetheless clear statements about what part councils can be expected to play in community life and the functions they can be expected to perform.

The main changes from the current Act are:

- New provisions setting out the principal roles of a council based on statements of Local Government roles in s5A and s35 of the current Act.
- New provisions reflecting the function of councils in strategic planning at the local and regional level, in support for business and economic development; and in local environmental management and protection.
- The inclusion of common objectives for councils, including reference to councils' role in coordination and cooperation in a regional, State and national context.

Chapter 3—Constitution of councils

The Chapter covers the processes for making changes—

- to a council's "external" structure, such as the creation, abolition, amalgamation, or change to the boundaries of, a council—these are defined under the Bill as "structural reform proposals",
- to a council's "internal" composition and representative structure, such as the number and type of members, ward structure, and ward boundaries,
- to other constitutional features, such as changes to a council's name.

An independent, representative body is retained with the functions of investigating and making recommendations on proposals for structural change put forward jointly by all affected councils or, in certain circumstances, developing proposals for boundary change or changes to the composition or representative structure of a council based on submissions from electors.

The main changes from the current Act are:

- a requirement for councils to review all aspects of their "internal" representative structure at least once every six years, instead of seven, and to explain their reasons for not proceeding with proposals arising out of public consultation
- capacity for the Electoral Commissioner to require a council to conduct an earlier review if the number of electors represented by a councillor varies from the ward quota by more than 20%
- capacity for electors to make submissions to the Panel that a proposal should be developed to bring an unincorporated area of the State within a council area, to alter council boundaries, or to alter the composition or representative structure of a council, provided they first make the submission to the council concerned to give it an opportunity to consider the matter and to initiate the necessary review or formulate the necessary proposal on behalf of the electors
- revised principles against which proposals are to be assessed, which should assist the Panel to balance the various council and community interests involved by recommending boundaries which give councils and local communities the best capacity to play a significant role in the future of an area or region in strategic terms.

Chapter 4—The Council as a Body Corporate

Chapter 4 brings together the features of councils which enable them to operate as Local Government corporations. Its aim is to confer on councils the powers, capacity and tools to perform council functions in a framework of strategic and prudent management with clear accountabilities.

Councils will continue to have broad powers to act for the benefit of their areas, including undertaking commercial activity, and can act outside the area to the extent necessary to perform their functions within the boundaries.

It is intended that committees will be able to be used with greater flexibility and clearer accountability requirements than in the past, with members drawn from non-council members as well as councillors. It is anticipated that most of the existing section 199 controlling authorities will continue as council committees under these reshaped provisions.

In other changes directed at the twin aims of flexibility and accountability,

- councils are required to separate regulatory from other activities wherever possible;
- councils are required to prepare and adopt policies on contracts and tenders and on consulting their communities;
- prudential requirements replace the former Ministerial approval requirement for major projects and also cover all commercial activities regarded as important by a council;
- councils are able, alone or in groups, to establish separately incorporated subsidiaries. A completely new tool is created for councils in the form of single council subsidiaries. The current "controlling authorities" provisions of Sections 200 are replaced with updated provisions for regional subsidiaries. These provisions incorporate current standards of accountability in public sector enterprise, parallelling the *Public Corporations Act 1993*. They are intended to provide councils with a simple flexible tool for organising those activities which they believe should be managed separately, while securing appropriate management of any risks involved and ultimate control by elected bodies.

As a matter of public policy a general prohibition against councils forming or participating in companies established under the Companies Code is retained.

Chapter 5—Members of council

Chapter 5 contains the provisions relating to the roles and responsibilities of elected members of councils. Its aims are to clarify the roles of principal and other elected members in relation to policy development, resource allocation and performance management; and to revise provisions relating to professional conduct so that these reflect best practice in the public sector.

Other accountability measures in this chapter include clarification of the right of access of elected members to council documents and a requirement for each council to develop a code of conduct covering

such matters as standards of behaviour, which will be available to the public.

Provisions have been retained for payment of an annual allowance within prescribed limits, and reimbursement of expenses to elected members. The constraints of prescribed limits will extend to Mayors and their deputies.

Registers of Interest of elected members are open to public access, and provisions are included to protect against the misuse of information. These provisions reflect those applied to Members of Parliament.

Chapter 6—Meetings

Arrangements for council meetings contained in Chapter 6 include the frequency and timing of meetings, notices of meetings, agendas, the number of elected members that constitute a quorum, circumstances where the public can be excluded from meetings, and meeting and recording procedures to be observed. The aim is to consolidate provisions relating to meetings.

Provisions about the right of members of the public to attend council meetings, and to have access to relevant meeting documents, have recently been strengthened by the *Local Government (Miscellaneous Provisions) Amendment Act 1996*. The right of access to decision making processes is a very important factor in maintaining public confidence in councils, but the limited basis upon which the public may be excluded from meetings is retained in the Bill.

Chapter 7—Council Staff

Chapter 7 sets out the duties, powers and responsibilities of council employees. Its aim is to clarify the responsibility of the chief executive officer for personnel management, require senior officers to be engaged under performance-based contracts, and make appropriate provisions relating to conflict of interest of employees.

The provisions in the Bill are more detailed than in the current Act with the aim of helping to distinguish between the different roles of elected members, and the chief executive officer and council staff.

The role of the chief executive officer includes exercising responsibility for appointment, dismissal and determining salary and conditions of all other council employees, in accordance with the human resource policies, budgets, organisational structures approved by council and any relevant awards and industrial agreements.

Consistent with practice elsewhere in the public sector new appointments of senior council officers are to be on fixed term, performance based contracts.

A new provision in the Bill requires councils to prepare or adopt a Code of Conduct to be observed by employees of the council, in similar terms to the Code of Conduct applying to elected members.

The register of interests completed by the Chief Executive Officer and senior executive employees is to be available to elected members, who have ultimate responsibility for all council decisions.

Chapter 8—Administrative and Financial Accountability

Chapter 8 sets out a clearly defined accountability framework and management cycle for councils, to facilitate both short and long term planning. Its aim is to set out clearly defined expectations of council management and to enable access to information by the community about what a council does and how its resources are used.

The Consultation Draft Local Government Bill proposed that councils implement a system of corporate planning based on prescribed documents.

This Bill achieves that aim without the imposition on councils of unnecessarily detailed provisions.

The Bill now includes provision for long term (3 to 5 years) and short term (annual) planning and budgeting by councils in ways that are suitable to their individual circumstances; for internal controls and external audit; for an annual report with a minimum set of contents (set out in schedule 3) and for access to information by the community.

The chapter captures current best practice in Local Government and sets new minimum standards for management accountability, in line with community expectations.

Chapter 9—Finances

This Chapter contains provisions relating to how councils may raise and spend money, and how money can be invested. Its aim is to update councils' investment powers and to optimise the capacity for councils to exercise prudent financial management, by allowing use of new financial products under specified conditions.

Revised powers of investment for councils reflect the approach of the recently revised Trustee Act, adapted to the Local Government environment.

A provision excluding the State Government from liability for the debts or liabilities of councils implements a recommendation of the Parliamentary Select Committee inquiring into the Stirling Bushfires.

Chapter 10—Rates and Charges

This Chapter sets out the provisions under which councils impose rates and charges. Its aim is to provide a clear and consistent legal framework with flexibility to enable councils to work out a rating system that encourages business and sustainable development and, at the same time, is fair for all ratepayers.

The system of rating set up by the Bill provides for the use of a rate based on land value, a fixed charge, or a combination of the two as the basis of the council's general rates declaration. There is no limit on the amount of rate revenue able to be obtained from the fixed charge.

The current range of rates and charges on land which councils may impose is retained, including general rates, separate rates, service rates and service charges. Councils are enabled to impose a service rate or charge for the collection and management of waste.

Councils are required to make a range of information about rates and charges, including their rating policy and its impact on business, available to the public, and to include a summary of the information with annual rate notices.

These are radical moves intended to locate the responsibility for decisions about the distribution of the rate burden more clearly with those who understand their local areas best, councils themselves, and to require these decisions to be clearly explained and justified locally.

A new basis is set out for the rebate of rates for land used by eligible community services organisations. These provisions too aim to provide flexibility for councils to respond to the needs of their local communities, but at the same time seek to achieve a measure of consistency across all council areas, especially for those charitable organisations operating on land in more than one council area. Councils will also continue to have discretionary powers to grant rate rebates in certain circumstances, including where it is considered there would be a benefit to the community, or where the rebate secures proper development of the area, or is related to preserving sites or items of historic significance.

Power to determine prices for services and works supplied by the council for purchase may be delegated by the council in future. Decisions about fees and charges for copies of documents and for regulatory activities will remain decisions for the elected body and must be fixed by reference to the cost to the council.

By the year 2001/2002 all councils will be required to provide ratepayers with the option of quarterly instalments for the payment of rates.

Chapter 11—Land

Chapter 11 contains provisions to replace the oldest parts of the 1934 Act. These measures form an innovative, streamlined scheme for Local Government lands administration which recognises and acts upon the importance of public land to the whole community.

The manner in which such land is currently classified is full of ambiguities and anomalies. The present Act makes a distinction between "park lands" and "reserves" but leaves it unclear whether the meanings of the terms overlap. The Act does not specify how a council goes about declaring or dedicating land as park land, and the question of whether a park or other land used for community purposes can be developed or disposed of may be answered differently depending on an examination of the history of the land. The method of acquisition of ownership or control of an area of land usually determines its legal classification. For example, freehold land which the council has developed as a park may not necessarily be subject to any legal restrictions on its use or alienation.

The Bill introduces the concept of classifying certain land owned or under a council's care, control and management as "community land" which is to be retained and managed for the benefit of the community.

Land classified as community land cannot be sold unless the classification is revoked, and must be managed in accordance with the provisions in Chapter 11. On the commencement of the new Act most Local Government land is classified as community land and the council, in consultation with the community, has 3 years to exclude from this classification land which is not appropriate for that purpose. Land acquired after the commencement of the Bill is classified as community land unless the council specifically resolves otherwise prior to taking possession or control of it. The Bill enables a council to subsequently revoke the classification (with exceptions) subject to public consultation in accordance with the council's consultation policy and Ministerial approval.

The intention is to create a system which protects the interests of the community in the land, for which councils are the custodians, for current and future generations and builds community consensus about the future management and use of such land.

Particular attention has been paid to the special status of the Adelaide park lands and other lands protected by statute, to ensure their protection as community land in perpetuity.

A non-legislative program is planned, through the Local Government Association, to help smaller councils to bring the new scheme for community land into operation without excessive expenditure of resources.

This Chapter also comprehensively revises provisions relating to the management of roads under the control of councils to ensure that activities on roads are adequately controlled without unnecessary restrictions.

Chapter 12—Regulatory Functions

This Chapter is part of a complete overhaul of councils' own regulatory powers (powers to make by-laws and powers to make orders) which is designed—

- to ensure that regulation made by Local Government complies with the principles and features of good regulation now shared by Governments at the national, State and local level, including the avoidance of unnecessary restriction of competition
- to clarify the regulatory responsibilities of councils, particularly in areas in which other government bodies also have a regulatory role.

Chapter 12 provides councils with by-law making processes which apply to the making of by-laws under Chapter 11 in relation to Local Government land, and to the exercise of other more specific by-law making powers for other regulatory functions found in the Acts which cover those fields.

The current principles for by-law making are divided into principles and rules. Inconsistency with a principle will not form the basis for challenging a by-law in the courts, whereas a breach of a rule will. By-laws, like other subordinate legislation, are subject to being disallowed by the Legislative Review Committee of Parliament.

Rather than providing councils with extensive powers to make by-laws regulating activity on private land not covered by other State Acts, which might have the potential to encourage over-regulation of local activities or local restrictions of private rights which are not consistent with established public policy, councils are provided with the power to make specified orders which can target and resolve particular cases of local nuisance when they arise.

Procedures for developing policies for the making of orders, and providing rights of review, are included. A right of appeal against an order is also provided.

Chapter 13—Review Of Local Government Acts, Decisions and Operations

Chapter 13 establishes new methods for the review of the conduct of elected members and brings together provisions affecting review of actions, decisions and operations of councils, including a requirement for councils to put in place internal grievance procedures. There is no intention that the latter provision should impede in any way the right of citizens to approach other sources of remedy for illegal actions on the part of councils, whether the Ombudsman, under the Ombudsman Act, or the courts under their various jurisdictions, or the Minister responsible to Parliament for the administration of the Local Government Act. Nonetheless it is the intention of this legislation that councils should make every effort to deal with problems locally, including those arising from their own decisions and operations.

Provisions are included for disciplining members in certain circumstances, in the District Court's Civil Administrative and Disciplinary Division. In particular, those conflict of interest matters which do not fall within the public offences defined as criminal matters under the Criminal Law Consolidation Act are intended to be addressed in this way. At law the burden of proof to be applied in such disciplinary jurisdictions must be related to the seriousness of the offence and the penalty to be imposed, and the general law has therefore been left to take care of this matter. It is not the Government's intention to allow council members to be exposed to unnecessary criticism or unwarranted punishment and the power of the Court to dismiss frivolous, vexatious, or trivial complaints is made very clear. However the Court's power to apply penalties ranging from reprimands and required training to fines and disqualification will provide a wider range of remedies appropriate for breaches of different levels of seriousness and lead to an improved understanding of the standard of conduct required.

Following the expression of significant unease during the consultations about the scope of redrafted powers of Ministerial investigation into councils for alleged irregular or illegal activity under the Act, these provisions have been restored to their present formulation with the reasonable addition of a power for the Minister, on the basis of a report following an investigation, to direct that a council rectify an illegal or irregular matter. At present the Minister may only give directions to a council designed to prevent the recurrence of such a failure or irregularity.

Chapter 14—Miscellaneous

Chapter 14, the final chapter of the Local Government Bill, contains formal provisions that are necessary for the administration of councils but do not fit readily into other sections of the Bill. They largely mirror and update provisions of the current *Local Government Act 1934*.

The Government is aware of local government's desire to obtain statutory easements over existing septic tank effluent drainage scheme infrastructure and stormwater drains which are owned and managed by councils and located in private property. This Bill takes up an option from the Local Government Lands Legislation Review Report of 1996 which, commenting that providing statutory easements for stormwater drains was not a viable option, suggested that the "powers of entry" provisions of the Act could be expanded. Clause 296 amends the powers of a council to enter private land as necessary for carrying out a function or responsibility of the council by incorporating the power to carry out work on infrastructure, equipment, connections, structures, works and other facilities located on or in the land.

The Government recognises the difficulties faced by local government in this area and is committed to continuing work on the problems associated with this issue.

A general provision in relation to the making of regulations requires the Minister of the day to consult with the Local Government Association as far as is reasonably practicable, before a regulation is made under the Act.

Explanation of Clauses

CHAPTER 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Objects

This clause sets out the objects of the legislation.

Clause 4: Interpretation

This clause sets out the definitions required for the purposes of the measure.

Clause 5: Business purposes

This clause makes it clear for the purposes of the Act that land maybe used for a business purpose even if it is not intended to make a profit.

CHAPTER 2

THE SYSTEM OF LOCAL GOVERNMENT

Clause 6: Principal role of a council

A council is established under the system of local government under this measure to provide for the government and management of its area at the local level.

Clause 7: Functions of a council

This clause sets out the primary functions of a council.

Clause 8: Objectives of a council

A council must fulfil various objectives in the performance of its roles and functions under the Act.

CHAPTER 3

CONSTITUTION OF COUNCILS

PART 1 CREATION, STRUCTURING AND RESTRUCTURING OF COUNCILS

DIVISION 1—POWERS OF THE GOVERNOR

Clause 9: Governor may act by proclamation

This clause sets out various matters relating to the creation, constitution and structure of councils in respect of which proclamations can be made under the Act.

Clause 10: Matters that may be included in a proclamation

This clause sets out various associated matters in respect of which proclamations can be made.

Clause 11: General provisions relating to proclamations

The Governor will not be able to make a proclamation under a preceding clause except in pursuance of an address from both Houses of Parliament, or in pursuance of a proposal recommended by the Panel, or in pursuance of a proposal recommended by the Minister.

DIVISION 2—POWERS OF COUNCILS AND REPRESENTATION REVIEWS

Clause 12: Composition and wards

A council will be able to take steps to alter its composition or ward structure. This provision is based on the review scheme presently applying to councils.

Clause 13: Status of a council or change of various names

A council will be able to alter its status as a municipal or district council, its name, or the name of its area or award or wards, after taking steps set out in this provision.

PART 2

THE BOUNDARY ADJUSTMENT FACILITATION PANEL AND REFORM PROPOSALS

DIVISION 1—THE BOUNDARY ADJUSTMENT FACILITATION PANEL

Clause 14: The Panel

The *Boundary Adjustment Facilitation Panel* continues in existence.

Clause 15: Composition of Panel

The Panel will be constituted by two members appointed by the Minister and two persons selected by the Minister from a panel nominated by the LGA.

Clause 16: Conditions of membership

A member of the Panel is appointed on terms and conditions determined by the Minister. A member will not be able to act in a matter involving a council connected with the member.

Clause 17: Fees and expenses

A member of the Panel is entitled to receive fees and expenses determined by the Minister.

Clause 18: Protection of information, etc.

A member or former member of the Panel cannot use the position to gain a personal advantage or to cause detriment to the Panel.

Clause 19: Validity of acts and immunity

An act or proceedings of the Panel is not invalid by reason only of a defect in appointment or a vacancy in office.

Clause 20: Proceedings

This clause sets out the procedures to be followed by the Panel. Meetings will be open to the public unless the Panel is dealing with a matter that, in the opinion of the Panel, should be dealt with on a confidential basis.

Clause 21: Staffing arrangements

The Minister will determine the staffing arrangements of the Panel after consultation with the presiding member.

DIVISION 2—FUNCTIONS AND POWERS OF PANEL

Clause 22: Functions of Panel

This clause describes the functions of the Panel under this Chapter.

Clause 23: Powers of Panel

The Panel will be able to hold inquiries, receive evidence and submissions, and require a person's attendance. The Panel should seek to deal with a matter as expeditiously as possible.

Clause 24: Committees

The Panel will be able to establish committees after consultation with the Minister and the LGA.

Clause 25: Delegation

The Panel will be able to delegate its functions and powers. A delegation does not prevent the Panel from acting in a matter.

DIVISION 3—PRINCIPLES

Clause 26: Principles

This clause sets out various matters and principles that the Panel must take into account when formulating its recommendations under this Chapter.

DIVISION 4—COUNCIL INITIATED PROPOSALS

Clause 27: Council initiated proposals

Councils will be able to continue to submit proposals to the Panel for the making of proclamations under this Chapter.

DIVISION 5—PUBLIC INITIATED SUBMISSIONS

Clause 28: Public initiated submissions

This clause sets out a scheme for the formulation of proposals based on submissions made by eligible electors.

DIVISION 6—REPORTS TO THE MINISTER; SUBMISSIONS OF PROPOSALS TO THE GOVERNOR

Clause 29: Reference of proposals to Minister and Governor

This clause continues the scheme for the submission of proposals to the Governor for the making of proclamations under this Chapter, following consideration by the Panel and the Minister.

DIVISION 7—RELATED MATTERS

Clause 30: Report if proposal rejected

The Minister will be required to report to Parliament if a proposal of the Panel does not proceed to proclamation after the completion of all relevant procedures under this Act.

Clause 31: Report if proposal submitted to poll

The Minister will be required to report to Parliament if a proposal is submitted to a poll under this Chapter.

Clause 32: Provision of reports to councils

The Panel must provide a copy of any report to each council affected by a proposal to which the report relates.

PART 3

GENERAL PROVISIONS

Clause 33: Ward quotas

This clause sets out additional matters that must be specifically considered when considering a proposal that relates to the boundaries of a ward or wards.

Clause 34: Error or deficiency in an address, recommendation, notice or proclamation

This clause allows the Governor to address or correct certain matters, as is the case under section 29 of the current Act.

Clause 35: Protection from proceedings

Proceedings under this Chapter are not subject to any form of judicial review or challenge (except to challenge an excess or warrant of jurisdiction, or a requirement under clause 23(4)), as is the case under section 22E of the current Act.

CHAPTER 4

THE COUNCIL AS A BODY CORPORATE

PART 1

FUNDAMENTAL FEATURES

DIVISION 1—COUNCIL TO BE A BODY CORPORATE

Clause 36: Corporate status

A council is a body corporate with perpetual succession and a common seal. A council consists of the members appointed or election under this Act or the *Local Government (Elections) Act 1999*.

Clause 37: General powers and capacities

A council has the legal capacity of a natural person, and the powers and capacities conferred by this or another Act.

Clause 38: Provision relating to contracts and transactions

A council may enter into a contract under this common seal, or an officer, employee or agent may enter into a contract on behalf of a council if authorised by the council to do so.

Clause 39: The common seal

The common seal of a council must not be affixed to a document except to give effect to a resolution of the council.

Clause 40: Protection of members

No civil liability attaches to the member of a council when so acting. Any liability attaches instead to the council.

Clause 41: Saving provision

An act or proceeding of a council is not invalid because of a vacancy in the membership of the council, a defect in the election or appointment of a member, or the fact that the election of a member is subsequently declared void.

DIVISION 2—COMMITTEES

Clause 42: Committees

A council may constitute committees for various purposes. A committee may (at the determination of the council) consist of or include persons who are not members of the council.

DIVISION 3—SUBSIDIARIES

Clause 43: Ability of council to establish a subsidiary

A council may establish subsidiaries for various specified purposes. The establishment of a subsidiary under this provision is subject to obtaining the approval of the Minister to the incorporation of the subsidiary. Schedule 2 also contains provisions relating to council subsidiaries.

Clause 44: Ability of councils to establish a regional subsidiary

Two or more councils may establish regional subsidiaries for specified purposes. The establishment of a subsidiary under this provision is subject to obtaining the approval of the Minister to the incorporation of the subsidiary. Schedule 2 also contains provisions relating to council subsidiaries.

DIVISION 4—DELEGATIONS

Clause 45: Delegations

A council may delegate a power or function under this or another Act. However, various matters cannot be delegated (*see* subclause (2)). A power or function delegated to the chief executive officer may be further delegated unless the council directs otherwise, and a power or function delegated to anyone else may be further delegated with the approval of the council. Delegations are to be reviewed on an annual basis.

DIVISION 5—PRINCIPAL OFFICE

Clause 46: Principal office

A council must maintain a principal office and may maintain other offices.

PART 2
COMMERCIAL ACTIVITIES AND RESTRICTIONS

Clause 47: Commercial activities

A council is able to engage in a commercial activity or enterprise (subject to the operation of various provisions—*see* especially clauses 48 and 49).

Clause 48: Interests in companies

A council must not participate in the formation of a company or acquire shares in a company, other than for authorised investment purposes under the Act or in order to participate in the activities of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.

PART 3
PRUDENTIAL REQUIREMENTS FOR CERTAIN ACTIVITIES

Clause 49: Prudential requirements for certain activities

A council will be required to obtain advice on various prudential issues before it enters into various projects specified by or under this clause.

PART 4
CONTRACTS AND TENDERS POLICIES

Clause 50: Contracts and tenders policies

Each council will be required to prepare and adopt policies on contracts and tenders. The policies must address the contracting out of services, the use of competitive tendering, the use of local goods and services, and the sale and disposal of land or other assets. The policies will address the circumstances where various steps will occur, such as the calling for tenders.

PART 5
PUBLIC CONSULTATION POLICIES

Clause 51: Public consultation policies

Each council will be required to prepare and adopt a public consultation policy. The policy must set out the steps that the council will take when required to following the policy under this Act, and may address other circumstances where public consultation will occur.

CHAPTER 5
MEMBERS OF COUNCIL
PART 1
MEMBERSHIP

Clause 52: Principal member of council

A council will be constituted of a mayor appointed or elected as a representative of the area as a whole, or a person (called a "chairperson" in this measure) elected by the members of the council from amongst their own number. A council may decide to use a title other than "chairperson". The mayor or chairperson is the principal member of the council. A council may also resolve to have a deputy mayor or a deputy chairperson, elected by the members of the council from amongst their own number.

Clause 53: Councillors

The members of a council, other than the principal member, will be known as councillors. Councillors will be representatives of the area as a whole, or of wards, depending on how the council is constituted.

PART 2
TERM OF OFFICE AND RELATED ISSUES
DIVISION 1—GENERAL ISSUES

Clause 54: Term of office

The term of office of a member of a council is a term expiring at the end of the next general election after his or her appointment or election as a member of the council.

Clause 55: Casual vacancies

This clause sets out the various circumstances under which the office of a member of a council will become vacant. A member's office does not become vacant by reason only of the fact that, after election or appointment, he or she ceases to be an elector for the area.

Clause 56: Specific requirements if member disqualified

A member must immediately notify a council if he or she becomes aware of the existence of circumstances disqualifying the member to hold office, and must not act in the office after becoming aware of the disqualification.

DIVISION 2—SPECIAL PROVISIONS IF MAJORITY OF MEMBERS RESIGN ON SPECIFIED GROUNDS

Clause 57: General election to be held in special case

A general election for a council will be held if the membership of a council falls below a prescribed number (*see* subclause (3)) on account of resignations made on the express ground that the resigning members consider that relations within the membership of the council are such that the council can no longer continue to conduct its affairs in an appropriate manner.

Clause 58: Restriction on activities during the relevant period

Various restrictions will apply to a council pending an election under clause 57.

PART 3
ROLE OF MEMBERS

Clause 59: Specific roles of principal member

This clause describes the role of the principal member of a council. The principal member of a council is, *ex officio*, a Justice of the Peace (unless removed from that office by the Governor).

Clause 60: Roles of members of councils

This clause described the role of members of a council generally. A member of a council has no direct authority over an employee of the council with respect to the way in which the employee performs his or her duties.

Clause 61: Declaration to be made by members of councils

A member of a council must make an undertaking in the prescribed form at or before the first meeting of the council attended by the member.

Clause 62: Access to information by members of councils

This clause makes specific provision relating to a member's access to relevant council documentation. The chief executive officer or other officer providing access may indicate to the member that information contained in the relevant document should be considered as confidential.

PART 4
CONDUCT AND DISCLOSURE OF INTERESTS
DIVISION 1—GENERAL DUTIES AND CODE OF CONDUCT

Clause 63: General duties

A member will have a specific duty to act honestly in the performance and discharge of official functions and duties and to act with reasonable care and diligence.

Clause 64: Code of conduct

A council will be required to have a code of conduct for members. The code will be reviewed within 12 months after each general election of the council.

DIVISION 2—REGISTER OF INTERESTS

Clause 65: Interpretation
Clause 66: Lodging of primary returns
Clause 67: Lodging of ordinary returns
Clause 68: Form and content of returns
Clause 69: Register of Interests
Clause 70: Provision of false information
Clause 71: Inspection of Register
Clause 72: Restrictions on publication
Clause 73: Application of Division to members of committees and subsidiaries

There will continue to be a Register of Interests for council members. The register will be up-dated on an annual basis by members lodging returns. A person will be able to inspect the register at the principal office of the council. It will be an offence to publish information derived from the register unless it constitutes a fair and accurate summary of the information and is published in the public interest, and an offence to comment on facts in the register unless it is fair and published in the public interest and without notice. A council may resolve to extend the scheme to committees and subsidiaries.

DIVISION 3—CONFLICT OF INTEREST

Clause 74: Conflict of interest
Clause 75: Members to disclose interests
Clause 76: Application of Division to members of committees and subsidiaries

These clauses continue the scheme relating to the requirement for members to disclose any interest in a matter before the council. A member must make a full and accurate disclosure. A member must not participate in any process relating to a matter in which the member has an interest and must withdraw from the room. Some qualifications will apply in appropriate circumstances. A member will be able, with the permission of the council, to attend an open meeting of the council in order to ask and answer questions (but must then withdraw from the room). These provisions will extend to council committees and subsidiaries. These provisions will principally be enforced under Part 1 Chapter 13.

PART 5
ALLOWANCES AND BENEFITS

Clause 77: Allowances

A member of a council will be entitled to receive an annual allowance from the council for performing and discharging official functions and duties. The allowance will be set by the council within minimum and maximum amounts prescribed by the regulations, and according to any prescribed formula.

Clause 78: Reimbursement of expenses

A member of a council will also be entitled to reimbursement of various expenses of a prescribed kind (although certain expenses will be reimbursed on the approval of the council, with the approval either occurring specifically or under a policy of the council).

Clause 79: Provision of facilities and support

A council may also provide facilities and other forms of support to its members.

Clause 80: Register of allowances and benefits

There will be a Register of Allowances and Benefits kept by the chief executive officer.

Clause 81: Insurance of members

A council must hold a policy of insurance insuring the member, and any accompanying person, against risks associated with the performance or discharge of official functions and duties.

CHAPTER 6

MEETINGS

PART 1

COUNCIL MEETINGS

Clause 82: Frequency and timing of ordinary meetings

Ordinary meetings of a council will be held at times and places appointed by resolution of the council. A resolution that is not supported unanimously should be reviewed at least once in every six months by the council. Ordinary meetings may not be held on Sundays or public holidays.

Clause 83: Calling of special meetings

Special meetings of a council must be called at the request of the principal member, at least three members of the council, or a council committee supported by at least three committee members who are also council members. Special meetings may be held at any time.

Clause 84: Notice of ordinary or special meetings

At least three clear days notice must be given for an ordinary meting, and at least four hours notice of a special meeting. Notice may be served personally, by delivery to specified places, by leaving the notice at the principal office of the council if authorised by the member, or by any other means authorised in writing by the member.

Clause 85: Public notice of council meetings

Notice of a council meeting is also to be given to the public in accordance with the requirements of this clause. The chief executive officer must ensure that a reasonable number of copies of any document or report supplied to members of the council for consideration at a meeting are also available for public inspection (unless the document or report relates to a matter that is, or may be, confidential under the Act).

Clause 86: Quorum

Half the number of members (ignoring any fraction resulting from the division), plus one, constitutes a quorum of the council. Provision is made for circumstances where a quorum is lost because of the operation of Division 3 Part 4 Chapter 5.

Clause 87: Procedure at meetings

This clause sets out other procedural matters for council meetings.

PART 2

COMMITTEE MEETINGS

Clause 88: Calling and timing of committee meetings

Clause 89: Public notice of committee meetings

Clause 90: Proceedings of council committees

These clauses relate to procedures for meetings of council committees. A council or committee must, in appointing the time for holding a meeting of a committee, take into account the availability and convenience of members, and the nature and purpose of the committee. Committee procedures will be determined by regulation or, if necessary, the council or, if necessary, the committee.

PART 3

PUBLIC ACCESS TO COUNCIL AND COMMITTEE MEETINGS

Clause 91: Meetings to be held in public except in special circumstances

A meeting of a council or council committee must, subject to this clause, be open to the public. The public can be excluded from a meeting in certain specified circumstances. The scheme is based on section 62 of the current Act. A new provision is included to make it clear that certain informal gatherings or discussions may be held in appropriate cases.

PART 4

MINUTES OF COUNCIL AND COMMITTEE MEETINGS AND RELEASE OF DOCUMENTS

Clause 92: Minutes and release of documents

Minutes must be kept of the proceedings of council and council committees. The minutes, and various other documents, will be open for public inspection, subject to specified exception involving confidential documents (or parts of documents).

PART 5

CODE OF PRACTICE

Clause 93: Access to meetings and documents—code of practice

A council must prepare and adopt a code of practice relating to access to meetings and documents. The code must be reviewed on an annual basis.

PART 6

MEETINGS OF ELECTORS

Clause 94: Meetings of electors

A council may convene a meeting of electors under this provision. The person presiding at the meeting must transmit any resolution passed at the meeting to the council.

PART 7

RELATED MATTER

Clause 95: Obstructing meetings

It will be an offence to intentionally hinder or obstruct a meeting of a council, council committee or electors.

CHAPTER 7

COUNCIL STAFF

PART 1

CHIEF EXECUTIVE OFFICER

Clause 96: Council to have a chief executive officer

Each council must have a chief executive officer.

Clause 97: Terms and conditions of appointment

A chief executive officer will be employed under a contract for a term not exceeding five years. The contract must comply with certain requirements.

Clause 98: Vacancy in office

A contract may be terminated on various grounds specified under this clause or in the contract.

Clause 99: Appointment procedures

A council must establish a panel to assist in making an appointment. The council makes the final appointment.

Clause 100: Role of chief executive officer

This clause sets out the various specific functions of a chief executive officer. The chief executive officer must consult with the council when determining, or changing to a significant degree, the organisation structure for the staff, the human resource management policies or practices for senior executive officers, the processes and conditions surrounding the appointment of senior executive officers, or the appraisal scheme for chief executive officers.

Clause 101: Council may have a deputy chief executive officer

The chief executive officer will, in determining the organisation structure for the council, in consultation with the council, determine whether to have a deputy. A deputy is appointed by the chief executive officer acting with the concurrence of the council.

Clause 102: Delegation by chief executive officer

This clause sets out the powers of delegation of a chief executive officer.

Clause 103: Person to act in absence of chief executive officer

This clause sets out a scheme for determining who will act in the absence of the chief executive officer.

PART 2

APPOINTMENT OF OTHER STAFF

Clause 104: Appointment, etc., by chief executive officer

The chief executive officer is responsible for appointing, managing, suspending and dismissing the staff of the council.

Clause 105: Contract for senior executive officers

Senior executive officers will be employed on contracts for terms not exceeding five years.

Clause 106: Remuneration, etc., of other employees

Remuneration and conditions of service of staff will be determined by the chief executive officer, subject to any relevant Act or industrial instrument.

Clause 107: Register of remuneration, salaries and benefits

The chief executive officer will keep a Register of Salaries containing certain information about employees.

Clause 108: Certain periods of service to be regarded continuous

Certain periods of service will be regarded as continuous if an employee transfers from one council to another council within 13

weeks of leaving the first council. "Council" is defined to include a council subsidiary, or an authority or body prescribed by the regulations.

PART 3
HUMAN RESOURCE MANAGEMENT PRINCIPLES

Clause 109: General principles of human resource management

The chief executive officer must ensure that sound principles of human resource management are applied to employment with the council.

PART 4
CONDUCT OF EMPLOYEES
DIVISION 1—GENERAL DUTY AND CODE OF CONDUCT

Clause 110: Interpretation
Clause 111: General duty
Clause 112: Code of conduct

An employee (including a person working on a temporary basis) must act honestly in the performance of official duties and act with reasonable care and diligence. A council will prepare a code of conduct for employees. A council must consult with relevant industrial associations when preparing or revising the code.

DIVISION 2—REGISTER OF INTERESTS

Clause 113: Application of Division
Clause 114: Interpretation
Clause 115: Lodging of primary returns
Clause 116: Lodging of ordinary returns
Clause 117: Form and content of returns
Clause 118: Register of Interests
Clause 119: Provision of false information
Clause 120: Inspection of Register
Clause 121: Restrictions on publication

There will be a Register of Interests for the chief executive officer and other senior executive officers of a council. Access to the register will be restricted to members. Information on the register must not be disclosed unless the disclosure is necessary for the purposes of the preparation or use of the register by the chief executive officer, or is made at a meeting of the council, a committee or a subsidiary.

DIVISION 3—CONFLICT OF INTEREST

Clause 122: Conflict of interest

A chief executive officer must disclose an interest in a matter to the council. Other employees must disclose any interest to the chief executive officer.

DIVISION 4—PROTECTION FROM PERSONAL LIABILITY

Clause 123: Protection from personal liability

An employee does not incur a personal liability in acting under an Act. The liability lies instead against the council.

CHAPTER 8
ADMINISTRATIVE AND FINANCIAL ACCOUNTABILITY
PART 1
STRATEGIC MANAGEMENT PLANS

Clause 124: Strategic management plans

A council must develop and adopt strategic management plans in accordance with the requirements of this clause. The plans must be reviewed at least once in every three years.

PART 2
BUDGETS

Clause 125: Budgets

A council must have a budget that complies with the requirements of this clause, and with standards and principles prescribed by the regulations.

PART 3
ACCOUNTS, FINANCIAL STATEMENTS AND AUDIT
DIVISION 1—ACCOUNTS

Clause 126: Accounting records to be kept

A council must keep proper accounting records.

DIVISION 2—INTERNAL CONTROL AND AUDIT COMMITTEE

Clause 127: Internal control policies

A council must maintain internal control policies to ensure that activities are carried out in an efficient and orderly manner, to ensure adherence to management policies, to safeguard council assets, and to secure the reliability of council records.

Clause 128: Audit committee

A council may have an audit committee.

DIVISION 3—FINANCIAL STATEMENTS

Clause 129: Financial statements

A council must prepare various statements for each financial year.

DIVISION 4—AUDIT

Clause 130: The auditor

A council must have an auditor appointed by the council under this clause.

Clause 131: Conduct of annual audit

An annual audit will be undertaken. The auditor must specify in a report any irregularity in accounting practices or the management of the council's financial affairs identified by the auditor during the course of an audit.

Clause 132: CEO to assist auditor

The chief executive officer must assist the auditor.

PART 4
ANNUAL REPORTS

Clause 133: Annual report to be prepared and adopted

A council must have an annual report. A copy of an annual report must be provided to the Presiding Members of both Houses of Parliament.

PART 5
ACCESS TO DOCUMENTS

Clause 134: Access to documents

This clause deals specifically with access to council documents, as specified in schedule 4.

CHAPTER 9
FINANCES
PART 1
SOURCES OF FUNDS

Clause 135: Sources of funds

A council may obtain funds from various sources according to what may be appropriate in order to carry out its functions.

PART 2
FINANCIAL ARRANGEMENTS

Clause 136: Borrowing and related financial arrangements

A council may borrow and obtain other forms of financial accommodation. A council will require independent advice before it enters into certain financial arrangements.

Clause 137: Ability of a council to give security

A council may give various forms of security in accordance with this clause.

Clause 138: State Government not liable for debts of a council

The Crown is not liable for the debts or liabilities of a council. However, this provision does not affect a liability or claim that may arise by operation of the law.

PART 3
EXPENDITURE OF FUNDS

Clause 139: Expenditure of funds

A council may expend its funds as the council thinks fit in the exercise, performance or discharge of its powers, functions or duties.

Clause 140: Council not obliged to expend rate revenue in a particular financial year

Revenue raised from rates in one financial year need not be expended in that year.

PART 4
INVESTMENT

Clause 141: Investment powers

A council must exercise prudent care, diligence and skill in making its investments and avoid investments that are speculative or hazardous in nature.

Clause 142: Review of investments

A council must review the performance of its investments at least annually.

PART 5
MISCELLANEOUS

Clause 143: Gifts to a council

A council may receive gifts and, if a gift is affected by a trust, a council is empowered to carry out the terms of the trust.

Clause 144: Duty to insure against liability

A council must maintain insurance to cover civil liabilities to the extent prescribed by regulations made after consultation with the LGA.

Clause 145: Writing off bad debts

A council may write off bad debts in appropriate cases.

Clause 146: Recovery of amounts due to council

A council may recover fees, charges, expenses and other amounts as debs in a court of competent jurisdiction. A fee, charge, expense or other amount payable on account of something done in respect of property may, in certain circumstances, be recoverable as a rate.

Clause 147: Payment of fees, etc., to council
All fines, penalties and forfeitures recovered in proceedings commenced by a council before a court for an offence committed within an area must be paid to the council for the area.

CHAPTER 10
RATES AND CHARGES
PART 1
RATES AND CHARGES ON LAND
DIVISION 1—PRELIMINARY

Clause 148: Rates and charges that a council may impose
A council may impose various rates and charges.

Clause 149: Rateability of land
All land within an area is rateable, unless otherwise exempted. Subclause (2) provides various exemptions. Subclause (3) to (7) relate to strata and community units, lots and other land.

Clause 150: Land against which rates may be assessed
Rates may be assessed against any piece or section of land subject to separate ownership or occupation, and any aggregation of contiguous land subject to the same ownership or occupation. However, decisions about the division or aggregation of land must be made fairly and in accordance with principles and practices that apply on a uniform basis across the area of the council.

Clause 151: Contiguous land
This clause defines contiguous land for the purposes of this Part of the measure.

DIVISION 2—BASIS OF RATING

Clause 152: General principles
Councils must take into account the fact that rates constitutes a system of taxation for local government purposes.

Clause 153: Basis of rating
A rate may be based on various factors in accordance with the provisions of the Act.

DIVISION 3—SPECIFIC CHARACTERISTICS OF RATES AND CHARGES

Clause 154: General rates
Subject to this clause, a general rate may be based on the value of land, a fixed charge, or a combination of both.

Clause 155: Declaration of general rate (including differential general rates)
A council may declare differential general rates (unless the council has based its general rates on a fixed charge).

Clause 156: Separate rates
A council may declare a separate rate on rateable land within a part of its area for the purpose of an activity that is or is intended to be, of particular benefit to the land, or the occupiers of land, within the relevant part of the area, or to visitors to that part. A separate rate may be based on the value of land or, under or with the approval of the Minister, according to some other proportional method or an estimate of benefit. A separate rate may be declared for a period exceeding one year. A council may declare differential separate rates.

Clause 157: Service rates and service charges
A council may impose a service rate, an annual service charge, or a combination of both, for the provision of a specified or prescribed service.

DIVISION 4—DIFFERENTIAL RATING AND SPECIAL ADJUSTMENTS

Clause 158: Basis of differential rates
This clause set out the basis for differential rating by a council.

Clause 159: Notice of differentiating factors
A rates notice must specify any differentiating factor or combination of factors.

Clause 160: Minimum rates and special adjustments for specified values
Subject to this clause, a council may impose a minimum rate or adjust rates within a range of values determined by the council. However, these arrangements must not be applied to more than 35 per cent of assessments in a council area, or if rates have been based on a fixed charge or have included a fixed charge component.

DIVISION 5—REBATES OF RATES

Clause 161: Preliminary
Clause 162: Rebate of rates—health services
Clause 163: Rebate of rates—community services
Clause 164: Rebate of rates—religious purposes
Clause 165: Rebate of rates—public cemeteries
Clause 166: Rebate of rates—Royal Zoological Society of SA
Clause 167: Rebate of rates—educational purposes
Clause 168: Discretionary rebates of rates
These clauses set out a scheme for the rebating of council rates in specified circumstances.

DIVISION 6—VALUATION OF LAND FOR THE PURPOSE OF RATING

Clause 169: Valuation of land for the purposes of rating
A council must, before declaring a rate, adopt valuations that are to apply to land within its area for a particular financial year. The valuations may have been made by the Valuer-General for a valuer employed or engaged by the council.

Clause 170: Valuation of land
This clause sets out procedures associated with the valuation of land for the purposes of the Act.

Clause 171: Objections to valuations made by council
A person who is dissatisfied with a valuation may object to the valuation or appeal against the valuation to the Land and Valuation Court.

DIVISION 7—ISSUES ASSOCIATED WITH THE DECLARATION OF RATES

Clause 172: Notice of declaration of rates
Notice of the declaration of a rate or a service charge must be published in the *Gazette* and in a newspaper circulating in the area within 21 days after declaration.

Clause 173: Publication of rating policy
A council must, in conjunction with the declaration of rates, prepare and adopt a rating policy in accordance with the requirements of this clause.

DIVISION 8—THE ASSESSMENT RECORD

Clause 174: Chief executive officer to keep assessment record
This clause sets out the requirements relating to the assessment record to be kept by the chief executive officer.

Clause 175: Alterations to assessment record
Application may be made to the chief executive officer for an alteration of the assessment record on grounds set out in this clause. A person may apply to the council if dissatisfied with a decision on an application. A person may apply to the District Court if dissatisfied with a decision of the council.

Clause 176: Inspection of assessment record
A person is entitled to inspect the assessment record at the principal office of the council during ordinary office hours.

Clause 177: Duty of Registrar-General to supply information
The Registrar-General must notify a council if an estate in fee simple or an estate of freehold in Crown land is granted to a person, or if a Crown lease is granted or transferred.

DIVISION 9—IMPOSITION AND RECOVERY OF RATES AND CHARGES

Clause 178: Preliminary
The term "rates" is to include service charges for recovery purposes.

Clause 179: Rates are charges against land
Rates are charges on land.

Clause 180: Liability for rates
The concept of "principal ratepayer" is retained. Rates may be recovered as a debt.

Clause 181: Liability for rates if land is not rateable for the whole of the financial year
There will be a proportional reduction in rates if land is not rateable for the whole year.

Clause 182: Service of rate notice
A council must send a rates notice to the principal ratepayer or, if relevant, the owner or occupier of land, as soon as practicable after the imposition of a rate or service charge, or a change in rates liability.

Clause 183: Payment of rates
This clause sets out the scheme for the payment of rates. A council must, from the beginning of the 2000/2001 financial year, offer its ratepayers the opportunity to pay rates in four equal (or approximately equal) instalments.

Clause 184: Remission and postponement of payment
A council may grant a postponement of payment of rates, or a remission of rates.

Clause 185: Application of money in respect of rates
Rates must be applied in accordance with this clause.

Clause 186: Sale of land for non-payment of rates
A council may take steps to sell land under this clause if rates are in arrears for three years or more.

Clause 187: Procedure where council cannot sell land
If land cannot be sold, the council may apply to the Minister for an order forfeiting the land to the Crown or the council (as appropriate).

DIVISION 10—MISCELLANEOUS

Clause 188: Recovery of rates not affected by an objection, review or appeal

The right to recover rates is not suspended by an objection, review or appeal.

Clause 189: Certificate of liabilities

A council may issue a certificate relating to rates or charges imposed against land to a person with an appropriate interest in the land (*see* subclause (2)).

PART 2
FEES AND CHARGES

Clause 190: Fees and charges

A council may impose various fees and charges under this clause.

CHAPTER 11
LAND
PART 1
LOCAL GOVERNMENT LAND
DIVISION 1—PRELIMINARY

Clause 191: Crown as owner of land

The Minister will for the purposes of this Part be taken to be the "owner" of land not granted in fee simple.

DIVISION 2—ACQUISITION OF LAND

Clause 192: Acquisition of land by agreement

A council may acquire land by agreement.

Clause 193: Compulsory acquisition of land

A council may acquire land compulsorily with the Minister's approval, or for an approved purpose classified by the regulation. The *Land Acquisition Act 1969* applies to the acquisition of land under this clause.

Clause 194: Assumption of care, control and management of land

A council may in certain circumstances assume the care, control and management of land that has been set aside for the use or enjoyment of the public or a section of the public.

DIVISION 3—COMMUNITY LAND

Clause 195: Classification

All local government land, other than roads, is to be classified as community land unless excluded by the council from this classification in accordance with this clause.

Clause 196: Revocation of classification of land as community land

A council may, subject to various exceptions and qualifications, revoke the classification of land as community land if it complies with the requirements of this clause. The classification of the Adelaide Park Lands, land held for the benefit of the community under schedule 7 or another Act, or are instrument of trust, or land prescribed by regulation, as community land cannot be revoked.

Clause 197: Effect of revocation of classification

A revocation of classification as community land frees the land from a dedication, reservation or trust, subject to certain exceptions.

DIVISION 4—MANAGEMENT PLANS

Clause 198: Management plans

A council must prepare a management plan in accordance with the requirements of this clause if the land is specifically protected under these provisions, is to be occupied under a lease or licence, or has been specifically modified or adapted for the benefit or enjoyment of the community.

Clause 199: Public consultation on proposed management plan

A council must consult before it adopts a management plan for community land.

Clause 200: Amendment or revocation of management plan

A management plan may be amended or revoked in accordance with this clause.

Clause 201: Effect of management plan

A council must manage community land in accordance with any management plan for the land.

DIVISION 5—BUSINESS USE OF COMMUNITY LAND

Clause 202: Use of community land for business purposes

A person must not use community land for a business purpose without the approval of the council. An approval must not be inconsistent with the provisions of a management plan.

DIVISION 6—DISPOSAL AND ALIENATION OF LOCAL GOVERNMENT LAND

Clause 203: Sale or disposal of local government land

A council may sell or otherwise dispose of an interest in land subject to the operation of this clause.

Clause 204: Alienation of community land by lease or licence

A council may grant a lease or licence over community land. The council must follow its consultation policy before the lease or licence is granted, unless the lease or licence is authorised by the management plan and is for a term not exceeding five years, or the regulations provide for an exemption.

DIVISION 7—THE ADELAIDE PARK LANDS

Clause 205: Interpretation

This clause provides a definition relating to The Corporation of the City of Adelaide for the purposes of Division 7 Part 1 Chapter 11.

Clause 206: Classification to be irrevocable

The classification of the Adelaide Park Lands as community land is irrevocable.

Clause 207: Management plan

The Council must have a management plan for the Adelaide Park Lands in place within three years after the commencement of this Part.

Clause 208: Leases and licences over land in the Adelaide Park Lands

The maximum term of a lease or licence over the Adelaide Park Lands is to be 42 years. However, a lease or licence for a term exceeding 21 years will be submitted to the Environment, Resources and Development Committee for consideration.

DIVISION 8—REGISTER OF COMMUNITY LAND

Clause 209: Register

A council must keep a register of all community land in its area.

PART 2
ROADS
DIVISION 1—OWNERSHIP OF ROADS

Clause 210: Ownership of public roads

All public roads (as defined in clause 4) in the area of the council are vested in the council in fee simple under the *Real Property Act 1886*.

Clause 211: Ownership of fixtures and equipment installed on public roads

Fixture and fittings remain the property of the provider of the relevant infrastructure.

Clause 212: Conversion of private road to public road

A council may declare a private road to be a public road in the circumstances specified in this clause.

DIVISION 2—HIGHWAYS

Clause 213: Highways

A council may only exercise its powers under this Part if the council is acting with the agreement of the Commissioner of Highways or under or in accordance with a notice under the *Highways Act 1926*.

DIVISION 3—POWER TO CARRY OUT ROADWORK

Clause 214: Power to carry out roadwork

A council is given specific power to carry out roadwork, subject to compliance with the provisions of this clause.

Clause 215: Recovery of cost of roadwork

If a council carries out roadwork to repair damage to a road, the council may recover the cost of the work from the person who caused the damage or the owner of relevant infrastructure.

Clause 216: Contribution between councils where road is on boundary between council areas

A council that carries out roadwork on the boundary with another council is entitled to a reasonable contribution from the other council.

Clause 217: Special provisions for certain kinds of roadwork

Certain roadwork must comply with the requirements of this clause. For example, a change in the level of a road must still provide adequate access to an adjoining property.

DIVISION 4—POWER TO REQUIRE OTHERS TO CARRY OUT WORK

Clause 218: Power to order owner of private road to carry out specified roadwork

A council may require the owner of a private road to carry out work to repair or improve the road.

Clause 219: Power to order owner of infrastructure installed on road to carry out specified maintenance or repair work

A council may require the owner of a structure or equipment installed on a road to carry out maintenance or repair work, or to move the structure or equipment so that the council can carry out road work.

Clause 220: Power to require owner of adjoining land to carry out specified work

A council may require the owner of land adjoining a road to construct, remove or repair a crossing place from the road to the land.

DIVISION 5—NAMES AND NUMBERS

Clause 221: Power to assign a name, or change the name, of a road or public place

A council may assign a name to a public or private road, or to a public place. Before a council changes the name of a public road that runs into the area of a council, it must give the adjoining council notice of the proposed change and consider any representations made

in response to the notice.

Clause 222: Numbering of adjacent premises and allotments

A council may adopt a numbering system for buildings and allotments adjoining a road.

DIVISION 6—CONTROL OF WORK ON ROADS

Clause 223: Alteration of road

A person (other than a person authorised under this or another Act) must not alter a public road without the authority of the relevant council.

Clause 224: Permits for business purposes

A person must not use a public road for business purposes unless authorised to do so by a permit.

Clause 225: Public consultation

A proposal to grant an authorisation or permit that confers an exclusive right of occupation, restricts access, or falls within a prescribed use or activity, must first be the subject of public consultation.

Clause 226: Conditions of authorisation or permit

An authorisation or permit may be granted on conditions.

Clause 227: Cancellation of authorisation or permit

A council may cancel an authorisation or permit for breach of a condition.

DIVISION 7—MOVEABLE SIGNS

Clause 228: Moveable signs

This clause regulates the placing of moveable signs on a road.

Clause 229: Removal of moveable sign

A council may order that a moveable sign be removed under this clause.

DIVISION 8—GENERAL PROVISIONS REGULATING AUTHORISED WORK

Clause 230: How work is to be carried out

Work carried out on a road must be performed as expeditiously as possible and so as to minimise obstruction to the road and inconvenience to road users.

Clause 231: Road to be made good

A person who breaks up or damages a road must restore the road to its former condition.

DIVISION 9—SURVEY MARKS

Clause 232: Survey marks

This clause authorises the fixing of survey marks in a public road.

DIVISION 10—REGISTER

Clause 233: Register

A council must keep a register of public roads in its area.

DIVISION 11—MISCELLANEOUS

Clause 234: Trees

A council must consider certain matters before vegetation is planted on a road.

Clause 235: Damage

A person who intentionally or negligently damages a road or a structure of a council associated with a road is liable to the council in damages.

Clause 236: Council's power to remove objects, etc., from roads

A council may remove certain structures from a road.

PART 3
ANTI-POLLUTION MEASURES

Clause 237: Deposit of rubbish, etc.

It will be an offence under this measure to deposit rubbish on a public road or in a public place.

Clause 238: Abandonment of vehicles and farm implements

It will be an offence under this measure to abandon a vehicle or farm implement on a public road or public place.

Clause 239: Removal of vehicles

An authorised person may remove a vehicle that has been left on a public road or public place, or on local government land, for more than 24 hours. The council must then give written notice of the removal to the owner of the vehicle. If the vehicle is not claimed, the council can in due course sell the vehicle.

PART 4
SPECIFIC BY-LAW PROVISIONS

Clause 240: Power to control access and use of land

This clause empowers a council to make by-laws controlling access to and use of local government land.

Clause 241: By-laws about use of roads

This clause empowers a council to make certain by-laws about the use of roads.

Clause 242: Posting of bills, etc.,

A council may make a by-law prohibiting the posting of bills and other items on buildings and other places without the permission of the council.

PART 5
OTHER MATTERS

Clause 243: Native title

A dealing under the Act will not affect native title in land (except to the extent allowable under a law of the State or the *Native Title Act 1993* (Cwlth).

Clause 244: Time limits for dealing with certain applications

Certain applications to a council relating to the use of community land or a road for business purposes must be decided within two months (or will be taken to have been refused).

Clause 245: Registrar-General to issue certificate of title

A council must apply to the Registrar-General for the issue of a certificate of title if land is vested in it in an estate in fee simple.

Clause 246: Liability for injury, damage or loss on community land

A council is only liable as occupiers of community land for injury, damage or loss that is a direct consequence of a wrongful act on the part of the council (unless the matter involves the council as the occupier of a building or structure).

Clause 247: Liability for injury, damage or loss caused by certain trees

This clause relates to council liability for damage to property caused by a tree.

CHAPTER 12
REGULATORY FUNCTIONS

PART 1
BY-LAWS

Clause 248: Power to make by-laws
Clause 249: Principles applying to by-laws
Clause 250: Rules relating to by-laws
Clause 251: Passing by-laws
Clause 252: Model by-laws
Clause 253: Expiry of by-laws
Clause 254: Register of by-laws and certified copies
Clause 255: Revocation of by-law does not affect certain resolutions

These clause provide a scheme for the making of by-laws by councils.

PART 2
ORDERS

DIVISION 1—POWER TO MAKE ORDERS

Clause 256: Power to make orders

DIVISION 2—ASSOCIATED MATTERS

Clause 257: Procedures to be followed
Clause 258: Rights of review
Clause 259: Action on non-compliance with an order
Clause 260: Non-compliance with an order an offence

DIVISION 3—POLICIES

Clause 261: Councils to develop policies

These clauses provide a scheme for the making of certain orders by councils.

PART 3
AUTHORISED PERSONS

Clause 262: Appointment of authorised persons

This clause provides for the appointment of authorised persons by councils. A member of a council cannot be appointed as an authorised person.

Clause 263: Powers under this Act
Clause 264: Power of enforcement

These clauses make specific provision for the powers of authorised persons under the Act.

CHAPTER 13
REVIEW OF LOCAL GOVERNMENT ACTS, DECISIONS AND OPERATIONS

PART 1
CONDUCT OF MEMBERS

Clause 265: Grounds of complaint

This clause sets out the grounds upon which a complaint may be made against a member of a council, being a contravention or failure to comply with the Act, the performance of an unlawful act as a member of a council, or a failure to comply with a duty under this or another Act.

Clause 266: Complaints

A complaint may be lodged by a public official or any other person.

Clause 267: Hearing by District Court

The complaint is lodged with the District Court.

Clause 268: Constitution of District Court

The Court may, if determined by the judicial officer presiding at the sittings, be constituted with assessors selected under schedule 6.

Clause 269: Outcome of proceedings
This clause sets out the powers of the court if the Court is satisfied that the grounds for complaint exist and that there is proper cause for taking action against the relevant person.

Clause 270: Application to committees and subsidiaries
The complaint mechanism extends to members of committees and subsidiaries.

PART 2
INTERNAL REVIEW OF COUNCIL ACTIONS

Clause 271: Council to establish grievance procedures
A council must also establish a mechanism for handling complaints. Nothing in this clause will prevent a person from making a complaint to the Ombudsman.

Clause 272: Mediation and neutral evaluation
A council may establish a scheme for mediation or mental evaluation of a dispute between a person and the council. Nothing in this clause will prevent a person from making a complaint to the Ombudsman.

PART 3
REVIEWS INITIATED BY MINISTER
DIVISION 1—COUNCILS

Clause 273: Investigation of a council
Clause 274: Action on a report

DIVISION 2—SUBSIDIARIES

Clause 275: Investigation of a subsidiary
Clause 276: Action on a report
These clauses provide a scheme for the investigation of the activities of councils or subsidiaries in appropriate, specified cases.

PART 4
SPECIAL JURISDICTION

Clause 277: Special jurisdiction
Various proceedings relating to offices and decisions under the Act may be brought in the District Court.

CHAPTER 14
MISCELLANEOUS
PART 1
MINISTERIAL DELEGATIONS AND APPROVALS

Clause 278: Delegation by the Minister
This clause confers a specific power of delegation on the Minister.

Clause 279: Approval by Minister does not give rise to liability
This clause makes express provision to the effect that no liability attaches to the Crown or the Minister on account of an approval given by the Minister under the Act.

PART 2
SERVICE OF DOCUMENTS AND PROCEEDINGS

Clause 280: Service of documents by councils, etc.
This clause sets out a scheme for the service of documents by councils.

Clause 281: Service of documents on councils
This clause sets out a scheme for the service of documents on councils.

Clause 282: Recovery of amounts from lessees or licensees
A council may in certain cases require the lessee or licensee of land to make payments to the council instead of to the owner of the relevant land to satisfy a liability of the owner to the council.

Clause 283: Ability of occupiers to carry out works
The occupier of land may carry out certain works in certain cases.

PART 3
EVIDENCE

Clause 284: Evidence of proclamations
Clause 285: Evidence of appointments and elections
Clause 286: Evidence of resolutions, etc.
Clause 287: Evidence of making of a rate
Clause 288: Evidence of assessment record
Clause 289: Evidence of Government assessment
Clause 290: Evidence of registers
Clause 291: Evidence of by-law
Clause 292: Evidence of boundaries
Clause 293: Evidence of constitution of council, appointment of officers, etc.
Clause 294: Evidence of costs incurred by council
These clauses provide for various evidentiary matters.

PART 4
OTHER MATTERS

Clause 295: Power to enter and occupy land in connection with an activity
An employee or contractor of a council may enter land for the purposes of various authorised activities.

Clause 296: Power to carry out surveys, work, etc.
Various survey inspections, examinations and tests may be carried out on land.

Clause 297: Reclamation of land
If a council takes action to raise, fill in, improve or reclaim land, the owners of adjacent or adjoining land may be liable to contribute to the cost if the work has added value to the owner's land.

Clause 298: Property in rubbish
Any rubbish collected by the council in its area becomes the property of the council.

Clause 299: Power of council to act in emergency
A council may make certain orders to avert or reduce any danger from flooding.

Clause 300: Costs of advertisements
This clause deals with the cost of advertisements under the Act.

Clause 301: River, stream or watercourse forming a common boundary
If a watercourse forms the boundary of an area or ward, a line along its middle will be taken to be th actual boundary.

Clause 302: Application to Crown
Subject to any express provision, the measure does not bind the Crown.

Clause 303: Regulations
This clause relates to the regulation-making powers of the Governor under the measure.

SCHEDULE 1
Provisions relating to organisations that provide services to the local government sector
This schedule provides for the continuation of the LGA, the Local Government Mutual Liability Scheme and the Local Government Superannuation Scheme.

SCHEDULE 2
Provisions applicable to subsidiaries
This schedule makes provision in relation to council subsidiaries established under the Act.

SCHEDULE 3
Material to be included in the annual report of a council
This schedule makes provision for the matter that must be included in the annual report of a council.

SCHEDULE 4
Documents to be made available by councils
This schedule lists the matters that must be available for public inspection.

SCHEDULE 5
Charges over land
This schedule deals with charges over land.

SCHEDULE 6
Selection of assessors for proceedings in the District Court
This schedule provides for the appointment of persons who may act as assessors for the purposes of certain proceedings before the District Court under Chapter 13 of the Act.

SCHEDULE 7
Provisions relating to specific land
This schedule makes special provisions in relation to specific items of land.

Mr CONLON secured the adjournment of the debate.

LOCAL GOVERNMENT (ELECTIONS) BILL

The Hon. M.K. BRINDAL (Minister for Local Government) obtained leave and introduced a Bill for an Act to regulate the conduct of local government elections; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This is the second Bill in the package of three Bills resulting from the review of the *Local Government Act 1934*. The Local Government (Elections) Bill contains provisions for the conduct of council elections and polls.

As councils will only need to consult the electoral provisions from time to time, the provisions are contained in a separate Bill for the sake of convenience and accessibility. This will also enable alteration to the electoral provisions in the future, should the need

arise, without affecting the main *Local Government Act*. However, the two Bills are to be read together to ensure that constitutional, operational and electoral provisions relating to Local Government work together in a consistent and coordinated way.

The Government's principal aims for the Local Government (Elections) Bill are to encourage greater community participation in council elections, and to establish fair and consistent rules and procedures which are as simple as possible.

The Bill restates many of the provisions about council elections now in the *Local Government Act*, rearranging them to improve clarity and access.

The Bill also includes changes made by the *Local Government (Miscellaneous Provisions) Amendment Act*, passed by Parliament in December 1996 for the Local Government elections of May 1997, and has benefited from review of those elections and from experience of the more recent Adelaide City Council elections.

The Bill promotes consistent practice across all council areas by providing for:

- universal postal voting (with exemptions possible in limited circumstances)
- one standard system for casting and counting votes (proportional representation)
- one independent authority—the Electoral Commissioner—to be the returning officer for all council elections.

In 1997, council elections conducted by postal voting in South Australia showed significantly higher voter participation than elections conducted at polling places. This was consistent with experience elsewhere in Australia and with the findings of studies previously undertaken. Mandatory postal voting was therefore included in the draft legislation for public consultation.

In response to requests from some rural councils concerned at the potential increased cost of mandatory postal voting without accompanying benefit, a schedule has been inserted in the Bill permitting such a council to seek the approval of the Electoral Commissioner to conduct its elections or polls using polling places and advance voting papers. Such a council will need to demonstrate that there has been a history in its area of high voter turnout at elections conducted using polling places, and that if postal voting were to be used (as required by the Bill), it would be unlikely to result in a significant increase in voter participation. If approval is granted for elections to be conducted by means of polling places, there is provision for the situation to be reviewed for subsequent elections should levels of voter participation decline. The provision for exceptions to postal voting is not available to councils in metropolitan Adelaide.

The Government has considered carefully the argument of some councils that they should be able to choose the voting system to apply in their areas. It is true that in very many matters related to Local Government one size does not fit all, and it is important that the "local" in Local Government is preserved. Indeed this has been a theme of much of the new legislation. However, the voting system to be applied at Local Government elections is not one of these matters. In keeping with the aims of maximising participation and simplifying procedures, the Bill puts a higher priority on having consistent approaches in these fundamental matters of governance across the State. The Bill therefore provides for one standard system for casting and counting votes in council elections.

The proportional representation system of vote counting has consistently been found to be the fairest system in a number of studies conducted by the State Government and/or the Local Government Association over the past decade, from the 1985 Council Elections Review, to a paper commissioned from Professor Dean Jaensch late in 1998. This is therefore the system provided for in the Bill.

The integrity of and probity of Local Government elections will be enhanced by the Bill's provision for the State Electoral Commissioner to be the Returning Officer for all council elections. This innovation will also bring important consistency of approach and policy co-ordination to the massive administrative and logistical task of producing and distributing elector instructions and ballot papers to over one million people and companies who will be eligible to vote in the May 2000 council elections.

In a practical addition, the Bill enables a council to nominate a suitable person as a Deputy Returning Officer (who may be an officer of the council), and subject to the Electoral Commissioner being satisfied as to their suitability, that person will be appointed as the Deputy for that area, and will be delegated certain powers to conduct aspects of the election locally. However, the Commissioner will at all times retain full responsibility as Returning Officer, and the Deputy will be required to observe any directions or limitations on their duties and performance issued by the Commissioner.

It is expected that many councils will want to nominate a local Deputy Returning Officer and the Electoral Commissioner is empowered to establish training courses for Deputy Returning Officers to maximise this potential. The clear line of accountability in this new approach to the appointment of electoral officers highlights the separate statutory nature of the office and should overcome the pressure council officers can be placed under when combining their usual duties with a council appointment as returning officer.

The Bill extends to all councils the simplifying provision in the recently enacted *City of Adelaide Act 1998* under which joint or group owners and occupiers and corporate bodies are entitled to be enrolled, without their having to nominate (before roll closure) a person to exercise their vote. The Bill provides for an authorised member of the group, or an officer of the corporate body, to make an appropriate declaration of authority to vote at the time of voting by post.

At the request of the Local Government Association, a prohibition against a the same individual exercising more than one entitlement to vote in a ward or area-wide election which Parliament included in the *City of Adelaide Act 1998* has not been extended to the rest of the Local Government sector. The problem which this restriction addresses in the City of Adelaide is the perception that significant numbers of votes, each attaching to a different group or company entitled to be enrolled as an elector, are in reality controlled by one or two individuals who are able to exercise unfair influence as the persons who exercise the votes of these electors. This problem is not, in Local Government's view, significant enough elsewhere to prevent persons who may be voters in their own right from exercising valid votes on behalf of a group or company entitled to be enrolled if they are a member of the group or an officer of the company.

In other changes the Bill provides that—

- a candidate for election must be an Australian citizen, or be a person who was a member of a council at any time in the period May 1997 to the commencement of the new Act. The latter provision will enable existing elected members who are not Australian citizens to stand in future elections.
- a candidate cannot be a member of an Australian Parliament (which is defined to include Commonwealth, State and Territory Parliaments).
- details of campaign donations over $500 are to be submitted in a prescribed return to the relevant council's chief executive officer by all candidates six weeks after the elections, and this information is to be kept on a publicly accessible register. Multiple donations from the same source are to be aggregated for the $500 rule.
- recognising the use in future of electronic counting of votes, a new offence is created of unlawfully interfering with any computer program or system used by an electoral officer for the purposes of an election or poll.

Finally, to overcome any uncertainty about how complaints about electoral matters can be made and investigated, the State Electoral Commissioner is empowered to investigate any matter connected with the operation of the Act, and may initiate proceedings for offences.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Objects

This clause sets out the objects of the Bill.

Clause 4: Interpretation

This clause sets out the definitions required for the purposes of the Bill. The provision also makes it clear that an election for mayor, an election for a councillor or councillors who are to be representatives of the area as a whole, and an election for a councillor or councillors who are to be representatives of a ward, are each separate and distinct elections. Subclause (5) provides that this legislation and the *Local Government Act 1999* are to be read together as if the two Acts formed a single Act.

Clause 5: Date of ordinary elections

It is proposed to maintain a three—year election cycle for local government elections, based on a close of polling at 12 noon on the first business day after the second Sunday in May of the relevant year. The new date (changed from the first Saturday of May) is

consistent with the move to full postal voting (subject to the operation of the schedule).

Clause 6: Supplementary elections

A supplementary election will be held in appropriate cases. The date for polling in such a case will be fixed by the returning officer.

Clause 7: Adjournment of election

An election will fail if a candidate—

(a) withdraws his or her nomination on the ground of serious illness (supported by a medical certificate); or

(b) ceases to be qualified for election; or

(c) dies where there is only one vacancy to fill.

An election will also fail if two or more candidates die.

Clause 8: Failure of election in certain cases

If a supplementary election fails, the council will select a person or persons to supply the vacancy or vacancies.

Clause 9: Failure or avoidance of supplementary election

A council may conduct a poll on any matter within the ambit of its responsibilities, or as contemplated by the *Local Government Act 1999*.

Clause 10: Council may hold polls

The Electoral Commissioner is to be the returning officer for each area. However, the Electoral Commissioner will be able to appoint a nominee of a council as a deputy returning officer for the council's area, if appropriate, and then, in such a case, the returning officer will be taken to have delegated the returning officer's powers and functions in respect of the area to the deputy returning officer. The Electoral Commissioner is also to be empowered to establish or specify courses of training for persons nominated or appointed as deputy returning officers under the Act.

Clause 11: Adjournment of poll

Electoral officers will be engaged to assist in the conduct of an election or poll. Neither a member of a council, nor a candidate for election, may be engaged as an electoral officer for the council.

Clause 12: The returning officer and deputy returning officer

This clause makes it clear that the returning officer is responsible for the conduct of elections and polls, and a council is responsible for various matters concerning the provision of information, education and publicity to the public.

Clause 13: Appointment of other electoral officers

The costs and expenses of the returning officer in carrying out official duties must be defrayed from funds of the council. However, regard must be had to the council's budget in incurring costs and expenses.

Clause 14: Delegation by returning officer

This clause sets out the qualifications for enrolment on the voters roll of a council.

Clause 15: Costs and expenses

The chief executive officer of a council will be responsible for the maintenance of a voters roll for the council. It will be a requirement that the roll must be maintained in a form that allows for the roll at any time to be brought into an up-to-date form within three weeks after relevant House of Assembly information is provided to the chief executive officer.

A closing date will be set for each election or poll, with the closing date for a periodic election being the second Thursday of the February in the year of the election. The roll will be available for public inspection at the principal office of the council. The roll is conclusive evidence of an entitlement to vote at an election or poll at which the roll is used.

Clause 16: Determination of method of counting at elections

This clause sets out in detail the entitlements to vote under the Act.

Clause 17: Postal voting option

This clause sets out in detail the entitlements to stand for election under the Act. In particular, a person is entitled to stand if the person is an Australian citizen, or a person who has been a member of a council at some time between May 1997 and the commencement of this section, and the person is an elector for the area or the nominee of a body corporate or group. The entitlement operates subject to any relevant provision in the *Local Government Act 1999*. A person is not eligible to be a candidate if the person is a member of an Australian Parliament, an undischarged bankrupt, a person who may be liable to imprisonment, an employee of the council or is disqualified from election by court order under the *Local Government Act 1999*.

Clause 18: Qualifications for enrolment

The returning officer calls for nominations.

Clause 19: The voters roll

An eligible person may nominate for election in the prescribed manner and form. A nomination must be accompanied by a declaration of eligibility and the information and material required by the regulation. The returning officer may reject a nomination if in the opinion of the returning officer the name under which the candidate is nominated is obscene, is frivolous or has been assumed for an ulterior purpose.

Clause 20: Entitlement to vote

If it appears that a nomination may be invalid for some reason, the returning officer must take all reasonable steps to notify the candidate in order to give the candidate an opportunity to address the matter before the close of nominations.

Clause 21: Entitlement to stand for election

A copy of any nomination is displayed at the principal office of the council.

Clause 22: Call for nominations

A nomination may be withdrawn before the close of nominations.

Clause 23: Manner in which nomination is made

Nominations for a periodic election close at 12 noon on the last Thursday of March.

Clause 24: Questions of validity

If a person nominates for two or more vacancies, all nominations are void.

Clause 25: Display of valid nominations

If the number of persons nominated does not exceed the number of vacancies when nominations close, the persons are declared elected (with the election to take effect in the case of a periodic election at the conclusion of the election).

Clause 26: Ability to withdraw a nomination

After the close of nominations, the returning officer must give public notice, and notice in writing to each candidate, setting forth—

(a) the names of candidates; and

(b) the names of any person declared elected; and

(c) if an election is to be held—the day appointed as polling day; and

(d) information on the operation of Part 14 (Campaign Donations).

Clause 27: Close of nominations

Any published electoral material must contain the name and address of the person who authorises publication of the material.

Clause 28: Multiple nominations

A person must not publish in any electoral material any purported statement of fact that is inaccurate and misleading to a material extent.

Clause 29: Uncontested elections

Ballot papers must be prepared for any election. The order of names of candidates on a ballot paper will be determined by lot. A ballot paper must conform with any prescribed requirement.

Clause 30: Notices

The returning officer will appoint a place for the counting of votes for the purposes of an election.

Clause 31: Ballot papers

Voting papers may be delivered under arrangements determined by the returning officer, personally to persons who reside at, or who attend, a specified institution or other place and who are entitled to voting papers under this Act.

Clause 32: Appointment of polling places and booths, and places for counting votes

A candidate may, by notice in writing to the returning officer, appoint scrutineers for the purposes of an election.

Clause 33: Special arrangements for the issue of voting papers

A ballot paper must be prepared for the purposes of any poll. The returning officer will design the ballot paper after consultation with the council.

Clause 34: Scrutineers

The returning officer will appoint a place for the counting of votes at a poll.

Clause 35: Ballot papers

Voting papers may be delivered, under arrangements determined by the returning officer, personally to persons who reside at, or attend, a specified institution or other place.

Clause 36: Appointment of polling places and booths, and places for counting votes

The council may appoint suitable persons to act as scrutineers for the purposes of a poll.

Clause 37: Special arrangements for the issue of voting papers

Voting at an election or poll will be conducted on the basis of postal voting (subject to any determination under the schedule).

Clause 38: Scrutineers

The returning officer will give notice in a newspaper circulating in the area informing electors that voting will be conducted by means of postal voting.

Clause 39: Publication of electoral material

Voting papers will be issued to each natural person, body corporate and group on the roll. The voting papers will consist of a ballot paper and an opaque envelope bearing a declaration to be completed by the voter. A pre—paid reply envelope is also included with the voting papers.

Clause 40: Publication of misleading material

This clause sets out the procedure for voting. Voting papers must be returned (by postal or personally) not later than the close of voting on polling day.

Clause 41: How-to-vote cards

A voter may be assisted if illiterate or physically unable to carry out a voting procedure.

Clause 42: Method of voting at elections

A person who cannot sign his or her name may make a mark as his or her signature.

Clause 43: Method of voting at polls

Fresh voting papers may be issued to a person if the returning officer is satisfied that postal voting papers issued to the person have not been received, have been lost, or have been inadvertently destroyed.

Clause 44: Notice of availability of advance voting papers

The returning officer must ensure that arrangements are in place for the efficient receipt and safekeeping of envelopes returned by voters at an election or poll.

Clause 45: Issue of advance voting papers

The voting system for an election requires the use of numbers to cast a vote. If only one candidate is to be elected, a voter must place the number one in the box opposite the name of his or her first preference, and then may continue to cast preferences. If more than one candidate is to be elected, a voter must place consecutive numbers up to the number of candidates required to be elected, and then may continue to cast preferences. A tick or cross will be taken to be equivalent to the number 1. A ballot paper is not informal by reason of some non—compliance if the voter's intention is clearly indicated on the ballot paper.

Clause 46: Procedures to be followed for advance voting

A person voting at a poll must vote according to directions printed on the ballot paper. The directions will be determined by the returning officer.

Clause 47: Voter may be assisted in certain circumstances

This clause sets out the procedure to be followed for the arrangement and scrutiny of voting papers returned for the purpose of an election or poll.

Clause 48: Issue of fresh advance voting papers

This clause sets out the method for counting votes at an election. The system is based on successful candidates obtaining a relevant quota of votes and the transfer of any surplus votes on the basis of a transfer value.

Clause 49: Person to whom advance voting papers have been issued not to vote at polling place except on certain conditions

A candidate may request a recount at any time within 48 hours after a provisional declaration of the result is made. A recount need not occur if the returning officer considers that there is no prospect that a recount would alter the result of the election. The returning officer may conduct a recount on his or her own initiative.

Clause 50: Notice of use of postal voting

The returning officer certifies the result of an election to the chief executive officer. The returning officer must also give written notice of the result to all candidates.

Clause 51: Issue of postal voting papers

The returning officer must prepare a return relating to information concerning ballot papers used for the purposes of the election process.

Clause 52: Procedures to be followed for postal voting

The returning officer will make a provisional declaration of the result of a poll when that result becomes apparent.

Clause 53: Voter may be assisted in certain circumstances

A scrutineer at a poll may request a recount of votes cast at the poll. The returning officer may also conduct a recount on his or her own initiative.

Clause 54: Issue of fresh postal voting papers

The returning officer will provide a return to the council certifying the result of a poll.

Clause 55: Voting procedure at polling booths

This clause permits the use of a computer program for the recording, scrutiny or counting of votes in an election or poll, after consultation with the council. The program must be a program approved by the Electoral Commissioner.

Clause 56: Issue of fresh ballot paper

A returning officer must retain all voting material relating to an election or poll until the returning officer is satisfied that the election or poll can not be questioned.

Clause 57: Violence, intimidation, bribery, etc.

It will be an offence for a person to exercise violence or intimidation, or to offer a bribe, in connection with the conduct of an election or poll. It will also be an offence to receive a bribe.

Clause 58: Dishonest artifices

It will be an offence for a person to dishonestly exercise, or attempt to exercise, a vote at an election or poll to which the person is not entitled.

Clause 59: Interference with statutory rights

It will be an offence to hinder or interfere with the free exercise or performance of a right under the Act.

Clause 60: Exception

This clause makes it clear that no declaration of public policy or promise of public action constitutes bribery or dishonest influence.

Clause 61: Persons acting on behalf of candidates not to assist voters or collect voting papers

A candidate, or a person acting on behalf of a candidate or as a scrutineer, must not act as an assistant to a person voting under the Act.

Clause 62: Unlawful interference with computer programs

It will be an offence to tamper or interfere with a computer program or system used by an electoral officer for the purposes of an election or poll under the Act.

Clause 63: Secrecy of vote

It will be an offence for a person to attempt to discover how another has voted. It will also be an offence for an unauthorised person to open an envelope containing a vote.

Clause 64: Unlawful declaration or marking of ballot papers

It will be an offence for a person to make a statement in a claim, application, return or declaration, or in answer to a question, that is, to the person's knowledge, false or misleading in a material respect.

Clause 65: Conduct of officers

It will be an offence for an electoral officer to fail, without proper excuse, to carry out officials duty under the Act.

Clause 66: Conduct of scrutineers

A scrutineer must not attempt to influence a person voting or proposing to vote at an election or poll. Not more than two of a candidate's scrutineers may be present in the place for the counting of votes at the same time while the count is occurring.

Clause 67: Constitution of the Court
Clause 68: The clerk of the Court
Clause 69: Jurisdiction of the Court
Clause 70: Procedure upon petition
Clause 71: Powers of the Court
Clause 72: Certain matters not to be called in question
Clause 73: Illegal practices
Clause 74: Effect of decision
Clause 75: Participation of council in proceedings
Clause 76: Right of appearance
Clause 77: Case stated
Clause 78: Costs
Clause 79: Rules of the Court

These clauses provide a scheme for the constitution of a Court of Disputed Returns and proceedings in connection with any petition disputing the validity of an election under the Act. The provisions are very similar to those currently contained in the 1934 Act.

Clause 80: Returns for candidates

Each candidate in a local government election will now be required to complete, and furnish to the chief executive officer, a campaign donations return.

Clause 81: Campaign donations returns

This clause sets out the various matters that must be included in a return. It will not be necessary to declare a gift made in a private capacity (*see* subclauses (2)*(a)* and (3)*(d)*), or a gift which is less than $500 (or less than $500 in value).

Clause 82: Certain gifts not to be received

A member or candidate will be prohibited from receiving a gift of $500 or more if the identity of the person making the gift is unknown.

Clause 83: Inability to complete return

This clause addresses cases where a person is unable to complete a return.

Clause 84: Amendment of return

A person will be able to request that a return furnished by the person under this Division be amended to correct an error or omission.

Clause 85: Offences

It will be an offence to fail to furnish a return under the Division, or to include information that is false or misleading in a material particular.

Clause 86: Failure to comply with Division

The chief executive officer must notify a person on any failure on the part of the person to furnish a return in accordance with the requirements of the Division.

Clause 87: Public inspection of returns

A return will be available for public inspection.

Clause 88: Restrictions on publication

It will be an offence to publish information derived from a return unless it is a fair and accurate summary of information in the return and it is a publication in the public interest. Any comment must also be fair and published in the public interest and without malice.

Clause 89: Requirement to keep proper records

A relevant person must, for a period of at least 4 years, take reasonable steps to keep in his or her possession all records relevant to completing a return.

Clause 90: Related matters

The regulations may assist in determining the amount or value of a gift other than money.

Clause 91: Elected person refusing to act

As with the 1934 Act, it will be an offence for a person to fail to assume an office to which he or she has been appointed or elected.

Clause 92: Electoral Commissioner may conduct investigations

The Electoral Commissioner will be specifically authorised to investigate any matter concerning the operation or administration of the Act, including a matter that may involve a breach of the Act, and to bring proceeding for an offence against the Act. A report must be furnished to a council with a material interest in the matter.

Clause 93: Regulations

The Governor will be able to make regulations for the purposes of this Act.

SCHEDULE

Voting at polling places

The returning officer will be able, in certain circumstances, to authorise a council outside Metropolitan Adelaide to conduct an election or poll at polling booths and by the use of advance voting papers.

Mr CONLON secured the adjournment of the debate.

STATUTES REPEAL AND AMENDMENT (LOCAL GOVERNMENT) BILL

The Hon. M.K. BRINDAL (Minister for Local Government) obtained leave and introduced a Bill for an Act to make certain repeals and amendments to legislation in connection with changes to the system of local government in the State; to enact transitional provisions; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill is the third in the total package of legislation arising from the review of the *Local Government Act 1934*.

It is a largely technical Bill which repeals some specific Acts, the purpose of which are covered in the scheme for land management set out in the Local Government Bill 1999, repeals the provisions of the *Local Government Act 1934* with the exception of some regulatory powers, amends various other Acts in order to appropriately locate provisions of the current Local Government Act or to make amendments consequential on the revision of that Act, and makes necessary transitional provisions.

Acts repealed

The Acts repealed in total by this Bill are the *Klemzig Pioneer Cemetery (Vesting) Act 1983*, the *Public Parks Act 1943* and the *Reynella Oval (Vesting) Act 1973*. The objects of these Acts, as far as they are still relevant, are provided for under Chapter 11 of the Local Government Bill which deals with the acquisition and disposal of community land and schedule 7 of that Bill which preserves provisions affecting specific land. Under schedule 7, the Klemzig Memorial Garden and Reynella Oval are classified as community land, the classification is irrevocable, and the management of these lands remains subject to the specific requirements set out in the repealed legislation.

Amendments to the Local Government Act 1934

The bulk of the provisions of the *Local Government Act 1934* are repealed because they are replaced by provisions of the Local Government Bills, more appropriately located in other legislation, or are obsolete. Provisions able to be repealed without those powers being retained in the Local Government Bills in one form or another because they are either redundant or are covered by specific State Acts include provisions relating keeping of pigs and cattle, smoke, dust, and fumes as a nuisance, gunpowder and explosives, quarrying and blasting operations, licensing of restaurants and fish shops, removal and disposal of sewage, licensing of chimney sweeps and bootblacks, sale of meat, wrapping of bread, purification of houses, prevention and control of infectious diseases, and various provisions concerning buildings, party walls and cellars. Many of these provisions are by-law making powers which are no longer exercised.

One of the objectives for the review of the Local Government Act is that remaining Local Government Act provisions concerning regulatory regimes in which both State and Local Government have a role should, if the provisions are still required, be located in the specific legislation which deals with that function. This approach is designed to clarify respective roles, eliminate fragmentation, gaps and overlaps, or provide scope for simplification and consistency with any national standards. It should also assist councils to identify regulatory activities for the purposes of separating these from its other activities in the arrangement of its affairs, as required under the *Local Government Bill 1999*. The *Statutes Amendment (Local Government and Fire Prevention) Bill 1998*, and the amendments made in this Bill to the *Public and Environmental Health Act 1987* are examples of this approach.

It has been necessary to retain some regulatory powers of councils (together with any related definitions and interpretative provisions which are necessary for their continued application) in a remnant of the 1934 Act, pending the completion of reviews of the relevant functional areas.

- Provisions concerning traffic management and parking control

  The Government intends to incorporate Local Government's role in traffic management and parking control into a comprehensive review of the *Road Traffic Act* following the production of national Australian Road Rules. The Bill provides for the preservation of Local Government's parking and traffic powers on an interim basis until replacement provisions come into operation.

- Provisions concerning passenger transport regulation

  Councils' by-law making powers in relation to the regulation of passenger transport (s667 (1) 3 XX-XLII) are retained, pending consideration being given to how councils' by-law making powers to regulate taxis outside of metropolitan Adelaide should be framed and integrated into the *Passenger Transport Act* subsequent to competition policy analysis.

- Provisions concerning cemeteries

  The cemetery provisions are scheduled for comprehensive review in 1999 as part of a separate project to review and replace legislation for the disposal of human remains.

- Provisions concerning lodging—houses

  Councils' by-law making powers in relation to lodging-houses (s667 (1) 3 XVI) are retained, pending further consideration of whether any standards need to be established in relation to aspects not covered by the current provisions of the *Public and Environmental Health Act* or the *Supported Residential Facilities Act*.

- Provisions concerning sale yards and bazaars

  Councils' current power to impose annual licensing schemes and to make by-laws in relation to the regulating and licensing of sale yards and bazaars (Part 34 and section 667 (1) 3 XLVI—XLIX) are retained, pending further consideration of the adequacy of the current regulatory powers of the *Public and Environmental Health Act* in relation to any public health aspects of the operation of sale yards and bazaars, or whether additional standards or other regulatory mechanisms are required.

Provision is made in Part 5 of the Bill for the Governor to repeal by proclamation these remaining provisions of the *Local Government Act 1934*, in whole or in part, if or when satisfied that it is appropriate to do so.

Other Acts amended

A series of consequential changes to the *City of Adelaide Act 1998* amends references and updates provisions of that Act so that they mirror the Local Government Bills, except in relation to matters where provisions were intended to apply specifically to the City of Adelaide.

The Freedom of Information provisions of the Local Government Act are transferred to the *Freedom of Information Act 1991*. The new arrangements clearly separate general public sector provisions for freedom of information as they apply to local government from those concerning access to council documents under the open governance provisions of the Local Government Act. The effect is to simplify the legislative measures and clarify the routes through which persons can gain access to information and documents in relation to local government. South Australia has been different to the rest of Australia in adapting the regime of FOI for local government under the Local Government Act. The transfer will bring this State's practice into line with that of all other States.

Amendments to the *Coast Protection Act 1992* and the *Harbors and Navigation Act 1993* relocate the provisions in section 886bb of the 1934 Act which deal with the Government's responsibility for the effective management of sand and the access channel in association with the construction of any boating facility at West Beach. The amendments do not change in any way the Government's previous commitments made in relation to coastal and sand management in this area but clarify the functional responsibility within the State Government.

Amendments to other Acts are technical and are designed to ensure the smooth implementation of the new local government legislation.

Transitional provisions

Part 4 of the Bill ensures the continuity of councils and council business in the transition to the new legislation.

Allowances payable to elected members will continue as though they were made under the 1934 Act until fixed in line with the 1999 Act.

The provisions governing the employment of council executive officers under a contract will not come into operation until one month after the commencement of the 1999 Act.

Any register of interest or code of practice in force under the 1934 Act may, to the extent that a corresponding register or code is required under the 1999 Act, be taken to have been made under the 1999 Act. In relation to registers of members' financial interests, a current member will not have to lodge a fresh return until such time as they are re-elected at the 2000 Local Government elections.

Controlling authorities established under section 199 of the *Local Government Act 1934* will automatically continue as council committees when the Act enters into force. However, a s199 authority which already exists and which is notified by the Minister in the Gazette to be a controlling authority for which subsidiary status is appropriate will become a single council subsidiary under transitional provisions similar to those for regional subsidiaries. Controlling authorities established under section 200 of the *Local Government Act 1934* will automatically continue in existence as regional subsidiaries. Their rules under the old Act will be taken to be their charters under the new and they will need to bring their charter into full compliance by 1 January 2002.

Organisations with land which have been proclaimed exempt from rates for 1999/2000 under section 168(2)*(h)* of the 1934 Act will continue to be exempt until 30 June 2005. From that date the new Local Government Act's rebate provisions will operate if applicable.

Capacity is provided for certain council land to be excluded from the automatic classification of local government land as community land which applies at the commencement of Chapter 11 of the 1999 Act. Where:

- the council has acquired land within the last 5 years; and
- it is satisfied that it is able to show that the acquisition was for a specific commercial or operational purpose and not for public or community use or for the provision of community facilities; and
- the community has had reasonable opportunity to make submissions to the council before the acquisition occurred; and
- the council has resolved within 6 months after the commencement of the Act that the land is to be excluded from classification as community land,

the land will not be taken to be classified as community land. The onus is on the council to substantiate these claims. The effect of this provision is that councils will not be required to consult with their communities about removing such land from the classification of community land as they would otherwise have to do in the initial three year period provided under Chapter 11 for a council and its community to review which local government land should be excluded from the classification of community land.

By-laws will remain in force provided that the provision under which a by-law is made is continued in the 1999 Act, another Act, or by regulation provided for in this Bill.

Councils are provided with appropriate lead times for the preparation of policies, codes, plans and reports required under the 1999 Act. The implementation program for the Local Government Bills together with non-legislative support programs managed by the Local Government sector will assist councils to make a smooth transition.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will come into operation by proclamation.

Clause 3: Interpretation

This clause sets out the definitions required for the purposes of the measure. In particular, "relevant day" is defined as a day appointed by proclamation as the relevant day for the purposes of the provision in which the term is used.

Clause 4: Acts repealed

It is proposed to make provision for the repeal of the *Klemzig Pioneer Cemetery (Vesting) Act 1983* (now to be dealt with in schedule 7 of the 1999 Act), the *Public Parks Act 1943* (now redundant) and the *Reynella Oval (Vesting) Act 1973* (now to be dealt with in schedule 7 of the 1999 Act).

Clause 5: Amendment of City of Adelaide Act 1998

It is proposed to amend the *City of Adelaide Act 1998* in order to provide consistency between that Act and the initiatives in the new *Local Government Act 1999*.

Clause 6: Amendment of Coast Protection Act 1972

This amendment is connected with the continuation of the effect of section 886bb of the 1934 Act, which is to be repealed.

Clause 7: Amendment of Food Act 1985

This clause is based on section 883(3) of the 1934 Act, which is to be repealed. The special arrangement under the new provision is to expire on 30 June 2002.

Clause 8: Amendment of Freedom of Information Act 1991

The amendments contained in this clause incorporate document access rights relating to councils in the *Freedom of Information Act 1991*.

Clause 9: Amendment of Harbors and Navigation Act 1993

This amendment is connected with the continuation of the effect of section 886bb of the 1934 Act, which is to be repealed.

Clause 10: Amendment of Highways Act 1926

This amendment replaces section 300a of the 1934 Act, which is to be repealed.

Clause 11: Amendment of Local Government Act 1934

This clause makes consequential amendments to the *Local Government Act 1934* in view of the enactment of the *Local Government Act 1999* and the other provisions of Part 3 of this measure.

Clause 12: Amendment of Public and Environmental Health Act 1987

These amendments are connected with the repeal of section 883, and Part 25, of the 1934 Act.

Clause 13: Amendment of Pulp and Paper Mills (Hundreds of Mayurra and Hindmarsh) Act 1964

This amendment makes special provision for a cross-reference to the 1934 Act.

Clause 14: Amendment of Real Property Act 1886

This amendment is connected with the repeal of Division 3 of Part 17 of the 1934 Act.

Clause 15: Amendment of Roads (Opening and Closing) Act 1991

This amendment up-dates relevant definitions.

Clause 16: Amendment of Survey Act 1992

This amendment is connected with the repeal of Division 3 of Part 17 of the 1934 Act.

Clause 17: Amendment of Water Resources Act 1997

These amendments make special provision for cross-references to the 1934 Act.

Clause 18: Constitution of councils

All councils, council committees, areas and wards are to continue as if constituted under the 1999 Act. All persons holding office (other

than returning officers) under the 1934 Act continue to hold office under the 1999 Act.

Clause 19: Structural proposals

Proceedings commenced under Part 2 of the 1934 Act may continue and be completed as if this Act had not been enacted.

Clause 20: Defaulting councils

This clause provides for the continuation of a proclamation in force under Division 13 of Part 2 of the 1934 Act.

Clause 21: Delegations

Delegations will continue to have effect on the enactment of the new legislation.

Clause 22: Registers and codes

Existing registers and codes will continue under the 1999 Act. All members of councils elected at the May 2000 elections will be required to lodge a primary return for the purposes of the Register of Interests under the 1999 Act.

Clause 23: Allowances

Allowances payable to elected members will continue as though they were made under the 1934 Act until fixed in line with the 1999 Act.

Clause 24: Freedom of Information

Current freedom of information requests or proceedings will continue under the 1934 Act.

Clause 25: Contract provisions for senior executives

The provisions relating to contracts for the chief executive officer and senior executives under the 1999 Act will apply in relation to an appointment made more than one month after the appointed day.

Clause 26: Staff

Current processes relating to staff will continue under the 1934 Act.

Clause 27: Elections

Electoral processes will continue under the 1999 Electoral Act, other than where an extraordinary vacancy exists in the membership of a council and a day has already been appointed for the nomination of persons as candidates.

Clause 28: Investments

Existing council investments are not affected by new provisions under the 1999 Act.

Clause 29: Auditors

Any Auditor who is qualified to act under the 1934 Act but not so qualified under the 1999 Act may nevertheless continue until 30 June following the relevant day.

Clause 30: Assessment book

The assessment book will become the assessment record under the 1999 Act.

Clause 31: Rates

This clause makes specific provision for the continuation of rating processes.

Clause 32: Single council controlling authorities

Existing section 199 controlling authorities will generally become committees under the new Act. However, a council will be able to apply to the Minister to continue an authority as an incorporated subsidiary under the new Act.

Clause 33: Regional controlling authorities

Existing section 200 controlling authorities will continue as regional subsidiaries under the new Act.

Clause 34: Water reserves

A grant of a water or other reserve will continue as a grant under section 5AA of the *Crown Lands Act 1929*.

Clause 35: Evidence of proclamations

Clause 36: Evidence of appointments and elections

Clause 37: Evidence of resolutions, etc.

Clause 38: Evidence of making of a rate

Clause 39: Evidence of assessment record

Clause 40: Evidence of constitution of council, appointment of officers, etc.

These clauses facilitate the evidence of certain matters, consistent with the provisions of the 1934 Act.

Clause 41: Local government land

This clause provides for the continued holding and management of local government land and makes special provision in relation to certain land that might otherwise continue as community land under the 1999 Act. The new legislation will not affect the term of a lease under Part 45 of the 1934 Act.

Clause 42: By-laws

This clause enacts special transitional provisions relating to by-laws.

Clause 43: Contracts and tenders policy

Clause 44: Public consultation policies

Clause 45: Code of conduct—members

Clause 46: Register of interests—subsidiaries

Clause 47: Code of conduct—employees

Clause 48: Strategic management plans

Clause 49: Annual reports

These clauses provide for the "phasing-in" of various requirements under the 1999 Act.

Clause 50: Orders

A council will be able to make an order under Part 2 Chapter 12 of the 1999 Act in respect of a circumstance in existence before the relevant day.

Clause 51: Grievance procedures

This clause provides for the "phasing-in" of Part 2 Chapter 13 of the 1999 Act.

Clause 52: Reviews initiated by Minister

The Minister will be able to act under Part 3 Chapter 13 of the 1999 Act in respect of a matter arising before the relevant day.

Clause 53: General provisions

The Governor will be able to provide for other savings or transitional matters by regulation.

Clause 54: Further repeal—Local Government Act 1934

The Governor will be able, by proclamation, to suspend the repeal of any provision, to effect further repeals with respect to the *Local Government Act 1934*, and to repeal the *Local Government Act 1934* (if or when it is appropriate to do so).

Mr CONLON secured the adjournment of the debate.

SUPREME COURT (RULES OF COURT) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill concerns the power of the Supreme Court to make rules regulating the Court's pleading practice and procedure. It is designed to put beyond doubt that the Supreme Court's rule-making power extends to enable the Court to make rules requiring disclosure and exchange prior to trial of copies of any experts' reports and other relevant material.

The Supreme Court Rules presently require parties to make full pre-trial disclosure of any expert reports relating to any matter in issue in the action. Such disclosure is an integral part of the ordinary conduct of litigation and ensures that each party knows the case which he or she must meet at trial. It helps to focus litigation on the issues that are genuinely in dispute and promotes early settlement. It is thus a highly desirable power and one which helps to contain the cost and length of litigation, for the benefit of the parties and the Court.

As a result of a legal challenge, a similar provision in the District Court Rules was held to be invalid for want of a specific reference to such a power among the rule-making powers listed in the *District Court Act, 1991*. As a result of this decision, the *District Court Act, 1991,* was amended to provide specifically that the Court had power to require pre-trial disclosure of the contents of expert reports or other material of relevance to the proceedings (s. 51(1) (ca).

To avoid any similar doubts arising in respect of the validity of the Supreme Court Rule. it is proposed to similarly amend the *Supreme Court Act,* 1935. This amendment will not make any difference to the day-to-day practice of the Court or to the extent of disclosure currently required of parties, but will simply preclude any technical argument that this useful aspect of the Court's ordinary practice is technically beyond its power.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal

Clause 3: Amendment of s. 72—Rules of Court

This clause inserts paragraph IIaa in section 72 of the Act. Paragraph IIaa imposes mutual obligations on parties to proceedings in the court to disclose to each other the contents of expert reports or other material of relevance to the proceedings before the proceedings are brought to trial.

Mr ATKINSON secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (CONTAMINATION OF GOODS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 8 December. Page 499.)

Mr ATKINSON (Spence): Sabotage is this Bill's subject. The Opposition has studied the Bill carefully and I have read chapter 8 of the Model Criminal Code Officers' Committee *Report on Public Order Offences: Contamination of Goods*. The report gives some examples of contamination or threatened contamination of goods and shows that existing law will not always catch conduct that should be criminal. Following are some prominent examples of sabotage by way of contaminating or threatening to contaminate products. In 1982 seven people died in the United States after consuming an analgesic called tylanol that had been deliberately adulterated with cyanide. In 1991 in Australia Colgate Palmolive was threatened with the adulteration of its toothpaste unless it paid $250 000. No goods were found contaminated, but the company recalled the threatened toothpaste. The damage inflicted was the cost to Colgate of recalling the toothpaste from sale.

In 1992 in England a threat was made by telephone that Boots bathroom products had been adulterated. The threat was made because the caller thought Boots tested its products on animals. Eventually, police arrested the caller, no goods were contaminated, no publicity was obtained and no losses were sustained. In 1993 in Alaska sales of Pepsi dropped 50 per cent after rumours that cans of the cola drink contained hypodermic needles. A man complained that his daughter's lip had been pricked with a needle when she was drinking Pepsi. The complaint was found to be false and the man was convicted of product tampering. In 1996 in Victoria pins were placed in food at three supermarkets. No demands or threats were made. The offender intended to inflict harm on society in general, because he had been convicted of attempted murder.

In 1997 in Australia six letters were received demanding that four New South Wales police officers undergo a lie detector test concerning evidence given at a murder trial. The letters were received in New South Wales and Queensland. If the lie detector tests were not done, the writer said he would contaminate Arnotts biscuits. One letter was accompanied by a packet of biscuits adulterated with a pesticide. Arnotts withdrew its biscuits in New South Wales and Queensland and eventually destroyed 800 truckloads of biscuits. The company shares lost 25¢ in value on the stock market, meaning the total value of the company had been discounted by $35 million at that point in trading. Three hundred casual staff at Arnotts were stood down. Arnotts assessed its losses owing to the letters at $10 million.

The Criminal Code Officers' Committee report also mentions that copycat offences usually follow public reports of these offences, with six copies for every genuine offence. We live in an interdependent society. Almost no-one in Australia grows all his food. We buy food from the greengrocers and butchers and buy packaged, tinned and bottled food from the supermarket. We must trust the provenance and quality of that food. Adulteration of food before purchase can cause chaos in an interdependent economy. A threat to do this can cause chaos.

Current offences, such as blackmail, extortion and unlawful threats sometimes do not quite cover these types of offence because the offender may not be asking for money or anything in particular. In some cases, the offender's intention may be to cause indiscriminate harm rather than harm to any individual or group. Indeed, the harm that should concern the law is sometimes an anxious population rather than any physical harm that may ensue. The report to which I referred earlier gives the example of food being adulterated with the result that some people suffer diarrhoea and thousands more suffer anxiety about diarrhoea. The anxiety of the many is probably greater than the harm and the physical affliction of diarrhoea in the few. The Bill puts that right by creating offences that focus on different harms.

I now turn to the provisions of the Bill before us. A new section 260 is created that makes it an offence intentionally to cause prejudice, to create a risk of prejudice, or to create an apprehension of a risk of prejudice, to the health and safety of the public, and, by doing so, gain a benefit to himself, herself or another or cause loss or harm or cause public anxiety. 'Benefit' is defined to include non-material benefits:

> So that a person who engages in conduct out of anger or malice is taken to gain a benefit from that conduct by indulging that anger or malice.

The Act necessary for this section to apply will be contaminating goods (or threatening to do so) or some other Act prejudicing public health or safety (or threatening to do so). Acts prejudicing public health or safety are defined to include interfering with the supply of water, electricity, gas, sewerage, drainage or waste disposal, or transport or communications, or any facility, system or service on which the health or safety of the public is dependent. The Act may be making it appear that the goods have been contaminated or that an act prejudicing public health or safety has been committed. The current provision on 'unlawful threats', section 19 of the parent Act, states:

> Where a person, without lawful excuse, threatens to cause harm to the person or property of another; and, the person making the threat intends to arouse a fear that the threat will be, or is likely to be, carried out, or is recklessly indifferent as to whether such a fear is aroused, the person shall be guilty of an offence and liable to be imprisoned for a term not exceeding five years.

The threat may be made by words, conduct or a combination of both. If the offender does not make a threat this offence does not catch him. It may be that the provision in the Bill overlaps with this section, but I agree with the Attorney-General when he says that we should be careful to cover any possible gaps in our current law on this topic, even if overlap is the price. The section to be enacted by this Bill has a maximum penalty of 15 years' imprisonment. The Opposition agrees with the Bill and shall be supporting it at all stages. We commend the Attorney's extension of the Bill beyond contamination of goods and threats to contaminate, to acts prejudicing our public utilities.

The report says that it is important not to confine the definition of 'harm' to the consumption of goods because one cannot say that petrol, horse feed or cosmetics are consumed by a man or a woman, and I understand that the Minister has an amendment to cover this. When we consider what sort of damage the criminal law ought to make the occasion of punishing the perpetrator in this area, I think we should agree that a company that has spent much money to restrict its loss of market share or to restore public confidence in its goods has suffered damage that ought to be the occasion of punishment by the criminal law. This should be so even though the

public did not become aware of the adulteration, threat or prejudicial conduct. Threats should be punishable whether or not they come with a demand. I commend the Bill to the House.

The Hon. I.F. EVANS (Minister for Industry and Trade): I thank the honourable member for his contribution and support for the Bill and, hopefully, an amendment that addresses a point he quite rightly raises. I also thank the other parties in another place and the Independents for their support.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2.

The Hon. I.F. EVANS: I move:

Page 1, lines 16 and 17—Leave out 'CONTAMINATION OF GOODS AND OTHER ACTS PREJUDICING PUBLIC HEALTH OR SAFETY' and insert:

GOODS CONTAMINATION AND COMPARABLE OFFENCES

Page 2, lines 6 and 7—Leave out 'in a way that prejudices or could prejudice the health or safety of a consumer'.

Page 3, after line 5—Insert:

(3) In this section, a reference to the contamination of goods is limited to contamination in a way that prejudices or could prejudice the health or safety of a consumer.

Page 3, after line 5—Insert new section:

Goods contamination unrelated to issues of public health and safety

261. A person is guilty of an offence if the person—

(a) contaminates goods; or

(b) makes it appear that goods have been, or are about to be contaminated; or

(c) threatens to contaminate goods; or

(d) falsely claims that goods have been or are about to be contaminated,

intending—

(e) to influence the public against purchasing the goods or goods of the relevant class or to create an apprehension that the public will be so influenced; and

(f) by doing so—

(i) to gain a benefit for himself, herself or another; or

(ii) to cause loss or harm to another.

Maximum penalty: Imprisonment for 5 years.

These amendments address one principal element to one purpose. The reason for the amendments is as follows: members would be aware from the second reading speech that this is the South Australian version of a model Bill formulated for the Standing Committee of Attorneys-General by the model Criminal Code Officers Committee. This South Australian version differs from the model Bill for the following reasons: after the Bill was introduced the Attorney-General in another place received a letter from the Australian Food Council. The council, while expressing its appreciation of the introduction of the legislation to deal with the contamination of goods effectively, pointed out that the process of redrafting the model Bill had left a loophole in the intended coverage of the legislation. The offences in the Bill are directly linked to the health and safety of the public. In many (perhaps most) cases that will be the case but not necessarily so, and that was quite rightly pointed out by the member for Spence in his contribution previously.

The examples given by the committee and echoed by the Australian Food Council are contamination of sugar with salt and the contamination of horse feed for racehorses. While that will affect those industries and therefore those suppliers, it does not actually have a human component to it. In this kind of case examples could be multiplied but, while there is no direct threat to the health and safety of the public, nevertheless the manufacture and retail of the goods may well suffer just as much in terms of economic loss, withdrawal of supplies, disruption of business, and the like. The amendments which are on file and which have been moved are designed to fill this gap. In effect, the first three amendments rearrange the references to health and safety of the consumer and public health and safety to accommodate the addition of the new offence.

The last amendment constitutes the new offence. It is a lesser offence because it does not, by definition, involve a threat to the health and safety of the public. It therefore attracts a lesser penalty of five years.

Mr ATKINSON: Does this provision have extra territorial operation? The communication threatening consequences may be issued in another State and sent to South Australia. I am wondering whether the Bill covers that possibility and makes the sender of the communication liable in a South Australian court.

The Hon. I.F. EVANS: Section 5C of the Criminal Law Consolidation Act has a general territorial application of the criminal law in the State. So the general application as outlined in section 5C would naturally apply to this amendment.

Mr ATKINSON: I note in the Attorney's contributions on this matter that he refers to our blackmail and extortion offences as 'antique'. I have looked at section 19 of the Criminal Law Consolidation Act—'Unlawful threats'—and it seems to be quite efficient in doing what it sets out to do. Could the Minister give some guidance to the House on where these antique offences—blackmail and extortion—are contained in our statute law if, in fact, they are contained in our statute law, and could he explain why they are antique and how they are ineffective?

The Hon. I.F. EVANS: I am advised that, by way of example, the extortion offence, which involves section 160, dates back to early 1900 and has not been updated since. It is the view of the Attorney—that, given that it is 90-odd years later, it may need some amendment.

Mr LEWIS: I did not make a contribution during the second reading stage, because the contribution I want to make is directly related to these provisions. In my judgment, if anybody does such things as this, the opinion of an appropriate punishment widely held in the community is that they should be compelled to either eat or otherwise use the goods that they have contaminated and to be offered and provided with nothing else for their nourishment for whatever other purpose it is that the goods might be used than the contaminated goods, for they do that to the rest of society or expose the rest of society to such risk. I have to say that I have a lot of sympathy for that. It would save us a lot of angst from some of these fools. They would never do it again if they put poison in food or toothpaste, and that would solve the problem fairly quickly. It would mean that, to commit such an offence and to have been shown that they had committed the offence and found guilty of committing the offence, they would suffer the consequences they were prepared to visit on others. That is the very basis of justice.

Mr ATKINSON: I would just like to say how unsatisfactory the previous answer I received was about the relevant sections of the Criminal Law Consolidation Act and why they were antique and ineffective. I would have thought a Minister here who represents the Attorney-General in the House of Assembly and is allotted by the Government to that task would be able to answer comparatively simple questions. The answer consists merely in sharing with this House the

Attorney's reasoning. Since the Minister is a member of the same Cabinet as the Attorney, I presume he would have known the answers. Those answers were as unsatisfactory and as barren as the answers we used to get from the Minister for Government Enterprises when he was responsible for this portfolio in the House of Assembly. Perhaps I can try the Minister again and see how he goes this time. Will the Minister tell the House whether the Bill applies to damage or threatened damage to intellectual property such as computer data and, if not, why not?

The Hon. I.F. EVANS: I note the previous comments from the member for Spence. I would have thought that a learned lawyer of his ability would not need such detailed answers. The Bill relates to interference with any other facility, system or service on which the health or safety of the public is dependent. If the health or safety of the public is dependent on a system or service that may be computer related, then it would be covered.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

MANUFACTURING INDUSTRIES PROTECTION ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 663.)

Ms KEY (Hanson): I am pleased to say that this morning I received a briefing on this matter, so I feel as though I have more idea of the Government's agenda with regard to repealing this legislation and, in the short period available to me, I was able to consult the appropriate organisations, particularly employee organisations, that may be affected by the Government's proposal. I am advised that this legislation has not been used and, if it had been used, it would be probably somewhere in the 1930s. It does not seem as though the legislation has been of use to South Australians, and it certainly has not been used by manufacturers in South Australia. On the basis of that information and discussions and briefings I have had, in this instance the Opposition is prepared to support the Bill being superseded and deleted.

Mr ATKINSON (Spence): I have an interest in this legislation. I have the honour to represent a State district which has many mixed use zones, a combination of residences and manufacturing industry living alongside one another. So it was with some curiosity that I stumbled across this Act on our Statute Book. As the member for Hanson says, it is a pre-War enactment and presumably it was enacted to prevent residents from availing themselves of common law remedies against manufacturing industry, particularly remedies such as public nuisance.

Now that we have the Environment Protection Authority and a law prescribing its powers to intervene in situations of conflict between industry and residents, I suppose this enactment is superfluous and ought to be repealed. I would be curious to know which particular residents action group of the mid 1930s caused this Bill to be enacted as it was, presumably by either the Playford Government or the Butler Government.

Mr Clarke interjecting:

Mr ATKINSON: But I suppose we shall not know in this debate unless the Minister can enlighten us. Nevertheless, we do have one major enactment for dealing with conflicts between residents and industry. It has been enacted recently; it is something we ought to use; and the Act which is being repealed appears to be of no particular use given that we have the Environment Protection Act. So I am happy to support the repeal Bill.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the members for Hanson and Spence for their identifying that they support the repeal of an Act which is well and truly past its use-by date. In identifying my thanks to those members, I do wish to identify that the second reading explanation indicates that:

> The Manufacturing Industries Protection Act Repeal Bill 1999 makes certain provisions for the protection of the proprietors of factories.

In fact, that is incorrect: it is the Manufacturing Industries Protection Act, not the repeal Bill. I believe that was a typographical error and I am more than prepared to take responsibility for that.

This repeal Bill is appropriate because there are other protections in place. It is not something which the Government would have contemplated without the Environment Protection Act 1993 and the Occupational Health, Safety and Welfare Act 1986 being on the Statute Book to provide appropriate standards of design and operation for plant and machinery, appropriate protection for the environment and the local residents, and so on. Given all that, I am grateful for the support being offered.

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

RACING (DEDUCTION FROM TOTALIZATOR BETS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 663.)

Mr WRIGHT (Lee): The Opposition has some concerns with this Bill. Unfortunately, I was not given a briefing by the Government until 5 o'clock yesterday and—

The Hon. M.H. Armitage interjecting:

Mr WRIGHT: What are you laughing at? I asked you for a briefing last week when you introduced the Bill and I had a telephone call yesterday at 4 o'clock. The Minister knows the game that is played in here. Had I received a briefing before I met with my Caucus colleagues, I would be in a far better position than I am in today. I will be asking a number of questions of the Minister during the Committee stage, and I will probably have to do that in groups of questions. Because there is only one clause in this Bill I will get the call on only three occasions, so I will need to ask the Minister a series of questions.

In relation to the Bill before us, the Opposition does have some concerns and, hopefully, they can be cleared up in Committee. Notwithstanding that, the TAB is an important area for the racing industry and, of course, the Government. The Government receives 45 per cent and the racing industry 55 per cent of the profits that are generated by the TAB. Obviously, this is important revenue which goes to the Government, but for the racing industry it is critical to its ongoing success, how it is able to perform and how it is able to generate its sources of income to provide prize money and to keep the industry flourishing.

The South Australian racing industry is currently handicapped by the Government. It is handicapped by a lack of

vision for the industry and an inability to make decisions and to set an agenda. We need look no further than the venue rationalisation debate which the Government has sat on for far too long. However, that is another story for another time. As I understand it, this Bill provides greater flexibility by regulation of the commission kept by the TAB. There needs to be some flexibility, but we also do not want to bite the hand that feeds us. We must ensure that the punter is protected and the amounts that are set by regulation must be mindful of that.

We have a rather complex system, largely as a result of the different forms of betting that are held here in South Australia and the various arrangements with different forms of betting. With 'win and place' we are linked to the SuperTAB. The commission which is kept by TAB for SuperTAB is 14.25 per cent. All States, except for New South Wales and Queensland, are in SuperTAB. With trifectas we are linked to Western Australia and the commission kept by the TAB is 20 per cent. With quinellas, it is a South Australian pool only and the commission is 14.5 per cent. For daily doubles, it is a South Australian pool only and the commission is 16.5 per cent. For trebles and fourtrellas, it is a South Australian pool only and the commission is 20 per cent. We have different forms of betting and in some cases those different forms of betting are linked to the SuperTAB, in another case they are linked to Western Australia and, of course, in other situations we have a South Australian pool only. As I understand it, at present there is legislation in place to allow us to move the commission as long as we are in a pooling arrangement with another State. That is my understanding of the current legislation, and I refer to section 68(2)(b) in respect of the assertion I am making.

My understanding is that the commission rate can be varied if we are in a situation where we are linked in a pool arrangement to another State. If I am wrong about that, I want to be corrected by the Minister. The Bill before us provides that that situation will continue, but that for the other forms of betting that I mentioned—quinellas, daily doubles, trebles and fourtrellas—where we have a South Australian pool only, the Bill gives greater flexibility to the TAB so that it is able to adjust its commissions.

As a broad principle, the Opposition understands that, particularly now that we are in a very competitive market with TAB Form and TAB Limited. If it can enter into arrangements where it can fluctuate its commissions, there must be an opportunity for us to respond. The Opposition appreciates that, but we still have some concerns. We are still concerned about what the bottom line will be and I will ask questions about that. How will the punter be affected? What sort of money will be taken out of the system by an increase in the commission and what effect will that have on the punter?

The Opposition will allow this Bill to pass on the voices. I reiterate what I said earlier that, unfortunately, my briefing came too late for me to be able to brief my Caucus colleagues. People on both sides of the Chamber know how the system works, so that is disappointing. I will need to take the next available opportunity, which will not be until next Tuesday, to brief my colleagues in regard to the content of this Bill, and we may well take another position in the other House. In broad terms we understand the need for the TAB to have greater flexibility, so we will allow the Bill to pass on the voices in this House.

I said earlier that I will ask a number of questions in Committee. It is my understanding that I will get the call on three occasions and that I can speak for up to 15 minutes on each occasion. I will be guided by your wishes, Sir, as to whether we will strictly follow that format, which will necessitate me asking a group of questions at the one time and then sitting down, which makes it more difficult for the Minister because I will be asking three or four questions at once and then when I get my next opportunity to speak I will do the same again. Perhaps more freedom can be allowed so that I can ask the series of questions that I have one by one—ask the question, sit down and get the response. I have to be guided by you, Sir.

Mr Meier interjecting:

Mr WRIGHT: What should have been done yesterday?

Mr Meier interjecting:

The ACTING SPEAKER (Mr Hamilton-Smith): Order! The member for Lee has the call.

Mr WRIGHT: That is a bit hard, given that I did not get a briefing until 5 o'clock yesterday.

Members interjecting:

The ACTING SPEAKER: Order! The member for Lee has the call. Interjections will cease.

Mr Meier interjecting:

Mr WRIGHT: You are talking absolute rubbish!

Mr Meier interjecting:

Mr WRIGHT: I did ask for a briefing when the Minister introduced the Bill. I received a response at about 4 o'clock yesterday. I will ask the questions in batches and, if we do not get satisfactory answers, our very competent former shadow Minister for Racing will follow them up.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I seem to have offended the member for Wright for which I am—

Mr Foley: Member for Lee.

The Hon. M.H. ARMITAGE: Member for Lee. You know what I mean.

Members interjecting:

The Hon. M.H. ARMITAGE: You know exactly what I mean. I apologise to the member for Lee. I had no idea that he was so concerned about this because the facts are as follows. The member for Lee, as he quite correctly identified, came to see me and asked for a briefing last week, and I had a chat with him about exactly what the Bill is about.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: Last week. I said that it is about providing flexibility to ensure that the profitability of the TAB can continue in the light of the occasionally predatory and voracious behaviour of other competitors, and that is exactly what the Bill is about. I am more than happy to answer questions because it is an important matter to ensure that the TAB continues to be profitable. In doing so, I stress to the Parliament that in a very competitive betting situation, which is now evident in Australia, there is no opportunity, as I think the member for Lee was attempting to infer, for the punter to be fleeced. That simply does not happen—

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: You wanted to make sure that the punter is going to be okay and, in the competitive situation which is evident in punting at the moment around Australia, that is a commercial reality which the directors of the TAB are faced with on a day-to-day basis. I share the member for Lee's concern about this matter, but commercially it will not happen because of the pressures around Aust-

ralia and the ease with which punters are able to address when and where they bet. They do that on a regular basis.

This Bill is nothing more and nothing less than about providing the opportunity for the TAB to work flexibly, and I look forward to answering whatever questions the Opposition may ask. The honourable member identified section 68(2)(b), indicating that we can only change our commission if we are in a pooling arrangement. That is not correct. If we are in a pooling arrangement, we have to have the same commission as the people with whom we are in that pool, and that is the effect of section 68(2)(b). We have the flexibility within the present regulations to change all our commission rates as we want to. This will just increase the flexibility with which they can be changed. I look forward to answering the questions because there is nothing sinister about this Bill. It is for the good of South Australia and the TAB, and I look forward to the next stage of the debate.

Bill read a second time.

In Committee.

Clause 1.

Mr WRIGHT: I accept the Minister's apology. Part of what he said is correct in that the commercial pressures will not allow the punter, as in his words, to be fleeced. I did not use that word. On behalf of the Opposition, I highlighted our concern that there is some protection in the system for the punter.

The ACTING CHAIRMAN (Mr Hamilton-Smith): Order! I advise the member for Lee that his comments should relate to clause 1, 'Short title'.

Mr WRIGHT: In regard to the short title, the Minister referred to section 68(2)(b). I think we were both talking about the same thing, but we might not have been. I stand to be corrected, but it is still my understanding—and we will not dwell on this—

The ACTING CHAIRMAN: Order! The member for Lee should confine his remarks under clause 1 to 'Short title'. There will be an opportunity under clause 2 to debate the detail of section 68.

Mr WRIGHT: I will leave my questions for clause 2.

Clause passed.

Clause 2.

Mr WRIGHT: As I have already outlined, I will ask my questions in a series because only this clause is before us. I think the Minister and I are talking about the same matter in regard to section 68(2)(b), but we may not be. I still contend that section 68(2)(b) allows the TAB to vary its commission rates if we are in a pooling arrangement with another State. Perhaps the Minister can confirm that. I also understand that what I said earlier is correct and at variance with the Minister, that is, that this Bill allows the commission rates to be varied on all other forms of betting where it is a South Australian stand-alone system. If that is not the case, perhaps the Minister can tell us what are the current arrangements, because I think he said words to the effect of, 'This will give us greater flexibility to do what we can already do but to do it in a more flexible manner.' I need the Minister to explain that to the Committee because, if that is the case, we need additional detail of what precisely are the current arrangements in regard to the variance of the commission rates. Are numbers actually set in regard to that?

Further, by what does the TAB expect to increase its profit line as a result of the proposed changes? What additional profit is the TAB budgeting for as a result of changes to the current Act? Will the Minister explain, as far as it is possible to explain, how worse off the punter will or could be with this change? If commission rates are to be increased—I appreciate that this will improve the bottom line and will increase the TAB's profit—and if it is only at the margin with respect to how the punter will be affected with the dividends, can the Minister give us some idea of what we are talking about in respect of percentages and what the punter may be looking at? For example, is it so minuscule that the punter will not even notice the difference, or is that not the case?

The change referred to increases the bottom line of the TAB. Is this a move to increase the value of the asset? Is it a move to get the asset ready for sale? Has the Minister consulted with the racing industry about these changes? It is all very well for the Minister to say that this is a very minor, straightforward change, and for the Whip on the other side to screw up his face and say, 'You should not be talking about not getting a briefing; what are you carrying on about?' We look at this Bill very seriously because, unlike members opposite, we believe that the racing industry here has a very important part to play and must be protected. As I said before, at this stage the Government is providing no leadership or direction to the racing industry. I would like to know whether the racing industry has been consulted about these changes and, if it has, with whom has the Government consulted?

The Hon. M.H. ARMITAGE: I am absolutely confident that we are talking about exactly the same thing in relation to section 68, but I do wish to clarify that section 68(2)(b) refers to the arrangement that must come into place for, as it is termed, an 'amount' which must be deducted from the amount of bets accepted by the TAB under the agreement, in other words the commission: all that section 68(2)(b) provides is that, where there is a pooled arrangement, for argument's sake between South Australia and Victoria, we are required under section 68(2)(b) to have the same commission in South Australia as applies in Victoria—where there is a pooled relationship. That is sensible, commercial stuff; that is already available.

However, what I think the honourable member is not taking into account in relation to all that is section 68(2)(a), which provides that the regulations may prescribe different amounts in relation to different kinds of bets. In other words, the TAB has the opportunity to prescribe different amounts, or different commissions, in relation to different kinds of bets. All that this legislation does is increase the flexibility to do what is already provided under section 68(2)(a), and that applies to all bets, whether they are in a pooled situation or whatever. We can change them. As I indicated to the honourable member last week, this does nothing more than increase the flexibility to do what we can already do, which is ponderous.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: It is because it is ponderous, and in today's marketplace we do not want to be ponderous: we want to be able to react the minute one of our competitors decreases their rates.

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: Yes, but it is ponderous. Where we are able to delegate other people to do it, we can do it instantaneously and be competitive. In relation to the statements of the honourable member as to how much the bottom line might be increased and whether this is a sinister plot to increase the value of the TAB, we have looked at what would happen if we increased the commission on quinellas and doubles, for which, as the honourable member identified, our commissions are slightly lower than other areas. If we increased quinellas to 15 per cent from 14.5 per cent and

doubles to 17 per cent from 16.5 per cent—in other words, a .5 per cent increase—the huge amount of increased profit for the TAB would be $263 000 per annum, we believe.

To comfort the honourable member, I point out that that would happen if we increased the rates. On those two forms of betting we would get an increased profit of about $263 000. But the whole purpose of this Bill is, on occasions, to allow us to decrease the commission so that we do not lose a whole lot of bets interstate, whereupon the punter will do better in South Australia. It is not a matter of our attempting to fleece the punter but merely a matter of our wishing to address our competitors in a competitive market as quickly as possible. In relation to consultation, I am informed that RIDA was informed about this and was supportive.

Mr WRIGHT: One question that the Minister did not address from the range of questions I asked—

The Hon. M.H. Armitage interjecting:

Mr WRIGHT: I appreciate that there may not be an answer at this stage. I have never used the word 'fleece' and the Minister has used it a couple of times now. I am not for a moment suggesting that the TAB is looking to fleece the punter, because I appreciate that in the marketplace if you do that, you lose the punter—the punter will go into either a different system or a different form of betting. We can agree on that. It has to be a commercial decision and I appreciate that there can be increases and decreases: there is no argument with us on that.

So that we can allay the concern that may exist to the punter, are we able to give punters *per se* some sort of definitive answer on what effect an increase in quinellas from 14.5 to 15 per cent and in doubles from 16.5 to 17 per cent would have on the punter? By how much would it reduce their dividend? I asked that question earlier and I put it again to the Minister. I will need to continue because of the limitations placed upon me in regard to how many questions I can ask, based upon the number of clauses.

The Minister also said that he consulted with RIDA. That is well and good. I wonder what RIDA did beyond the consultation with it? It is my understanding that there has been no consultation with the South Australian Thoroughbred Racing Authority (SATRA), the industry body charged with the responsibility of running thoroughbred racing in South Australia. It is also my understanding that the SAJC has not been consulted either. It is one thing to consult RIDA—a Government appointed body—and another to consult the two vital bodies that are responsible for running thoroughbred racing in South Australia. Thoroughbred racing will be affected by these changes but, as the Minister would know, harness racing and greyhounds, I understand, are run by the TAB but thoroughbred racing is not run by the TAB.

The SAJC, through the company that it has employed—I cannot remember its name—will have to, I imagine, change its software to facilitate something like this. I would not have thought that was a big deal, but it is the reason why I deliberately raise the aspect of who has been consulted, and in this case it would have been good politics and good government to raise this matter with the South Australian Thoroughbred Racing Authority and the SAJC. It is well and good to raise the issue with RIDA, and it should be consulted as well—there is no doubt about that—because the Government has put RIDA in place (and it has been in existence for some 2½ years) to undertake a range of things in the racing industry, some of which have been successful and some of which have been an absolute failure. It is my understanding, on fairly good authority, that the South Australian Thoroughbred Racing Authority has not been consulted, so that is something else I suggest could have been a possibility.

[Sitting suspended from 6 to 7.30 p.m.]

Mr WRIGHT: I was asking a few questions and making a few comments before the dinner break and I think I got about halfway through some comments I was making about consultations that are being made with the racing industry and the importance of who should be consulted in this process. I accept the Minister's earlier answer that RIDA has been consulted in this process. I would be interested to know whether the South Australian Jockey Club has been briefed in regard to what is happening because it is my understanding that thoroughbred racing is the particular area of the racing industry that will be most affected in regard to the computers and the software. That is not to say that greyhound or harness racing should not be consulted as well, but it is my understanding that the TAB runs the operation at the greyhound and harness racing but with thoroughbred racing it is done by the jockey club; they hire someone do it (I cannot remember the name of the organisation). That is why I particularly make reference to whether the jockey club has been consulted.

I also wish to return to something we were talking about previously. I appreciate the answer the Minister gave but I have to tell the Minister in all honesty that I am not totally sure how it has worked until now and how it will be different in real, lay terms. I would appreciate the Minister's explaining that to me. I agree with what the Minister said when he referred me to 68(2)(a), that there is already some flexibility in the system but that this will give greater flexibility. I do not have a handle on that or a real feel for that at the moment, so I would appreciate some additional detail. For example, if there is flexibility in the system at the moment, what is that flexibility? How does that operate in physical, layperson's terms? How will the changes established by this Bill then provide greater flexibility to the system?

We are not arguing against the TAB's having greater flexibility, because we all agree that in the commercial market that is important, but it is also important that we raise some of these issues and have questions answered so that we can have it explained to us. I would appreciate some more detail about how the system currently works, whether it is done by regulation and why and how it will become more flexible with the changes to the Bill. I think that is my second question; it is a pretty important one, which I would like answered. I will stop here and ask my last few questions in my last opportunity to speak, because they probably link together.

The Hon. M.H. ARMITAGE: The honourable member asked what effect this will have on the actual punter. I think the honourable member is continually approaching this as if the rate of commission will always be increased so the punter will always lose. I have explained to the honourable member twice that that is not the case. Frequently in this instance the punter will win because we will be decreasing the commission rates to compete with, as I said, the voracious competitors in this market. So, whilst we have identified—

Mr Wright: Does that mean that the total mix of all this will be neutral to the punter?

The Hon. M.H. ARMITAGE: It means that we will be able to compete and that the profitability of the TAB will not be affected, and that is to the benefit of the racing industry. As the honourable member has identified, the percentages of the profit which the TAB makes are fixed. The TAB clearly

will not make a decision that will not be in the interests of the bottom line, and that includes making a commercial decision about frightening punters off because it increases the commission rate by too much. That is one of the issues raised by the honourable member. The TAB would not do that. It is experienced in the marketplace. If the TAB is going to make commercial decisions to secure its bottom line, racing benefits.

The commission rate in the examples we have used included quinellas moving from 14.5 per cent to 15 per cent and doubles moving from 16.5 per cent to 17 per cent which is, obviously, approximately a 3 per cent increase—0.5 per cent divided by 16 is approximately .03 per cent. That would apply in the case that we have given. However, I reiterate for the Parliament's benefit: there will be examples where the commission rate will decrease. So, it is simply impossible to give a completely identified figure that this is what the effect of this will be.

What I can say is that if we do not pass this legislation the effect will be negative on the TAB because the TAB will be hamstrung and unable to compete with its competitors. The honourable member has alluded on several occasions to the fact that there might be some great difficulty with changing software, and so on. I am informed—

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: The honourable member should calm down; no-one is interested in a fight, but—

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: No-one is interested in—

The CHAIRMAN: Order!

The Hon. M.H. ARMITAGE: I am telling you the facts.

The CHAIRMAN: Order!

The Hon. M.H. ARMITAGE: The simple fact is—

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: If I am misquoting the honourable member, I am sorry. I took down what I thought the honourable member said. I thought he said that the racing industry, which has a deal with another software provider, might have some difficulty coping with this change. If the honourable member did not say that, I am sorry. The fact is that if he had said that the answer to that objection—

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: I am saying that if you had said that the answer to your concern would be that I am informed that making the change in the software is extraordinarily easy: it is literally a matter of keying a different rate into the present software and everything happens thereafter, which is one of the benefits of technology.

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: As I indicated before, RIDA was consulted.

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: I have identified that. I have identified that RIDA was consulted.

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: As I said, 'No'; RIDA was consulted. There is nothing sinister about that. I was quite specific in saying that we had consulted with RIDA. If we had consulted with the SAJC and 10 other people, I would have identified that. But RIDA, of course, is the overseeing body within the racing industry, and I believe that that is completely appropriate. Also, the racing clubs have traditionally used the same commission deduction rates as the TAB, and there is no reason to believe that exactly the same principle would not continue. To answer the honourable member's concern about the increased flexibility and how that will occur, if the honourable member refers to clause 2(a) of the Bill he will see that the principal Act is amended by inserting 'or fixed by a person or body appointed by regulation within limits prescribed by the regulation'. At the moment the process of varying the rates, which are fixed, requires a Cabinet process, and so on.

There are rules as to how quickly those can get in. In fact, we have a 10 day rule for Cabinet which is simply too long in the commercial world. I would love to think that it was not, but the days when you could make commercial decisions over a two or three week period are long gone. This allows the rate to be fixed by a person or body appointed by regulation within prescribed limits. In other words, it takes out the Cabinet process from that exercise. That is exactly the flexibility we identified.

Mr WRIGHT: The Minister said it will go up and down with the commission, and I appreciate that point of view.

The Hon. M.H. ARMITAGE: It might.

Mr WRIGHT: Yes. In a commercial sense we would expect those possibilities to occur. Given the total mix, does the Minister see the punter as being any worse off? Maybe that is an impossible question, because it could go up or down, depending on the form of betting. I am not worried that punters would be fleeced—and they are the Minister's words not mine—because in a commercial situation obviously the TAB would be cognisant that, if it goes too high with the commission, people could wake up and move into another pool or go to other forms of betting, and of course none of us would want that. How would the punter fair out of this total mix? If we increase the commission on quinellas, because that is one area that has been identified as going from 14.5 per cent to 15 per cent, and given that South Australia has the lowest commission rate for that form of betting, why not link it to the Super TAB rather than leave us only in the South Australian pool? Would it not be better for the Government, the TAB, the racing industry and the punter (so I have identified four areas where a benefit could be derived) if the quinella went into the Super TAB, because we would go into a bigger pool, which would be more attractive to the punter, it would be a better bottom line for the TAB, more money would go back to the industry and more profit would go to the Government?

Further, a lot of comments are being made in racing circles about the bottom line performance of the TAB relative to its turnover. There is an overwhelming criticism about this, and I am sure you would have heard it, Minister. It is difficult to avoid comments like this at, for example, the races, the trots or the greyhounds—and I have been to all in recent times. The criticism about the TAB that exists in the racing industry at the moment is along the lines of: 'We get all these figures and all this information about the significant improvements in turnover, which we all welcome, but it is not showing up in the bottom line.' Is that criticism justified?

Another area in which I am interested is: how does what we are about to do compare with Victoria? Are we following a model that Victoria is using? I do not ask that question to be critical but more to seek the information as to whether we are to have a similar arrangement. Obviously, because of the size of TAB Form and TAB Limited, particularly TAB Form, it may be appropriate that we model what is happening in that particular area. I would also be interested in when we might expect the regulations to apply. It is my understanding that the regulations will follow the legislation and that the regulations will set down the parameters that exist with

regard to the commissions that will be taken out for the various forms of betting. Am I correct in assuming that the commission that is prescribed by the regulations will actually set parameters, because I would have thought that there has to be some mechanism to know within what we are working?

The Hon. M.H. ARMITAGE: I wish to give an example to the honourable member in relation to the variation of commission to exemplify the sorts of things that might happen to underscore what I am saying: first, that the punters are not the targets of this and, secondly, to identify that there are clear commercial imperatives in all this. At one stage during the past 15 months while I have been the Minister—I forget when, about six to nine months ago, I think, although the timing is irrelevant—TAB Corp decided to decrease the commission on win bets because it thought this would be great; that is, decrease commission, the punter will do better, there will be a huge increase in turnover, we will make more profit and this will be great for the TAB. Big mistake.

What happened was turnover did increase and the profit fell. I guess that was a good commercial decision for TAB Corp, which was wrong. Now, it was able to change that immediately, and indeed with the passage of this legislation, if there was indeed any negative reaction—for example, if the punters decided to move to another State from the South Australian TAB betting opportunities—the flexibility would allow us to manipulate those things immediately. The honourable member asked: would it not be better for the punter if all our quinellas, doubles and so on were all part of the SuperTAB? The answer is 'No,' because, as I indicated, under section 68(2)(b) of the present Act, if we are pooled, we have to have the same rate as our pooling partner.

Now it may well be that we may choose with our own quinellas and own doubles commission rates to take a commercial advantage in South Australia and drop the commission rates whereas, if we were in a pool, we would not be able to do that. So, it is not necessarily better for the punter at all. In relation to Victoria—

Mr WRIGHT: If the pool is bigger, it will be more attractive to the punter.

The Hon. M.H. ARMITAGE: Yes, but if the commission rate is higher, it will not be. It is definitely a matter of swings and roundabouts. That is exactly why in this commercial world we need to be able to make quick decisions. In relation to Victoria, I am told that it is able to use a range of commissions but it is limited by a cap on the commission.

Ms WHITE: When will the regulations be gazetted and will those regulations include specific figures?

The Hon. M.H. ARMITAGE: I thank the member for Taylor for that extraordinarily perceptive question, to which the answer is as follows: the regulations will have to go through Cabinet in the first instance to do, in fact, what we are seeking to do under clause 2(a), that is, to insert 'fixed by a person or body appointed by regulation'. If the Bill were to pass, we would be keen to accept the advantage which this offers to the TAB, so we would be doing that as soon as possible. I know that the member for Taylor will follow up that question with, 'What rates would be likely to be identified in the regulations?' The answer is that we will be limiting it to between 12 per cent and 25 per cent, so there is quite a range, but that is what the person or body appointed by regulation could do. Also, it is intended that the TAB will report on an annual basis regarding the actual variations and the effects of those variations.

Ms WHITE: The Minister said that the upper limit would be 25 per cent. That is an increase, is it not?

Members interjecting:

The CHAIRMAN: Order!

The Hon. M.H. ARMITAGE: The simple fact is that that is an increase, and that is exactly what we have been debating. I know that the member for Taylor will ask the next perceptive question, which is, 'Is 12 per cent not a decrease?' to which the answer is 'Yes.'

Mr FOLEY: I have a number of serious, important questions. First, in relation to the Semaphore branch of the TAB, I have had a request before the TAB for many years about toilets in that TAB outlet. I am not getting a satisfactory response. Will the Minister ask whether the provision of toilets on Semaphore Road would be an issue that the TAB could look at soon?

The CHAIRMAN: Order! I would suggest to the honourable member that the question that has been asked is out of order as far as the Bill is concerned.

Mr FOLEY: Thank you, Sir. I thought it was a good opportunity to put that question, and I can reply to my constituents who continually write to me about that matter.

The CHAIRMAN: The honourable member has had that opportunity.

Mr FOLEY: The other issue concerns the alterations to the activities of the TAB, as addressed under this Bill. How will that be affected by possible sale of the TAB and, given the importance of these changes to the operation of the TAB, what do you intend to do in relation to the sale of the TAB? Where are we at and when will you be announcing a position?

The Hon. M.H. ARMITAGE: It has absolutely nothing to do with the legislation, but I am delighted to answer the question. It will have no effect on sale or otherwise of the TAB but, whether we make a decision to sell the TAB or whether we make a decision to retain it in State Government ownership, it is clearly in South Australia's best interests to have a TAB which is able to compete with its voracious rivals interstate, and this is the best way that that can occur.

Clause passed.

Title passed.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

That this Bill be now read a third time.

I thank members opposite for their extraordinarily perceptive questions about this important matter. Given that there is an opportunity to give the SA TAB an advantage, if there is any question which arises from members opposite between now and when the Bill is debated in another place, I would be delighted to answer it before it is debated.

Bill read a third time and passed.

SHEARERS ACCOMMODATION ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 664.)

Ms KEY (Hanson): In speaking very briefly to this Bill, I note that the Shearers Accommodation Act goes back to the 1920s and was put in place to ensure that shearers had proper accommodation and amenities while moving around the countryside doing their work. I had the opportunity this morning of a briefing from one of the department's work-

place services inspectors who has a lot of experience not necessarily in the shearing area but certainly as an inspector and worker in that area, and I am advised that this Act is no longer necessary, as we now have in place a health, safety and welfare Act and regulations that cover the amenities that need to be provided in particular workplaces. Also, we have guidelines that were put together by a tripartite committee in 1997 with regard to accommodation and amenities.

My concern is that only guidelines apply to accommodation and amenities, not a code of practice or regulations, but I am assured that, when there has been concern in this area regarding accommodation in particular, the guidelines have served as a model for the provisions that should be laid on for shearers and other seasonal workers in rural areas. I have consulted with the appropriate union in relation to this issue, and I have been assured that, despite the fact that it questions the amount of consultation that has taken place, it has in fact been consulted, and it is prepared for this Act to be repealed.

My last point is that, in future, it would be better if we had proper briefings earlier in the piece and were not expected to push through or repeal legislation with only one week's notice. I would ask the Minister to bear that in mind. I am happy to make myself available for those briefings, but the offer should be extended to us so that we can facilitate pieces of legislation where repeal or modernisation is required, and where the parties agree that that could happen more speedily with some notice and the proper briefing and consultation. I am certainly happy, in relation to any areas under my portfolios, to give that undertaking, if I am briefed properly: I am happy to try to cooperate and facilitate legislation where we agree. It seems nonsense to me to spend hours discussing something on which we basically agree. I hope that the Minister will take on board my comments.

Given the advice I have received and the consultation I have had, I believe it is appropriate that the Act be repealed. I stress that I hope that the fact that accommodation and amenities are covered by guidelines will not disadvantage workers in this area in the future, and that the spirit of those guidelines will actually be acted upon where there are difficulties or disputes.

Mr VENNING (Schubert): I understand that the Shearers Accommodation Act is no longer necessary or appropriate, with provisions now in place under the Occupational Health, Safety and Welfare Act 1986 and regulations. I note the speech of the honourable member opposite. Many shearers' quarters these days are used for tourism purposes, and are certainly very high grade, particularly in isolated areas. I fully support the Government's objective to ensure that the needs of persons in occupations where accommodation, mess facilities and toilet facilities are required are met in the workplace. This applies to a wide range of occupations, including shearers. I have seen first-hand, as a very impressionable lad off the farm at the age of three or four years, shearers come into the shed.

Ms Breuer interjecting:

Mr VENNING: A little while ago, but not that long. The shearers were fresh from the pastoral company. Ours was an inside shed and we did not have to accommodate the shearers. The folklore that went with the shearers, as shown in films about them, is steeped in Australian history, so a Bill like this is quite important. I know first-hand of the poor accommodation facilities that shearers have had to endure working on properties. Some of the shearers' quarters were no better than chook sheds with wire netting nailed on the front and they had old, dirty mattresses to sleep on. The standard of hygiene in the kitchen and mess areas was also questionable.

On some properties shearers were exploited, particularly last century and the early part of this century, and my reading of the old speeches certainly shows that. They were poorly paid and, basically, they lived in squalor. In those days they sheared with blades, which is hard work by any call. The sheep were much wrinklier then, too, so they had double trouble! That has been part of the great Australian folklore—unique and quaint, but not too flash for the hardworking shearer using blades, especially in adverse weather such as a heatwave.

The most significant part of this Act was introduced in an endeavour to bring in some uniformity and standards in accommodation and it was passed in this Parliament on 21 December 1922. A Liberal Government was in office at the time, which is unusual when one considers the nature of the Bill that was being debated, led by then Premier Sir Henry Barwell, KCMG. The Minister of Agriculture (Hon. Tom Pascoe), who still has relatives living in the Mid North of this State, moved the second reading in this House on 20 September 1922. I refer to that speech, which contains some quaint remarks, as follows:

> The Shearers Accommodation Act 1905, is amended by an amending Act of 1916, which provides that specified arrangements shall be made by the employers of shearers for their sleeping and eating accommodation. The machinery provided in the Acts for the enforcement of the requirements is cumbrous.

That is a word we do not see used today. The speech continues:

> The steps to be taken to punish an employer for not providing the statutory accommodation are so circuitous and lengthy that the effective administration of the Act is almost impossible. . . The inspector then gives the employer notice to provide the required accommodation within three months.

That involved a long process. The Minister continues:

> The inspector then makes a complaint to the justice of the peace. . . At the time of the introduction of the original Act, i.e., in 1905—

it has been going on since that time, so the legislation is 94 years old—

> most employers had no such accommodation, as the new Act required, provided for their shearers; therefore these circuitous methods were provided in order to give employers ample time to comply with the law without unduly embarrassing them or exposing them to prosecution. As the Act has operated since 1905—

the Minister is addressing an amendment to that original 1905 Act—

> every employer should now have his shearing shed equipped with the necessary accommodation.

There was no 'his or her' then. I go on to quote the Minister (Hon. Tom Pascoe), as follows:

> The exemption in the section with regard to shearers who sleep at their own homes is dropped from the Bill as being unnecessary. If the shearers do not desire the accommodation, obviously, the employer need not provide it. . . It will be noted that the word 'employer' includes master, manager, foreman, overseer, or any other person. . . The effect of this provision will be that the Act will be administered almost entirely by the police force.

That was a big change because it was up to the justices before that. The Minister continues:

> The buildings in which the accommodation is provided must be at least 50 yards from the shearing shed.

That was a unique provision. The speech continues:

> The buildings in which the accommodation is provided must be fumigated annually.

I wonder whether that should still be the case in some areas.

Mr CONLON: I rise on a point of order, Mr Deputy Speaker. I do not know whether there is a Standing Order that requires the speaker to have a point, but I think the honourable member's speech must have relevance.

The DEPUTY SPEAKER: There is no point of order but I ask the member for Schubert to try to concentrate on the provisions of the Bill.

Mr VENNING: With all deference, Sir, I am doing that because I am referring to the original Act and I am reading from the original second reading explanation. Our repeal Bill today makes history. It continues:

> If the shearers allow the buildings to become dirty, the employer may clean them and keep them clean, and may deduct the cost of so doing from any wages due to the shearer by him.

How would that stand up today? The second reading explanation continues:

> All buildings are to be inspected at least once in every year. . .
> Under clause 14 proceedings may be taken before a court composed of two justices of the peace in accordance with the Justices Act 1921.

Later, on 3 October 1922, the Hon. W.G. Duncan, whom the member for Light might know something about, in Committee on clause 4—

The Hon. M.R. Buckby: Walter Duncan.

Mr VENNING: Yes. In Committee the Hon. W.G. Duncan said:

> Subclause 2 of clause 6 refers to Asiatics, for whom separate sleeping and dining accommodation must be provided. There is, however, no definition of 'Asiatics' in the Bill. For example, is a Chinaman born in Australia a Chinaman or an Australian?

The report continues:

> The MINISTER of AGRICULTURE (Hon. T. Pascoe): Very few full-blooded Chinamen are born in Australia. The Chinese do not allow their women to come here.
> Hon. W.G. DUNCAN: What about a half breed? Is he an Asiatic?
> The MINISTER OF AGRICULTURE (Hon. T. Pascoe): I should say that he was only a half breed Asiatic—

Ms KEY: Mr Deputy Speaker, I rise on a point of order. I wonder about the relevance of the comments made by the member for Schubert. I am not sure that he is talking about shearers at the moment and his comments do not address the Bill before us.

The DEPUTY SPEAKER: There is no point of order. I understand that the member for Schubert has referred to previous speeches made in the House but I ask him to consider the provisions under the present Bill.

Mr VENNING: I will consider them because I do not want to tire members, and so I will not continue quoting from the 1922 speeches. They are there for members to read and a portion has now been read into history for *Hansard* so that people can reflect on them again. Since that date there have been several amendments to the Act to further improve the living standards of shearers. Even though these laws were in place, a number of pastoralists flouted them and continued to provide substandard accommodation. More recently the Shearers' Accommodation Regulations 1976, which are pretty current compared to the provisions I have just quoted, were revoked and WorkCover issued new 'Guidelines for Workplace Amenities and Accommodation' under the OHS&W regulations.

As I previously stated, my only concern is that these OHS&W regulations are practical and that they can be applied without unnecessary bureaucratic red tape that often goes with them. People involved in the wool industry know that it has been pretty depressed over the past few years. Australia's sheep flock overall has declined significantly in line with this and, as a consequence, the demand for shearers has also dropped away, which is pretty sad indeed. It is suffice to say that a good shearer is a real asset to have on your place at shearing time.

In that regard I refer to Shannon Warnest, who lives in Angaston and who is an Australian champion shearer. It is magnificent to see a young Australian taking on this profession and doing so well. He has been a real credit and was recently adjudged Junior Citizen of the Year in the Barossa. Certainly, shearers are valued. We live in hope that the Hon. Ian McLachlan can turn things around so that once again reasonable profits can be returned by the wool industry and other industries that support it. I note the historic connotations of the Bill and I certainly support it.

Mr WRIGHT (Lee): Briefly, I echo the comments of our shadow Minister but also pick up what the member for Schubert just said. I hope that by repealing this Act we will not put the shearing industry and its shearers in a situation worse than currently exists. I hope that the regulations under the Occupational Health, Safety and Welfare Act, which will pick up these areas, will cover the amenities and that the accommodation issue will be covered by the guidelines. I hope that all of what we are being advised will indeed occur and that there will be no watering down of the standards, because we certainly cannot afford that. The shearing industry has a great historical perspective throughout our nation's history. The shearing sheds are a significant and important part of our history.

I was somewhat disappointed that the Australian Workers Union, which represents shearers, was not consulted about this. The shadow Minister has already alluded to that. That has to be a major disappointment. Over many years the shearing industry has provided the Australian Workers Union with strong membership and has been well represented by that union. At the very least, I should have thought that the union which represents shearers would be consulted during this process.

It is somewhat of a disappointment that we are losing some of our history. I am sure the honourable member would be aware that fewer and fewer people are taking on this occupation, something for which we as a nation will be sadder, because shearing is a noble and wonderful occupation. I would dearly love to see the shearing industry return to its great days of the past—

An honourable member interjecting:

Mr WRIGHT: —and to see young people take on the challenges that this industry confronts. This occupation does have much to offer. In conclusion, I will elaborate on the honourable member's interjection: any occupation that can throw up a Mick Young, a Jack Wright, a Don Cameron, a Clyde Cameron, a Keith Plunkett or a Jim Dunford is not a bad occupation.

Mr LEWIS (Hammond): Mr Speaker—

Mr Venning: Ted Chapman.

Mr LEWIS: Yes, I acknowledge that the former member from Kangaroo Island, Ted Chapman, was also a shearer, a shearing contractor and a farmer who owned quite a few sheep himself.

I make a contribution to this debate if for no other reason than that shearing enabled me to save sufficient funds, in company with a couple of my brothers, to buy some land and

get started in life in a horticultural enterprise. I have shorn a few sheep in my time, and that was almost immediately after I graduated from Roseworthy College.

The relevance of my remarks is simply this: during the 1950s and 1960s the conditions under which shearers were required to live improved to the point where they were reasonable and, in my judgment, quite acceptable. But in the late 1960s and through the 1970s I believe that the strong control which the AWU had acquired resulted in the demise of that industry, in the main, and their control of it, because they were simply too greedy in relation to the demands that they made of sheepowners.

I well remember the very sincere remarks made in this place by Keith Plunkett about his experiences as a shearer. But Mr Plunkett was quite paranoid in his view of the people who owned the land and the sheep, not understanding that, just because the title of the land was in their name or that of their family, they were worth as much as that and other assets could fetch on the market—they were not. Very often the value of the land was not much greater than the size of the mortgage which they had undertaken to repay in order to acquire the land. Equally, he did not understand that farmers and their families—the husband and wife who raised their family on a farm—lived on very little compared to people who were public servants and/or workers in some of the stronger manufacturing industries in urban society. Farmers' disposable income was very much less.

There was not, and is not to this day, the same measure of stratification in rural society as there is in urban society. Compared with many other Western countries, we should be happy that we do not have class distinctions. In fact, it is foreign to us and our nature. Regardless of the level of their income, we accept people as they are and for what they are more so than do other societies. We respect them for their views and what they contribute to the community, not for their bank balance or the extent to which they can put on the agony.

All that is relevant in the context of this Bill, because what was won for shearers in the way of reasonable accommodation was destroyed by too much more being then demanded of rural livestock owners, whether they were pastoralists or farmers. They could not afford to continue to raise sheep and have them shorn in that way. So, if they could possibly do so, they found ways around hiring shearing contractors by getting friends, nephews, cousins or anyone at all to shear their sheep or, more often than not, they simply did it themselves over an extended period.

Whereas previously it was unlawful under the award for shearers to cook their own food, and so on, that is now commonplace. I hope that with the abolition of this Act through this legislation we do not return to the days of 50 or more years ago—indeed, from the time of the shearers' strike in the 1890s—when, as was pointed out by the member for Schubert, shearers were treated very much like trash by land owners, whether they were graziers, large squatters or farmers. They suffered serious injury to their bodies as a consequence of the hard work they did and the inadequate and their inappropriate sleeping accommodation, and poor pay.

If you came off the board hot and sweaty and had nowhere to go to wash properly and cool down, by the time you were 30 years of age more often than not you ended up with severe arthritis and other bone diseases which accompanied being a shearer and which were more prevalent in those earlier times. We avoided the occupational health and safety adverse consequences by providing appropriate accommodation.

That is now dealt with under the legislation, but all legislators—indeed, everyone in the wider community who owns sheep and needs to get them shorn—should remember that they must take care of the people who do this work. I know, having done it, that it is extremely physical and difficult work. I have never shorn 1 000 sheep in five days, but I have shorn over 200 in one day, and I know what it feels like. I did not do that with any regret; I was fortunate to be able to do it, because it provided me with what I call my start in life. I know that a good many people tried too hard too early and literally tore their bodies to pieces in consequence—and they lived with that.

The Hon. G.M. Gunn: How do you reckon you'd go with a few big wethers now, Peter?

Mr LEWIS: I don't reckon I could get through more than about 10 in each run, that would be about as many as I could handle. I would be lucky if I got started again after afternoon smoko. In any case the other aspect of this legislation that I think is important is that we need to remember that in this as in any other industry, it cannot take more from it than the market is prepared to pay for the product which results. That is what happened in the wool industry. The costs of not only keeping sheep but, more particularly, of crutching and shearing became so high that using friends and relatives to do the work at lower costs overall was the way in which many farmers kept their sheep and kept going.

I do not want to see farming *per se* destroyed, nor do I want to see the viability of wool production and/or (and it is important to remember 'and/or') meat production, that is, lamb and mutton, lost to this country as it is an important part of it. It will never be as important as it has been, not only because people no longer eat so much sheep meat but also because other fibres have been invented in the past 40 or 50 years which have become strong competition for wool in the textile and garment industries and have reduced the demand and the price paid for wool. The other fibres are cheaper and perhaps in many instances more easily cared for. So whether those people, who believed that Australia in the 1950s riding on the sheep's back would always be able to do so and that the money they could expect to take out of the industry was like a bottomless bucket, died still believing that I do not know, but those of us who remain know now that that was not true then and it is certainly not true now. That is amply demonstrated by what was happened in the wool industry since.

So we lose part of our legislative heritage which relates to what I see as the economic heritage and the development of a great nation—Australia. Wool played a vital part in the development of that economy and the expansion of education facilities second to none around the world in the way in which it brought that money into the nation and spread it out across the nation and made it worthwhile and possible for us to develop other aspects of our farming science and the techniques by which we did it to the point where we now have such a strong, diverse and sustainable primary industry base in this economy. That is the relevance of the industry to which this legislation relates in the context of a society that has now become prosperous, diverse, multicultural and sophisticated—none of which would have been possible if we had not had sheep and the products that came from them.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank members for their contributions

in relation to an important Bill, which the Government would not be introducing unless the matters covered in the Act which is to be repealed were dealt with in another piece of legislation. I wish to clear up only one thing: the member for Hanson said that she only had a briefing yesterday. It is important that the House knows that the way the Opposition has tended to run bills in the past is that it has asked me for a briefing when it has wanted one. I have always been happy to provide it. Frequently, as occurred in this instance, the shadow spokespeople from the Opposition get briefings without coming to Ministers. The member for Hanson asked for a briefing yesterday either during or immediately after Question Time and my staff facilitated it immediately. There was no suggestion of not providing a briefing—I was not sure that it was wanted. I thank members for their support of the Bill.

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

PARLIAMENTARY SUPERANNUATION (ESTABLISHMENT OF FUND) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 729.)

Mr FOLEY (Hart): As shadow Treasurer I will speak for the Opposition on matters relating to parliamentary superannuation, as I do on all matters relating to superannuation. I have scrutinised this Bill and had discussions with the Government to understand the issues at hand here. Before anyone says it, I will say that this is not an issue to do with the contributions or benefits under the superannuation scheme: it is about the process and structure of the scheme. Clearly, now that the parliamentary superannuation scheme is fully funded, and as we move into the—

The Hon. M.R. Buckby interjecting:

Mr FOLEY: Just on this Bill—new arrangements under the Managed Investments Act and structure required by the Commonwealth Government for all superannuation schemes, it is important that the parliamentary superannuation scheme also be appropriately restructured to deal with the nature of the superannuation fund. Clearly, the fund must be managed in line with other superannuation funds, and the Opposition supports what are clearly structural issues relating to the administration of the fund to ensure proper accountability, accounting and prudential management of the scheme. That is appropriate and has our support.

Mr LEWIS (Hammond): Notwithstanding the parliamentary fact that the legislation deals with the manner in which the superannuation scheme is managed and goes some distance towards the concerns which I have expressed about that fund in the past during this Parliament more frequently within this Chamber than behind the doors of the Party room of the Party to which I belong—the Liberal Party—I still think the reform needs to go further. I believe that every member of this place should have been and ought to be provided again with the necessity to convert their superannuation from what is called the old fund to the new fund. The State's liability would therefore be measured and ruled off at the time they retire. Like any other worker in any other industry, they should take their lump sum payment and roll it all over (or so much of it as they wish to roll over) into any other fund management, just as every other citizen has to do, and not continue to depend on taxpayers for the indexed payment that comes, regardless of the contributions made from MP's contributions.

Mr Venning interjecting:

Mr LEWIS: Parliament is a different institution and different career from any other, in that none of us has a contract for more than four years. Whether or not it is renewed depends upon whether a majority of the people in each of the electorates of this House decides that it ought to be renewed and re-elect us, if not on the majority of preferences then on the distribution of preferences, thus determining whether or not we should be here representing them as citizens with their delegated authority to do the work which they expect us to do.

In my judgment, there will be a continuing disenchantment with members of Parliament from all levels of society whilst we continue to occupy this favoured position with respect to our retirement funds; namely, that if we have been here for a couple of terms we are set for the rest of our lives. I believe that it is fair that we be given a lump sum proportional to the responsibility that we have accepted whilst we are here and the length of time that we have served here—I have no problem with that—but that the money so obtained in our name and for our benefit should then be invested at our discretion in any one of the funds that are available in the private sector in exactly the same way as that of every other citizen. I do not see any reason why we should see ourselves differnetly and needing to continue to suck on the tit of the taxpayer.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): As the member for Hart has indicated, the impact of this amendment is on the administration of the scheme without having any impact on the structure of members' benefits. The Bill establishes a formal fund, which is able to hold assets to meet the liabilities under the scheme. In the mid 1980s the scheme was largely unfunded, but now that it has been fully funded by the Government it is appropriate that this action be undertaken. The Bill also requires that the Parliamentary Superannuation Board establish and maintain member contribution accounts for all members. The fund will also provide for a more appropriate basis for crediting interest to members' contribution accounts and brings the scheme into line with the normal member contributory superannuation scheme.

The Bill also addresses a technical deficiency in the existing provision; that is, that it deals with the entitlements of members of the new scheme who leave Parliament with fewer than six years service. I thank the member for Hart and the member for Hammond for their contribution to the debate, and support the Bill.

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

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 665.)

Mr FOLEY (Hart): I rise tonight to talk about an important Bill, an exemption to stamp duties for relatives of families who own family farms, described by the Act as a child or a remoter lineal descendant of brothers or sisters of the person or of the spouse of the person. In its last term this

Government extended the stamp duty exemption to the daughter or son of a family member, and it now seeks to extend that exemption to the niece or nephew of a family member. The Labor Party will be opposing this legislation in this House. From the outset I want to say that it is a bad piece of legislation; it is bad public policy; it is unfair, unjust, and, I believe, sails very close to the wind in respect of giving advantage to a particular sector of our community.

To suggest that we will make exemptions from stamp duty available to the nieces or nephews of a farming family, I find extraordinary. The Opposition could barely accept the notion that a son or daughter of a family should not pay stamp duty on the family farm and, indeed, should not pay stamp duty on farm equipment, plant and machinery—and, as many members opposite would know far better than I, that equipment can be extremely expensive. I can accept, as I said, barely the argument that a family son and daughter, perhaps, is entitled to such exemption, but to come into this Chamber during the economic circumstances that befall this State and this country and suggest that we will extend an exemption to a niece or nephew, I find quite extraordinary. What do we do then? Do we allow cousins? Do we allow next-door neighbours? Do we allow lifelong friends?

Mr Lewis: The Bill is clear on that.

Mr FOLEY: If members opposite want to start bringing nieces and nephews into such a net, where does it stop? Follow it through: does that then mean that the nieces and nephews of the niece and the nephew to whom the family farm was passed could then get stamp duty exemption? Over 20, 30, 50 or 60 years the ownership of the family farm could be almost in a totally different family. The notion that we should give such privilege to the nieces and nephews of the owners of a family farm, I find extraordinary.

Why should that privilege be extended to the nieces and nephews when the family-owned newsagent, petrol station, hardware store, butcher shop or bakery in rural towns throughout South Australia, which are represented by members opposite, suffer just as much as anyone else in a rural downturn? But we do not extend a stamp duty exemption to the people involved in those businesses. There may be, as my colleague the shadow Minister for Industrial Affairs says, family-owned child care centres in rural centres. These businesses do not attract a stamp duty exemption for the son or daughter, and certainly do not attract a stamp duty exemption for the nieces and nephews.

Mr Lewis interjecting:

Mr FOLEY: I respect the member opposite and his role as a member of a country electorate, but to suggest that the only people who suffer from a drought is the owner of a farm in a rural town is utter nonsense, because the local butcher shop, hardware store, newsagent or haberdashery store all suffer when there is less money circulating in a country town. I must make this point as someone who worked for a former Minister for Agriculture: rural assistance schemes (RAS) and other financial incentives made available to farming communities were very necessary but, barring some exceptions, they were schemes not passed on to family businesses and to businesses operating in rural and regional South Australia.

I simply make this point strongly that we must understand that the person who operates in rural South Australia is not only the family farmer: a much more complex community is involved, as members opposite know only too well. Why are we singling out the family farm in such a discriminatory fashion in respect of what we are prepared to offer others? It is bad policy, and I ask members opposite, and perhaps those more independently minded, to think carefully about what we are doing here. It was an election promise by this Government, in large part, to defeat the ground swell of support for Independent members challenging their sitting members in rural South Australia.

This sort of policy—very much at the sharp end of pork-barrelling—was designed to shore up voter support in a disgruntled rural community. I appeal to members opposite of Independent and National background to think about that. I will not single out members but I know that members opposite on the crossbenches operate small businesses, and they cannot avail themselves of this privilege: they certainly cannot avail themselves of a privilege where nieces and nephews can obtain an extension to the stamp duty exemption. It really is bad public policy. And there may not be a lot of money involved. The Government's defence may well be that it involves only a few hundred thousand dollars a year—or it might be $1 million. I do not care whether it is $5: it is the principle that we are dealing with. I believe that it is a principle that we must uphold in this Parliament—that we will not take the road of pork-barrelling to such an extent that we will justify supporting the sort of legislation that this Government—the Liberal Party in this State—has introduced.

I ask members to think long and hard about that and to vote against this legislation. To do so would send a very clear message to this Government that it simply cannot erode the tax base of this State in such a blatant exercise in trying to shore up voter discontent brought about by its overall lack of economic management in rural and regional South Australia. I am not even certain (and it will be a question that I will ask, so advisers might want to take note of this) how this issue is affected by the proposals in respect of the GST and those stamp duties that will be eliminated regarding the rationalisation of stamp duties that will be undertaken in relation to the GST: this issue might or not might not be caught up in that process.

I can understand that members opposite will want to try to paint the Labor Party, in opposing this legislation, as being anti-farmer. I am prepared to wear that criticism, because it is not right, fair or just criticism. What we are about is equity and justice because, as I said before, there are struggling family businesses in regional and rural South Australia which cannot obtain this privilege. But I will tell members where else there is disadvantage to small and family run businesses: it is in my electorate and the electorates of my colleagues—in Adelaide, Whyalla and Mount Gambier. We do not have many other major regional cities, but in our major city of Adelaide and our major regional cities there is much hardship that is unrelated to the rural economy where people cannot avail themselves of this exemption. I ask members to think carefully: how many businesses in their electorate are family-owned businesses that have been owned and held by families for many a generation? They cannot avail themselves of a stamp duty exemption. They certainly cannot avail themselves of passing on their family butcher shop, bakery, petrol station, trucking company, child-care centre, or whatever, to a niece or nephew if there is not a sole surviving son or daughter.

This is bad policy: it is almost laughable in its intent. It is somewhat bizarre that we would even be debating a taxation exemption for the nieces and nephews of the owner of a family farm should it be passed to them. I do not want to enter a debate about the structure of families, but I am not that certain that there could not be some interesting examples paraded here tonight of the family relationships involved, and

I think it is just nonsense that we would be seriously considering such an exemption. Even if it involves forgoing only a small amount of money, let us have a little policy strength from this Government—but, obviously, the Government will not offer that. I appeal to the Independents on the crossbenches: you are not letting down your communities—

An honourable member interjecting:

Mr FOLEY: No, this was a tool, a promise and a mechanism to stop the members for MacKillop, Gordon and Chaffey getting into this place.

An honourable member interjecting:

Mr FOLEY: It didn't work, so you can reject this outright without any fear of upsetting voters in your electorate.

An honourable member interjecting:

Mr FOLEY: The member for Colton says 'Rubbish.' I thought the member for Colton was a champion of small business.

Mr Condous interjecting:

Mr FOLEY: Why aren't you offering this exemption to family fish and chip shops or family newsagencies? Why are you not doing that?

Mr Condous interjecting:

Mr FOLEY: The member for Colton says, 'Do away with all stamp duties.' The Premier is in the Chamber: put it to him. If you want to get rid of stamp duties, you are in government, member for Colton; you talk to your Federal colleagues and your Premier, and let us see if you can—

Mr Condous interjecting:

Mr FOLEY: Now the sale of ETSA will be drawn into it. How do you relate the sale of ETSA to giving a nice little taxation holiday to the nieces and nephews of the owner of a family farm? I would like that one explained to me.

Mr Condous interjecting:

Mr FOLEY: And delicatessens.

Mr Condous interjecting:

Mr FOLEY: I tell you what, member for Colton, as somebody who wants to be the next Treasurer of this State, I would love to be able to have no taxes in this State; we would be a pretty popular Government. Unfortunately, we would not have any money with which to provide services. There is a correlation between taxation and expenditure—a correlation between what you raise in taxes and what you can spend. I know that concept might be a little foreign to the member for Colton but, if he ever was to sit around a Cabinet table, I do not know how he would frame a budget.

Mr Condous: You couldn't even get North Adelaide people to pay their rates. What are you talking about?

Mr FOLEY: Exactly!

Mr Condous: You couldn't get North Adelaide people to pay their rates. You are a joke.

Mr FOLEY: This from the former Lord Mayor of Adelaide; this from the member who paraded around publicly saying that we should stop the rebate for the citizens of North Adelaide but, when he got in here, he went to water. So, member for Colton, your credibility on rebates is zilch.

Mr Condous interjecting:

Mr FOLEY: I appreciate the interjections from the member for Colton. I enjoy contributions involving the member for Colton, because it does not take a lot from me to get him fired up.

Mr Condous: It's because you talk bloody rubbish; that's why.

Mr FOLEY: He is a bit grumpy, isn't he?

Members interjecting:

Mr FOLEY: Throw in the football team.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr FOLEY: I should ignore the member for Colton's interjections, because they are clearly designed to detract from my somewhat measured contribution tonight, which I had hoped would be taken in the spirit with which it is being made—

An honourable member interjecting:

Mr FOLEY: A bit of constructive debate about public policy.

Mr Conlon: Mate, you were winding up a few minutes ago.

Mr FOLEY: I was until he got me fired up.

Mr Conlon: Well, I want a go.

Mr FOLEY: The more I know that the member for Elder wants me to sit down, the more I am inclined to continue to talk. The reality is that I would have thought that we would be able to debate constructively a bit of policy here tonight without descending into partisan abuse from members opposite. It is clear that the Government is incapable of having proper, measured debate about a bit of public policy. It would rather fall into the trap of hurling abuse at members on this side of the House. If that is the way members opposite want to do it, they should not stand here during Question Time and lecture and hector the Opposition about conduct in this place: I am simply trying to debate a piece of legislation and all I get is abuse from the member for Colton. I have said enough on this Bill to this point. I have some questions to ask about it. I simply make the appeal to the crossbench members: stand up for small business in your area and reject this bad and disgraceful public policy.

Mr McEWEN (Gordon): Unlike the member for Hart, I will stand up tonight for small business. My challenge to the member for Hart is to go further, to accept these amendments and to add to them. Stamp duty on the transfer of legitimate businesses is an abomination—

Mr Foley interjecting:

Mr McEWEN: Hear me out. Unfortunately, tomorrow I will have to move to discharge another action I am taking in relation to the abomination called stamp duty. Once again I must withdraw an action because we are not prepared to go far enough. I appeal to the member for Hart to accept the initiative of the Government and add to it because we need to go further. Stamp duty is an absolute abomination on small business. We ought to be taking this as a stepping off point. I agree with the honourable member's argument about equity and justice, and I appeal to him not to resist this but to take it further. I appeal to the honourable member to add further amendments—

Mr Foley interjecting:

Mr McEWEN: The member for Hart still has the opportunity to move amendments and I am telling him in this House that, if he has the guts to move the amendments, I will support him. The honourable member should take on what he is saying—

Members interjecting:

Mr McEWEN: Members of the Opposition talk about equity and justice. Their argument lacks logic. They believe only half of what they say. If they really believed what they say, they would extend this legislation, we would get rid of this abomination and they would have my support.

Mr CONLON (Elder): I will be very brief on this matter, but before I commence I will share a little—

Members interjecting:

Mr CONLON: I am certainly trying to avoid looking at Graham Gunn.

The ACTING SPEAKER (Mr Hamilton-Smith): Order! The member for Elder will address his remarks through the Chair.

Mr CONLON: Thank you for your protection, Mr Acting Speaker. Before I begin, I will tell a little story about the very generous offer of the member for Gordon to support any amendments we have the courage to propose. We will not be taking up the honourable member on that because we have heard the offer before. I recall the 'Minister Ran for Transport', as I like to call her, bringing a very odd Bill into this place in respect of school speed zones. We were convinced by the member for Gordon that, if we moved an amendment to it, we would have the strong, upright support of the Independents. They disappeared to have a few drinks with the Minister until about 2 in the morning and came back and said, 'Well, it was a good amendment but, sorry, we have had a rethink.' Forgive me if we do not accept the honourable member's very kind offer.

The reason I oppose this piece of legislation is that I know that the farming community could not possibly want this—and I do not think members really understand their desires. The reason I know that is that almost a year ago there was a major dispute in Australia with the waterside workers when the National Farmers Federation of Australia representing, I assume, Australia's farmers, decided that it needed to get the waterside workers off the wharves. Just for members' information, I grew up in a dockland area, so I know that jobs on the waterfront, like the family farm, have often been held for generations. In fact, when those jobs were first taken many years ago, they were very poorly paid. Of course, that sort of thing is not recognised by some of the ruling class members on the other side because it is not connected to the ownership of real property. However, they were their jobs and they were rather proud of them.

The National Farmers Federation, taking its scorched earth economic rationalist approach, decided that even though that might be the case it was in its economic interest to take the jobs away from these waterside workers and clear them off the waterfront. It went after them with the assistance of Patricks. It did that enthusiastically and exhibited a very plain ideology in doing that. That ideology was 'This is in our economic interest and the devil take the hindmost; there should be no special benefits for anyone in Australia.' I do not agree with that ideology but I respect the National Farmers Federation for holding it and, knowing that it holds it so strongly, I therefore would not impose such a socialist measure upon it.

Mr WILLIAMS (MacKillop): There are a couple of points which the Opposition has overlooked. I am not sure whether the last two speakers on behalf of the Opposition have contradicted each other.

The Hon. M.K. Brindal: They have.

Mr WILLIAMS: I thought they had. I take the member for Hart to task on the point he raised about bad public policy. Indeed, this is good public policy. One of the problems we have in South Australia, and indeed in Australia, is the drift—in fact, it is a lot more than a drift; it is a headlong rush—from rural communities into the cities. One of the causes of that is the downturn in the primary industry sector. The primary industry sector gets the least benefit and the least leg up from Governments in Australia of any industry in South Australia.

Mr Foley: Nonsense!

Mr WILLIAMS: The honourable member can say, 'Nonsense', but I believe that the primary industry sector receives very little help from Governments and communities in Australia. It stands on its own. One of the problems we have in Australia is that—

Mr Foley interjecting:

Mr WILLIAMS: It is not funded by the taxpayer. The primary industry sector in Australia sells its product on to the world market and, if it uses internal marketing systems to help itself, it provides the funding.

Mr Foley interjecting:

Mr WILLIAMS: It is not guaranteed by the taxpayer.

Mr Foley: What about diesel fuel?

Mr WILLIAMS: Diesel fuel which is used in road vehicles on public roads is paid for at the same rate as anyone else. But, if I use diesel fuel on my farm to run a stationary engine down the back of the farm to pump water, to run some sort of machinery or to run a generator because I cannot connect to the electricity supply grid, I get a subsidy on it.

Mr Wright interjecting:

Mr WILLIAMS: If you buy diesel fuel and use it in a road vehicle you pay the full cost including the tax—so do I as a farmer. But, if I use some of that diesel fuel to run a generator because I cannot connect to the electricity grid which runs past every house in the towns and cities in this State, I receive a subsidy for it. The subsidy is that I do not pay tax on it. I am not using it on public roads, and I think that is quite logical. If members of the ALP are going to suggest that farmers and the mining industry should not receive a tax rebate on their diesel fuel, there is an opportunity for them to raise that debate in the community—and I am sure they would get slapped around the ear for it.

Mr Wright interjecting:

Mr WILLIAMS: I am pointing out that the farming sector, the land-based primary production sector in Australia, is not subsidised to a great extent at all. In fact, there are very few subsidies. I have been a farmer for most of my working life and I—

The Hon. M.K. Brindal interjecting:

Mr WILLIAMS: It is not quite 100 years. I have received scant help from Governments and taxpayers. The point I am trying to make is that primary production in this country is based around the family farm. The family farm often consists of husband and wife, children, nieces, nephews, cousins, uncles and aunts running a family business and working long hours. I have had a situation in my own family where unmarried brothers and sisters worked a property for many years with no direct descendants to hand it onto. This happens regularly in the farming community. One of the other things about the farming scenario is that farmers are very conservative people, much more conservative than the average businessman.

The Hon. M.K. Brindal: And we are very grateful for that.

Mr WILLIAMS: We should be very grateful for that, otherwise the farming and primary production sector in this country would collapse and we all would pay a large cost for that.

One of the things that has happened as a result of their conservatism is they have not used fancy business arrangements. These days, through fancy business arrangements and family trusts, etc., a lot of people in business can avoid these

sorts of stamp duties by arranging their business affairs in certain ways. All this is doing is saying to those—

Mr Conlon interjecting:

Mr WILLIAMS: That is not what I am saying at all: I am saying they are very conservative. A lot of them do not appreciate the way to finesse their way through the business world. I certainly take the point made by the member for Hart about family businesses in small rural communities, such as the local newsagent etc. However, he should accept that by and large there is a great disparity in the relativity between the assets and income derived from those assets from family farms vis-a-vis other businesses in rural towns. It is quite well recognised that farmers, relative to their income, are asset rich and income poor, whereas that is not necessarily the case with other businesses.

Mr Foley interjecting:

Mr WILLIAMS: They are asset rich. When they transfer their business, which will produce only a small income flow for the person to whom it is transferred, without this amendment a large stamp duty would be payable on the transfer of that business. Other forms of business which would provide a similar cash flow with respect to income would be subject to a much smaller rate of stamp duty because the asset base of other businesses are much lower relative to the income.

I reiterate the point I made earlier about people from rural communities, and I made this point the other day when talking about jobs in South Australia: out of a base of approximately 12 000 farmers in South Australia we are currently losing about 400 per year. That has not happened just in the last 12 months but, rather, has probably been occurring for 10 years or so. If that was happening in any other industry in the metropolitan area of Adelaide, there would be a lot of chest beating from Opposition benches and calls for inquiries. That would happen even after Government assistance was handed out in relation to many of these jobs.

There are some points that the Opposition should consider when talking about public policy. Members opposite should look at the public policy of retaining people in these rural areas. After all, our rural sector provides 60 per cent of this State's export income. They should look at the public policy which protects a lot of jobs in other industries around South Australia and apply their same standards to those.

The Hon. M.K. BRINDAL (Minister for Local Government): I wanted to make a brief contribution to this debate, and I am prompted to do so by the contribution of the member for Hart. I am very proud in this place to be the Minister for Youth. I see this measure as an important public policy issue. As some of my colleagues on the crossbenches have pointed out, anyone in this House who understands the rural sector realises that the ageing profile of the rural community is at the upper end—so much so as to cause considerable concern in rural South Australia and, I believe, in rural Australia. Part of the way that has been addressed in public policy is to ensure that, as the member for MacKillop says, the extraordinarily large amounts of stamp duty payable because of the value of the farm are not passed on to the family, so that the children can carry on the family farm. The nieces and nephews must by definition be at least one generation younger. At present—

Mr Foley interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.K. BRINDAL:—if the stamp duty is not affordable, the farm moves from the ownership of the family, and then the full cost price must be paid. I can assure the member for Hart that, if young people cannot afford the stamp duty on the farm, they will not be able to afford the full cost price of the farm. So, when farms come onto the market—

Mr Foley: Have you read the Bill?

The Hon. M.K. BRINDAL: Yes.

Mr Foley interjecting:

The Hon. M.K. BRINDAL: If the member for Hart would care to try to understand what the Bill aims to achieve, he might be a little more honest in this place than he is normally wont to be. The fact is that it seeks—

Mr FOLEY: I rise on a point of order, Sir. The Minister has reflected on me by calling me dishonest. I ask that you request him to withdraw that remark.

The DEPUTY SPEAKER: I ask the Minister to withdraw.

The Hon. M.K. BRINDAL: With deference, Mr Deputy Speaker, I said 'more honest than he is normally wont to be'. It is not accurate to say that I said he was dishonest. If he feels that I impugned his honesty, I have much pleasure in withdrawing, because other people are better equipped to judge than I.

Mr FOLEY: On a point of order, Sir, I am highly offended by the comments of the member for Unley. I have asked, and you have ruled, that he withdraw them unequivocally. My pain cannot be addressed until he does just that.

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

The Hon. M.K. BRINDAL: I was trying to make the point that we need in our rural sector people as young as we can get them. We need to redress an imbalance that has currently built up. This Bill is a public policy measure which seeks to do that.

Mr Wright: Oh, rubbish!

The Hon. M.K. BRINDAL: The member for Wright says 'Rubbish.' If ever—

Members interjecting:

The Hon. M.K. BRINDAL: —and I pray that it will never be the case—the member for Wright gets on this side of the Chamber—

Honourable members: Lee, Lee!

The Hon. M.K. BRINDAL: Is he? That shows how much influence he has had on me in the time that he has been here. If the member for Lee ever happens to get on this side of the Chamber, he might have an input into public policy; at present he has not. This is a considered Bill by the Government which I hope will result in more younger people being able to take up family farms. Whether they are sons and daughters or nieces and nephews is less relevant than the fact that we need to change the age profile of farmers.

Mr Wright interjecting:

The Hon. M.K. BRINDAL: The member for Lee (and I am informed that he is the member for Lee) obviously does not understand. I am sure that the Government Ministers who have introduced this Bill do, and I commend the Bill to the House.

Mr CONDOUS (Colton): I want to clarify one point that was made by the member for Elder and the member for Hart about the rate rebate in North Adelaide, which they accuse me of having backed down on. In fact, if they remember, I was the one who moved the amendment in this House.

Mr Conlon: What did you do when you were Lord Mayor?

Mr CONDOUS: Hold it. I moved that the rebate be taken off not in five years but in three years. I was the only member on this side of the House who crossed to the other side, and I think that a couple of the Independents crossed with me. It was defeated in the Upper House because the Democrats, along with my parliamentary colleagues and the two Independents in the other House, voted to knock it off.

I agree with the member for Hart that the Bill discriminates between farmers and people in all other types of business. He is correct in what he says, and no-one could argue that what he is saying is wrong. I consider stamp duty to be a parasite that is eating into a dead body because it is another bureaucratic tax that was invented to assist the Government to collect more and more taxes. Let us take the broad instance of young people who get married and buy a home worth perhaps $30 000 or $40 000. Ten years down the track they have consolidated; they have managed to pay off their mortgage; and they want to upgrade. Not only do they have to pay a commission to the agent for selling the property but they also then have to pay a stamp duty to the Government merely because they want to upgrade into a better house.

That stamp duty is paid from the income they earned after they paid income tax. It is the profitability of their income after the payment of income tax. The same applies when they want to upgrade a car, buy a new refrigerator or other commodity for their house: they have to pay stamp duty. This is absolutely pathetic and is just as bad as the old death duties where people waited for one family member, either the mother or father, to die so that the Government could collect revenue for the general taxation system. All Governments have been guilty of this.

I can remember about seven or eight years ago where you brought in either FID or BAD taxes and Queensland was smart enough to say, 'We will not charge these taxes.' As to major companies in South Australia, instead of banking in this State and keeping people employed here, the Labor Party made sure that all the money went to Queensland where companies did not have to pay any tax at all on banking and this put many people on the unemployment list who were previously working in financial institutions. It is not that I am supporting the farming industry, because you can bring these provisions in for a whole range of areas and I will vote to remove stamp duty at any time. Stamp duty is an obnoxious tax as it is a means of bleeding people simply to raise revenue. It makes me absolutely sick to think of it.

Because of its wonderful financial situation Queensland may decide soon that stamp duty is not something it will charge and we will find people all over Australia, as in the days of death duties when Queensland was the only State not to charge them, will buy and register their new motor vehicle in Queensland and drive their vehicle back to their respective State because they do not have to pay stamp duty in Queensland although they would have to pay it in their respective State.

I agree with the member for Hart: it is wrong that we should be charging stamp duty or exempting just the farming industry. At the same time I feel so strongly against stamp duty and what it stands for that I am going to support the measure.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I thank all members for their contributions. One factor that has not come out in the debate from members who have spoken is that this exemption already applies if the farmer dies and the estate is transferred to the niece or nephew by the will. We are simply bringing it forward so that the farmer can transfer the land while he or she is still alive to a younger person. The member for Unley was correct as to the age profile of farmers in South Australia. The average age of farmers in South Australia is between 58 and 59 years. Government policy has been to do everything we can to encourage young people to remain on farms. That was the very reason for bringing in the exemption of stamp duty for sons and daughters of farmers but, as we all know, there are many cases where the farmer has not married and so the only remaining member of the family is a niece or nephew. Therefore, in terms of maintaining ownership of the family farm, I support this exemption.

I am advised that the effect of this measure is minimal. Because of the ability to transfer through a will, most transfers are going through the will rather than in any other way and so we are not picking up stamp duty, anyway. The effect of the provision is minimal. I thank members for their contributions and urge their support of the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2.

Mr FOLEY: I should say from the outset, so engrossed were we all in such spirited and good natured debate, that we forgot there was another half of the Bill which, indeed, deals with stamp duty exemptions to enable the restructuring of funds under the Managed Investments Act which the Commonwealth Parliament recently passed and which deals with the restructuring and reorganisation of those funds so as not to incur stamp duty (should one have been required). That is probably worth more and has much wider effect than the matter we just spent the last hour debating.

I preface my question with a couple of comments. I refer to the member for Unley, whose wont is to come into this place, make an irrelevant contribution and leave. The irrelevance of his contribution tonight, though, was most stark because he said, as the Minister for Youth, that this was such a great initiative and a great policy to bring the youth of rural South Australia into farm ownership. I would have thought that, given this is likely to apply to those farmers wanting to pass on their family farm towards the end of their working life, the nieces or nephews, by definition, would be perhaps 40, 50 or 60 years of age, which I acknowledge is younger than the parent or the actual owners; but they are hardly the youth that the member for Unley was trying to say would so greatly benefit. As usual, the member for Unley's contribution was totally irrelevant and somewhat wide of the mark.

I assume that the owner of the farm gets to nominate the niece or nephew. Has any thought been put to a large family situation where there might be many nieces and nephews? Is it simply the choice of the mother and father or the husband and wife as to which of their favoured nieces and nephews get the farm, or, indeed, can it be passed on to a group of nephews or nieces who may form some sort of family trust to take full ownership of the property?

The Hon. M.R. BUCKBY: I am advised that, provided they fall under the definition, it could be transferred to as many nieces and nephews. For instance, let us say that there are half a dozen nieces and nephews: the farm could be transferred to them as a group. Let us say that there are half a dozen sections on the property and half a dozen nieces and nephews: each one could receive a section of it.

Mr FOLEY: This Bill gets more bizarre as we ask some questions. Is the Minister honestly suggesting that if there are six nieces and nephews they can all get a share of the family farm? As my colleague the shadow Minister for the Environment just said, 'And what, perhaps subdivide it; break it up into smaller family units?'

Members interjecting:

Mr FOLEY: But the Minister just said that six nieces and nephews can receive stamp duty exemption and have a portion of the farm themselves.

An honourable member interjecting:

Mr FOLEY: So they form a family trust or a family company.

An honourable member interjecting:

Mr FOLEY: The question simply is: explain more to me about how—

An honourable member interjecting:

Mr FOLEY: Eligibility, yes. The point you are making is—

An honourable member interjecting:

Mr FOLEY: Well, dorothy dixer or not, it is looking sillier and sillier as we ask the question, so feel free to answer it.

The Hon. M.R. BUCKBY: For a transfer of land to occur, first, there must be a business relationship between the farmer and the niece or nephew for 12 months prior to that occurring. Someone cannot just split it up and give it away willy-nilly. Secondly, the farm must be of a viable size. You cannot give away two or three acres or subdivide or something like that; the farm must be a viable production unit to be able to do that.

Ms WHITE: Will the Minister help me with a question regarding the definition of a relative? I know a lovely woman who owns a very nice piece of land. I call her Aunt Mary. Do I qualify?

The Hon. M.R. BUCKBY: It is obvious from the definition that the relative must be a blood relative, and you must have a working relationship with the farm. It cannot just be handed across.

Mr FOLEY: The Minister is suggesting that there be a working relationship for 12 months—I do not think we are talking about a massive or complex hurdle that a member would have to jump—but what if a niece or a nephew comes into the family through a family member remarrying? How far removed can this linear descendant be? If a family breaks up and a spouse remarries and there is a new set of nieces and nephews, how far removed will this become?

The Hon. M.R. BUCKBY: I am advised that it includes the relatives of the spouse as well. If there is a second marriage—and, obviously, if the farm is in joint ownership—the niece or nephew of either partner is eligible.

Mr HILL: My electorate contains a number of hobby farms or small holdings of almond groves or other intensive agricultural pursuits. Will the Bill apply to those sorts of holdings?

The Hon. M.R. BUCKBY: The Bill provides that the farm must be greater than .8 of a hectare (roughly two acres) for a nephew or a niece to be eligible.

Mr HILL: The farm must be economically viable or in primary production. Many farms are not economically viable for a lot of the time, but if you exclude those you will exclude many farming communities. How will this apply to a hobby farm? I can think of a couple of examples in my electorate where the husband works and a retired relative grows a few flowers or a few horses are agisted on the back of the block. So, there is some income coming into the family, perhaps not enough to support the whole family, but there is some economic activity.

The Hon. M.R. BUCKBY: According to the definition, it must be the sole business of the person who owns it. So, the example raised by the member for Kaurna where a person receives the majority of their income away from the farm does not apply. It must be the sole business income of that person. If, for instance, a teacher or an accountant has three acres of grapes or almonds, their sole income is not derived from primary production. As a result of that it cannot be deemed that their sole business is that of primary production and therefore the niece or nephew are not eligible to receive the transfer of the property.

Ms WHITE: Based on the numbers of South Australians who have handed down farms to nephews or nieces over recent years, how much does the Minister estimate we will donate by this measure?

The Hon. M.R. BUCKBY: We do not have that figure, but I am advised that because the current exemption is available to a niece or nephew through a will, at this stage we have no idea in terms of what it would cost, but the number of transfers via the will has been extremely minimal. You would assume therefore that this is not something that will occur on a regular basis, because in most cases the transfer is to a son or daughter.

Mr HILL: I refer particularly to people involved in the wine industry. Much of this is hypothecated on the basis that farmers are struggling, there are big holdings and it is difficult to pass them on in some circumstances and make it easier for farmers. However, if you have land with grapes growing on it you are doing well at the moment. Am I right in saying that this would apply to wealthy farmers with extensive land holdings with good crops on them that are making a good return?

The Hon. M.R. BUCKBY: It is available to any persons who are eligible under the definitions of the Act.

The Hon. G.M. Gunn interjecting:

The Hon. M.R. BUCKBY: As the member for Stuart says, it is not available to companies but only to individuals to pass this on. I remind the member for Kaurna that, although the wine industry might be in an extremely good position at the moment, there are vagaries and highs and lows in agricultural markets, and it was only back in 1985-86 that we had a vine pull in this State and vignerons were doing extremely poorly. I am not suggesting that it will go to that extent again, but there is no doubt that with increased supply coming onto the marketplace prices for grapes will not always be at the very high levels they are now.

Ms WHITE: The Minister has said that he does not expect to be giving away a lot of money through this measure, so what was the Minister's motivation for this? Was he approached from a particular owner or approached by a group, perhaps a Liberal sub-branch? What was the motivation? Why are you doing it?

The Hon. M.R. BUCKBY: The motivation is that, at a time when people wish to diversify or devolve their farm to a younger member of their family, we allow them the opportunity to do that without having to wait until they die.

Ms White interjecting:

The Hon. M.R. BUCKBY: Not at all. Cases have come up that have not qualified for this where the last member of a person's family is a niece or nephew and they have not been able to take advantage of this because it was not in the Act. This allows people to do exactly that.

The Hon. R.G. KERIN: I would like to ask—

Mr FOLEY: I rise on a point of order, Sir. The Deputy Premier is a member of Executive Government. Is it proper that he question a Minister on a Bill that has been approved by Cabinet?

The CHAIRMAN: There is no proof that the Deputy Premier will ask a question at this stage. The Committee stage is open to any member.

The Hon. R.G. KERIN: I would like to make a point.

Mr Foley interjecting:

The Hon. R.G. KERIN: No, I will make a point. I think I can make a contribution as the member for Frome with many rural constituents, some of whom have had a problem with the lack of this having been there before. It helps some members opposite with the cost benefit which was asked about. With the previous exemption for sons and daughters, we have seen a benefit of about $20 million to the rural community, whereas the actual cost to Government has been only a couple of million, because what happens is that the land stays in the older person's name until they die. So, older people are not able to pick up a pension or whatever and it does not transfer until they die. It has been a terrific measure and I applaud it, because this extends it. We are not talking about nephews or niece who are lawyers in Adelaide because in many cases they are nieces or nephews who have put in 20 years or 25 years of work on these properties. It is a very just move.

Mr WRIGHT: Will the Minister explain what the Deputy Premier meant by 'lack of this having been there before'?

The Hon. M.R. BUCKBY: As I mentioned in the second reading debate, this ability to transfer to a niece or nephew has been available only upon the death of the person, whereas this amendment to the Act allows it to occur while that person is still alive.

Clause passed.

Remaining clauses (3 and 4) and title passed.

Bill read a third time and passed.

ADJOURNMENT DEBATE

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

That the House do now adjourn.

Ms BEDFORD (Florey): My grievance tonight will complete my speech contributing to the condolence motion on the death of Don Dunstan which we commenced on 9 February. In my speech I talked about many of the things that were important to Don and to many of the true believers. I will continue.

The objectives of the Engineering and Water Supply Department were not to make money for the Government (although at the time of the privatisation of the management it was providing revenue above its costs) but: to ensure optimal use of the State's water resources for the greatest benefit of the community; provision of water related services to the extent and standards established by Government in consultation with the community; efficient provision of services; full recovery of expenses from recipients of services except where explicit Government subsidies apply; and the provision of services in a socially responsible manner.

It can be seen that those objectives are very different from a concentration on maximising returns to foreign shareholders. And the result? Last year the reduced maintenance staff of United Water failed adequately to monitor the operation of the sewage treatment plant at Bolivar. A gate leaked, was not repaired and for weeks raw sewage poured into the biomass and killed it.

Our sewerage system, functioning efficiently until then, ceased to function and Adelaide, which can normally proudly boast its clean air as compared with other cities, had its north-western suburbs, nearly one-third of the whole metropolitan area, invaded by the smell of hydrogen sulphide for months. Was the great international expertise of our foreign management able to cure the problem? No, they had to call back a former EWS employee who had shifted interstate and whose investigation put the blame squarely on them. Clearly, the substitution of shareholder maximum returns and the marketplace for the stated aims in social justice of the public utilities this State had properly established do not produce economic efficiency, effective service or social justice.

But nor can the marketplace inevitably call forth the undertakings which can satisfy economic demand or community need. I could give many examples from the State's history, but one will suffice, because it can be illustrated by contemporary events. In setting out to see that, among other elements of the quality of the good life for South Australians, we built on the heritage we had to make this the major centre for the arts in this nation, it was essential that we provide for workers in that area a multifaceted employment base. In order to give actors and technicians reasonable employment opportunities, we needed to have, amongst other things, a film industry. There was no film industry here. With the help and advice of Phillip Adams—for which tonight I want publicly to thank him—I was shown the basis on which we might proceed.

We set up not the limited film units attached to government which other States had done but a statutory corporation with full entrepreneurial capacity, and gave it exclusive rights to making Government films, which provided it with a basic run of work, and backed its going into production itself to demonstrate to producers the advantages of working here. Historically, it became a prime factor in the re-establishment of the Australian film industry, which had been destroyed by the uncontrolled marketplace—the dumping of American films here in theatre chains controlled by the internationals. You will remember the successes: *Sunday Too Far Away*; *Picnic at Hanging Rock*; *The Last Wave*; *Storm Boy* and *Breaker Morant*. None of that would have happened but for the community enterprise of setting up the corporation and facilitating its work. And its success has persisted.

The film *Shine*, of such international acclaim and commercial success, was made by a man who got his start at the Film Corporation and who made it here with the corporation. Those who say that this would have happened as a result of marketplace initiative are absurdly refusing the evidence. In planning our future, it serves neither economic efficiency nor social justice to destroy the institutions which society from experience has created and which are efficiently meeting the social needs of the community. They are not impediments to progress but foundations for it. But the economic rationalists and Mr Olsen adduce a further argument for selling off the family silver.

We must get rid of the present or any debt. Australia, like most of the market economies of the world, has reasonably and properly borrowed money to build its infrastructure. We would not have a town hall, a general post office, roads and railways, schools and hospitals if we had not done this. Always, of course, one must be careful to see that the level of borrowing does not get to the stage where one cannot service the debt from current income. People are constantly encouraged to borrow money for the major investment most families make in their lives, the purchase of a home. Rightly, banks do not lend to those who require more than 30 per cent of their current income to service the interests and principal repayments on their home loans. Nor should the State's debt servicing go beyond that figure; and, in fact, it is far lower.

But with the State it must be remembered that the loans do not have to be repaid within 30 years. Public infrastructure lasts far longer and services normally not one but three or four generations. It is reasonable and has always been the practice that the cost of major public works was shared over the generations which would use it. Loans can be rolled over and, in history, have been. The debt burden in South Australia in world terms is quite low. At the time the Liberal Government took over in 1993, after the so-called bank disaster, the public debt of South Australia in real terms was less than in Tom Playford's day or in the early years of my Government. We reduced it quite markedly by selling our railways to the Commonwealth and having the Commonwealth assume the railway debt obligation. But that debt structure was manageable.

People have never stopped praising Tom Playford's management of the Treasury. Indeed, even Malcolm Fraser was heard to observe that mine was pretty good. Are we really in a desperate situation? Certainly not. On the last comparison available with OECD countries in 1992, South Australia's public debt *per capita* was less than that

in Belgium, Italy, Ireland, Greece, the Netherlands, Canada, Spain, Austria, the United States, the United kingdom, Denmark and France, and well below the average. That position obtains today. Why do we have to have a fire sale of community assets including assets that are revenue producing? It is only for ideological and irrational reasons that this is put forward. We must retain our right to intervene by State action to create undertakings to temper the marketplace or to remedy its failures. Moreover, we must retain our right to exercise community judgment about the depredations of international footloose capital and investment here to meet the social aims of justice and a fair go in our community.

We must retain the protections which have been historically built to protect the working people and to right the wrongs of the disadvantaged and underprivileged. All of these are under threat now. Witness the fact that this State had, under successive Governments, the most extensive public housing program of any State—with over 30 per cent of housing built from public funds it kept housing and therefore industrial and business costs low and provided South Australia with both the most affordable housing and the lowest housing prices in the marketplace. The Federal and State economic rationalists have wound up the program and are selling off the public housing stock.

We had, under my Government, the best health and hospital establishments in Australia and the best public education system—both have been starved of the money needed to maintain those standards. The hospital system once our proud boast is in dire straits, and it is no excuse to say that the tax base has declined and we cannot afford it. An Australia which sees more and more of its people falling below the poverty line while its wealthy, as listed in *Business Review Weekly*, have increased their wealth exponentially is not taxing fairly. Wealthy Australians gained a huge benefit from the introduction of imputation credits on franked share dividends—the first six years of the operation of that tax reduction almost entirely going to the wealthy. They received a present from the Treasury amounting to $13 billion.

The well-off are also avoiding tax by the use of private family trusts; overwhelmingly these are fictional arrangements where family members have income notionally distributed to them to bring them below a tax threshold. The intervention about which I have been talking is intervention for social justice. The present Federal Government is certainly intervening—intervening to demolish rights and protections of citizens to make them completely subject to the greedy manipulators of the marketplace; to have governments abdicate the role of providing social justice and to prevent intervention for it in the future.

I will end with three examples of this: the Aborigines of this country were denied the rights they should have had recognised from the beginning of European settlement here. The repeated instruction of the Government at Westminster that the land rights of Aborigines must be preserved to them were ignored in every State. Aborigines have at last established in law that they had land rights here and that this was not, contrary to the judgment of Mr Justice Blackburn '*terra nullius*'. The courts have said that, in most cases of title in Australia, there is no turning the clock back.

But in lands not alienated from the Crown with exclusive land rights to the grantee (as in the case of freehold land) if there is a remaining connection with the land, Aborigine descendants of the original owners have rights in it subject to the specific overriding rights granted under leaseholds. That is a right established by Aborigine citizens in law—our law. Mr Howard proposes effectively to deprive them of it in favour of pastoral lessees—to give these an enhancement of their existing rights—and calls it a 'fair compromise'. He is saying 'I'll fix the marketplace and fix it against you.' But he insists that he is not racist: he is just happy telling the impoverished pastoral interests of this country that he is extinguishing the rights of Aborigines to negotiate in relation to developments on their land not provided for in the pastoral leases.

To the trade unions he says that he is not against trade unions: he is only proceeding to destroy them for the benefit of the working class who can then negotiate on his kind of level playing field. On that he would fail any surveyor's exam. His level playing field has unevenness of Himalayan proportions. The marketplace will provide, you see. The protection of workers' conditions established by years of struggle must go out the window. The trade unions of this country came into being as did the Labor Movement because of the unfairness of the unregulated marketplace and the rapacity of employers driven by the same motive as is now hallowed by economic rationalism: the greed to maximise your personal returns regardless of the needs of others.

The Government has involved itself clearly in a plot with private interests to break the Maritime Union—and judging by the way they have behaved that is just a beginning. Mr Howard says that he is not against unionists or individual members of the MU but hails as 'historic' the unloading of cargo by non-union labour. He talks about people obeying the law but backs with our, the taxpayers, money a scam by which Patrick Stevedores has emptied its subsidiary companies of assets so that when waterside workers acting legally have sought orders against unlawful dismissal as they are entitled to do they find that the companies they are suing are empty shells.

The Howard Government says it is pursuing Mr Skase over that kind of crookery and involves itself in the same kind of operation. Most threatening of all is the Howard Government's enthusiastic involvement in the plans for a Multilateral Agreement on Investment—the MAI. This agreement is being negotiated under the auspices of the OECD, according to which the core concept is 'non-discrimination'—(non-discrimination in respect of foreign investors and the operations of multinational corporations). Under the MAI foreign investors and their investments must not be treated less favourably than a country treats its own investors.

The SPEAKER: Order! The honourable member's time has expired. I make an observation from the Chair—and I direct my attention to the Whips, in particular, but to members in general. As I understand it, Parliament is a forum in which to put forward one's ideas and views on various subjects. I believe it is fine to quote at length other people's ideas and statements, but I do not believe it is an appropriate forum in which to devote the whole of one's contribution to slabs of speeches which, really, are contributions by other people. I would just like the House to think about that. When compiling speeches in the future, it is one thing for members to devote the whole of their time to reading out someone else's speech but perhaps they could intersperse it with a few ideas of their own. The member for Goyder.

Mr MEIER (Goyder): The Liberal Government came to power in South Australia in 1993 and, if members recall, we had seen high interest rates, low commodity prices, high inflation and a major downturn in the rural sector, let alone in the economy as a whole. In addition, we had a major financial problem in this State as a result of the disaster of the State Bank and repeated poor housekeeping by previous Governments. So, it was not a good situation that we inherited, and the people in my electorate certainly felt it very strongly. When looking back now over the past five years, I am very heartened by the way in which things are going. Certainly, there are many things that the State Government does not have control over, such as interest rates, but it has had control over many other areas. I suppose we need to acknowledge those areas that the Government has concentrated on in particular, and one of the key areas is regional development. In fact, this State Government went out of its way to put considerable sums of money into regional development, particularly through regional development boards. I believe that each regional development board now receives about $200 000 per year—and there are some 13 regional development boards throughout the State.

I have looked at my own electorate of Goyder to see whether things are starting to move forward, whether we are shaping up and making progress, and whether we have overcome some of the disasters of the late 1980s and early 1990s. Without doubt, there are still a lot of problems. This year, the commodity prices for barley were nothing short of disastrous, and I feel very much for the farmers, who have not received a great amount for a lot of their grain. Thankfully, a diversity of crops means that they can probably offset a bad crop with one that returns something a little better. However, on the positive side, there is no doubt that I can see many

examples where my electorate is starting to advance, and I believe that the Government has made a significant contribution, at either State or Federal level.

Recently, the Deputy Premier and Minister for Primary Industries (Hon. Rob Kerin) opened the new Bowman's grain terminal, which was constructed by SACBH. This terminal is on the new railway link—the Great Southern Rail link—which goes north through to Alice Springs and which will eventually go through to Darwin. It is a huge complex, and every farmer to whom I spoke at the opening was delighted to be able to use it. They felt that it was making their handling much easier and that it was great that Great Southern Rail is working hand in glove with SACBH to bring a rail diversion into the area so that there would be maximum efficiency in handling grain from the silo complex onto the grain trucks.

There is another new factory nearby, the piggery just north of Port Wakefield, which I have had the opportunity to tour. It now employs 29 people, I think, and it hopes to expand that by another 20 in the not too distant future. That is a huge boost for the area around Port Wakefield, Lochiel and Balaklava. And, very importantly, it is helping the pig producers at a time when they themselves have emerged from a crisis: I believe that everyone here would appreciate the crisis that pig farmers have gone through in the last 12 months or so. So, the Port Wakefield piggery is a major step forward, and the good news is that it is seeking licensing to be an exporter of pig meat. Whilst it takes time to go through all the necessary red tape to obtain the appropriate AQIS certifications and so on, it is getting closer all the time and, once it has export status, we will be able to export a lot of pig meat overseas. I would suggest that, for South Australia at least, this will help to avoid a crisis of the magnitude that we saw last year in the pig industry, because we have to tap into that export market.

If we go into the export market, we will not be affected to anywhere near the same extent as we are by pig meat being imported from Canada or by an excessive production in our local area. For example, in the wine industry in the 1980s we had to have a vine pull program because we had an over production of wine. Today we cannot produce enough wine. Why? It is not because of the domestic market but because of the overseas market. Of course, we are still very much a small player on the overseas market. There is a huge capacity for our wine there, and the same would apply to exporting pig meat because, if we can increase our exports, we will be able to weather the storms in the future.

Traditionally, my electorate has had much emphasis placed on agriculture for many years. That is highlighted by the fact that there are silos throughout the electorate, from the south at Port Giles, Ardrossan, Wallaroo, then across to Paskeville, Bute, Nantawarra, Balaklava and Owen. We have a diversity of crops. We have more crops now than we had in the past, and this is helping. We have also have a few other industries; for example, there is BHP at Ardrossan with its dolomite; Klein Point, at which gypsum is mined; and there is occasional sand mining throughout the area. We are getting other new industries.

The fishing industry has been great for the area. Regardless of whether it is prawn fishing, marine scale fishing, net fishing or, of course, recreational fishing, they are all very important. However, we have now ventured into aquaculture, which is increasing at a rapid rate. We have oysters, some fish farming, and we now have some crayfish and abalone farming. They are either being farmed or are at a developmental stage, and we will see that expand significantly in the future.

We have also seen expansion in the grain area, with San Remo having a major silo at Balaklava and Kulpara. Of course, people are well aware that we are now sending to Italy pasta which is made from durum wheat that is grown in South Australia and particularly in my electorate, and that is a phenomenal achievement for South Australia. I am delighted that San Remo has shown so much confidence not only in my electorate but in South Australia as a whole.

Crab processing, which has occurred at Port Broughton for some time, is expanding, and I am pleased that a firm emphasis has been placed on the export of crab meat. Again, the future is almost limitless in that area, particularly in relation to the Asian market and, despite the Asian economic downturn, crab processing has gone very well.

In the past year or so, a marble mine has been established in the Wallaroo area. Whilst it is a relatively small industry, it looks as though processing will occur—possibly out of this State. However, it is certainly employing people, and the marble is of such quality that some of the masons in the area have indicated that it is comparable to, if not better than, the marble that comes out of Italy. It can be used for tombstones and for the tops of kitchen cupboards and the like.

I hope that I will have the opportunity to continue on a future occasion talking about the many other industries that are expanding or are being created in my electorate. We really have made great advances in the past five years, and I am delighted that the Government is seeking to do all it can to assist wherever possible. However, private industry has led the way, and the Government has tried to stay out of its way wherever possible by not having an excessive amount of red tape.

Motion carried.

At 9.55 p.m. the House adjourned until Thursday 18 February at 10.30 a.m.

HOUSE OF ASSEMBLY

Wednesday 17 February 1999

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

SUPPLY BILL

His Excellency the Governor, by message, recommended to the House the appropriation of such amounts of money as might be required for the purposes mentioned in the Bill.

PILCHARDS

The Hon. R.G. KERIN (Deputy Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.G. KERIN: Yesterday in this House the Leader of the Opposition made a number of unsubstantiated and incorrect statements insinuating that my ministerial office and department had been involved in some form of cover-up over information relating to the likely cause of the pilchard mortality event late last year. I would like to set the record straight. There has been no cover-up. A draft technical report was prepared by SARDI on aspects of the pilchard mortality for the Joint Scientific Pilchard Working Group of the Committee for Emergency Animal Diseases, a national committee of which South Australia is a member. The report was tabled as a working document for the national committee's meeting in Adelaide on 15 December. As it was a draft report commissioned by this group it had not been released to any other organisation prior to this meeting. Therefore, any FOI requests for those minutes should be made to the Committee for Emergency Animal Diseases. It was one of a number of draft status reports on various aspects of the research program into the pilchard mortality event and was presented by a number of research organisations to the working group.

Two observations made in the SARDI report documented the distribution and timing of the pilchard mortality associated with tuna feeding operations. These observations were not addressed by data collated in the report. The group discussed this report in detail and unanimously agreed that those observations in the report which could not be supported by the scientific facts be withdrawn. These observations were withdrawn with the approval of those authors of the reports who were present at the meeting.

The Hon. M.D. Rann interjecting:

The Hon. R.G. KERIN: A national committee.

The Hon. M.D. Rann: What about the South Australian scientists?

The SPEAKER: Order! The Deputy Premier has leave to make a statement.

The Hon. R.G. KERIN: In fact, I can quote from the minutes of that meeting (the national meeting):

> There was extensive discussion of the report and the group agreed that the report (as modified) provided a consistent interpretation of the evidence collected to date. Discussions concerning the origins of the virus ensued and the group agreed that there was no known evidence of herpes virus being implicated in pilchard deaths overseas.

The Leader of the Opposition yesterday asked whether, and I quote:

> . . . the findings and recommendations of that report were subsequently altered at the direction of the Minister's department; what changes were made and on whose instructions were they made?

Neither myself nor my ministerial staff had even seen the report. It was prepared specifically for this working group—

The Hon. M.D. Rann: Wasn't it important enough?

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

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for flouting the authority of the Chair.

The Hon. M.D. Rann: And the Premier, Sir?

Members interjecting:

The Hon. R.G. KERIN: He wants an early minute, I think. I repeat: neither myself nor my ministerial staff have seen this report. It was prepared specifically for this working group and tabled with them for discussion on 15 December. Any changes made to the report were made at that meeting at the request and agreement of the members of the group. This group consists of eminent scientists from around Australia, experts in their fields. Clearly the Opposition has got that very wrong.

The Leader of the Opposition also stated that SARDI was given the task of investigating the cause of the 1998 pilchard kill. That is also wrong. SARDI was one of a number of organisations involved in investigating various aspects of the pilchard kill but it was not asked to investigate the cause. The Leader of the Opposition then went on to ask why the Director of Fisheries failed to inform the Environment, Resources and Development Committee of Parliament of the findings of the SARDI report. In fact, the information which was presented to the CCEAD working group was included in the evidence given by the Director of Fisheries to the Environment, Resources and Development Committee the very next day—16 December 1998.

Specifically, the conclusions of the SARDI report are contained in the evidence given by the Director of Fisheries on pages 107 and 108 of *Hansard*. The suggestion by the Deputy Leader of the Opposition that a letter was sent from Dr Jones of SARDI to the Director of Fisheries expressing concerns that the Director of Fisheries misled the parliamentary Environment, Resources and Development Committee about the pilchard kill is also wrong. At no time has Dr Jones written to the Director of Fisheries expressing such a concern. Dr Jones did write to the Director of Fisheries outlining a range of technical information on the history of the 1995 and 1998 pilchard mortality events. This was to provide—

The Hon. M.D. Rann: Have you released that?

The Hon. R.G. KERIN: This was to provide the Director—

The Hon. M.D. Rann interjecting:

The Hon. R.G. KERIN: We will talk about FOIs later.

Members interjecting:

The SPEAKER: Order! The member for Adelaide will also come to order, and the member for Waite.

The Hon. R.G. KERIN: This was to provide the Director with additional information on the subject of pilchard mortality events both locally and overseas. At no time in the advice given by Dr Jones did he express concern as suggested by the Deputy Leader of the Opposition. Again you got it wrong. And further, I have no objection to this technical advice being made available to the members.

Finally, I would like to state that after extensive testing of pilchards from both the 1995 and 1998 kills there is no data

to date linking imported pilchards to this virus. Further tests are continuing, but it is important to note that no virus has been found in imported pilchards, and no evidence of any herpes virus has been found in overseas pilchard stocks. It is obvious that the Opposition line of questioning yesterday was ill-informed, unresearched and just plain wrong. The incorrect accusations made against me, my staff and public servants within my department are most regrettable as they are totally unfair and avoidable with a minimum of research.

Members interjecting:

The SPEAKER: Order!

Mr Foley interjecting:

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

The Hon. G.A. Ingerson interjecting:

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

ECONOMIC AND FINANCE COMMITTEE

The Hon. G.M. GUNN (Stuart): I bring up the twenty-seventh report of the committee, on State owned plantations, and move:

That the report be received.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE

Mr CONDOUS (Colton): I bring up the eighth report of the committee and move:

That the report be received.

Motion carried.

QUESTION TIME

WATER OUTSOURCING

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Minister for Government Enterprises. Why did the Government enter into arrangements with United Water after the water contract had been signed to vary the contract to allow United Water to take on design work in addition to the project management for the $210 million environmental improvement project, even though the original request for proposal papers specifically forbid this happening? In evidence to Parliament's water select committee in February 1997, one of the bidders for the contract, Mr Pierre Alla, said there was a clause in the request for proposal documents that stated that the winning consortium would not be allowed to undertake, by itself or by its subsidiaries, any of the capital works, which includes design works.

Members interjecting:

The SPEAKER: Order! The House will come to order when questions are being asked. The Chair had great difficulty in following the question as interjections were coming from both sides. The Premier and the member for Elder will both come to order.

The Hon. M.H. ARMITAGE: Sometimes I wonder why the *Hansard* reporters bother. I actually detailed all this previously, in a ministerial statement yesterday. It is absolutely clear that the Deputy Leader of the Opposition has paid no attention to what I said yesterday. As I indicated yesterday—and I am very happy to repeat it to the Parliament—the arrangement to form United Water Technologies was done with the express view of an independent consultant, who indicated that the best result for South Australia was to go down this path. That is the bottom line. The bottom line is that the best result for South Australia has ensued from this arrangement.

As I indicated yesterday, the best result is on projects such as the dissolved air flotation filtration plant, which provides water to be piped to Virginia. The best result on that project is a 10 per cent saving on capital works which, in the public interest, is a $2.5 million saving. I am not surprised that an independent consultant would say, 'That's a good idea.' If we went out into Rundle Mall now and asked people, 'Do you think that is a good idea?', about 100 out of 100 people in South Australia would say that, if we can advance things such as the dissolved air flotation filtration plant, if we can do it more quickly and cheaply, and if the Virginia growers can more than double their production, 'Get on with it.' That is exactly what they want Governments to do—to get on with it.

As I indicated yesterday, these matters are in the contract as to how this would be dealt with, and the simple fact is that the Opposition absolutely delights—and I have to say that word sadly—in trying to bring down South Australia's international class water industry. Why does it do it? It is because it had no ideas when it was in government. It realised that there was a $47 million loss in the last year of a Labor Administration and, as I pointed out to the House yesterday, in the last financial year there was a $170.7 million profit, so that is a huge turnaround. But, of course, the Labor Party does not like to admit that, because it simply refuses to acknowledge that the involvement of the private sector is successful.

Even if they do not like the financial figures, I think members opposite should go out to the 70 plus firms that are now exporting business and growing their businesses in the water industry. The employment which those people are generating is absolutely huge and it is a great success story, despite the continual carping of the Opposition.

PILCHARDS

Mrs PENFOLD (Flinders): Will the Deputy Premier advise the House whether there is any truth in the claims made in a media release yesterday by the Leader of the Opposition that the pilchard deaths in South Australia—

The SPEAKER: Order! The question at this stage is out of order. I suggest that the honourable member either consult internally or bring it up to the table. We may have to look at it.

Mr HANNA: I rise on a point of order, Sir. Could the question not be appropriately addressed to the Leader of the Opposition?

The SPEAKER: Order! There is no point of order. I remind members regarding the question of frivolous interjections as well.

WATER OUTSOURCING

Ms HURLEY (Deputy Leader of the Opposition): Does the Minister for Government Enterprises accept that the reason that the original request for proposal documents in the water contract excluded the winning consortium from taking on any of the capital works was that it would create a conflict of interest because it placed the project managers in the position of supervising their own work? In evidence to

Parliament's water select committee in February 1997, Mr Pierre Alla from Australian Water Services said:

> One of the conditions of the contract is that the winning tenderer will not be allowed to do it [that is, any capital works] as it is in the position of project management.

The Hon. M.H. ARMITAGE: The Deputy Leader of the Opposition is on exactly the same sort of tactic as the Opposition utilises frequently in this House, that is, to attempt to bring down an industry that is growing. The Opposition does not want successes in South Australia.

Mr Foley interjecting:

The SPEAKER: Order! I call the member for Hart to order.

The Hon. M.H. ARMITAGE: The Opposition does not want successes in South Australia. Why? It is because it wants the Government to fall so that it can come over to this side of the Chamber. That is its sole reason for being in politics. Absolutely no consideration whatsoever is given to growing an industry and, in fact, being pleased that other companies are having success. That is why it continually attempts to bring down industries that are being successful. I have identified previously that this arrangement was specifically identified as the best possible result for South Australia not by the Government but by an independent consultant.

Members interjecting:

The SPEAKER: Order!

ADELAIDE SOCCER CLUBS

Mr SCALZI (Hartley): In the light of recent media, will the Minister for Recreation and Sport please explain the current position with respect to the two Adelaide soccer clubs?

The Hon. I.F. EVANS: I thank the honourable member for his question. I note the recent media comments in relation to the soccer clubs and the soccer levies in general so I want to clarify the current position. The two national league clubs, through the federation, came to me as Minister in December to speak about the levies and the capacity of the clubs to pay those levies. We agreed to bring in a consultant to look at the federation's and the clubs' accounts to see the impact of the levies on those accounts. It will be between four and six weeks before I get the consultant's report. We agreed to suspend the levies in the meantime so, as per the underwritten agreement, the Government is picking up the levies on behalf of the clubs or the federation. Some questions have been raised about how much the levies will cost, and I am advised that the Government will pick up $70 000 per quarter extra.

Yesterday, reference was made to comments that I apparently made in the media. I did not made those comments in the media and neither did my spokesperson make those comments. The comments attributed to me yesterday were actually made by the journalist, and I confirmed with the journalist this morning that the comments read into the *Hansard* yesterday were not my comments or those of a representative of mine.

According to the Soccer Federation, the stadium is worth about $12.5 million. That figure can be found in the federation's October 1998 annual report. That question was raised yesterday so I put that on the record. I also pick up the point as to whether this is an unfair burden in relation to the soccer clubs. The Government did not force the soccer community to take on the levies. The Government did that in negotiation with the soccer community. Over a period of about 18 months, the soccer community negotiated with the Government the type and the size of the levy.

Members interjecting:

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

The Hon. I.F. EVANS: I now come to the real question, which is public policy.

Mr Foley: Tell us!

The Hon. I.F. EVANS: I will tell you, Flip-Flop, that's all right! Yesterday the Government was criticised about its public policy position, so I should like to examine that position. What is the public policy position of this Government in relation to soccer? The Government has helped the soccer community to underwrite the development of Hindmarsh Soccer Stadium to create the only purpose-built soccer stadium in Australia in time for the Olympics and to leave a legacy to the sport. The Government has supported the soccer community.

While the Opposition was in Government, what did it underwrite? Through various business trading enterprises, the Opposition underwrote plywood cars for some $31 000. As a public policy position, what would people rather underwrite? The development of Hindmarsh stadium or plywood cars? The Opposition also underwrote things such as DC10s, trains, buses, cherry pickers, and South African goat farms. Something like $6.6 million went down the tube on those. The Opposition underwrote Hurricane Andrew in Florida, and $22 million went down the drain there. What about the New York property deal? Approximately $US37 million went down the tube there. The absolute cracker, the absolute beauty, was the fact that the State Bank went down to the tune of $189 million at Wembley. Yet that mob have the cheek to stand up in the public arena and criticise this Government for backing the South Australian soccer community in developing a decent stadium, while they were losing money overseas at places like Wembley.

Members interjecting:

The SPEAKER: Order! Both sides of the House will come to order!

The Hon. I.F. EVANS: The only public policy position—

The SPEAKER: Order! There is a point of order. The Minister will resume his seat.

Mr ATKINSON: I rise on a point of order. I put it to you, Sir, that the Minister is debating the answer and that is out of order.

The SPEAKER: I take the point of order. The Minister is starting to stretch a very long bow and he is going in and out of debate. I ask him to keep his facts relevant to the question that he was asked.

The Hon. I.F. EVANS: Mr Speaker, if I have to choose—

Members interjecting:

The SPEAKER: Order! I call the member for Colton to order!

The Hon. I.F. EVANS: I finish on this remark. If I had to choose between the Opposition's public policy, which was, I assume, to develop plywood cars (underwritten by the taxpayer), to put in the South African goats (underwritten by the taxpayer), take them to the train (underwritten by the taxpayer) and then to the airport, lift them up in a cherry picker into a DC10 (underwritten by the taxpayer), fly them elsewhere, but not via Florida, where they are losing money because of hurricanes, or via New York, where they are losing money in property deals, and dump them at Wembley in an exhibition hall or a holiday camp, where the State Bank

lost $189 million, and our policy position of building a stadium, I would take our policy every day.

PILCHARDS

The SPEAKER: The honourable member for Flinders.

Mrs PENFOLD (Flinders): Thank you—

Members interjecting:

The SPEAKER: Order! There is a point of order.

Mr CLARKE: I rise on a point of order, Mr Speaker. Question Time is for questions without notice. It was obvious that the member for Flinders was drawing up her question with the Minister who is about to answer that same question. Is it—

The SPEAKER: Order! There is no point of order. The honourable member is well aware of the way we run Question Time. We alternate. As this question was out of order—because the honourable member asked whether a statement in the press was accurate—I drew the honourable member's attention to it in terms of its wording. I gather that it has been corrected, and I now call the member for Flinders.

Mrs PENFOLD: My question is directed to the Deputy Premier in his capacity as Minister for Primary Industries.

Mr Koutsantonis interjecting:

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

Mrs PENFOLD: Will the Deputy Premier tell the House whether the pilchard kill is comparable to the *Exxon Valdez* disaster? Yesterday, the Leader of the Opposition put the question out as a press release and compared the two incidents.

The Hon. R.G. KERIN: I certainly thank the member for Flinders for the question, and it is a pity—

Members interjecting:

The Hon. R.G. KERIN: I must admit that I saw her about five minutes ago when we had to—

Members interjecting:

The Hon. R.G. KERIN: I thank the member for Flinders not only for the question but for her understanding of this issue, because it is far greater than that of many other people in this place.

An honourable member: And former members.

The Hon. R.G. KERIN: Yes. As I said before, there has been absolutely no cover up on this matter. I repeat two important facts in relation to this whole matter in case they were lost on some people earlier. First, there is no scientific evidence of herpes virus in pilchards overseas, which blows away a lot of what some people are saying. Secondly, there is no scientific evidence of herpes virus being detected in frozen imported bait. People would do well to remember that. There is no doubt that the kill was bad news for South Australia, particularly for the people of the Port Lincoln area; but let us keep a sense of perspective about this.

Yesterday, the pilchard kill was used for some rather base political purposes in a way which threw it right out of perspective and in a way which really does start to hurt South Australia in terms of comparisons such as that. To understand the perspective, let me refer to a couple of matters which are not within my responsibility but which relate to the *Exxon Valdez*. The *Exxon Valdez* led to the death of as many as 300 000 sea birds, 10 000 otters, 16 whales, 147 bald eagles, countless tonnes of fish and kelp and to the destruction of many spawning grounds for fisheries. Also, 42 million litres of crude oil was emptied into the Gulf of Alaska, covering an enormous area of coastline and ocean. The total cost of the disaster was estimated as high as $A22.5 billion. If we want to talk about disasters in South Australia, the only one we could line up at all with the *Exxon Valdez* is the last Labor Government.

The pilchard deaths are an important issue but, as I said, by the same token they need to be kept in context. Yesterday's media release was exaggerated rubbish put out for a very specific purpose. It really did demonstrate once again that the Leader of the Opposition has some real problems getting the facts right in relation to claiming a cover up. In terms of the claim of a cover up, five FOIs were put forward. Perhaps members of the Labor Party ought to start talking within their ranks about who will put in FOIs and when. Even after FOIs and heaps of information, members opposite still cannot substantiate any claims of a cover up. The reason they cannot do so is that there was no cover up.

It was a disgrace when, yesterday, the Leader wasted the first three questions on baseless and exaggerated claims in the hope that he could bluff the media into a run on last night's evening news. And yet that is what happened yesterday: three questions were asked, the media were given something for that night—even though it was unsubstantiated—and the Leader then walked out and left Question Time. With the mumblings from the other side, I would suggest to the Leader that it is an enormous risk to leave Question Time to his colleagues.

The incorrect information was used to create a media flurry late yesterday of inaccurate reporting. Once again we see the Opposition trying to damage an industry that is really creating some real jobs and regional development in that area over there. The Opposition simply created a few hours of media reporting based on inaccuracies. It is a pity they did not put the same scrutiny into the truth of statements within questions as they do with answers that come from this side.

Another point is that the Opposition has a great ally in Mike Elliott in another place on this. He obviously sees himself as superior to the best scientists in the field in Australia when he says:

> There is no reasonable doubt now that disease was introduced into the pilchard fishery by the imported pilchards. I have seen enough scientific evidence now to make fairly clear that the imported pilchards brought in the disease that decimated the fishery not only in South Australia but also interstate.

I have read that back to scientists and they laugh and think that these people have got it totally wrong. The pilchard die-off is an incident that we all wish did not occur—there is no doubt about that—but the fact that this unfortunate exercise has been used to impugn the reputation of good honest people in both industry and the department is a despicable act. In future let us see if the Opposition gets a couple of things right.

WATER OUTSOURCING

Ms HURLEY (Deputy Leader of the Opposition): Will the Minister for Government Enterprises advise whether the two losing bidders for the water contract have been informed that the design services for the $210 million environmental improvement project have been handed exclusively to United Water, even though the original request for proposal documents forbid this from happening? In a letter sent to all three bidders of the water contract, the lead evaluation team stated:

> Regardless of who ultimately wins this contract, we very much hope that your company and its shareholders will seek to be involved in other opportunities in this State.

Mr Pierre Alla, one of the losing bidders, when asked about this letter, told Parliament's water select committee in February 1997 that there was at that time:

> $200 million of such works still to be undertaken. We are waiting for that to be put on the market—

they may have to wait a while—

> because one of the conditions of the contract is that the winning tenderer will not be allowed to do it as it is in the position of project management.

The Hon. M.H. ARMITAGE: Hell hath no fury like a losing bidder scorned. I will go through the facts again as they do not seem to be sinking in. As I indicated previously, both yesterday and today, this exact arrangement was identified in 1995. When the contract was signed there was an agreement between SA Water and the winning tenderer, who happens to be United Water, that United Water would do engineering, management and a number of other things as were necessary relating to SA Water capital works and international projects. They have done that and done it well and have saved the taxpayer of South Australia countless millions of dollars.

That is not good enough for the Deputy Leader—and probably not good enough for the Leader of the Opposition either, who happens to be here at the moment. The Deputy Leader does not like it because it is an arrangement entered into, predicted before the contract was signed, agreed to by an independent consultant and is having success in delivering things for South Australia at a cheaper cost than would ever otherwise actually occur. The agreement, as I said yesterday, was identified specifically by SA Water. It was the day after the contract was signed that the cooperative arrangement to the benefit of South Australians between SA Water and the successful tenderer would be the subject of further negotiations under commercial conditions leading to a separate contract, and that is exactly what has happened. There is nothing untoward that was not predicted in the arrangements that occurred when the bid was finalised, the contract was signed and the negotiations entered into.

It is as simple as that. And who has benefited? Every single South Australian, including the members of the Opposition and their constituents. In this Chamber over the past five years the Government has been subjected to a series of invective saying we are not spending enough money on the people of South Australia, particularly in the Opposition's electorates. First, we do not have the money. Actually, we do have the money but it is all going to pay interest, but that is not because of anything we have done but directly because of the direct failings of the Labor Government. Secondly, when creatively and effectively to plan for the future by making an international industry that employs a lot of people the Government actually saves money—10 per cent on one project that I identified yesterday—all of which can be applied to the benefit of South Australians, what does the Opposition do? It criticises. It can try to have it both ways but the sensible people in South Australia know that they cannot have it both ways.

The Deputy Leader of the Opposition delights in coming in here and making vague accusations. Every now and again she throws in a conflict of interest to try to get the media's attention. We know exactly where that leads: that leads her to press releases such as the Schlumberger contract complaint, which was so far wrong it was a joke.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: The *Exxon Valdez* was in a press release?

An honourable member interjecting:

The Hon. M.H. ARMITAGE: Absolutely. Indeed, it was the *Exxon Valdez* of press releases—quite right—in other words, a complete disaster. Earlier this week or perhaps last week the Deputy Leader of the Opposition came in and slipped in a little conflict of interest with Currie and Brown. I identified that as completely fallacious yesterday. It is a tactic which the Opposition uses all the time just to try to titillate the media so they will think there is something on. As I identified yesterday and as I have continued to identify today, the arrangement was predicted all along. As I indicated yesterday it has been done on the advice of an independent consultant. It is not the Government's particular view but an independent view, and it is producing benefits to South Australia.

STATE DEVELOPMENT

Mr HAMILTON-SMITH (Waite): Will the Premier advise the House of impediments to State development in South Australia?

Members interjecting:

The Hon. J.W. OLSEN: Exactly. The greatest impediment to economic development is the Opposition in South Australia. This State needs a 'can do' mentality. It needs to give encouragement to people who are prepared to have a go in South Australia and invest in South Australia.

Members interjecting:

The SPEAKER: Order! The Premier will resume his seat. I am sorry to interrupt the Premier. The House is now moving back to scatter gun interjections. I warned members at the beginning of the year that we will not tolerate it this year. Please be warned again: if you keep it up, there will be a consequence and for couple of you it could be quite a serious consequence.

The Hon. J.W. OLSEN: We have had tough times in the past, brought about by a range of measures, one of which was Keating-Hawke high interest rate policies compared to today. Secondly, we had seasonal conditions through our country areas of South Australia that impacted against the economy of this State and, thirdly and importantly, we had the disaster of the State Bank. But we have gone through and worked our way through that phase and, through five years of good policy direction from this Government, we are seeing economic trends start to emerge—the best for the past couple of decades. I can assure the Leader of the Opposition that at the Premiers' Conference I will have great delight telling his counterparts from Queensland and New South Wales how our gross State product growth factor is higher than theirs at the moment according to the National Australia Bank. When he and his counterparts were in Government they did not have that opportunity.

It was only a few years ago that development at Glenelg that we talked about was just a dream. Five plans were put up by the Opposition and it did not deliver on one of them. It is a Liberal Government that has delivered on them. If you go to the Barossa Valley—

Members interjecting:

The SPEAKER: Order! I warn the Leader of the Opposition for the second time.

The Hon. J.W. OLSEN: The Leader of the Opposition needs only to walk down North Terrace and see where about $80 million will be spent on a new state of the art department

store in South Australia. I am more than happy to put that or any other interjection on the record. Or, he can go up to the Barossa Valley. In 1985 or 1987 John Bannon with great fanfare said we would have this tourism development in the Barossa Valley. Well, it was not a Labor Government that delivered it: it was a Liberal Government that delivered it. Construction is under way now and it will be opened in a few months. That track record is the difference between the Labor Party and Liberal Government in this State. It has been indicated that consumer confidence is starting to pick up, demonstrated by real estate figures, retail figures, building approvals and a trend line for the past six months.

Even the member for Hart, who, *ad nauseam*, reads the *Financial Review* in Question Time each day, except when he is preening himself for the next question—and I wonder whether Clyde has a comment in there today—

Mr Foley interjecting:

The Hon. J.W. OLSEN: Another crabbing exercise?

Mr Foley interjecting:

The Hon. J.W. OLSEN: I thought the member for Hart was interjecting how he and the member Elder went crabbing over the January period. That would have to be the biggest fishing expedition of the ALP since Alan Bond took Bob Hawke and Brian Burke on a fishing trip. What we really want to know is how wide the invitations have gone for the barbie on Sunday. We would really like to know what is on the spit on the barbie on Sunday. Coming back to the import of the question—

Members interjecting:

The Hon. J.W. OLSEN: Rann? I do not think he has the invitation yet, but I am sure that we have embarrassed the member for Hart enough that he will now send him an invitation to go to the barbecue. To come back to the import of the question, economic development, restructuring and capturing new private sector capital investment for this State are important. They are a key component and priority of this Government. We have demonstrated that the bases of the questions we get from the Leader of the Opposition and Deputy Leader on, for example, the water contract or in relation to the pilchards, are simply wrong. The allegations are made without any research, without looking into the substance of the matter, and are put on the deck in the Parliament to get a quick run in the media and ignore the truth of the matter. What the Ministers have done today is clearly demonstrated that the bases of the questions posed by the Opposition have been factually wrong. It behoves anyone to take with grave reservation allegations from those opposite, because what they are on about is destroying confidence in major national and international companies and the economic future of South Australia.

That is what the Opposition wants. Why does it want it? For base political purposes. It wants this State to stall for the next 2½ or three years to the next ballot box. That is what members opposite are on about. They do not care about South Australians and their future and jobs. They shed crocodile tears when they ask, 'What about jobs?' If they were really serious about jobs they would be out there with us in a bipartisan way ensuring that we attract new private sector capital investment. With every contract the Government signs, they would not be criticising us about process, forcing an inquiry into it, then having a probe on the inquiry and then making an investigation into it. So they send a signal to every company that is thinking about investing in this State that if you go to South Australia you will be put through the wringer by the Labor Party. That is the message they are sending out. Have a look at the EDS contract and information technology and what that delivered in jobs. You have only to look at the Morgan and Banks recent survey that growth in jobs in the IT area in South Australia is outperforming the nation. If you go to the food industry, you will see another initiative, the Food for the Future plan that has been put in place. Our growth in that industry sector is also outperforming the national average around Australia.

That is about rebuilding an economy from the position which we inherited. It is about putting positive policies in place to build that future, and what do we have from the Opposition? It simply says 'No.' The Opposition has no policies and it is not interested in South Australia's future; and the point is that the electorate is seeing the vacuum in its ranks.

WATER OUTSOURCING

Ms HURLEY (Deputy Leader of the Opposition): My question is directed to the Minister for Government Enterprises. On what basis, on whose request and when did the international consulting firm Boston Consulting recommend that it was more appropriate for United Water to take on the design work in addition to the project management work that has allowed United Water to take on a $63 million slice of the $210 million environment improvement project without its going to competitive tender? Yesterday, the Minister in a statement to the House said that it was independent expert advice from the Boston Consulting Group which recommended that while 'recognising the role for competitive tendering' it is 'more appropriate' that United Water take on the design work for SA Water's capital works project without competitive tender.

The water contract allows United Water to charge 7 per cent for project management fees, and the variation agreement signed two years later with United Water has allowed its share to rise to 30 per cent to include design services. Will the Minister table the Boston Consulting report?

The Hon. M.H. ARMITAGE: The exact detail as to when and who, and all that sort of information, I have no idea about, but I am happy to obtain the detail. However—

Members interjecting:

The Hon. M.H. ARMITAGE: Yes, I am very happy to come back and provide the facts rather than the flummery. The important aspect is that what the Deputy Leader of the Opposition ought to do—so that she is not subjected to another Schlumberger episode, shall we say—is to ask the person who has given her this information—whom I think the Deputy Leader has identified as a losing bidder—

An honourable member: Where are you going, Mike?

The Hon. M.H. ARMITAGE: The Leader's off. Bye Mike; see you Mike. The Deputy Leader of the Opposition ought to be 100 per cent clear about whether the competitive arrangements are related to the capital works or, indeed, the program management requirements, because they are two different things. Once—

Ms Hurley interjecting:

The Hon. M.H. ARMITAGE: The Deputy Leader has now said, 'Of course they are different things.' That is fascinating, because in the area of the cooperative agreement between SA Water and the contractor, whoever that may be, it in fact identifies that SA Water has a number of skilled resources which will be required as part of SA Water's client role—that is what happens when you do an outsourcing: SA

Water becomes the client—and others who present as an available and valuable asset to be utilised in the furtherance—

Mr Conlon interjecting:

The SPEAKER: The member for Elder will come to order.

The Hon. M.H. ARMITAGE: —of the project. It then goes on to identify current capabilities, which include things such as water and waste water engineering, which is exactly what the Deputy Leader of the Opposition is referring to in her question and, after a number of other things, it identifies the following:

> Please submit your proposals as to how these capabilities could be developed and utilised in the best interests of the SA water industry.

It is absolutely clear—

Ms Hurley interjecting:

The SPEAKER: The Deputy Leader will come to order.

The Hon. M.H. ARMITAGE: —as I said yesterday, that the arrangement which has an independent sign-off as being the best possible arrangement for South Australia and which I demonstrated yesterday (and I am happy to keep demonstrating) is a good one for South Australia, because it delivers projects that have an economic bonus to the State. It delivers them quickly and more cheaply than under any other arrangement. All that occurs as was predicted and, indeed, as was asked for when people were requested to submit their proposals as to how those capabilities could be developed and utilised in the best interests of the SA water industry. I think I have answered four questions in this vein; I am very happy to answer 10 but they are the facts.

HOLDFAST SHORES DEVELOPMENT

Mr CONDOUS (Colton): Will the Minister for Government Enterprises advise the House of progress regarding the Holdfast Shores development?

The Hon. M.H. ARMITAGE: I am delighted that the member for Colton has asked this question, because it gives me the opportunity to inform the House about, quite frankly, the stunning success of the project which, as the Premier has already identified today, is indeed a project and not one of the five failed attempts in regard to which the Leader of the Opposition, as one of the Cabinet Ministers, the member for Hart, as one of the senior advisers, and others were sitting around the table when, in fact, the projects did not get up and running.

Some of the facts about this project, which anyone who drives to the far end of Anzac Highway is able to see, are as follows. I am advised that the project construction is proceeding on schedule for the first building of the site known as Marina Pier, and completion is identified as November this year. At the same time, the excavation of the marina is anticipated to be complete and the boating berths installed—a great result for South Australia. I understand that 78 of the 80 apartments offered in Marina Pier have been sold, along with all the boating berths: 78 out of 80 apartments have already been sold off the plan. That is a great success and one which, it is pity, the Labor Party did not bring to fruition in its five failed attempts over 11 years.

In addition to the 78 of the 80 apartments in the Marina Pier building that have been sold, I am further informed that, in the second building plan for the site known as Marina East, 60 of the 82 apartments have already been sold, and construction does not start until May. That is a great result for South Australians. I know it galls members of the Opposition to acknowledge that it is actually happening and that it is good, but they are the facts. I am also informed that 22 blocks of land offered recently on the northern Patawalonga site were sold within 40 minutes from a ballot system, and they will be developed for residential use—a great result for South Australians. At the moment 160 workers are employed on site associated with the construction, and I am told that at least this many are directly associated with the activity in off-site roles—160 people employed. That is a great result for South Australians—galling for the Labor Party with its carping, incessant criticism but a great result for South Australians.

They are the facts, and they identify that this program and project is a great success. Frankly, it is in contrast to these facts that the Opposition and, indeed, the Democrats in another place continue to rely on snide, inaccurate information and rumour to attempt to discredit what is a great project. Yesterday the member for Elder referred to a document from within Government to assert that the project was unsuccessful due to problems with the Patawalonga harbor. The facts are that this document was little more than a draft document prepared to canvass and clarify possible issues for the project with other Government agencies. I have been advised that the intended recipients of the document regarded the costs and issues outlined as inaccurate.

The issues that were raised are now either resolved or in the process of being resolved. I make no apology for that. If one is actually going down the line of a major project such as this to the benefit of South Australia, people other than the members of the Labor Opposition know that there will be hurdles. These projects do not always go smoothly. Most people who have added onto their home something as contained as a bathroom know that there are dilemmas all the time. The very fact that there are any issues with which the Government is dealing or has, indeed, already dealt ought to be regarded not as a difficulty or a dilemma for the Government but as part of getting South Australia's economy on the run again. That is exactly what we have done with this project. The Opposition continues to raise these sorts of issues in a negative, partisan way, quite clearly attempting to denigrate the efforts of the Government, and talking down projects and jobs, all to the detriment of South Australians.

I mentioned the Leader of the Democrats in another place. On Monday, he sought again to raise opposition to the project, which is surprising, because the whole Parliament agreed with this project. We had a tripartite agreement which I remember being thrashed out late at night, and the Leader of the Opposition had his media release ready before he had signed it: presumably he wanted to take all the credit for it then but, now that it is working, he wants to undermine it. However, on Monday the Leader of the Democrats made a number of absolutely erroneous comments about the project. The thing that most galls me is that I am informed that, at the media conference, the Leader of the Democrats accused me of not responding to a letter from the council about this matter and not doing the job appropriately. That was very interesting to me, because I did not remember any letter from the council, so we rang the council and said, 'We can't find the letter.' They said, 'The letter hasn't yet been written.'

Mr FOLEY: I rise on a point of order, Mr Speaker. The Minister is debating a matter involving a member from another House, Sir. He has clearly entered into debate and should be ruled out of order.

The SPEAKER: Order! I will not uphold the point of order. However, it is concerning the Chair that we have been into Question Time for three-quarters of an hour, we are

three-quarters of the way through, and I still have called for only four questions from either side. I would ask members to bear in mind the advantages of ministerial statements, and I ask the Minister to come back to the question that was asked and start to wind up his reply.

The Hon. M.H. ARMITAGE: I make the observation that, from the Deputy Leader of the Opposition, I have had the same question on four occasions. It would seem to me that they are wasting their time. However, as I identified, this project is a very successful one for South Australia, and both the Democrats and the ALP continue to try to denigrate it, to bring it down, so that the jobs and the benefits that are flowing to the family of workers will not continue to accrue.

DEFAMATION CASE

Members interjecting:

The SPEAKER: Order on my right!

Mr ATKINSON (Spence): I ask the Premier: is the taxpayer indemnifying the member for Bragg in the defamation case being taken against the member and the Treasurer by the Hon. Nick Xenophon and, if so, when was the policy altered to extend that protection to Government backbenchers? Ministers of the Crown are indemnified by the State against alleged defamations made in carrying out their portfolio responsibilities. However, in the past, this protection has not been extended to backbenchers. The Liberals' code of conduct, Government to Serve the People, released in November 1993, makes no provision for taxpayer protection for backbenchers, and it limits protection to Ministers.

The Hon. J.W. OLSEN: I will seek advice from the Treasurer as to the response and the arrangements that have been put in place.

CHINA, STATE TIES

Mr VENNING (Schubert): My question is directed to the Premier and Minister for Multicultural Affairs. Given the celebrations surrounding the Chinese New Year and that this is the Chinese Year of the Rabbit, will the Premier detail to the House the importance to South Australia of maintaining and strengthening ties with China?

The Hon. J.W. OLSEN: I thank the honourable member for his question, because it really touches on another priority policy area of the Government, that is, building international linkages so that South Australia develops its reputation as an export focused State. Exports are the future of South Australia and are the insurance policy against national domestic economic downturn and downturn in various regional economies. The celebration of the Chinese New Year is one of the most colourful and exciting events in South Australia's multicultural calendar. The importance of the Chinese community to South Australia cannot be overstated. There are about 11 000 Chinese speaking people in this State.

Last Saturday night I had the pleasure of attending the Asia-Pacific Business Council for Women's celebrations for the New Year. At that dinner, impressive Chinese artwork was auctioned to raise money for the Hanson Centre for Cancer Research. I understand the auction raised nearly $6 000 for this worthy cause. The money comes on top of some $17 000 raised by the group about two years ago.

The community spirit is a marvellous quality of our Chinese community. Recently, the Government has provided significant support to South Australians of Chinese background. The Government has provided funding for the community English classes and for the Support and Meals Program for Chinese families on low incomes, and funding from the Office of the Ageing for intergenerational and cultural activities.

In addition, Ms Ida Wong was recently appointed as a member of the South Australian Multicultural and Ethnic Affairs Commission. At 22 years of age, she is the youngest member of the commission. The commission had its first meeting for the year last week, and the Chairman, Mr Basil Taliangis, has conveyed to me how impressed he was with Ida's enthusiasm and contributions to that meeting, clearly indicating that she will make a substantial contribution to the commission. On my recent visit to China, I indicated that we would be opening our fourth office in the People's Republic of China—the only State to have that number of offices in the People's Republic. We were the first State to have an office in China and we have now expanded the number of offices to four.

The reason for that is to ensure that we get the benefit of the demand of 1.2 billion people in the provision of a range of goods and services. To demonstrate the importance of that, I point out that Chinese investment will be part of the redevelopment of the Queen Victoria Hospital and will undertake the refurbishment of the Australian Taxation Office (formerly) in King William Street—that is, the office that remained in a derelict state for a number of years. This investment will enable that to move forward.

Whilst there, I was able to witness the signing of a contract involving Woodhead International out of Adelaide which, with Block 33 and Shanghai, will undertake the complete refurbishment of the Dutch architecture village so that that will bring about substantial further opportunities for South Australian innovation in heritage preservation and restoration. It is that sort of sale of our expertise into the international marketplace and that investment that is coming into South Australia that is an important outcome of trade missions and bilateral arrangements between us and respective communities and economies overseas.

That is the reason why the multicultural nature of our community is so important to us. It provides us with linkages and opportunities to sell our goods and services into the international marketplace which, in other circumstances, we would have great difficulty accessing. The international Chambers of Commerce underpin the work of Government agencies in showcasing the very best of what South Australia can do. The Chinese communities are a key component of those international communities in South Australia that have made an invaluable contribution to this State, and I have no doubt that they will continue to do so for a long time to come.

SELECT COMMITTEE ON WATER ALLOCATION IN THE SOUTH-EAST

Mr HILL (Kaurna): Has the Premier sought or held discussions with any witness listed to appear before the South-East water select committee about the nature and content of their evidence?

The Hon. J.W. OLSEN: No, not to my knowledge. I will go away and check who is on the list. I have not seen the list, but I will check who is on the list.

INDUSTRIAL RELATIONS

The Hon. G.A. INGERSON (Bragg): Will the Minister for Government Enterprises confirm that the fundamental

rights of workers will be part of any foreshadowed industrial relations reform agenda of this Government?

The Hon. M.H. ARMITAGE: The honourable member's question goes to the heart of the fact that the Government, unlike the ALP, continues to generate fresh policy initiatives for the benefit of South Australians. At the last election, the Government received the endorsement of the South Australian community for its focus—

Mr Koutsantonis: You're joking!

The Hon. M.H. ARMITAGE: The member for Peake interjects that we are joking but he says it from the left of the Chamber: we are over here on the right of the Speaker. It is my pleasure to identify today that I am forwarding to the Industrial Relations Advisory Committee a draft Bill with a view to introduction of the Bill to this House in the next few weeks.

In my other role as Minister for Information Economy, I am acutely aware of the fact that there is a revolution taking place as we move from the industrial era to the information era—and sometimes I think the Opposition is stuck back in the old days. These issues must be looked at with creativity and flexibility, and our industrial relations policy does just that. The tragedy, frankly—obviously identified by the cacophony opposite—is that the ALP, which was born in the industrial revolution as the political arm of the unions, factually has failed to grow up. It refuses to embrace new policies.

I will be sending a copy of the Bill to each member of the House, but I would like to mention a couple of specific areas that the ALP needs to address in getting ready for the twenty-first century and, indeed, to withdraw its opposition to provisions which will promote the rights of workers. In relation to the rights of freedom of association, there will be in the legislation an obligation factually to document consent for the deduction of union fees. This to me does not seem any great problem; people ought to be able to consent or not.

There is a fundamental right, which is the right of people to control their own labour. Employees and employers under our legislation will be able to contract directly to control their own relationship without the dead hand of a third party. More importantly, people have a right to expect to work and the provision for unfair dismissals, frankly, in the legislation as it presently stands, cost jobs. The evidence is very clear, and I will be identifying to the House, that employers often will not offer workers employment with these current laws in place. Last year, the Federal ALP successfully moved in the Senate to disallow the unfair dismissal regulation. The ALP policy—I think, at least, it has one—is quite simple: the Liberals say 'Yes'; the ALP says 'No.' It is as simple as that. When this very important Bill comes before the House I think the ALP has a choice: to move into the future or factually to continue to be tied to the apron strings of the unions, rooted in the past.

HANCOCK, Ms C.

Mr WRIGHT (Lee): My question is directed to the Minister for Tourism. Are all matters pertaining to the termination of the employment of the former CEO of the Tourism Commission, Ms Carole Hancock, now settled; if not, why not; and, if so, what was the total pay-out to Ms Hancock?

The Hon. J. HALL: Some of the detail I would be happy to provide to the honourable member. The absolute pay-out has been made and I can give you a figure. The total pay-out before tax was $210 189 and after tax $151 133.86. As there is still the potential of litigation, I would prefer to take on notice further questions relating to the termination of Ms Hancock's agreement with the Tourism Commission.

FIRE SERVICE RADIO NETWORK

The Hon. G.M. GUNN (Stuart): Will the Minister for Emergency Services tell the House, in the event of a major fire at a northern location, such as Port Pirie, how would existing radio services perform for the Metropolitan Fire Service vehicles; and has the fire service experienced any other problems with the current radio network recently?

Mr KOUTSANTONIS: I rise on a point of order, Mr Speaker. This question is hypothetical. In his question the member for Stuart asked, 'What would happen if there was a fire?' It is clearly hypothetical and out of order.

The SPEAKER: Order! The Minister has a ministerial responsibility in this area. I am prepared to let the Minister start to reply. If he moves into the area of hypothetical replies, I will pull him up.

The Hon. R.L. BROKENSHIRE: Thank you, Mr Speaker. I can understand why the member for Peake is worried about—

The SPEAKER: Order! The Minister will come straight to the answer.

The Hon. R.L. BROKENSHIRE: I am pleased to answer this important question. This question is, first, about responsibility, duty of care, occupational health and safety and, secondly and most importantly, this question is about life and the protection of property.

It is interesting to note that in recent times the Opposition and the United Firefighters Union have been running around saying that radio networks, computer-aided dispatch information technology and that type of equipment is a waste of time. This is far from a waste of time—

Mr Conlon interjecting:

The Hon. R.L. BROKENSHIRE: I know that the member for Elder does not appreciate the fact that this Government is getting on with the job, and I understand that the member for Elder is concerned about numbers, as a result of his support—

Mr Conlon interjecting:

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

The Hon. R.L. BROKENSHIRE: Thank you, Mr Speaker, for your protection.

The SPEAKER: You do not need my protection: just get on with your answer, please.

The Hon. R.L. BROKENSHIRE: The South Australian Metropolitan Fire Service continues to support the new Government radio network. The existing South Australian Metropolitan Fire Service communications networks and equipment are limited currently in range, reliability, and functionality, and they do not provide emergency service interoperability, particularly at major incidents. That is one issue that indicates that we need to get on with the delivery of a new radio network for the Metropolitan Fire Service and, indeed, for all emergency service organisations.

Further, fire service headquarters have advised me that the Government radio network project offers a cost efficient radio/data/paging solution when compared with potential agency specific solutions, and they have indicated to me that the current radio network is simply inadequate. They have indicated to me that a 'do nothing' option for emergency

service organisations, including the Metropolitan Fire Service, certainly is not a viable alternative.

There are problems at the moment in turning out retained firefighters as one example. This problem will be overcome by our Government through the commitment to the Government radio network contract and in future, when that contract goes through, we will be able to carry a paging facility for turn out of those retained firefighters. In relation to the current radio network in the Metropolitan Fire Service, the Australian Communications Authority has now commenced implementation of broadband network strategies, including auctioning of frequency band allocations, and that means that it is not satisfactory when it comes to the current radio network with the Metropolitan Fire Service. In fact, this particular status will render them subject to radio interference in areas such as Mount Gambier. I would have thought that all these very important issues would be supported by the member for Elder, in particular, the Labor Party and the United Firefighters Union.

Yesterday was the anniversary of the 1983 Ash Wednesday bushfires. Here we are 16 years later. When the Labor Party was in Government, it was responsible for dealing with the Coroner's report. What did it do when it was in Government? It did not respond to the Coroner's report and one of the vital components of that report was that we had to upgrade information technology, radio communications and computer-aided dispatch.

The member for Elder hates this because he is happy to be part of a do nothing, sit on your hands, Labor Opposition. On this side, not only have we taken Coroner's reports and all the other information seriously, we are now delivering. We have respectability out there because we get on with the job. The Labor Party does not have that because it has never got on with the job. It is not interested in the safety and wellbeing of the community—

Members interjecting:

The Hon. R.L. BROKENSHIRE: No, you are not interested. The Labor Party is also not interested in the occupational health and safety of firefighters in a union that supported the member for Elder. We are, so we will get on with this important initiative.

ECONOMIC AND FINANCE COMMITTEE

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

That the twenty-seventh report of the committee, on State-owned plantation forests, be printed.

Motion carried.

MODBURY HOSPITAL

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

Leave granted.

The Hon. DEAN BROWN: In answering a question in relation to Modbury Hospital yesterday, I undertook to outline to the House the additional services which have been provided at that hospital since Healthscope took over its management. Before doing so, I point out to the House that Modbury Public Hospital has a full three year accreditation from the Australian Council on Health Care Standards. That is the maximum period for which accreditation from this independent body can be awarded and it comes about after a rigorous assessment of the quality of services and facilities. It would seem that, because Modbury is under private management, it has attracted unjustified criticism, not because of the quality of the services but simply through political opposition to the very notion of private involvement. As the House will see, those critics are also ill-informed.

Healthscope is required under the contract to provide the same or higher levels of service than was the case under public management. It has done that and a lot more besides. Since Healthscope took over the management of the hospital, in addition to maintaining existing levels of service it has provided—

Ms Stevens interjecting:

The Hon. DEAN BROWN: I ask the member for Elizabeth to listen to this. It has provided outreach nurses to support patients returning home after treatment. It has provided fine needle biopsy for mammograms and angiograms, which were previously provided outside the hospital. It has provided after hours teleradiology through on-call specialist radiologists. Healthscope has upgraded the CAT scanner to the latest generation technology and it has increased and upgraded the Doppler ultrasound units. It has also provided an increase in outpatient sessions in ear, nose and throat services. It has provided an increase in urology outpatient and operating sessions. It has introduced breast-feeding clinics. It has commenced paediatric surgery outpatient clinics which will lead to the introduction of paediatric surgery, and it has appointed a half-time intensivist for the high dependency unit.

These are just some of the extra services that have been introduced at Modbury since Healthscope took over. Modbury Public Hospital has, deservedly, a high reputation for the range and quality of services that it offers. That view is backed up by the Independent Council of Health Care Standards for the whole of Australia. It is also backed by patient surveys which show a very high level of satisfaction from those who actually use the hospital, as opposed to those who criticise from afar. The hospital and its dedicated staff deserve due recognition for the tremendous service they provide to the people of the north-east. They certainly have the support of this Government.

GRIEVANCE DEBATE

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

Mrs GERAGHTY (Torrens): Since just before new year, but particularly since new year's eve, my office has been inundated with calls from members of the public who are really concerned about the proliferation of fireworks. Those calls have come not just from my electorate but from right across the State. All of these callers have expressed their concern about the apparent ease with which people are able to purchase fireworks. Illegal sales must be occurring in the community because banned fireworks such as crackers and skyrockets are being used.

One of my constituents complained that he nearly had his house set on fire when skyrockets fell down on to shadecloth and into the compost heap. One other constituent and another from a further north-eastern suburb described their back garden as like a demolition site or a war zone because there were bits of spent rocket cartridges all over the place. Others

have brought into my office balloons tied to crackers, so I have got spent firecracker shells all over the place. In addition, this problem is having a devastating effect on people's pets and on the elderly citizens in the community who are frightened by the use of fireworks.

It is obvious that the current regulatory position on retailing and the use of fireworks is not working. In order to get a permit, a schedule 9 form has to be completed and the retail outlet has to fax that through to the relevant council or the State authority for approval before one is supplied with the fireworks. The person who purchases fireworks should then notify neighbours and the police about the date and time they are to be let off. However, as I said, it is clear that the regulations are not working and councils are reporting a great increase in the use of fireworks, particularly over the Christmas season.

The Onkaparinga council reported dozens of backyard fireworks displays, although it had issued only six permits. A spokesman said it is of growing concern and the worst it has been in three years. The Tea Tree Gully council fire prevention officer, who is a local CFS member, said that the reports from that area were that it was raining skyrockets on new year's eve, and it is believed that the Greenwith fire was started with skyrockets. I believe that seven fires across Adelaide over the Christmas period were attributed to fireworks being let off.

What is of most concern is that young people are getting their hands on fireworks and they are letting them off where they please. I have had a substantiated report of fireworks being let off one evening in 34° heat in an area with uncut grass. I do not think that anyone is opposed to fireworks displays in the community, but they need to be properly supervised. More importantly, the Minister commissioned an investigation into the retailing of fireworks and public use in September 1997. He has had the report since the middle of last year but he has done absolutely nothing about it. In fact, it has not been put out to the public to make comment. I should like to know what he is going to do about this.

The member for Price mentioned to me that he had received reports of illegal fireworks being purchased in markets around Adelaide, and I will follow that up because we know that people are buying $100 or $50 worth and that they are being supplied. Retailers are saying that they are doing the right thing and, if we are to believe them, we should ask them what they are doing about people who they know are selling them illegally. I know of constituents who have purchased fireworks out of the boot of a car and I have also had constituents purchase fireworks from a licensed retailer. We need to deal with the issue.

Mr VENNING (Schubert): Today, as members know, the Barossa and region is booming. It is busting out all over. Most industries in the region are experiencing unparalleled success. Investment is coming from everywhere, not only from within Australia but from overseas. In fact, there is huge private investment and in excess of $700 million is forecast in the next year to year and a half.

I refer, for example, to Mildara Blass, Southcorp, Orlando, Tarac etc. There are positives everywhere—train services, radio stations, and the list goes on, but there are negatives. The growth of business and population is 20 per cent above all expectations and predictions. The region is outgrowing its infrastructure—and the Government's efforts to keep up. It is a nice problem to have, I know, as the contrary is not good, and we must give this region its head, allow it to reach its true potential and take away any impediment to its continued growth. In order of priority, the infrastructure most affected are: water, roads and, now, electricity.

Members have heard me make speeches on these matters before, but I need to update the House. Today, I shall refer only to the first these of matters, namely, water. We have an acute shortage of water right now. Often, homes in the higher areas are without water. I am very pleased at what the Government has already done: first, there is a filtered water supply to most of the region but not all. The problem is that this water is now being used on the vineyards, especially on younger vines in the critical stage of their growth development. So, the taps are on, but it certainly could have been worse.

The vignerons and the wine companies have been very proactive as they realise how important the future of the world's premium wine region is on the availability of good quality water. They formed a group known as BIG (Barossa Infrastructure Group) and put their ideas forward. Mr Mark Whitmore was its first Chairman (I have mentioned that in this House before). First, they successfully negotiated with the Government to utilise unused capacity in the Swan Reach-Barossa pipeline, to buy off-peak water and to transport it at a reduced rate—as long as it was taken before 31 October; in other words, water taken during the cooler, wet months. Many growers took it up and stored the water in their drought depleted dams and tanks, and some recharged their aquifers by putting it down their bores, knowing that they would get a credit of 80 per cent for that. Those who availed themselves of this offer certainly reaped a huge benefit, especially after a very dry winter and summer period, which is continuing. At best, dams are only a third full, unless those growers availed themselves of this privilege.

I now refer to the important part of my speech today. The BIG group has a step further to go to ensure a permanent, alternate supply of unfiltered water for the vineyards. It is a very clever concept. They will take the unfiltered water from the Mannum-Adelaide line, pipe it to the now largely redundant Warren Reservoir (needing an increased service) and then the growers, using their own infrastructure, will pipe the water from there to the Valley floor to the individual vineyards. This will cost the growers approximately $32 million. A levy of approximately $4 000 to $5 000 per hectare per vigneron is a huge outlay by anybody's expectations. But, this week, right now, negotiations are still continuing between the BIG group, its new Chairman Mr David Klingberg, Mr Whitmore and the Government via SA Water. Time is running out to get all this up and running before next summer so that any of it can be used.

I spoke to the Premier and the Minister this week and to SA Water. I hope that we will see a green light very shortly—even this week. The guarantee of access and the cost of water has to be agreed to before any further progress and the prospectus to the growers can proceed. The price for the water was agreed in principle in the original negotiations at approximately 32¢ per kilolitre. Any price in excess of this will see the vignerons continue to use filtered tap water—as they do now. The initiative needs to be supported and rewarded by the Government as it delivers infrastructure which the Government would normally provide itself and frees up the filtered water for use in the homes in the Barossa and the region, which is a problem we would have to address anyway. I urge all involved in the decision making process to think positively and to allow this region to continue its success. This region, as well as others in regional in South

Australia, will drag South Australia from its economic doldrums, if we let it.

Ms STEVENS (Elizabeth): The Government's plans to rationalise the delivery of hospital services deserves very close examination. They occur in the context of increasing demand for health services, particularly as a result of an ageing population, technological changes and rising community expectation. They also occur in the context of a Government which has been and still is hell-bent on making cuts to our health system despite promises to the contrary made to the electorate. Before Dean Brown was elected in 1993 he promised that efficiencies made in our hospitals would be ploughed back into the health system. Instead, over $230 million was cut from services at all levels. John Olsen in his first budget since the 1997 election promised to quarantine hospital budgets from cuts. Instead, $30 million in planned growth funding has been cut.

So, the track record of this Government in doing anything other than cutting services is not good. Over recent months we have had four secret reviews of hospital specialities, and there are more to come—19 in total. These were done by consultants in consultation with selected clinicians. They have made recommendations to the Government which included no maternity services at the Queen Elizabeth Hospital and Modbury as well as changes to cancer services and cardiac services. The boards of hospitals will have four or five weeks to respond to these recommendations, but the whole process will not be clear, because all 19 reviews will not be completed for some time. So, they will have a short time to comment on a small slice of the whole picture—hardly a comprehensive consultation process.

The Opposition supports the planning and provision of hospital services to make the best use of facilities, to avoid unnecessary duplication and to place services where people are, but we do not support the cutting of basic services that are needed by the community. What have we heard about the savings that will be made as a result of this new system? Have we heard that they will be redirected to other areas which face critical funding shortages and huge increases in demand, services such as domiciliary care, the Royal District Nursing Services, mental health services in the community, services to people with disabilities—these services that will keep people well and out of hospital? Have we heard anything about the redirection of those savings to those services? No, we have not.

The Government has only outlined plans to cut expenditure and reduce services, with no commitment to increasing services in critical areas. It is what we have seen time and again from this Government, and it shows how shallow its commitment to the people of South Australia really is. In answer to a question yesterday, the Minister for Human Services said that health professionals hoped that this new scheme would not be torpedoed by cheap politics. I invite the Minister to demonstrate this fact by detailing the new services that will come from this rationalisation and to prove to the people of South Australia that health services are the goal—not just the cutting of services and the re-direction of dollars into Government coffers.

Mr LEWIS (Hammond): Seemingly unrelated events in recent days have caused me to become at least bemused by the apparent, indeed very definite, relationship that exists between them. In today's newspaper we see on the front page reference to the $11 million Adelaide Oval lights lawsuit. Whilst I have no intention whatever of canvassing the merits of argument about that, I know that for months, indeed years, the Adelaide Oval's retractable light towers have been the object of controversy, even before they were built. They failed to perform to specification even though they went through major redesign during the course of the preparations of the contract for their construction by Baulderstone. It has been alleged openly and publicly that the drive system designed to lift the light tower was intended to be much lighter than what it in fact ended up weighing.

The allegations were about poor design in the gearing system relative to the capacity of that gearing system to hold the weight and whether or not the pits would flood from water in storms and/or seepage and things of that nature which were overlooked in that design. Those allegations were made about the firm that did the design. Also in recent time, like the last 48 hours, we have heard how anxious people from North Haven on Le Fevre Peninsula and others living in the suburbs of Le Fevre Peninsula are about the proposed power station to be erected at Pelican Point and the alternative use of at least some of the land there, indeed all of it, of which some would be used for the power station, as residential land and as a marina, and that is to become the subject of litigation we now understand between the Port Adelaide Enfield City Council and the State Government.

Before I say anything more about that, may I say that all of us have been through some fairly hot times lately. I am not just referring to the political heat but to the heat of this summer. We know from the brownouts and blackouts that have occurred in South Australia that what I said in this Chamber six or seven years ago, that we needed to start planning for a power station and an adequate power supply for the late 1990s, has turned out not only to be true but tragically so because I am sure that some people have suffered heat stroke as a consequence of our not having sufficient power generation capacity.

The quaint connectedness between that action to be undertaken down at Pelican Point against the power station and the Adelaide Oval lights might have escaped many people, but it has not escaped me. I want to see that power station go ahead. I do not care where it goes, but it is vital that it goes ahead if this State is to meet its peak demand for power in its hottest whether and maybe even its coldest months. It is vital because we do not have the certainty that the existing interconnection at Mingbool or generating capacity is up to meet the demands that will be placed upon it next summer if we are not ready for it.

Therefore I draw attention to what I think is the misleading information put about by a firm of engineers who did that design—Dare Sutton Clarke. That happens to be the some outfit that is giving the Port Adelaide people on the Le Fevre Peninsula advice about the wisdom of establishing residential properties and a marina on Le Fevre Peninsula and Pelican Point. I urge those people and the two honourable members in this place who have some influence in that immediate community to re-examine that advice and consider carefully the cost implications because I do not think those engineers have been very competent according to the track record as we have seen it in the way in which they have given advice in the past. I do not think that the measure of costs related to the remediation of the extensive pollution that has occurred across that site and how that would impact on the block cost for each of the blocks has been properly and fairly measured. They are being led down a blind alley.

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

Mr HILL (Kaurna): Last week I was pleased to receive correspondence from the World Wide Fund for Nature Australia. That correspondence was about its recently instigated marine pollution report card. It provides a report card on each of the States and Territories in Australia, although not the ACT, of course, because it does not have any marine environment to report on. The report card identifies 10 pollution hot spots across Australia. Of these 10 spots five are relevant to the South Australian coastal marine environment. The WWF believes that the South Australian Government should urgently take action to address a number of these hot spots, in particular the threat to the marine environment from agricultural run-off, introduced marine pests, Tributyltin and other toxic chemicals, persistent organic pollutants and marine litter.

A significant finding of the report in relation to South Australia was the lack of information on the extent and environmental impact of many forms of marine pollution and the need for additional research and monitoring to identify better environmental practice to reduce marine pollution. Of the 10 areas considered in some detail, five areas in which South Australia had room to improve included the area of introduced species, the existence of Tributyltin (known as TBT), which I understand is applied to boat hulls to prevent marine organisms from attaching themselves, and has other industrial applications. It is extremely toxic to many marine species and can leach from the boat into the marine environment. Overseas, TBT has been linked to the decline in some marine species, including commercially imported species such as oysters. By entering the food chain it poses a risk to other species such as seals and dolphins and possibly humans.

Other areas that the fund commented on included estuary pollution, lack of information and marine litter. The report card rated each State on two things: first, the extent and impact of marine pollution; and, secondly, the extent of research and monitoring undertaken into marine pollution as determined by the publicly available scientific literature. When we get to South Australia there are four areas: point source pollution; diffuse pollution; litter; and accidents in shipping. There were three possible categories for each of these: poor, fair and good. I am sad to say that in the case of South Australia there was not one recording of 'good' for either the extended impact of pollution or research and monitoring into that pollution. In fact, South Australia of all the States and Territories covered received the worst report. Each of the other States had at least one or two 'goods'. Queensland received four 'goods', three 'fairs' and one 'poor'. For South Australia there were no 'goods', three 'poors' and five 'fairs'. It is a poor result and that reflects badly on this Government and on the Minister for the Environment.

Last year was the Year of the Ocean and the Government spent an amount of time producing and preparing a document about the State's strategy for marine issues. That strategy was released at the end of the year. It did not say a lot and certainly did not compare at all well with the document that was put out by the Labor Party last year and, for all I know, it has disappeared. It is a great shame that the Minister, who put out some sort of positive press in relation to this report card, did not seriously address the issues that the report card identified and, briefly, in the time available I will go through them. In terms of point source pollution the report gave South Australia a 'poor' rating for the extent of the pollution and said:

> Sewage discharge is believed responsible for large scale loss of seagrass and increase in algal blooms. Industrial discharges into Spencer Gulf have contaminated over 600 kilometres with heavy metals. Remote areas of the coastline are believed to be in good condition.

In terms of diffuse pollution, the report card gave South Australia a 'poor' result and had this to say:

> Sediment deposition from agricultural run-off and industrial sources has caused extensive seagrass loss. Agricultural fertilisers are largely responsible for elevated nutrient levels in a number of rivers.

In the area of litter we got a 'fair' result. It said:

> Fishing industry identified it as a major source of litter—rope, packaging bands, bait boxes and fishing nets. Lower levels of land based litter found.

In the area of accidents and shipping we also received a 'fair' result.

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

Mr SCALZI (Hartley): Last Tuesday I presented a petition from the residents of Glynde of over 600 signatures with regard to opposing a proposed ETSA depot at 59 Barnes Road, Glynde, as it was not conducive with the existing residential surroundings. The petitioners strongly protested. I also had many letters outlining people's concerns. The proposed ETSA depot is a matter that has been close to my heart. I was brought up in the area, in fact in Edward Street, Glynde. I was very much aware of the land belonging to ETSA, as has been the case since 1957. I arrived in Australia in 1959 and as a boy I could see clearly that there would be an ETSA substation in that corner. However, that never eventuated, but a lot of the residents who have settled in the area were quite prepared for the substation, provided it was well camouflaged by trees, but it did not happen.

Earlier this month the residents were made aware of the proposed ETSA depot, which was totally different from the proposed substation, and there was a lot of concern. On 5 February I attended a meeting along with 130 others, including Mr Doug Schmidt from ETSA and Mr John Henderson, Mr Ivor Wiles and Mr Ian Rohde, residents of that area. I must say that the meeting was a very good example of how residents can get together and let various Government departments know their feelings towards certain developments. I am pleased to report that yesterday I received a letter from the Treasurer which states in the last paragraph:

> The meeting held at Glynde Lodge Retirement Village provided ETSA with an opportunity to gauge community support for its proposal and to identify residents' concerns. ETSA acknowledges the valid concerns of the residents and has accordingly taken the decision not to proceed with the proposal. The application will therefore be withdrawn from the planning process.

That is great news. In eight days, the residents organised themselves with letters and placards, and there were more than 600 signatures of protest against the development. It is clear that it was not in the right place. Many elderly people live in the area, not only in Davis Road but also in the Lutheran Homes on adjacent Barnes Road, and to have 20 standard vehicles as well as 12 trucks on a 24 hour basis was certainly inappropriate.

I thank ETSA and its representatives who attended on that evening and listened to the residents and the elderly in that area; the Minister for his prompt action in providing those

representatives; and Mr Ian Rohde and Mr Ivor Wiles from the retirement village who organised the meeting. I certainly believe that the outcome is great news for the residents of Glynde. I am delighted with the result.

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

SELECT COMMITTEE ON WATER ALLOCATION IN THE SOUTH-EAST

The Hon. G.M. GUNN (Stuart): By leave, I move:

That the committee have leave to sit during the sittings of the House this week.

Motion carried.

PUBLIC WORKS COMMITTEE: LEIGH CREEK COAL DUMPING BRIDGE

Mr LEWIS (Hammond): I seek leave to amend my proposed motion by adding the words 'and the recommendations adopted'.

Leave granted; proposed motion amended.

Mr LEWIS: I move:

That the eighty-seventh report of the committee, on the Leigh Creek coal dumping bridge replacement, be noted and the recommendations adopted.

The Leigh Creek coalfield is located about 250 kilometres north of Port Augusta. It provides 3 million tonnes of coal to the Port Augusta power station, and that results in the consequent removal of 12 million cubic metres of overburden each year. For the benefit of members, that is what you would call a strip ratio of about eight to one. If you want the 3 million tonnes of coal, you need to move about 12 million cubic metres of overburden. One cubic metre of overburden weighs more than two tonnes. The project involves the replacement and strengthening of the coal truck dumping bridge at Leigh Creek. That is a large structure with ramps either side of it enabling the huge dump trucks to drive up onto the concrete structure and dump their coal through a chute into appropriate milling and elevating equipment beneath so it can be transferred by that mechanism from the truck, milled to an appropriate size and put into rail trucks for transport to Port Augusta.

In addition to that, a detailed net present value analysis of the various options undertaken by the South Australian Generation Corporation, that is, Flinders Power Pty Ltd, over a 10 year period using a discount rate for the preferred option of replacing and strengthening the crusher bridge and purchasing a large rubber tyred loader included in the most recent estimates of a capital expenditure of $12 million provided an NPV cost of this option of $12 million with a pay-back period of five years, which is a pretty good investment.

In summary, Flinders Power proposes to replace and strengthen the crusher bridge, which is a crucial element of the coalfield's activities but which is currently in very poor structural condition. It looks a bit like the Festival Plaza car park, if you like: there are cracks and fractures all through it. Anyone who knew anything about concrete would see that it was an unsafe and unstable structure. Further, it will improve the operating efficiency of the Leigh Creek coalfield by enabling larger sized trucks to be operated from the pit to the point where the coal is dumped ready for milling and loading for dispatch on the railway to Port Augusta.

On Monday 16 November a delegation of the Public Works Committee went to Leigh Creek to inspect the site of the new unloading bridge and the coalfields in general. We did that so that we could be familiar with the surroundings and get an idea of how the work was done. The committee, accompanied by a geologist familiar with the region, was able to see at first hand the Leigh Creek coal mine and its equipment and facilities. We were escorted to the lowest point in the mine (some 200 metres deep) in the two mine pits and immediately gained an appreciation of the difference between the coal and the shale which contains hydrocarbons and which is referred to as overburden; the various angles at which the coal is mined; and the area where the overburden is stacked and the enormity of the earth moving equipment used, particularly the Wabco 240-tonne dump trucks and the electric rope shovel truck loaders that were there. They are huge.

Members observed the earth moving graders clearing overburden to create a path so that more coal could be mined. They also saw overburden being loaded into those huge dump trucks and carted away. We were impressed by the efficiency of the operation and the way it had been planned and engineered, as was demonstrated by the synchronisation of the trucks travelling to and from the pick-up and dispatch sites.

We also noted the lack of vegetation in the vicinity of the mining pits, and particularly in the soil that had been placed over the stacks of the previously mined shale. Importantly, the committee travelled to the coal crushing area where we inspected the coal dumping bridge, which is to be replaced; the coal conveyor system, which transports the coal to the secondary coal crusher; and the enormous stockpile of crushed coal awaiting transportation on the railway line to the Port Augusta power stations. We noted with concern the fragile nature of the main concrete beams and columns that support the bridge where large cracks, as I have stated, were clearly visible.

Without any exception, we all agreed it was obvious that the bridge was fast becoming structurally unsafe if left unattended for much longer. The committee was assured that there was a constant monitoring of the bridge structure to detect any change or movement that would compromise its safety and that of the people working on it. The site inspection clearly demonstrated the urgent need to replace it. The Public Works Committee therefore recognises that it must be replaced. The constant use of salt water for dust suppression on the roads, together with the poor quality concrete, has reduced the strength of the main beam supports and the decking on either side. An inspection of the structure showed us first-hand just how tenuous it is.

We know, and it was pointed out to us, that some repair work to the bridge had already been undertaken. Engineering consultants have cleared it for extended use in its current condition subject to certain safety precautions during the ensuing limited period from the time of our inspection until April this year, when minimum power requirements will enable the reduction of the amount of coal that has to be mined and shipped and thereby the replacement work on the bridge to be undertaken. Notwithstanding this, members agree that the bridge needs to be urgently replaced.

In the process, we will achieve a more cost effective solution and much better safety outcomes in the long term,

particularly by preventing the possibility of a serious accident. This will, as I have explained, be undertaken during the Port Augusta power station's being taken down, or an outage when the coal demand will be relatively low, with repair work down-time being minimised. There will be an overall productivity benefit with minimal disruption to coal supply to the Port Augusta station as a consequence of their being able to use stockpiles from the Leigh Creek end as well as at Port Augusta itself.

The committee was inundated with correspondence and other discussion directed to us as individual members of the committee, as well as to our offices in the Parliament, with concerns held by people in the wider community about the health risk to anyone who has lived at Leigh Creek for an extended period or, more particularly, those who have been associated with mining in that they have been exposed to gasses, dust and smoke created by the removal of the overburden. We took extensive evidence in relation to this issue as a consequence of the number of approaches that have been made to us, and we took it at very short notice.

Much of that evidence is in conflict with the evidence given to us by the proponents. Evidence did seem to indicate, however, that substantial progress has been made in the past four years—although the committee believes that further work is required, as indicated by the recommendations at the end of our report. We saw in the videotapes, for instance, the spontaneous combustion and explosion that occurred when you pulled a dragline bucket through the so-called overburden as the dust and gasses escaped, mixed with oxygen and simply came alight. We saw also the videotapes of where gas was escaping visibly from the stacks over the years and how condensate taken from those stacks could be easily obtained by simply pushing a piece of plastic pipe into the holes and allowing the gas in that pipe, so trapped, to condense and settle into a beaker. It was not just water: there was quite obviously a range of hydrocarbons present in substantial quantity.

We heard of the great number of people who some of the witnesses told us had sustained chromosomal damage, which, if members think about it—indeed, scientists tell us—is the precursor of all forms of cancer. We also know from anecdotal evidence and papers that we have read elsewhere that, for those people who sniff petrol or, indeed, any of the volatile hydrocarbons, the consequences in terms of cancers are horrific and the damage done to all organs, including the brain, is something which requires further and more careful examination.

It is the only aspect of the work that has not been more carefully examined by agents associated with the coal mining operation, whether that is ETSA, Flinders Power, or a body of any other name. Everything that could have been done has been done on every other aspect of occupational health and safety for people working for that corporation in the Leigh Creek area in general and those working in the mine in particular, but no longitudinal epidemiological study has ever been done of the numbers of people who have suffered from cancer, of any of their body parts, to discover whether or not that number is greater than the number in the wider population; and it appears that, on the face of it, there is a likelihood that such is the case.

Accordingly, the committee recommends that the House refer the committee's concerns regarding possible adverse impacts of past and present coal mining operations on the health of workers and residents of Leigh Creek and the environment to the parliamentary Occupational Health and Safety Rehabilitation and Compensation Committee; further, that the House refer the matter of the possible commercial benefits and environmental impacts of mining or not mining oil shale at Leigh Creek to the Environmental, Resources and Development Committee for its scrutiny and recommendation; and, further, that the Parliament require that both the committees provide at least an interim report within three months of the receipt of this reference. As such, the committee, pursuant to section 12C of the Act, is happy to report to the Parliament that it recommends the proposed works. Planning and expenditure in the pursuit of that goal is already under way.

Ms THOMPSON (Reynell): As the member for Hammond said, when we inspected the coal dumping bridge, there was no doubt that it was in a very sad state and that the licence to continue the use of that bridge was being extended on about a monthly basis. The fact that the Public Works Committee was visiting Leigh Creek and looking at matters surrounding the operation of Leigh Creek led a number of people to contact us regarding issues about the desirability of the current *modus operandi* of Leigh Creek. The issues principally surrounded the spontaneous combustion of what some people call the overburden and what others call the oil shale potential resource.

The issue of the health effects of breathing in the gasses released when the overburden is on fire was very difficult to quantify. Many witnesses told us, of their own personal knowledge, of the health experiences of people who had lived and worked in Leigh Creek. However, the nature of the population of Leigh Creek is such that it changes constantly. When I was discussing this matter with one of the teachers in my area, he said that he had worked in Port Augusta for some time and was just stunned by the number of families that would suddenly come to the school because they had had to come from Leigh Creek to receive medical treatment as the conditions they had contracted could not be treated in the Leigh Creek Hospital. So that shed some light on the fact that, when we tried to discover from the records of the Leigh Creek Hospital whether there were any abnormal health experiences in the region, there was no evidence because, according to this person and at least two others to whom I spoke, as soon as people ran into any sort of health problem, they would move away from Leigh Creek.

We also had disturbing reports of people being told that they could not discuss their compensation settlement and, therefore, shed any light on what the health impacts were through their compensable experience. This was something else that alarmed members of the committee and made them wonder whether there was an issue about health at Leigh Creek. We were also hampered in discovering this by the fact that a number of reports that were promised to us were not provided, and this is the second time that promised reports have suddenly disappeared when we have been looking at a matter. It is, indeed, a disturbing precedent. However, some of the evidence that came before us led us to discover what course of action we might take to enable the works on the bridge to proceed rapidly but not to ignore the requests of so many people for us to look at this health matter. The evidence states:

Mr Colin James, the Chief of Staff of the *Advertiser*, investigated the issue of Leigh Creek health in 1994 and 1995. He summarises his concerns as follows:

> . . . that fires and amounts of overburden being removed from the mines were contained in carcinogenic polynuclear aromatic

hydrocarbons and those PAHs had been responsible for a number of cases of cancer in residents in the township and within the work force at Leigh Creek.

He also stated:

> . . . it was the widely held belief by the people who were agitating on this issue that ETSA knew full too well there was a danger that their work force residents were being exposed to carcinogenic fumes; that ETSA had not taken enough caution to protect those people from the effect of those toxic fumes; and that it started doing something about it only when it became an issue in 1994. If you want my opinion, you have to go back before 1994 and look at what was happening at Leigh Creek.

Certainly, that was the difficulty we faced—that it was clear that, after 1994, a number of measures had been put into place to improve the health and safety at Leigh Creek, and some health monitoring of the workers had commenced as well. This followed some events surrounding improvement notices issued by Mr Michael Wilson, a workplace inspector with the then Department for Industrial Affairs. These notices were overturned in the Industrial Court but, nevertheless, ETSA and then Flinders Power implemented a number of the recommendations that were contained in those notices.

So we are aware that things are better now, but we are also aware that some of the most insidious diseases take a long time to manifest themselves. We are also aware with the way the transient work force of Leigh Creek is now scattered all around Australia that an epidemiological study will not be easily done, but that does not mean to say we should not look at what is the best way of identifying whether there are health risks. Last week, we dealt with the Islington remediation project. That was necessitated by the fact that asbestos, which is a product that we had proudly used, has proved itself to be a real danger to humanity. We, therefore, feel that we need to explore what workers are telling us and really take seriously their concerns.

We noted that, in relation to the current health monitoring that is occurring under the supervision of Dr Christopher Kelly from Job Fit Medical Services, there is still some cause for concern. Workers are now being offered this health monitoring service, and the results of it are being aggregated and considered. One area of particular interest is the airways and the lungs and any damage that has been done to them. However, we also know that smoking has a very likely adverse impact on the airways and the lungs. It was necessary to look at the smoking statistics of the population, as well. It was found that 29 per cent of the participants were reformed smokers, compared with 27 per cent of the Australian population; and 29 per cent of the work force currently smoked, compared with 24 per cent of the Australian population. However, there were different rates of smoking among different groups in the work force, the highest being the operators at 35 per cent.

It was interesting to note that, when the study measured small airway disease, it found that overall there was a prevalence of abnormalities of small airway function in 20 per cent of the work force. There is no equivalent data for the Australian population, so that alone does not tell us whether we should be alarmed. However, two findings were interesting, and I will quote Dr Kelly:

> First we found that about 11 per cent of the operators had abnormal lung function for small airway problems and then it ranged through to the office workers of whom 45 per cent had abnormalities of the small airways.

So what is interesting there is that the operators had the highest rate of smoking, yet the smallest rate of damage to the small airways. This needs to be looked at in the context of the operators being very much protected in their working environment at present by having appropriately filtered air conditioners on their plant.

Mr Lewis: That is in more recent years.

Ms THOMPSON: Yes, so they are protected today from some of the possible worst impacts of the smoke around the area. However, the office workers are not. So that one finding of the higher rate of damage in the airways of the office workers is a signal that we need to seriously investigate this matter further.

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

The Hon. G.M. GUNN (Stuart): I want to say something in relation to this matter, because—

Mr Conlon interjecting:

The Hon. G.M. GUNN: I know it is, and I will exercise my right. The Chairman of the committee has said that one of its recommendations is as follows:

> The House refer the committee's concerns regarding possible adverse impacts of past and present coal mining operations on the health of workers and residents of Leigh Creek. . .

This matter has been raised on many occasions. It has been put to me strongly that this is as a result of the activities of one inspector, a Mr Wilson. From the inquiries I have made and from the information that was given to me by unions and other residents at Leigh Creek, they were less than impressed by the evidence of that inspector, and inquiries carried out quite independently a few years ago by the Commonwealth Rehabilitation Centre came to the clear conclusion that the claims made did not stand up to adequate scrutiny. It has been suggested to me that there has been a try-on here by certain people who want to gain considerable compensation, led by a Mr Benn and Mr Matschoss. I attended a Trades and Labor Council meeting a few years ago at Leigh Creek where this matter was discussed.

Mr Conlon: I'm surprised they let you in!

The Hon. G.M. GUNN: I was made most welcome.

Mr Conlon interjecting:

The Hon. G.M. GUNN: The way the honourable member is carrying on, he would have probably got the same treatment as Mr Matschoss. It was interesting to me from the discussions we had in relation to this matter that the overwhelming majority of the work force did not share the views of one or two of those malcontents who were setting out to cause trouble.

Mr Matschoss was virtually invited to leave in a typical Australian fashion, and it was made very clear to him what would happen to him if he continued to express views which were quite contrary to the union movement's view at that time at Leigh Creek and quite contrary to all the evidence that had been given.

Following that, the now Premier and I made an inspection at Leigh Creek and when we arrived a very large group of people met us at the airport. That is unusual at Leigh Creek. When the Minister indicated his total support for the stand taken by the community he was given a rousing reception and people were clapping and cheering. That clearly indicated to us that these outrageous claims did not have community support; they were not supported under any circumstances by the examinations that had been carried out and it is unfortunate that the committee did not take the trouble to get hold of that quite independent report which was conducted and which investigated all these concerns at great length.

Mr Lewis: WorkSafe Australia: we looked at that.

The Hon. G.M. GUNN: I am pleased about that.

Mr Lewis: It doesn't address our concerns.

The Hon. G.M. GUNN: I am standing up for the facts as they have been put to me clearly.

Mr Conlon interjecting:

The Hon. G.M. GUNN: I suggest to the honourable member who interjects that he talk to his colleagues and ask what they think about the people who are pushing this line. I and other members have received boxes of material from them, most of it irrelevant nonsense, and the honourable member's colleagues when in Government knew it was absolute nonsense. I have discussed this at length with very senior management—

Mr Conlon interjecting:

The DEPUTY SPEAKER: The member for Stuart has the floor.

The Hon. G.M. GUNN: It is unfortunate that the member for Elder has no regard for the work force or future employment of these people at Leigh Creek and that he wants to engage only in the usual nonsense, trivia and scuttlebutt for which he is noted. He has no regard for their views whatsoever. He wants to interrupt me when I am standing in this House supporting their views.

I say to the members of the committee that I am somewhat amazed that they have accepted some of the quite outrageous comments which have been made. I understand that this matter went to the Industrial Court and that Mr Wilson was regarded as an unreliable witness. I put on the record that there is another point of view besides the point of view that has been put by the committee in relation to this matter.

I am delighted that approval has been given for upgrading infrastructure at Port Augusta and Leigh Creek because it is absolutely essential for the future generating needs of the people of this State. I think the House should be aware that the efficiencies which have been carried out at Leigh Creek have made it one of the most productive coal mines in Australia. When one considers the ratio of coal to overburden removal and the hours that they have been able to get out of the equipment, they have an excellent record. It has been well managed and the work force has supported the management in a most constructive manner. As I said earlier, it is unfortunate that the committee has taken its time with what one could only say is based on the most dubious material which is not supported by rational argument or scientific evidence. It has been put to me that a few of these people are trying to get a large pay-out so that they can organise themselves in other forms of enterprise. I sincerely hope that members take into account other well-documented points of view, other than the information which has been given to the committee.

Ms KEY (Hanson): I want to comment on this issue. For a number of years I was an organiser for the United Trades and Labour Council in the area of Leigh Creek, but I must have missed the famous meeting when the honourable member attended. I assume that his union card was in order and that was how he received an invitation to the meeting.

Having attended a number of those meetings and having taken the minutes at a number of those meetings, I have to say that health problems as a result of overburden and smoke which came from that overburden from combustion was an issue. Over the years, I have received a number of faxes and letters from people who live in Leigh Creek. They identify me as a person who has been to Leigh Creek a number of times and who might be able to take up the cause of workers and residents in that area.

I have been stunningly unsuccessful in raising these issues at many forums because a lot of people do not consider there to be a problem in Leigh Creek. All I can go on is the evidence that I have collected over the years and, since I have been in this place and been the shadow Minister for industrial affairs, the amount of correspondence which has come through my office on the issue of Leigh Creek and the health, safety and welfare of not only workers but also people who live around the Leigh Creek area.

Certainly, Mr Bruce Benn, whom I have known for a number of years, has corresponded with me. Whatever other people might think, he has continued to campaign for something in which he believes strongly and I take his claims seriously. I also received a letter that goes back quite a way as far as this whole sorry saga is concerned (1984). Many workers got together and talked about the situation and the lack of action that emanated from the various grievances and complaints which the workers had raised. A letter written by Mr Harrison Anderson states:

> Over the years, the family conversation has often turned to the fact that, in the one little street in which we lived, there were so many deaths from cancer and other 'mystery' diseases: virtually every household. Gradually we learned that dozens of people from Leigh Creek were ill or died of cancer prematurely. Of the people who were there in the 1950s it could be as high as 10 to 15 per cent of the population. I tried once before to determine from statistics if it was an abnormal rate for a population [due to cancer]. It seems to me that the whole of South Australia's cancer rate is high and therefore the 'norm' is higher. I presume the latter is due to the 'lost' radiation clouds from Maralinga etc, some of which passed near Leigh Creek and some went over Adelaide.

The writer goes on to say that he was asked to give a social record of the people he had known while he worked at Leigh Creek. He answers that a number of workers he could remember died from cancer: Mr Howard died of throat cancer; Malcolm Place died of rheumatic fever although the symptoms were seen to be like galloping leukemia; Mr Simms died of throat cancer; Mrs Reed died of cancer of the uterus and bowel cancer; Claire Knuckey died of knee cancer; Mr Cise died of bladder cancer; Mr Boyd died of throat cancer. The letter continues that a number of other people in the street were suffering from asthma, chronic fatigue syndrome or Parkinson's disease. That is just one example of the sort of information that I have received from people who used to work at Leigh Creek.

I have also noticed from the reports that I have received that, although the evidence is not conclusive that the Leigh Creek work is associated with people dying from cancer, as the honourable member has already pointed out, a lot of prerequisites or indicators in the environment at Leigh Creek could support an argument that it is an unhealthy place to be and that there is an association with cancer. I refer members to the report 'Issues Associated with the Improvement Notices at Leigh Creek Coal Mine, South Australia', which was done by WorkSafe Australia. It looks at a number of prerequisites for the claims being made by former workers and people living up there with regard to their health.

I have also received information from a number of teachers who may not have worked on the actual mine site but who worked in and around Leigh Creek, claiming that some of their number have had cancers of different sorts which they believe were associated with Leigh Creek, where they worked. I have already quoted a list of townspeople whom one worker knew, but countless numbers of people have written to me saying that a number of people in their

street or people they knew were not around any more because they had died of cancer.

That might be coincidental, but our shadow Minister, Terry Roberts, who has been talking to local Aboriginal people and who has done a survey of Aboriginal people in the Leigh Creek area, has found that a number of Aboriginal people in that area have either died from cancer or have problems with complaints that are related to some sort of cancer illness.

I wonder why we are frightened to follow up on this issue. Why are we frightened to make sure that there is no connection so that we can protect the workers who are there now and the population who live in the Leigh Creek area? I would support such an investigation. People might say that investigations have been undertaken, but the issue has not died and it is still of concern to local people and to trade unionists who represent workers or who have represented workers in Leigh Creek. It is certainly of concern to people who work in the township or around the township.

It would be perfectly reasonable for the Public Works Committee to suggest that there be a testing process to make sure that the people of Leigh Creek live and work in an environment that is safe and healthy for them. It would be perfectly reasonable for a proper study to be conducted to determine whether the claims and allegations that are being made can be supported. If that is the case, we should do something about the claims and allegations about the unhealthy and unsafe living conditions and the bad environmental conditions in Leigh Creek.

Mr WILLIAMS (MacKillop): Several issues have been raised on this matter today, as they were over the time that the committee looked into this project. It is important to realise that this is a Public Works Committee report. The Public Works Committee was asked to look into some remedial work for a coal dumping bridge at Leigh Creek which would increase the efficiency of that mine, which is important to every citizen, every business and all industry in South Australia because it is an integral part of our power-producing network. In fact, it provides the feedstock to the power generators at Port Augusta.

There are two reasons why this project came up. One is that the Playford B Power Station is being upgraded and refurbished to provide power in the short term over the next few years whilst other power sources are being developed to provide electricity in South Australia. The other reason is that it has been identified that the coal dumping bridge at the Leigh Creek mine is in a very poor and unsafe condition. The assessment was made that the bridge should have some remedial work done to it, and we had the opportunity to inspect it on our site visit. The concrete is fretting and large bolts and fishplates have been put through the concrete work of the bridge to support it in the short term. The operators of the mine have set a date that the bridge will stop operating, which I think is June this year, and there is some urgency to have this remedial work carried out.

The operators of the mine also said that they could increase the efficiency of the mine by increasing the capacity of the bridge to allow it to use much larger trucks. As the member for Stuart rightly pointed out, this is one of the most efficient mines for shifting material in Australia, and it has to be because of the ratio of overburden to the coal that is being mined. It is reasonably poor grade coal, and South Australia relies on it, so the mine has to be efficient to produce electricity at a realistic price. It is a very important project and the committee was charged with assessing the public benefit or public good of it.

I do not think that the committee had any problem assessing the public benefit of the work to the coal dumping bridge and the efficiencies to be gained by replacing it with a much more substantial structure to accommodate the larger trucks, which are already on site, but which are used only for carting overburden, so they can carry both the ore and the overburden. Hence, the committee's recommendation that this project meets the public benefit.

However, in looking at this project, at least two other issues came up. One was the health issue, which has been discussed at great length today. The health issue arises out of the oil shale which overlies the coal seams at Leigh Creek. The oil shale is removed in the overburden and used to be dumped in great heaps around the mine site but now it is put back into some of the holes that were created to take coal out in earlier times. Oil shale sometimes spontaneously combusts and the health question arises out of that combustion. However, the other issue that was raised in the committee was whether an oil shale industry should be established in that area to extract oil from the shale and whether that could be a commercial industry.

One of the problems that I had as a member of the committee looking at this matter is that both these issues—the oil shale proposal and the health issue—were beyond the purview of the Public Works Committee and, indeed, only got in the way of the committee's response as to whether the project was worth while in the public interest. The health issues fall within the purview of other committees of this Parliament, and the Public Works Committee has recommended that some of these other issues should be looked at by other committees. I do not have any problem with that and I do not think that the committee has a problem with that. However, I was concerned that the valuable time of the Public Works Committee was taken up on issues that were outside our ambit when we had plenty of other matters to deal with that were within our ambit.

At the end of the day, a realistic recommendation has been put before the House, that these issues should in fact be handled by the appropriate committees. As I understand and as I have read in some of the reports that have been issued, at least in respect of health, this has been looked at in the past. Some people would suggest that all the questions have not been answered, and I have some sympathy with some of the people who have expressed those opinions. I recommend that the House adopt this report, including the recommendations that further work be done by the appropriate committees. Certainly, the House should adopt the Public Works Committee report into the coal dumping bridge, the work associated with that and the main project that the committee was asked to look into so that that very important work can proceed *post haste*.

Ms BREUER (Giles): I will not talk for very long, but I did want to speak on behalf of the Aboriginal people in the area. I have had a number of approaches from people in the Aboriginal community from that area and also from people from my own community who are familiar with the area and, through friendship with them, they have spoken to me about this issue. These concerns about Aboriginal health in that area go back many years. I was involved in helping Terry Roberts set up the survey that is currently taking place there. Of course, one problem is: who will fund that survey? There did not seem to be any money available, it was time consuming,

and it appeared to be reasonably expensive to do this. Many Aboriginal people have been living in that area for many years and are still living there. From speaking to these people my impression is that there have been many unaccounted for deaths in the past and that the number of these deaths is considerably higher than in other Aboriginal communities.

Although Aboriginal health is a major issue in this country, we do not really have a record in these terms of which we can be proud. Aboriginal health is a major issue in any part of Australia, but in this area in particular they do have concerns. Of course, one problem when you look at deaths in Aboriginal communities is the Aboriginal culture, the customs, where it is just not appropriate to talk about people after they have died; you cannot mention their names. To get some valid information on this is difficult—

Mr Venning interjecting:

Ms BREUER: And a very good member, too. It is very difficult to collate a lot of this information because of the nature of Aboriginal communities, and to find out about people from the past is a very difficult process. It will be a time consuming process. When you work with Aboriginal communities it is also very difficult to get information quickly. As anybody who has worked with Aboriginal communities knows, it is a process that takes a long time. You cannot just go in and get your information in half a day. That is the area I wanted to emphasise: that we do need to do a lot more work in this area. We need to put more resources into this area, and we must not ignore the concerns of Aboriginal people in that area.

The Hon. G.A. INGERSON secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: SENSATIONAL ADELAIDE 500

Mr LEWIS (Hammond): I move:

That the eighty-eighth report of the committee, on the Sensational Adelaide 500 capital works, be noted.

The rights to the V8 super car motor racing series in Australia are vested in AVESCO. In July 1998 this company approached the State Government to assess its interest in staging the 500 kilometre endurance race in Adelaide. The event will now be a new addition to the Shell championship series. The South Australian Motor Sport Board proposes to undertake various capital works for the purpose of re-establishing the Adelaide street circuit to enable the staging of the Sensational Adelaide 500 V8 super car race here in April this year.

The estimated cost of the proposed works is $4.7 million. A report has been provided by the South Australian Motor Sport Board which indicates that the economic impact measured as the creation of income and jobs for Adelaide from hosting this event will be: the generation of new expenditure in the State of $10.8 million, the creation of value-added outcomes of $11.4 million and the creation of 240 additional annual jobs in full-time equivalents. Over five years (being the first period of the contract) the impact will amount to $57 million in total income generated within the region and the generation of an additional $700 000 per year to the State Government in taxation.

Those figures are not the committee figures. They are figures the committee has accepted in good faith from the proponents. We noted that the project funding basis for the proposed work shows that the net present value is less than one and therefore negative. That was making the first case assumption that only revenue which comes into the State Treasury, the $700 000, was the net benefit to the State against the costs of the $4.7 million in total. It is small wonder that it is negative. However, in more recent times we have required proponents to use a model which, in addition to the model just referred to, assumes that South Australia as a corporate entity making an investment in one of its subsidiaries generates revenue for several other subsidiaries, if you like, several other sectors in the State's economy.

What will be the additional benefits that come into the South Australian economy? By what measure will it grow? We are told that that will be in the order of $11.4 million, which makes it an outstanding investment. However, no net present value calculation was made on the use of that data for the benefit to the South Australian economy—not as is in the instance of the first case the net present value of the benefit to the South Australian Treasury. That is an altogether too narrow focus for it to be relevant to decision making processes.

The committee is told that an economic assessment will be undertaken at the completion of the 1999 Sensational Adelaide 500 to verify the actual level of economic benefits received. Let me state now: I and every other member of the committee look forward to getting that result to find out how effective and how successful it is first up. Whilst it will not be the be all and end all, it will be an indication to us as a committee, to us as a House of the Parliament and, indeed, to the whole of the State of South Australia as to whether it is a sound investment.

It is proposed to construct the following major facilities: concrete crash barriers, tyre barriers, track upgrades, kerbing, circuit and crowd control, fencing, plumbing upgrades, electrical system upgrades, overpasses for people to get from one side of the track to the other (as was the case with the Grand Prix), gravel traps for cars that spin out off the track, and various other sundry works. Also, there will be substantial expenditure on a recurrent basis for the hiring of equipment.

The committee understands that the proposal has been accepted on the basis of its potential to recreate the Grand Prix type carnival atmosphere here in the city, to generate interstate tourism as a consequence and to achieve those economic benefits to which I have just referred. We recognise that the Government has a remarkable reputation for staging major motor racing events here. The Sensational Adelaide 500 will build on that excellent street circuit image which has been created during the years of the Grand Prix, and it is still widely accepted as one of the best street circuits in the world, whether in this country or elsewhere.

We note that the fixed capital works to be undertaken in relation to the event will comprise works at or below ground level on the public roads and the parklands. In other words, there will be no residual visual or other structural contamination of the open space of the parklands or any other roadside access point. All other above ground capital works will be of a temporary nature. They will be removed at the end of the event to restore the parklands to a standard comparable with the one that existed prior to the event's being staged.

The committee was assured that there will be no permanent alienation of parkland. Moreover, we are told that the proposed project has a number of key aims which have been designed to do five things: generate additional tourism visitation, additional State promotion and media coverage, and a significant economic benefit for South Australia; redevelop the Adelaide street circuit to a level suitable to

obtain a track licence from the Confederation of Australian Motor Sport; meet the objectives of the South Australian Government by staging a large scale, high economic impact and high media exposure event in Adelaide on an annual basis; establish the Sensational Adelaide 500 as the major motor sport event in Australia, particularly for corporate clients (we will not have the Grand Prix here forever); and improve the underground infrastructure in the east parklands and Victoria Park racecourse area, which can be utilised by other major events.

The infrastructure to which we refer in making that remark are telephone lines, an electricity distribution network and access points for water, both for the supply of fresh potable water and the removal of grey and waste water of any kind when large events are held on the parklands requiring people to be provided with appropriate facilities that therefore result in the need for such things. Given all the foregoing evidence and information, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports that it recommends the proposed public works. In making that observation, I personally say that this is one of the projects for which I believe the member for Bragg can take a bow. Had it not been for his energy, it would not have come about, and I am sure he will have something to say in consequence of the ensuing debate on the matter.

Ms THOMPSON secured the adjournment of the debate.

TOBACCO PRODUCTS REGULATION (SMOKING IN UNLICENSED PREMISES) AMENDMENT BILL

The Hon. DEAN BROWN (Minister for Human Services) obtained leave and introduced a Bill for an Act to amend the Tobacco Products Regulation Act 1997. Read a first time.

The Hon. DEAN BROWN: 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.

Honourable members will be aware that the smoke-free dining legislation came into operation on 4 January 1999. The transition to the new legislation generally has been smooth.

However, the operation of the legislation has revealed significant discrimination against unlicensed premises which do not have the same right to apply for an exemption as licensed premises. This amendment will allow unlicensed premises the right to apply for an exemption.

The important principle of not being allowed to smoke where meals are consumed is still preserved.

More specifically, concerns have emerged in relation to coffee shops, bowling alleys and roadhouse cafes, particularly truck stops. These premises, many of which are small businesses, are not licensed premises and as the legislation currently stands, cannot apply under section 47 of the Act for an exemption.

The coffee shop operators claim that this creates an unlevel playing field, that as small businesses they are being discriminated against (as are their patrons) compared with licensed premises (and their patrons) and that they are losing business and having to put off staff. In some cases, former office worker patrons are now going to nearby licensed premises to smoke during a coffee break.

Roadhouse and truck stop operators, particularly those in the South East, contend that truck drivers are now bypassing them and continuing over the border where they stop for their break, resulting in a significant downturn in business, estimated at 10-20 per cent in some cases. Smoke-free dining is the latest in a series of issues impacting on roadhouse businesses.

The Government has listened to the concerns of these groups and, on equity grounds, is prepared to amend the legislation to provide the operators of unlicensed premises with the mechanism to apply for an exemption in a similar manner to licensed premises.

In terms of the amendment, the general prohibition on smoking in an enclosed public dining or cafe area will not apply in relation to—

an area within unlicensed premises (whether being the whole or part of an enclosed public area) that—

(i) is not primarily and predominantly used for the consumption of meals; and

(ii) is for the time being exempted by the Minister for Human Services.

Conditions may be placed on such exemptions, as they can be for licensed premises. The review and appeal mechanisms in the Act will apply except that the appeal will be to the Administrative and Disciplinary Division of the District Court in the case of unlicensed premises (whereas for licensed premises it is to the Licensing Court of South Australia).

The Bill is about equity and level playing fields. The Government in no way resiles from its commitment to a strong and effective anti-smoking strategy as announced last year. Work on that strategy is proceeding, with the goal of reducing the prevalence of smoking, particularly among young people, by 20 per cent over the next five years.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides for commencement of the measure by proclamation.

Clause 3: Amendment of s. 47—Smoking in enclosed public dining or cafe areas

Section 47 of the Act prohibits smoking in enclosed public dining or cafe areas. This clause amends the section to empower the Minister to exempt areas within unlicensed premises that are not primarily and predominantly used for the consumption of meals.

Clause 4: Further amendment of principal Act

SCHEDULE

Further Amendments of Principal Act

The Schedule updates references to Ministerial titles and other legislation.

Ms STEVENS secured the adjournment of the debate.

CONTROLLED SUBSTANCES (FORFEITURE AND DISPOSAL) AMENDMENT BILL

The Hon. DEAN BROWN (Minister for Human Services) obtained leave and introduced a Bill for an Act to amend the Controlled Substances Act 1984. Read a first time.

The Hon. DEAN BROWN: I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill seeks to amend the provisions of the *Controlled Substances Act, 1984* to allow for the forfeiture of property used in connection with drug offences and to provide for the immediate disposal of controlled substances and dangerous materials, including hazardous chemicals often used in the manufacture or production of illicit drugs.

Forfeiture provisions are to be found at Section 46 of the *Controlled Substances Act, 1984*. Those provisions received judicial scrutiny in the case of *R v Howarth* 162 LSJS 317. In that matter it was determined that the wording of Section 46 only provided for the forfeiture of illicit drugs and items such as syringes which had been 'the subject of the offence'. Therefore, equipment, chemicals and items used in the production of the drugs could not be forfeited. The decision was re-affirmed on 1 May 1998 in the civil action of Record v the State of South Australia Action No. 97/2760 where the court ordered the return of hydroponic equipment which had been used to produce cannabis.

These decisions have broader ramifications. Hydroponic equipment is not the only type of paraphernalia affected. Amphetamines, 'ecstasy', 'P.M.A.' and 'fantasy', have been responsible for a number of fatal drug overdoses in this and other States in recent times. They are all illicit drugs, manufactured using elaborate devices and laboratory equipment. As a result of the recent judgements, such items will often be returned to the offender at the completion of

criminal proceedings, in spite of a conviction for the offences charged. Other things such as chemical formulae and detailed written instructions on drug production are also liable to be returned to convicted persons. This also extends to equipment seized when Expiation Notices are issued for simple cannabis offences.

Clearly, it is desirable to ensure that when offences against the *Controlled Substances Act* are detected, including cannabis cultivations and clandestine drug laboratories, forfeiture provisions are available to ensure that not only is the drug itself forfeited but so too are articles used in connection with the offence. Whilst there is some scope to seek forfeiture under the *Criminal Assets Confiscation Act, 1996*, this avenue is often not available or is inappropriate.

Clandestine drug laboratories present significant occupational, health, safety and welfare problems to police, fire service officers, forensic scientists and other persons who must dismantle, remove and store the illicit drugs, equipment and other chemicals found. Persons involved in the production of these drugs often leave corrosive, toxic and potentially explosive chemicals in unlabelled and unsuitable containers. Not only is the seizure and transport of these materials difficult and expensive, the safe storage of them is potentially hazardous and requires specialised facilities, which are costly and not readily available. The *Controlled Substances Act* does not currently provide for the destruction of these materials.

In the interests of the community it is appropriate to allow for the destruction of illicit drugs and associated dangerous articles at the earliest opportunity whilst ensuring evidence is retained for criminal proceedings.

The Bill achieves these outcomes by repealing the existing forfeiture and destruction provisions and replacing them with a new section to ensure that illicit drugs and property used in connection with drug offences can be efficiently and safely dealt with and where appropriate, be forfeited by court order.

I commend the Bill to the honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Substitution of Part heading

This clause repeals the heading to Part 6 of the Act, 'PENALTIES, FORFEITURE, ETC.' and substitutes it with the heading 'OFFENCES, PENALTIES, ETC.', indicating the proposed contents of Part 6 given that forfeiture will now be dealt with in Part 7.

Clause 3: Repeal of Divisional heading

This clause repeals the heading to Division 1 of Part 6, obviated due to the removal of Division 2 of Part 6.

Clause 4: Repeal of Division 2

This clause repeals Division 2 of Part 6 of the Act which dealt with forfeiture of substances, equipment or devices. The contents of the repealed Division are now to be found in new section 52A.

Clause 5: Substitution of Part heading

This clause repeals the heading to Part 7 of the Act, 'POWERS OF SEARCH, SEIZURE AND ANALYSIS' and substitutes it with the heading 'SEARCH, SEIZURE, FORFEITURE AND ANALYSIS', indicating that Part 7 is to include forfeiture provisions.

Clause 6: Substitution of s. 52A

This clause substitutes section 52A with a new section headed 'Seized property and forfeiture'.

Subclause (1) provides that, subject to qualifications contained in the section, seized property must be held pending proceedings for an offence against the Act relating to the property.

Subclause (2) gives the Commissioner of Police the power to direct that certain seized property be destroyed, regardless of whether a person has been charged with an offence relating to that property. The types of property to which the subclause relates are prohibited substances, drugs of dependence or other poisons, or property that is, in the opinion of the Commissioner of Police, likely to constitute a danger during storage pending proceedings for an offence against the Act relating to the property.

Subclause (3) provides that property referred to in subclause (2) may be destroyed at the place at which it was seized or at any other suitable place.

Subclause (4) provides that if a charge is laid or is to be laid for an offence relating to property referred to in subsection (2), samples of the property that provide a true representation of the nature of the property must be taken and kept for evidentiary purposes, the defendant has the right to have a portion of the sample analysed by an analyst, and the defendant must be given written notice of that right. The obligations contained in subclause (4)*(a)* and *(c)* and the right contained in subclause (4)*(b)* provide a degree of transparency in the process of analysis of samples that are to be kept for evidence.

Subclause (5) provides that possession of samples taken under the section must remain at all times within the control of the Commissioner of Police or his or her nominee.

Subclause (6) provides that the regulations may make provision relating to the taking of samples of seized property and analysis of those samples.

Subclause (7) provides that the Magistrates Court (on application by an authorised officer) or any court hearing proceedings under the Act may order that the seized property be forfeited to the Crown if it finds that the property was the subject of an offence against the Act, or consists of equipment, devices, substances, documents or records acquired, used or intended for use for, or in connection with, the manufacture or production, or the smoking, consumption or administration, of a prohibited substance or drug of dependence.

Subclause (8) gives the Commissioner of Police the power to direct that property forfeited to the Crown under the section be destroyed or otherwise disposed of.

Subclause (9) provides that, subject to qualifications set out in subsections (10) and (11), if seized property has not been forfeited to the Crown in proceedings under this Act commenced within the prescribed period after its seizure, a person from whose lawful possession the property was seized, or a person with legal title to it, is entitled to recover either the property itself or compensation of an amount equal to its market value at the time of its seizure.

Subclause (10) is a qualification to the preceding provision dealing with recovery of property and compensation, with the effect that monetary compensation for the property is not recoverable where the property has been destroyed under subclause (2) if the property was the subject of an offence against the Act, or consists of equipment, devices, substances, documents or records acquired, used or intended for use for, or in connection with, the manufacture or production, or the smoking, consumption or administration, of a prohibited substance or drug of dependence.

Subclause (11) is also a qualification to subclause (9). It gives a discretionary power to a court hearing proceedings (referred to in subclause (9)) in relation to property that has not been destroyed under subclause (2) for the recovery of that property or compensation from the Commissioner of Police, to make an order for forfeiture of the property to the Crown.

Subclause (12) provides that the section does not affect the operation of the provisions of the *Criminal Assets Confiscation Act 1996* relating to forfeiture of property referred to in section 4*(a), (b)* or *(c)* or any other provisions of that Act.

Subclause (13) defines 'the prescribed period' and 'seized property' for the purposes of the section.

Clause 7: Statute law revision amendments

This clause provides for the further amendment of the Act by the Schedule which contains statute law revision amendments.

Ms STEVENS secured the adjournment of the debate.

SUPPLY BILL

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training) obtained leave and introduced a Bill for an Act for the appropriation of money from the Consolidated Account for the financial year ending on 30 June 2000. Read a first time.

The Hon. M.R. BUCKBY: I move:

That this Bill be now read a second time.

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

Leave granted.

This year the Government will introduce the 1999-2000 Budget on 27 May 1999.

A Supply Bill will still be necessary for the early months of the 1999-2000 year until the Budget has passed through the parliamentary stages and received assent.

In the absence of special arrangements in the form of the Supply Acts, there would be no parliamentary authority for expenditure between the commencement of the new financial year and the date on which assent is given to the main Appropriation Bill.

The amount being sought under this Bill is $600 million, which is an increase of $100 million on last year's Bill.

For the past three years the amount of the annual Supply Bill has remained constant. The increase this year is necessary due to the

gradual rise in the amount of appropriations over this period and in particular the introduction of accrual appropriations in 1998-99.

The Bill provides for the appropriation of $600 million to enable the Government to continue to provide public services for the early part of 1999-2000.

Clause 1 is formal.

Clause 2 provides relevant definitions.

Clause 3 provides for the appropriation of up to $600 million.

Ms STEVENS secured the adjournment of the debate.

LOCAL GOVERNMENT BILL

The Hon. M.K. BRINDAL (Minister for Local Government) obtained leave and introduced a Bill for an Act to provide for local government; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

The reform program

The Local Government Act Review is a key element of the Government's Local Government Reform Program, complementary to the initiatives undertaken for boundary reform. As honourable members will be aware, the amalgamation of many councils in South Australia has resulted in achievement of considerable efficiencies and wide ranging benefits to local communities.

As we move into the next century, the capacity and responsiveness of Local Government will be crucial to retaining and enhancing South Australia as a preferred location in which to live and work.

The vision

The Government believes that in order for South Australia to compete in a global economy it needs the advantages of carefully controlled taxation and regulatory regimes, a sound and diverse regional economy, an efficient, effective and accountable public sector, and encouragement for individual and community enterprise.

Our vision for this State includes a stronger, more efficient Local Government sector which is able to play a key complementary role with the State in economic development and which is ready to meet the challenges of the twenty first century.

To enable this challenging role to be played in the variety of ways needed in SA's diverse local communities, the new legislation must encourage an economically and socially effective system of Local Government. This system should provide a focus for personal involvement in community life, meet complex community demands for securing a better and wider range of local services and infrastructure, participate effectively in strategies for the regional economic development of the State, interact productively with other spheres of Government, and link local communities with broader resources.

Local Government has itself taken a leading role in the development of these Bills, with the dedication of significant time, energy and other resources to information sessions, workshops, and detailed discussions. The Local Government sector as a whole, through its peak representative body the Local Government Association, has welcomed the moves to rewrite the Act and has contributed very substantially to the present form of the Bills. The Government acknowledges and records that this Bill is the better for their input.

The legislative strategy

At present the Local Government legislative framework consists of some 40 Acts of Parliament, including the *Local Government Act 1934*. Some are common to all public sector agencies or officers, while others are more specific and relate to particular regulatory activities. It is therefore difficult to readily find the laws they need to know about.

The Local Government Act itself sets out the framework within which councils operate. During the past 60 years there have been many changes and additions to the Act, resulting in a complex and sometimes confusing legislative framework. Although large Parts have been reviewed and rewritten, there has been no single comprehensive revision of the Act until now.

One of the objectives for the review of the Local Government Act is that remaining Local Government Act provisions concerning regulatory regimes in which both State and Local Government have a role should, if the provisions are still required, be located in the specific legislation which deals with that function. The necessary relocations or transfers will rationalise the legislation without necessarily changing the scope of Local Government responsibilities. Some of these transfers are made in this legislative package and in the *Statutes Repeal and Amendment (Local Government) Bill 1999*, while some provisions will need to be retained in the *Local Government Act 1934* until such time as they can be addressed in impending reviews of their proposed host legislation.

This rationalisation process means that the new Local Government legislation focuses more clearly on the processes which characterise the system of Local Government.

While a core aim of the Review has been to make the new Local Government legislation easy to read and understand, inevitably there remains some residual complexity in Acts which set out a framework for a whole system of government. In order to ensure that the new framework is as accessible as possible the Office of Local Government will work with the Local Government Association to produce implementation materials with guides, model codes and handbooks to assist the various people and groups who use the legislation to become familiar and comfortable with it.

The design of the new legislation assumes that changes will occur in the roles of State and Local Government in relation to particular functions; in structures of Local Government and forms of community participation; and in corporate organisation for local service provision. While it seeks to provide that level of certainty which is essential to good governance, the new legislation is designed to be flexible enough to accommodate change without a wholesale re-writing of the Act.

The legislation package

The package of Bills before Parliament will consist of—

- new constitutional, corporate, operational, taxation, law-making, and management procedures for the Local Government system, including the management of Local Government lands, in the *Local Government Bill 1999*;
- revised and clarified provisions for Local Government elections in the *Local Government (Elections) Bill 1999*;
- provision for the staged repeal of the *Local Government Act 1934* and the relocation of regulatory functions shared by both State and Local Government to other existing specific State legislation, in the *Statutes Repeal and Amendment (Local Government) Bill 1999*.

The aim of the package as a whole is to:

- recognise the fundamental importance of Local Government to the communities of South Australia;
- provide a modern operational framework for Local Government;
- assist in clarifying the roles of State and Local Government; and
- simplify and provide a more cohesive approach to regulatory functions.

The development of the legislation has been informed by many considerations, among them the broader international, national and state context in which we find ourselves and also, importantly, what the South Australian community, including Local Government itself, expects of Local Government and its legislation.

Consulting the community

In 1996, shortly after the Government decided to accelerate its Local Government reform program, an invitation was extended to councils, stakeholders and the public to identify issues which should be addressed in the review of the Local Government Act. Responses to this invitation were received and analysed, previous research and relevant inquires and reports were reviewed and some specific studies were commissioned. In addition, systems in other States and countries were considered. From all this material Consultation Draft Bills and discussion papers setting out proposals for new Local Government legislation were prepared and released in April 1998.

For three months opportunities were provided for people to share information, debate key issues and make submissions on the Drafts. Many of the consultations, especially those with councils, were conducted in close liaison with the Local Government Association, and other key peak bodies also took part. The outcome of the discussions, the submissions and other material have been assessed and considered carefully in arriving at the Bills now brought to Parliament. Indeed discussions have continued throughout the period of preparation of the Bills to ensure that as far as possible the provisions brought to Parliament are agreed.

Competition principles

The Competition Principles Agreement was signed by all States and Territories and the Commonwealth Government in 1995. The Agreement requires the State to review all legislation for actual or

potential restriction of competition and to remove provisions which may restrict competition in the market place unless—

- they are necessary to achieve the objectives of the legislation; and
- the community benefits outweigh the costs.

A component of the Local Government Act Review has therefore been the review of proposals contained in the Bills to ensure that the only restrictions on competition retained are necessary in the public interest, and that any regulatory powers contained in the Bills include processes to consider the effect any exercise of them may have on competition.

Areas identified as having a potential to restrict competition which have been included in the Local Government Bill after careful assessment of their costs and benefits to the community are—

- approval requirements for some uses of public land
- professional qualifications for valuers and auditors; and
- capacity for councils to give rate rebates to encourage business.

Processes for the adoption of by-laws in future will have to include examination of proposals for competition implications.

In each of these cases the Government is confident that the benefits to the community of engaging in the measures proposed outweigh the costs of the potential restriction on competition.

In addition, some matters proposed for transfer to other legislation are to receive further consideration in relation to their new host legislation, for competition policy implications as well as other matters. It is intended as a temporary measure that these will be held in a remnant *Local Government Act 1934*. They are—

- Provisions concerning lodging-houses;
- Provisions concerning cemeteries;
- Provisions concerning passenger transport regulation;
- Provisions concerning traffic management and parking control;
- Provisions concerning sale yards and bazaars.

The Local Government Bill 1999

The Local Government Bill embodies a new legal framework for the constitution and operation of the system of Local Government in South Australia.

The Bill contains fourteen chapters, covering the system and constitution of Local Government, powers of councils, the roles of elected members and chief executive officers, arrangements for council meetings, administrative and financial accountability requirements, finance, rates and charges, the care of community land, the making of by-laws, review of Local Government operations and decisions and miscellaneous matters.

Chapter 1—Preliminary

Chapter 1 sets out the objects of the new Local Government Act, and contains provisions relating to its interpretation including definitions of terms. The main changes from the current Act are the inclusion of objects for the Act and some new definitions.

Chapter 2—The system of Local Government

Chapter 2 sets out the scope of the Local Government system in South Australia. The chapter brings together and expands descriptions of councils' roles and general functions which are scattered throughout the current Act. Its aim is to provide necessarily broad but nonetheless clear statements about what part councils can be expected to play in community life and the functions they can be expected to perform.

The main changes from the current Act are:

- New provisions setting out the principal roles of a council based on statements of Local Government roles in s5A and s35 of the current Act.
- New provisions reflecting the function of councils in strategic planning at the local and regional level, in support for business and economic development; and in local environmental management and protection.
- The inclusion of common objectives for councils, including reference to councils' role in coordination and cooperation in a regional, State and national context.

Chapter 3—Constitution of councils

The Chapter covers the processes for making changes—

- to a council's "external" structure, such as the creation, abolition, amalgamation, or change to the boundaries of, a council—these are defined under the Bill as "structural reform proposals",
- to a council's "internal" composition and representative structure, such as the number and type of members, ward structure, and ward boundaries,
- to other constitutional features, such as changes to a council's name.

An independent, representative body is retained with the functions of investigating and making recommendations on proposals for structural change put forward jointly by all affected councils or, in certain circumstances, developing proposals for boundary change or changes to the composition or representative structure of a council based on submissions from electors.

The main changes from the current Act are:

- a requirement for councils to review all aspects of their "internal" representative structure at least once every six years, instead of seven, and to explain their reasons for not proceeding with proposals arising out of public consultation
- capacity for the Electoral Commissioner to require a council to conduct an earlier review if the number of electors represented by a councillor varies from the ward quota by more than 20%
- capacity for electors to make submissions to the Panel that a proposal should be developed to bring an unincorporated area of the State within a council area, to alter council boundaries, or to alter the composition or representative structure of a council, provided they first make the submission to the council concerned to give it an opportunity to consider the matter and to initiate the necessary review or formulate the necessary proposal on behalf of the electors
- revised principles against which proposals are to be assessed, which should assist the Panel to balance the various council and community interests involved by recommending boundaries which give councils and local communities the best capacity to play a significant role in the future of an area or region in strategic terms.

Chapter 4—The Council as a Body Corporate

Chapter 4 brings together the features of councils which enable them to operate as Local Government corporations. Its aim is to confer on councils the powers, capacity and tools to perform council functions in a framework of strategic and prudent management with clear accountabilities.

Councils will continue to have broad powers to act for the benefit of their areas, including undertaking commercial activity, and can act outside the area to the extent necessary to perform their functions within the boundaries.

It is intended that committees will be able to be used with greater flexibility and clearer accountability requirements than in the past, with members drawn from non-council members as well as councillors. It is anticipated that most of the existing section 199 controlling authorities will continue as council committees under these reshaped provisions.

In other changes directed at the twin aims of flexibility and accountability,

- councils are required to separate regulatory from other activities wherever possible;
- councils are required to prepare and adopt policies on contracts and tenders and on consulting their communities;
- prudential requirements replace the former Ministerial approval requirement for major projects and also cover all commercial activities regarded as important by a council;
- councils are able, alone or in groups, to establish separately incorporated subsidiaries. A completely new tool is created for councils in the form of single council subsidiaries. The current "controlling authorities" provisions of Sections 200 are replaced with updated provisions for regional subsidiaries. These provisions incorporate current standards of accountability in public sector enterprise, parallelling the *Public Corporations Act 1993*. They are intended to provide councils with a simple flexible tool for organising those activities which they believe should be managed separately, while securing appropriate management of any risks involved and ultimate control by elected bodies.

As a matter of public policy a general prohibition against councils forming or participating in companies established under the Companies Code is retained.

Chapter 5—Members of council

Chapter 5 contains the provisions relating to the roles and responsibilities of elected members of councils. Its aims are to clarify the roles of principal and other elected members in relation to policy development, resource allocation and performance management; and to revise provisions relating to professional conduct so that these reflect best practice in the public sector.

Other accountability measures in this chapter include clarification of the right of access of elected members to council documents and a requirement for each council to develop a code of conduct covering

such matters as standards of behaviour, which will be available to the public.

Provisions have been retained for payment of an annual allowance within prescribed limits, and reimbursement of expenses to elected members. The constraints of prescribed limits will extend to Mayors and their deputies.

Registers of Interest of elected members are open to public access, and provisions are included to protect against the misuse of information. These provisions reflect those applied to Members of Parliament.

Chapter 6—Meetings

Arrangements for council meetings contained in Chapter 6 include the frequency and timing of meetings, notices of meetings, agendas, the number of elected members that constitute a quorum, circumstances where the public can be excluded from meetings, and meeting and recording procedures to be observed. The aim is to consolidate provisions relating to meetings.

Provisions about the right of members of the public to attend council meetings, and to have access to relevant meeting documents, have recently been strengthened by the *Local Government (Miscellaneous Provisions) Amendment Act 1996*. The right of access to decision making processes is a very important factor in maintaining public confidence in councils, but the limited basis upon which the public may be excluded from meetings is retained in the Bill.

Chapter 7—Council Staff

Chapter 7 sets out the duties, powers and responsibilities of council employees. Its aim is to clarify the responsibility of the chief executive officer for personnel management, require senior officers to be engaged under performance-based contracts, and make appropriate provisions relating to conflict of interest of employees.

The provisions in the Bill are more detailed than in the current Act with the aim of helping to distinguish between the different roles of elected members, and the chief executive officer and council staff.

The role of the chief executive officer includes exercising responsibility for appointment, dismissal and determining salary and conditions of all other council employees, in accordance with the human resource policies, budgets, organisational structures approved by council and any relevant awards and industrial agreements.

Consistent with practice elsewhere in the public sector new appointments of senior council officers are to be on fixed term, performance based contracts.

A new provision in the Bill requires councils to prepare or adopt a Code of Conduct to be observed by employees of the council, in similar terms to the Code of Conduct applying to elected members.

The register of interests completed by the Chief Executive Officer and senior executive employees is to be available to elected members, who have ultimate responsibility for all council decisions.

Chapter 8—Administrative and Financial Accountability

Chapter 8 sets out a clearly defined accountability framework and management cycle for councils, to facilitate both short and long term planning. Its aim is to set out clearly defined expectations of council management and to enable access to information by the community about what a council does and how its resources are used.

The Consultation Draft Local Government Bill proposed that councils implement a system of corporate planning based on prescribed documents.

This Bill achieves that aim without the imposition on councils of unnecessarily detailed provisions.

The Bill now includes provision for long term (3 to 5 years) and short term (annual) planning and budgeting by councils in ways that are suitable to their individual circumstances; for internal controls and external audit; for an annual report with a minimum set of contents (set out in schedule 3) and for access to information by the community.

The chapter captures current best practice in Local Government and sets new minimum standards for management accountability, in line with community expectations.

Chapter 9—Finances

This Chapter contains provisions relating to how councils may raise and spend money, and how money can be invested. Its aim is to update councils' investment powers and to optimise the capacity for councils to exercise prudent financial management, by allowing use of new financial products under specified conditions.

Revised powers of investment for councils reflect the approach of the recently revised Trustee Act, adapted to the Local Government environment.

A provision excluding the State Government from liability for the debts or liabilities of councils implements a recommendation of the Parliamentary Select Committee inquiring into the Stirling Bushfires.

Chapter 10—Rates and Charges

This Chapter sets out the provisions under which councils impose rates and charges. Its aim is to provide a clear and consistent legal framework with flexibility to enable councils to work out a rating system that encourages business and sustainable development and, at the same time, is fair for all ratepayers.

The system of rating set up by the Bill provides for the use of a rate based on land value, a fixed charge, or a combination of the two as the basis of the council's general rates declaration. There is no limit on the amount of rate revenue able to be obtained from the fixed charge.

The current range of rates and charges on land which councils may impose is retained, including general rates, separate rates, service rates and service charges. Councils are enabled to impose a service rate or charge for the collection and management of waste.

Councils are required to make a range of information about rates and charges, including their rating policy and its impact on business, available to the public, and to include a summary of the information with annual rate notices.

These are radical moves intended to locate the responsibility for decisions about the distribution of the rate burden more clearly with those who understand their local areas best, councils themselves, and to require these decisions to be clearly explained and justified locally.

A new basis is set out for the rebate of rates for land used by eligible community services organisations. These provisions too aim to provide flexibility for councils to respond to the needs of their local communities, but at the same time seek to achieve a measure of consistency across all council areas, especially for those charitable organisations operating on land in more than one council area. Councils will also continue to have discretionary powers to grant rate rebates in certain circumstances, including where it is considered there would be a benefit to the community, or where the rebate secures proper development of the area, or is related to preserving sites or items of historic significance.

Power to determine prices for services and works supplied by the council for purchase may be delegated by the council in future. Decisions about fees and charges for copies of documents and for regulatory activities will remain decisions for the elected body and must be fixed by reference to the cost to the council.

By the year 2001/2002 all councils will be required to provide ratepayers with the option of quarterly instalments for the payment of rates.

Chapter 11—Land

Chapter 11 contains provisions to replace the oldest parts of the 1934 Act. These measures form an innovative, streamlined scheme for Local Government lands administration which recognises and acts upon the importance of public land to the whole community.

The manner in which such land is currently classified is full of ambiguities and anomalies. The present Act makes a distinction between "park lands" and "reserves" but leaves it unclear whether the meanings of the terms overlap. The Act does not specify how a council goes about declaring or dedicating land as park land, and the question of whether a park or other land used for community purposes can be developed or disposed of may be answered differently depending on an examination of the history of the land. The method of acquisition of ownership or control of an area of land usually determines its legal classification. For example, freehold land which the council has developed as a park may not necessarily be subject to any legal restrictions on its use or alienation.

The Bill introduces the concept of classifying certain land owned or under a council's care, control and management as "community land" which is to be retained and managed for the benefit of the community.

Land classified as community land cannot be sold unless the classification is revoked, and must be managed in accordance with the provisions in Chapter 11. On the commencement of the new Act most Local Government land is classified as community land and the council, in consultation with the community, has 3 years to exclude from this classification land which is not appropriate for that purpose. Land acquired after the commencement of the Bill is classified as community land unless the council specifically resolves otherwise prior to taking possession or control of it. The Bill enables a council to subsequently revoke the classification (with exceptions) subject to public consultation in accordance with the council's consultation policy and Ministerial approval.

The intention is to create a system which protects the interests of the community in the land, for which councils are the custodians, for current and future generations and builds community consensus about the future management and use of such land.

Particular attention has been paid to the special status of the Adelaide park lands and other lands protected by statute, to ensure their protection as community land in perpetuity.

A non-legislative program is planned, through the Local Government Association, to help smaller councils to bring the new scheme for community land into operation without excessive expenditure of resources.

This Chapter also comprehensively revises provisions relating to the management of roads under the control of councils to ensure that activities on roads are adequately controlled without unnecessary restrictions.

Chapter 12—Regulatory Functions

This Chapter is part of a complete overhaul of councils' own regulatory powers (powers to make by-laws and powers to make orders) which is designed—

- to ensure that regulation made by Local Government complies with the principles and features of good regulation now shared by Governments at the national, State and local level, including the avoidance of unnecessary restriction of competition
- to clarify the regulatory responsibilities of councils, particularly in areas in which other government bodies also have a regulatory role.

Chapter 12 provides councils with by-law making processes which apply to the making of by-laws under Chapter 11 in relation to Local Government land, and to the exercise of other more specific by-law making powers for other regulatory functions found in the Acts which cover those fields.

The current principles for by-law making are divided into principles and rules. Inconsistency with a principle will not form the basis for challenging a by-law in the courts, whereas a breach of a rule will. By-laws, like other subordinate legislation, are subject to being disallowed by the Legislative Review Committee of Parliament.

Rather than providing councils with extensive powers to make by-laws regulating activity on private land not covered by other State Acts, which might have the potential to encourage over-regulation of local activities or local restrictions of private rights which are not consistent with established public policy, councils are provided with the power to make specified orders which can target and resolve particular cases of local nuisance when they arise.

Procedures for developing policies for the making of orders, and providing rights of review, are included. A right of appeal against an order is also provided.

Chapter 13—Review Of Local Government Acts, Decisions and Operations

Chapter 13 establishes new methods for the review of the conduct of elected members and brings together provisions affecting review of actions, decisions and operations of councils, including a requirement for councils to put in place internal grievance procedures. There is no intention that the latter provision should impede in any way the right of citizens to approach other sources of remedy for illegal actions on the part of councils, whether the Ombudsman, under the Ombudsman Act, or the courts under their various jurisdictions, or the Minister responsible to Parliament for the administration of the Local Government Act. Nonetheless it is the intention of this legislation that councils should make every effort to deal with problems locally, including those arising from their own decisions and operations.

Provisions are included for disciplining members in certain circumstances, in the District Court's Civil Administrative and Disciplinary Division. In particular, those conflict of interest matters which do not fall within the public offences defined as criminal matters under the Criminal Law Consolidation Act are intended to be addressed in this way. At law the burden of proof to be applied in such disciplinary jurisdictions must be related to the seriousness of the offence and the penalty to be imposed, and the general law has therefore been left to take care of this matter. It is not the Government's intention to allow council members to be exposed to unnecessary criticism or unwarranted punishment and the power of the Court to dismiss frivolous, vexatious, or trivial complaints is made very clear. However the Court's power to apply penalties ranging from reprimands and required training to fines and disqualification will provide a wider range of remedies appropriate for breaches of different levels of seriousness and lead to an improved understanding of the standard of conduct required.

Following the expression of significant unease during the consultations about the scope of redrafted powers of Ministerial investigation into councils for alleged irregular or illegal activity under the Act, these provisions have been restored to their present formulation with the reasonable addition of a power for the Minister, on the basis of a report following an investigation, to direct that a council rectify an illegal or irregular matter. At present the Minister may only give directions to a council designed to prevent the recurrence of such a failure or irregularity.

Chapter 14—Miscellaneous

Chapter 14, the final chapter of the Local Government Bill, contains formal provisions that are necessary for the administration of councils but do not fit readily into other sections of the Bill. They largely mirror and update provisions of the current *Local Government Act 1934*.

The Government is aware of local government's desire to obtain statutory easements over existing septic tank effluent drainage scheme infrastructure and stormwater drains which are owned and managed by councils and located in private property. This Bill takes up an option from the Local Government Lands Legislation Review Report of 1996 which, commenting that providing statutory easements for stormwater drains was not a viable option, suggested that the "powers of entry" provisions of the Act could be expanded. Clause 296 amends the powers of a council to enter private land as necessary for carrying out a function or responsibility of the council by incorporating the power to carry out work on infrastructure, equipment, connections, structures, works and other facilities located on or in the land.

The Government recognises the difficulties faced by local government in this area and is committed to continuing work on the problems associated with this issue.

A general provision in relation to the making of regulations requires the Minister of the day to consult with the Local Government Association as far as is reasonably practicable, before a regulation is made under the Act.

Explanation of Clauses

CHAPTER 1

PRELIMINARY

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Objects

This clause sets out the objects of the legislation.

Clause 4: Interpretation

This clause sets out the definitions required for the purposes of the measure.

Clause 5: Business purposes

This clause makes it clear for the purposes of the Act that land maybe used for a business purpose even if it is not intended to make a profit.

CHAPTER 2

THE SYSTEM OF LOCAL GOVERNMENT

Clause 6: Principal role of a council

A council is established under the system of local government under this measure to provide for the government and management of its area at the local level.

Clause 7: Functions of a council

This clause sets out the primary functions of a council.

Clause 8: Objectives of a council

A council must fulfil various objectives in the performance of its roles and functions under the Act.

CHAPTER 3

CONSTITUTION OF COUNCILS

PART 1 CREATION, STRUCTURING AND RESTRUCTURING OF COUNCILS

DIVISION 1—POWERS OF THE GOVERNOR

Clause 9: Governor may act by proclamation

This clause sets out various matters relating to the creation, constitution and structure of councils in respect of which proclamations can be made under the Act.

Clause 10: Matters that may be included in a proclamation

This clause sets out various associated matters in respect of which proclamations can be made.

Clause 11: General provisions relating to proclamations

The Governor will not be able to make a proclamation under a preceding clause except in pursuance of an address from both Houses of Parliament, or in pursuance of a proposal recommended by the Panel, or in pursuance of a proposal recommended by the Minister.

DIVISION 2—POWERS OF COUNCILS AND REPRESENTATION REVIEWS

Clause 12: Composition and wards

A council will be able to take steps to alter its composition or ward structure. This provision is based on the review scheme presently applying to councils.

Clause 13: Status of a council or change of various names

A council will be able to alter its status as a municipal or district council, its name, or the name of its area or award or wards, after taking steps set out in this provision.

PART 2

THE BOUNDARY ADJUSTMENT FACILITATION PANEL AND REFORM PROPOSALS

DIVISION 1—THE BOUNDARY ADJUSTMENT FACILITATION PANEL

Clause 14: The Panel

The *Boundary Adjustment Facilitation Panel* continues in existence.

Clause 15: Composition of Panel

The Panel will be constituted by two members appointed by the Minister and two persons selected by the Minister from a panel nominated by the LGA.

Clause 16: Conditions of membership

A member of the Panel is appointed on terms and conditions determined by the Minister. A member will not be able to act in a matter involving a council connected with the member.

Clause 17: Fees and expenses

A member of the Panel is entitled to receive fees and expenses determined by the Minister.

Clause 18: Protection of information, etc.

A member or former member of the Panel cannot use the position to gain a personal advantage or to cause detriment to the Panel.

Clause 19: Validity of acts and immunity

An act or proceedings of the Panel is not invalid by reason only of a defect in appointment or a vacancy in office.

Clause 20: Proceedings

This clause sets out the procedures to be followed by the Panel. Meetings will be open to the public unless the Panel is dealing with a matter that, in the opinion of the Panel, should be dealt with on a confidential basis.

Clause 21: Staffing arrangements

The Minister will determine the staffing arrangements of the Panel after consultation with the presiding member.

DIVISION 2—FUNCTIONS AND POWERS OF PANEL

Clause 22: Functions of Panel

This clause describes the functions of the Panel under this Chapter.

Clause 23: Powers of Panel

The Panel will be able to hold inquiries, receive evidence and submissions, and require a person's attendance. The Panel should seek to deal with a matter as expeditiously as possible.

Clause 24: Committees

The Panel will be able to establish committees after consultation with the Minister and the LGA.

Clause 25: Delegation

The Panel will be able to delegate its functions and powers. A delegation does not prevent the Panel from acting in a matter.

DIVISION 3—PRINCIPLES

Clause 26: Principles

This clause sets out various matters and principles that the Panel must take into account when formulating its recommendations under this Chapter.

DIVISION 4—COUNCIL INITIATED PROPOSALS

Clause 27: Council initiated proposals

Councils will be able to continue to submit proposals to the Panel for the making of proclamations under this Chapter.

DIVISION 5—PUBLIC INITIATED SUBMISSIONS

Clause 28: Public initiated submissions

This clause sets out a scheme for the formulation of proposals based on submissions made by eligible electors.

DIVISION 6—REPORTS TO THE MINISTER; SUBMISSIONS OF PROPOSALS TO THE GOVERNOR

Clause 29: Reference of proposals to Minister and Governor

This clause continues the scheme for the submission of proposals to the Governor for the making of proclamations under this Chapter, following consideration by the Panel and the Minister.

DIVISION 7—RELATED MATTERS

Clause 30: Report if proposal rejected

The Minister will be required to report to Parliament if a proposal of the Panel does not proceed to proclamation after the completion of all relevant procedures under this Act.

Clause 31: Report if proposal submitted to poll

The Minister will be required to report to Parliament if a proposal is submitted to a poll under this Chapter.

Clause 32: Provision of reports to councils

The Panel must provide a copy of any report to each council affected by a proposal to which the report relates.

PART 3

GENERAL PROVISIONS

Clause 33: Ward quotas

This clause sets out additional matters that must be specifically considered when considering a proposal that relates to the boundaries of a ward or wards.

Clause 34: Error or deficiency in an address, recommendation, notice or proclamation

This clause allows the Governor to address or correct certain matters, as is the case under section 29 of the current Act.

Clause 35: Protection from proceedings

Proceedings under this Chapter are not subject to any form of judicial review or challenge (except to challenge an excess or warrant of jurisdiction, or a requirement under clause 23(4)), as is the case under section 22E of the current Act.

CHAPTER 4

THE COUNCIL AS A BODY CORPORATE

PART 1

FUNDAMENTAL FEATURES

DIVISION 1—COUNCIL TO BE A BODY CORPORATE

Clause 36: Corporate status

A council is a body corporate with perpetual succession and a common seal. A council consists of the members appointed or election under this Act or the *Local Government (Elections) Act 1999*.

Clause 37: General powers and capacities

A council has the legal capacity of a natural person, and the powers and capacities conferred by this or another Act.

Clause 38: Provision relating to contracts and transactions

A council may enter into a contract under this common seal, or an officer, employee or agent may enter into a contract on behalf of a council if authorised by the council to do so.

Clause 39: The common seal

The common seal of a council must not be affixed to a document except to give effect to a resolution of the council.

Clause 40: Protection of members

No civil liability attaches to the member of a council when so acting. Any liability attaches instead to the council.

Clause 41: Saving provision

An act or proceeding of a council is not invalid because of a vacancy in the membership of the council, a defect in the election or appointment of a member, or the fact that the election of a member is subsequently declared void.

DIVISION 2—COMMITTEES

Clause 42: Committees

A council may constitute committees for various purposes. A committee may (at the determination of the council) consist of or include persons who are not members of the council.

DIVISION 3—SUBSIDIARIES

Clause 43: Ability of council to establish a subsidiary

A council may establish subsidiaries for various specified purposes. The establishment of a subsidiary under this provision is subject to obtaining the approval of the Minister to the incorporation of the subsidiary. Schedule 2 also contains provisions relating to council subsidiaries.

Clause 44: Ability of councils to establish a regional subsidiary

Two or more councils may establish regional subsidiaries for specified purposes. The establishment of a subsidiary under this provision is subject to obtaining the approval of the Minister to the incorporation of the subsidiary. Schedule 2 also contains provisions relating to council subsidiaries.

DIVISION 4—DELEGATIONS

Clause 45: Delegations

A council may delegate a power or function under this or another Act. However, various matters cannot be delegated (*see* subclause (2)). A power or function delegated to the chief executive officer may be further delegated unless the council directs otherwise, and a power or function delegated to anyone else may be further delegated with the approval of the council. Delegations are to be reviewed on an annual basis.

DIVISION 5—PRINCIPAL OFFICE

Clause 46: Principal office

A council must maintain a principal office and may maintain other offices.

PART 2
COMMERCIAL ACTIVITIES AND RESTRICTIONS

Clause 47: Commercial activities

A council is able to engage in a commercial activity or enterprise (subject to the operation of various provisions—*see* especially clauses 48 and 49).

Clause 48: Interests in companies

A council must not participate in the formation of a company or acquire shares in a company, other than for authorised investment purposes under the Act or in order to participate in the activities of a company limited by guarantee established as a national association to promote and advance the interests of an industry in which local government has an interest.

PART 3
PRUDENTIAL REQUIREMENTS FOR CERTAIN ACTIVITIES

Clause 49: Prudential requirements for certain activities

A council will be required to obtain advice on various prudential issues before it enters into various projects specified by or under this clause.

PART 4
CONTRACTS AND TENDERS POLICIES

Clause 50: Contracts and tenders policies

Each council will be required to prepare and adopt policies on contracts and tenders. The policies must address the contracting out of services, the use of competitive tendering, the use of local goods and services, and the sale and disposal of land or other assets. The policies will address the circumstances where various steps will occur, such as the calling for tenders.

PART 5
PUBLIC CONSULTATION POLICIES

Clause 51: Public consultation policies

Each council will be required to prepare and adopt a public consultation policy. The policy must set out the steps that the council will take when required to following the policy under this Act, and may address other circumstances where public consultation will occur.

CHAPTER 5
MEMBERS OF COUNCIL
PART 1
MEMBERSHIP

Clause 52: Principal member of council

A council will be constituted of a mayor appointed or elected as a representative of the area as a whole, or a person (called a "chairperson" in this measure) elected by the members of the council from amongst their own number. A council may decide to use a title other than "chairperson". The mayor or chairperson is the principal member of the council. A council may also resolve to have a deputy mayor or a deputy chairperson, elected by the members of the council from amongst their own number.

Clause 53: Councillors

The members of a council, other than the principal member, will be known as councillors. Councillors will be representatives of the area as a whole, or of wards, depending on how the council is constituted.

PART 2
TERM OF OFFICE AND RELATED ISSUES
DIVISION 1—GENERAL ISSUES

Clause 54: Term of office

The term of office of a member of a council is a term expiring at the end of the next general election after his or her appointment or election as a member of the council.

Clause 55: Casual vacancies

This clause sets out the various circumstances under which the office of a member of a council will become vacant. A member's office does not become vacant by reason only of the fact that, after election or appointment, he or she ceases to be an elector for the area.

Clause 56: Specific requirements if member disqualified

A member must immediately notify a council if he or she becomes aware of the existence of circumstances disqualifying the member to hold office, and must not act in the office after becoming aware of the disqualification.

DIVISION 2—SPECIAL PROVISIONS IF MAJORITY OF MEMBERS RESIGN ON SPECIFIED GROUNDS

Clause 57: General election to be held in special case

A general election for a council will be held if the membership of a council falls below a prescribed number (*see* subclause (3)) on account of resignations made on the express ground that the resigning members consider that relations within the membership of the council are such that the council can no longer continue to conduct its affairs in an appropriate manner.

Clause 58: Restriction on activities during the relevant period

Various restrictions will apply to a council pending an election under clause 57.

PART 3
ROLE OF MEMBERS

Clause 59: Specific roles of principal member

This clause describes the role of the principal member of a council. The principal member of a council is, *ex officio*, a Justice of the Peace (unless removed from that office by the Governor).

Clause 60: Roles of members of councils

This clause described the role of members of a council generally. A member of a council has no direct authority over an employee of the council with respect to the way in which the employee performs his or her duties.

Clause 61: Declaration to be made by members of councils

A member of a council must make an undertaking in the prescribed form at or before the first meeting of the council attended by the member.

Clause 62: Access to information by members of councils

This clause makes specific provision relating to a member's access to relevant council documentation. The chief executive officer or other officer providing access may indicate to the member that information contained in the relevant document should be considered as confidential.

PART 4
CONDUCT AND DISCLOSURE OF INTERESTS
DIVISION 1—GENERAL DUTIES AND CODE OF CONDUCT

Clause 63: General duties

A member will have a specific duty to act honestly in the performance and discharge of official functions and duties and to act with reasonable care and diligence.

Clause 64: Code of conduct

A council will be required to have a code of conduct for members. The code will be reviewed within 12 months after each general election of the council.

DIVISION 2—REGISTER OF INTERESTS

Clause 65: Interpretation
Clause 66: Lodging of primary returns
Clause 67: Lodging of ordinary returns
Clause 68: Form and content of returns
Clause 69: Register of Interests
Clause 70: Provision of false information
Clause 71: Inspection of Register
Clause 72: Restrictions on publication
Clause 73: Application of Division to members of committees and subsidiaries

There will continue to be a Register of Interests for council members. The register will be up-dated on an annual basis by members lodging returns. A person will be able to inspect the register at the principal office of the council. It will be an offence to publish information derived from the register unless it constitutes a fair and accurate summary of the information and is published in the public interest, and an offence to comment on facts in the register unless it is fair and published in the public interest and without notice. A council may resolve to extend the scheme to committees and subsidiaries.

DIVISION 3—CONFLICT OF INTEREST

Clause 74: Conflict of interest
Clause 75: Members to disclose interests
Clause 76: Application of Division to members of committees and subsidiaries

These clauses continue the scheme relating to the requirement for members to disclose any interest in a matter before the council. A member must make a full and accurate disclosure. A member must not participate in any process relating to a matter in which the member has an interest and must withdraw from the room. Some qualifications will apply in appropriate circumstances. A member will be able, with the permission of the council, to attend an open meeting of the council in order to ask and answer questions (but must then withdraw from the room). These provisions will extend to council committees and subsidiaries. These provisions will principally be enforced under Part 1 Chapter 13.

PART 5
ALLOWANCES AND BENEFITS

Clause 77: Allowances

A member of a council will be entitled to receive an annual allowance from the council for performing and discharging official functions and duties. The allowance will be set by the council within minimum and maximum amounts prescribed by the regulations, and according to any prescribed formula.

Clause 78: Reimbursement of expenses

A member of a council will also be entitled to reimbursement of various expenses of a prescribed kind (although certain expenses will be reimbursed on the approval of the council, with the approval either occurring specifically or under a policy of the council).

Clause 79: Provision of facilities and support

A council may also provide facilities and other forms of support to its members.

Clause 80: Register of allowances and benefits

There will be a Register of Allowances and Benefits kept by the chief executive officer.

Clause 81: Insurance of members

A council must hold a policy of insurance insuring the member, and any accompanying person, against risks associated with the performance or discharge of official functions and duties.

CHAPTER 6

MEETINGS

PART 1

COUNCIL MEETINGS

Clause 82: Frequency and timing of ordinary meetings

Ordinary meetings of a council will be held at times and places appointed by resolution of the council. A resolution that is not supported unanimously should be reviewed at least once in every six months by the council. Ordinary meetings may not be held on Sundays or public holidays.

Clause 83: Calling of special meetings

Special meetings of a council must be called at the request of the principal member, at least three members of the council, or a council committee supported by at least three committee members who are also council members. Special meetings may be held at any time.

Clause 84: Notice of ordinary or special meetings

At least three clear days notice must be given for an ordinary meting, and at least four hours notice of a special meeting. Notice may be served personally, by delivery to specified places, by leaving the notice at the principal office of the council if authorised by the member, or by any other means authorised in writing by the member.

Clause 85: Public notice of council meetings

Notice of a council meeting is also to be given to the public in accordance with the requirements of this clause. The chief executive officer must ensure that a reasonable number of copies of any document or report supplied to members of the council for consideration at a meeting are also available for public inspection (unless the document or report relates to a matter that is, or may be, confidential under the Act).

Clause 86: Quorum

Half the number of members (ignoring any fraction resulting from the division), plus one, constitutes a quorum of the council. Provision is made for circumstances where a quorum is lost because of the operation of Division 3 Part 4 Chapter 5.

Clause 87: Procedure at meetings

This clause sets out other procedural matters for council meetings.

PART 2

COMMITTEE MEETINGS

Clause 88: Calling and timing of committee meetings

Clause 89: Public notice of committee meetings

Clause 90: Proceedings of council committees

These clauses relate to procedures for meetings of council committees. A council or committee must, in appointing the time for holding a meeting of a committee, take into account the availability and convenience of members, and the nature and purpose of the committee. Committee procedures will be determined by regulation or, if necessary, the council or, if necessary, the committee.

PART 3

PUBLIC ACCESS TO COUNCIL AND COMMITTEE MEETINGS

Clause 91: Meetings to be held in public except in special circumstances

A meeting of a council or council committee must, subject to this clause, be open to the public. The public can be excluded from a meeting in certain specified circumstances. The scheme is based on section 62 of the current Act. A new provision is included to make it clear that certain informal gatherings or discussions may be held in appropriate cases.

PART 4

MINUTES OF COUNCIL AND COMMITTEE MEETINGS AND RELEASE OF DOCUMENTS

Clause 92: Minutes and release of documents

Minutes must be kept of the proceedings of council and council committees. The minutes, and various other documents, will be open for public inspection, subject to specified exception involving confidential documents (or parts of documents).

PART 5

CODE OF PRACTICE

Clause 93: Access to meetings and documents—code of practice

A council must prepare and adopt a code of practice relating to access to meetings and documents. The code must be reviewed on an annual basis.

PART 6

MEETINGS OF ELECTORS

Clause 94: Meetings of electors

A council may convene a meeting of electors under this provision. The person presiding at the meeting must transmit any resolution passed at the meeting to the council.

PART 7

RELATED MATTER

Clause 95: Obstructing meetings

It will be an offence to intentionally hinder or obstruct a meeting of a council, council committee or electors.

CHAPTER 7

COUNCIL STAFF

PART 1

CHIEF EXECUTIVE OFFICER

Clause 96: Council to have a chief executive officer

Each council must have a chief executive officer.

Clause 97: Terms and conditions of appointment

A chief executive officer will be employed under a contract for a term not exceeding five years. The contract must comply with certain requirements.

Clause 98: Vacancy in office

A contract may be terminated on various grounds specified under this clause or in the contract.

Clause 99: Appointment procedures

A council must establish a panel to assist in making an appointment. The council makes the final appointment.

Clause 100: Role of chief executive officer

This clause sets out the various specific functions of a chief executive officer. The chief executive officer must consult with the council when determining, or changing to a significant degree, the organisation structure for the staff, the human resource management policies or practices for senior executive officers, the processes and conditions surrounding the appointment of senior executive officers, or the appraisal scheme for chief executive officers.

Clause 101: Council may have a deputy chief executive officer

The chief executive officer will, in determining the organisation structure for the council, in consultation with the council, determine whether to have a deputy. A deputy is appointed by the chief executive officer acting with the concurrence of the council.

Clause 102: Delegation by chief executive officer

This clause sets out the powers of delegation of a chief executive officer.

Clause 103: Person to act in absence of chief executive officer

This clause sets out a scheme for determining who will act in the absence of the chief executive officer.

PART 2

APPOINTMENT OF OTHER STAFF

Clause 104: Appointment, etc., by chief executive officer

The chief executive officer is responsible for appointing, managing, suspending and dismissing the staff of the council.

Clause 105: Contract for senior executive officers

Senior executive officers will be employed on contracts for terms not exceeding five years.

Clause 106: Remuneration, etc., of other employees

Remuneration and conditions of service of staff will be determined by the chief executive officer, subject to any relevant Act or industrial instrument.

Clause 107: Register of remuneration, salaries and benefits

The chief executive officer will keep a Register of Salaries containing certain information about employees.

Clause 108: Certain periods of service to be regarded continuous

Certain periods of service will be regarded as continuous if an employee transfers from one council to another council within 13

weeks of leaving the first council. "Council" is defined to include a council subsidiary, or an authority or body prescribed by the regulations.

PART 3
HUMAN RESOURCE MANAGEMENT PRINCIPLES

Clause 109: General principles of human resource management

The chief executive officer must ensure that sound principles of human resource management are applied to employment with the council.

PART 4
CONDUCT OF EMPLOYEES
DIVISION 1—GENERAL DUTY AND CODE OF CONDUCT

Clause 110: Interpretation
Clause 111: General duty
Clause 112: Code of conduct

An employee (including a person working on a temporary basis) must act honestly in the performance of official duties and act with reasonable care and diligence. A council will prepare a code of conduct for employees. A council must consult with relevant industrial associations when preparing or revising the code.

DIVISION 2—REGISTER OF INTERESTS

Clause 113: Application of Division
Clause 114: Interpretation
Clause 115: Lodging of primary returns
Clause 116: Lodging of ordinary returns
Clause 117: Form and content of returns
Clause 118: Register of Interests
Clause 119: Provision of false information
Clause 120: Inspection of Register
Clause 121: Restrictions on publication

There will be a Register of Interests for the chief executive officer and other senior executive officers of a council. Access to the register will be restricted to members. Information on the register must not be disclosed unless the disclosure is necessary for the purposes of the preparation or use of the register by the chief executive officer, or is made at a meeting of the council, a committee or a subsidiary.

DIVISION 3—CONFLICT OF INTEREST

Clause 122: Conflict of interest

A chief executive officer must disclose an interest in a matter to the council. Other employees must disclose any interest to the chief executive officer.

DIVISION 4—PROTECTION FROM PERSONAL LIABILITY

Clause 123: Protection from personal liability

An employee does not incur a personal liability in acting under an Act. The liability lies instead against the council.

CHAPTER 8
ADMINISTRATIVE AND FINANCIAL ACCOUNTABILITY
PART 1
STRATEGIC MANAGEMENT PLANS

Clause 124: Strategic management plans

A council must develop and adopt strategic management plans in accordance with the requirements of this clause. The plans must be reviewed at least once in every three years.

PART 2
BUDGETS

Clause 125: Budgets

A council must have a budget that complies with the requirements of this clause, and with standards and principles prescribed by the regulations.

PART 3
ACCOUNTS, FINANCIAL STATEMENTS AND AUDIT
DIVISION 1—ACCOUNTS

Clause 126: Accounting records to be kept

A council must keep proper accounting records.

DIVISION 2—INTERNAL CONTROL AND AUDIT COMMITTEE

Clause 127: Internal control policies

A council must maintain internal control policies to ensure that activities are carried out in an efficient and orderly manner, to ensure adherence to management policies, to safeguard council assets, and to secure the reliability of council records.

Clause 128: Audit committee

A council may have an audit committee.

DIVISION 3—FINANCIAL STATEMENTS

Clause 129: Financial statements

A council must prepare various statements for each financial year.

DIVISION 4—AUDIT

Clause 130: The auditor

A council must have an auditor appointed by the council under this clause.

Clause 131: Conduct of annual audit

An annual audit will be undertaken. The auditor must specify in a report any irregularity in accounting practices or the management of the council's financial affairs identified by the auditor during the course of an audit.

Clause 132: CEO to assist auditor

The chief executive officer must assist the auditor.

PART 4
ANNUAL REPORTS

Clause 133: Annual report to be prepared and adopted

A council must have an annual report. A copy of an annual report must be provided to the Presiding Members of both Houses of Parliament.

PART 5
ACCESS TO DOCUMENTS

Clause 134: Access to documents

This clause deals specifically with access to council documents, as specified in schedule 4.

CHAPTER 9
FINANCES
PART 1
SOURCES OF FUNDS

Clause 135: Sources of funds

A council may obtain funds from various sources according to what may be appropriate in order to carry out its functions.

PART 2
FINANCIAL ARRANGEMENTS

Clause 136: Borrowing and related financial arrangements

A council may borrow and obtain other forms of financial accommodation. A council will require independent advice before it enters into certain financial arrangements.

Clause 137: Ability of a council to give security

A council may give various forms of security in accordance with this clause.

Clause 138: State Government not liable for debts of a council

The Crown is not liable for the debts or liabilities of a council. However, this provision does not affect a liability or claim that may arise by operation of the law.

PART 3
EXPENDITURE OF FUNDS

Clause 139: Expenditure of funds

A council may expend its funds as the council thinks fit in the exercise, performance or discharge of its powers, functions or duties.

Clause 140: Council not obliged to expend rate revenue in a particular financial year

Revenue raised from rates in one financial year need not be expended in that year.

PART 4
INVESTMENT

Clause 141: Investment powers

A council must exercise prudent care, diligence and skill in making its investments and avoid investments that are speculative or hazardous in nature.

Clause 142: Review of investments

A council must review the performance of its investments at least annually.

PART 5
MISCELLANEOUS

Clause 143: Gifts to a council

A council may receive gifts and, if a gift is affected by a trust, a council is empowered to carry out the terms of the trust.

Clause 144: Duty to insure against liability

A council must maintain insurance to cover civil liabilities to the extent prescribed by regulations made after consultation with the LGA.

Clause 145: Writing off bad debts

A council may write off bad debts in appropriate cases.

Clause 146: Recovery of amounts due to council

A council may recover fees, charges, expenses and other amounts as debs in a court of competent jurisdiction. A fee, charge, expense or other amount payable on account of something done in respect of property may, in certain circumstances, be recoverable as a rate.

Clause 147: Payment of fees, etc., to council
All fines, penalties and forfeitures recovered in proceedings commenced by a council before a court for an offence committed within an area must be paid to the council for the area.

CHAPTER 10
RATES AND CHARGES
PART 1
RATES AND CHARGES ON LAND
DIVISION 1—PRELIMINARY

Clause 148: Rates and charges that a council may impose
A council may impose various rates and charges.

Clause 149: Rateability of land
All land within an area is rateable, unless otherwise exempted. Subclause (2) provides various exemptions. Subclause (3) to (7) relate to strata and community units, lots and other land.

Clause 150: Land against which rates may be assessed
Rates may be assessed against any piece or section of land subject to separate ownership or occupation, and any aggregation of contiguous land subject to the same ownership or occupation. However, decisions about the division or aggregation of land must be made fairly and in accordance with principles and practices that apply on a uniform basis across the area of the council.

Clause 151: Contiguous land
This clause defines contiguous land for the purposes of this Part of the measure.

DIVISION 2—BASIS OF RATING

Clause 152: General principles
Councils must take into account the fact that rates constitutes a system of taxation for local government purposes.

Clause 153: Basis of rating
A rate may be based on various factors in accordance with the provisions of the Act.

DIVISION 3—SPECIFIC CHARACTERISTICS OF RATES AND CHARGES

Clause 154: General rates
Subject to this clause, a general rate may be based on the value of land, a fixed charge, or a combination of both.

Clause 155: Declaration of general rate (including differential general rates)
A council may declare differential general rates (unless the council has based its general rates on a fixed charge).

Clause 156: Separate rates
A council may declare a separate rate on rateable land within a part of its area for the purpose of an activity that is or is intended to be, of particular benefit to the land, or the occupiers of land, within the relevant part of the area, or to visitors to that part. A separate rate may be based on the value of land or, under or with the approval of the Minister, according to some other proportional method or an estimate of benefit. A separate rate may be declared for a period exceeding one year. A council may declare differential separate rates.

Clause 157: Service rates and service charges
A council may impose a service rate, an annual service charge, or a combination of both, for the provision of a specified or prescribed service.

DIVISION 4—DIFFERENTIAL RATING AND SPECIAL ADJUSTMENTS

Clause 158: Basis of differential rates
This clause set out the basis for differential rating by a council.

Clause 159: Notice of differentiating factors
A rates notice must specify any differentiating factor or combination of factors.

Clause 160: Minimum rates and special adjustments for specified values
Subject to this clause, a council may impose a minimum rate or adjust rates within a range of values determined by the council. However, these arrangements must not be applied to more than 35 per cent of assessments in a council area, or if rates have been based on a fixed charge or have included a fixed charge component.

DIVISION 5—REBATES OF RATES

Clause 161: Preliminary
Clause 162: Rebate of rates—health services
Clause 163: Rebate of rates—community services
Clause 164: Rebate of rates—religious purposes
Clause 165: Rebate of rates—public cemeteries
Clause 166: Rebate of rates—Royal Zoological Society of SA
Clause 167: Rebate of rates—educational purposes
Clause 168: Discretionary rebates of rates
These clauses set out a scheme for the rebating of council rates in specified circumstances.

DIVISION 6—VALUATION OF LAND FOR THE PURPOSE OF RATING

Clause 169: Valuation of land for the purposes of rating
A council must, before declaring a rate, adopt valuations that are to apply to land within its area for a particular financial year. The valuations may have been made by the Valuer-General for a valuer employed or engaged by the council.

Clause 170: Valuation of land
This clause sets out procedures associated with the valuation of land for the purposes of the Act.

Clause 171: Objections to valuations made by council
A person who is dissatisfied with a valuation may object to the valuation or appeal against the valuation to the Land and Valuation Court.

DIVISION 7—ISSUES ASSOCIATED WITH THE DECLARATION OF RATES

Clause 172: Notice of declaration of rates
Notice of the declaration of a rate or a service charge must be published in the *Gazette* and in a newspaper circulating in the area within 21 days after declaration.

Clause 173: Publication of rating policy
A council must, in conjunction with the declaration of rates, prepare and adopt a rating policy in accordance with the requirements of this clause.

DIVISION 8—THE ASSESSMENT RECORD

Clause 174: Chief executive officer to keep assessment record
This clause sets out the requirements relating to the assessment record to be kept by the chief executive officer.

Clause 175: Alterations to assessment record
Application may be made to the chief executive officer for an alteration of the assessment record on grounds set out in this clause. A person may apply to the council if dissatisfied with a decision on an application. A person may apply to the District Court if dissatisfied with a decision of the council.

Clause 176: Inspection of assessment record
A person is entitled to inspect the assessment record at the principal office of the council during ordinary office hours.

Clause 177: Duty of Registrar-General to supply information
The Registrar-General must notify a council if an estate in fee simple or an estate of freehold in Crown land is granted to a person, or if a Crown lease is granted or transferred.

DIVISION 9—IMPOSITION AND RECOVERY OF RATES AND CHARGES

Clause 178: Preliminary
The term "rates" is to include service charges for recovery purposes.

Clause 179: Rates are charges against land
Rates are charges on land.

Clause 180: Liability for rates
The concept of "principal ratepayer" is retained. Rates may be recovered as a debt.

Clause 181: Liability for rates if land is not rateable for the whole of the financial year
There will be a proportional reduction in rates if land is not rateable for the whole year.

Clause 182: Service of rate notice
A council must send a rates notice to the principal ratepayer or, if relevant, the owner or occupier of land, as soon as practicable after the imposition of a rate or service charge, or a change in rates liability.

Clause 183: Payment of rates
This clause sets out the scheme for the payment of rates. A council must, from the beginning of the 2000/2001 financial year, offer its ratepayers the opportunity to pay rates in four equal (or approximately equal) instalments.

Clause 184: Remission and postponement of payment
A council may grant a postponement of payment of rates, or a remission of rates.

Clause 185: Application of money in respect of rates
Rates must be applied in accordance with this clause.

Clause 186: Sale of land for non-payment of rates
A council may take steps to sell land under this clause if rates are in arrears for three years or more.

Clause 187: Procedure where council cannot sell land
If land cannot be sold, the council may apply to the Minister for an order forfeiting the land to the Crown or the council (as appropriate).

DIVISION 10—MISCELLANEOUS

Clause 188: Recovery of rates not affected by an objection, review or appeal

The right to recover rates is not suspended by an objection, review or appeal.

Clause 189: Certificate of liabilities

A council may issue a certificate relating to rates or charges imposed against land to a person with an appropriate interest in the land (*see* subclause (2)).

PART 2
FEES AND CHARGES

Clause 190: Fees and charges

A council may impose various fees and charges under this clause.

CHAPTER 11
LAND
PART 1
LOCAL GOVERNMENT LAND
DIVISION 1—PRELIMINARY

Clause 191: Crown as owner of land

The Minister will for the purposes of this Part be taken to be the "owner" of land not granted in fee simple.

DIVISION 2—ACQUISITION OF LAND

Clause 192: Acquisition of land by agreement

A council may acquire land by agreement.

Clause 193: Compulsory acquisition of land

A council may acquire land compulsorily with the Minister's approval, or for an approved purpose classified by the regulation. The *Land Acquisition Act 1969* applies to the acquisition of land under this clause.

Clause 194: Assumption of care, control and management of land

A council may in certain circumstances assume the care, control and management of land that has been set aside for the use or enjoyment of the public or a section of the public.

DIVISION 3—COMMUNITY LAND

Clause 195: Classification

All local government land, other than roads, is to be classified as community land unless excluded by the council from this classification in accordance with this clause.

Clause 196: Revocation of classification of land as community land

A council may, subject to various exceptions and qualifications, revoke the classification of land as community land if it complies with the requirements of this clause. The classification of the Adelaide Park Lands, land held for the benefit of the community under schedule 7 or another Act, or are instrument of trust, or land prescribed by regulation, as community land cannot be revoked.

Clause 197: Effect of revocation of classification

A revocation of classification as community land frees the land from a dedication, reservation or trust, subject to certain exceptions.

DIVISION 4—MANAGEMENT PLANS

Clause 198: Management plans

A council must prepare a management plan in accordance with the requirements of this clause if the land is specifically protected under these provisions, is to be occupied under a lease or licence, or has been specifically modified or adapted for the benefit or enjoyment of the community.

Clause 199: Public consultation on proposed management plan

A council must consult before it adopts a management plan for community land.

Clause 200: Amendment or revocation of management plan

A management plan may be amended or revoked in accordance with this clause.

Clause 201: Effect of management plan

A council must manage community land in accordance with any management plan for the land.

DIVISION 5—BUSINESS USE OF COMMUNITY LAND

Clause 202: Use of community land for business purposes

A person must not use community land for a business purpose without the approval of the council. An approval must not be inconsistent with the provisions of a management plan.

DIVISION 6—DISPOSAL AND ALIENATION OF LOCAL GOVERNMENT LAND

Clause 203: Sale or disposal of local government land

A council may sell or otherwise dispose of an interest in land subject to the operation of this clause.

Clause 204: Alienation of community land by lease or licence

A council may grant a lease or licence over community land. The council must follow its consultation policy before the lease or licence is granted, unless the lease or licence is authorised by the management plan and is for a term not exceeding five years, or the regulations provide for an exemption.

DIVISION 7—THE ADELAIDE PARK LANDS

Clause 205: Interpretation

This clause provides a definition relating to The Corporation of the City of Adelaide for the purposes of Division 7 Part 1 Chapter 11.

Clause 206: Classification to be irrevocable

The classification of the Adelaide Park Lands as community land is irrevocable.

Clause 207: Management plan

The Council must have a management plan for the Adelaide Park Lands in place within three years after the commencement of this Part.

Clause 208: Leases and licences over land in the Adelaide Park Lands

The maximum term of a lease or licence over the Adelaide Park Lands is to be 42 years. However, a lease or licence for a term exceeding 21 years will be submitted to the Environment, Resources and Development Committee for consideration.

DIVISION 8—REGISTER OF COMMUNITY LAND

Clause 209: Register

A council must keep a register of all community land in its area.

PART 2
ROADS
DIVISION 1—OWNERSHIP OF ROADS

Clause 210: Ownership of public roads

All public roads (as defined in clause 4) in the area of the council are vested in the council in fee simple under the *Real Property Act 1886*.

Clause 211: Ownership of fixtures and equipment installed on public roads

Fixture and fittings remain the property of the provider of the relevant infrastructure.

Clause 212: Conversion of private road to public road

A council may declare a private road to be a public road in the circumstances specified in this clause.

DIVISION 2—HIGHWAYS

Clause 213: Highways

A council may only exercise its powers under this Part if the council is acting with the agreement of the Commissioner of Highways or under or in accordance with a notice under the *Highways Act 1926*.

DIVISION 3—POWER TO CARRY OUT ROADWORK

Clause 214: Power to carry out roadwork

A council is given specific power to carry out roadwork, subject to compliance with the provisions of this clause.

Clause 215: Recovery of cost of roadwork

If a council carries out roadwork to repair damage to a road, the council may recover the cost of the work from the person who caused the damage or the owner of relevant infrastructure.

Clause 216: Contribution between councils where road is on boundary between council areas

A council that carries out roadwork on the boundary with another council is entitled to a reasonable contribution from the other council.

Clause 217: Special provisions for certain kinds of roadwork

Certain roadwork must comply with the requirements of this clause. For example, a change in the level of a road must still provide adequate access to an adjoining property.

DIVISION 4—POWER TO REQUIRE OTHERS TO CARRY OUT WORK

Clause 218: Power to order owner of private road to carry out specified roadwork

A council may require the owner of a private road to carry out work to repair or improve the road.

Clause 219: Power to order owner of infrastructure installed on road to carry out specified maintenance or repair work

A council may require the owner of a structure or equipment installed on a road to carry out maintenance or repair work, or to move the structure or equipment so that the council can carry out road work.

Clause 220: Power to require owner of adjoining land to carry out specified work

A council may require the owner of land adjoining a road to construct, remove or repair a crossing place from the road to the land.

DIVISION 5—NAMES AND NUMBERS

Clause 221: Power to assign a name, or change the name, of a road or public place

A council may assign a name to a public or private road, or to a public place. Before a council changes the name of a public road that runs into the area of a council, it must give the adjoining council notice of the proposed change and consider any representations made

in response to the notice.

Clause 222: Numbering of adjacent premises and allotments

A council may adopt a numbering system for buildings and allotments adjoining a road.

DIVISION 6—CONTROL OF WORK ON ROADS

Clause 223: Alteration of road

A person (other than a person authorised under this or another Act) must not alter a public road without the authority of the relevant council.

Clause 224: Permits for business purposes

A person must not use a public road for business purposes unless authorised to do so by a permit.

Clause 225: Public consultation

A proposal to grant an authorisation or permit that confers an exclusive right of occupation, restricts access, or falls within a prescribed use or activity, must first be the subject of public consultation.

Clause 226: Conditions of authorisation or permit

An authorisation or permit may be granted on conditions.

Clause 227: Cancellation of authorisation or permit

A council may cancel an authorisation or permit for breach of a condition.

DIVISION 7—MOVEABLE SIGNS

Clause 228: Moveable signs

This clause regulates the placing of moveable signs on a road.

Clause 229: Removal of moveable sign

A council may order that a moveable sign be removed under this clause.

DIVISION 8—GENERAL PROVISIONS REGULATING AUTHORISED WORK

Clause 230: How work is to be carried out

Work carried out on a road must be performed as expeditiously as possible and so as to minimise obstruction to the road and inconvenience to road users.

Clause 231: Road to be made good

A person who breaks up or damages a road must restore the road to its former condition.

DIVISION 9—SURVEY MARKS

Clause 232: Survey marks

This clause authorises the fixing of survey marks in a public road.

DIVISION 10—REGISTER

Clause 233: Register

A council must keep a register of public roads in its area.

DIVISION 11—MISCELLANEOUS

Clause 234: Trees

A council must consider certain matters before vegetation is planted on a road.

Clause 235: Damage

A person who intentionally or negligently damages a road or a structure of a council associated with a road is liable to the council in damages.

Clause 236: Council's power to remove objects, etc., from roads

A council may remove certain structures from a road.

PART 3
ANTI-POLLUTION MEASURES

Clause 237: Deposit of rubbish, etc.

It will be an offence under this measure to deposit rubbish on a public road or in a public place.

Clause 238: Abandonment of vehicles and farm implements

It will be an offence under this measure to abandon a vehicle or farm implement on a public road or public place.

Clause 239: Removal of vehicles

An authorised person may remove a vehicle that has been left on a public road or public place, or on local government land, for more than 24 hours. The council must then give written notice of the removal to the owner of the vehicle. If the vehicle is not claimed, the council can in due course sell the vehicle.

PART 4
SPECIFIC BY-LAW PROVISIONS

Clause 240: Power to control access and use of land

This clause empowers a council to make by-laws controlling access to and use of local government land.

Clause 241: By-laws about use of roads

This clause empowers a council to make certain by-laws about the use of roads.

Clause 242: Posting of bills, etc.,

A council may make a by-law prohibiting the posting of bills and other items on buildings and other places without the permission of the council.

PART 5
OTHER MATTERS

Clause 243: Native title

A dealing under the Act will not affect native title in land (except to the extent allowable under a law of the State or the *Native Title Act 1993* (Cwlth).

Clause 244: Time limits for dealing with certain applications

Certain applications to a council relating to the use of community land or a road for business purposes must be decided within two months (or will be taken to have been refused).

Clause 245: Registrar-General to issue certificate of title

A council must apply to the Registrar-General for the issue of a certificate of title if land is vested in it in an estate in fee simple.

Clause 246: Liability for injury, damage or loss on community land

A council is only liable as occupiers of community land for injury, damage or loss that is a direct consequence of a wrongful act on the part of the council (unless the matter involves the council as the occupier of a building or structure).

Clause 247: Liability for injury, damage or loss caused by certain trees

This clause relates to council liability for damage to property caused by a tree.

CHAPTER 12
REGULATORY FUNCTIONS

PART 1
BY-LAWS

Clause 248: Power to make by-laws
Clause 249: Principles applying to by-laws
Clause 250: Rules relating to by-laws
Clause 251: Passing by-laws
Clause 252: Model by-laws
Clause 253: Expiry of by-laws
Clause 254: Register of by-laws and certified copies
Clause 255: Revocation of by-law does not affect certain resolutions

These clause provide a scheme for the making of by-laws by councils.

PART 2
ORDERS

DIVISION 1—POWER TO MAKE ORDERS

Clause 256: Power to make orders

DIVISION 2—ASSOCIATED MATTERS

Clause 257: Procedures to be followed
Clause 258: Rights of review
Clause 259: Action on non-compliance with an order
Clause 260: Non-compliance with an order an offence

DIVISION 3—POLICIES

Clause 261: Councils to develop policies

These clauses provide a scheme for the making of certain orders by councils.

PART 3
AUTHORISED PERSONS

Clause 262: Appointment of authorised persons

This clause provides for the appointment of authorised persons by councils. A member of a council cannot be appointed as an authorised person.

Clause 263: Powers under this Act
Clause 264: Power of enforcement

These clauses make specific provision for the powers of authorised persons under the Act.

CHAPTER 13
REVIEW OF LOCAL GOVERNMENT ACTS, DECISIONS AND OPERATIONS

PART 1
CONDUCT OF MEMBERS

Clause 265: Grounds of complaint

This clause sets out the grounds upon which a complaint may be made against a member of a council, being a contravention or failure to comply with the Act, the performance of an unlawful act as a member of a council, or a failure to comply with a duty under this or another Act.

Clause 266: Complaints

A complaint may be lodged by a public official or any other person.

Clause 267: Hearing by District Court

The complaint is lodged with the District Court.

Clause 268: Constitution of District Court

The Court may, if determined by the judicial officer presiding at the sittings, be constituted with assessors selected under schedule 6.

Clause 269: Outcome of proceedings
This clause sets out the powers of the court if the Court is satisfied that the grounds for complaint exist and that there is proper cause for taking action against the relevant person.

Clause 270: Application to committees and subsidiaries
The complaint mechanism extends to members of committees and subsidiaries.

PART 2
INTERNAL REVIEW OF COUNCIL ACTIONS

Clause 271: Council to establish grievance procedures
A council must also establish a mechanism for handling complaints. Nothing in this clause will prevent a person from making a complaint to the Ombudsman.

Clause 272: Mediation and neutral evaluation
A council may establish a scheme for mediation or mental evaluation of a dispute between a person and the council. Nothing in this clause will prevent a person from making a complaint to the Ombudsman.

PART 3
REVIEWS INITIATED BY MINISTER
DIVISION 1—COUNCILS

Clause 273: Investigation of a council
Clause 274: Action on a report

DIVISION 2—SUBSIDIARIES

Clause 275: Investigation of a subsidiary
Clause 276: Action on a report
These clauses provide a scheme for the investigation of the activities of councils or subsidiaries in appropriate, specified cases.

PART 4
SPECIAL JURISDICTION

Clause 277: Special jurisdiction
Various proceedings relating to offices and decisions under the Act may be brought in the District Court.

CHAPTER 14
MISCELLANEOUS
PART 1
MINISTERIAL DELEGATIONS AND APPROVALS

Clause 278: Delegation by the Minister
This clause confers a specific power of delegation on the Minister.

Clause 279: Approval by Minister does not give rise to liability
This clause makes express provision to the effect that no liability attaches to the Crown or the Minister on account of an approval given by the Minister under the Act.

PART 2
SERVICE OF DOCUMENTS AND PROCEEDINGS

Clause 280: Service of documents by councils, etc.
This clause sets out a scheme for the service of documents by councils.

Clause 281: Service of documents on councils
This clause sets out a scheme for the service of documents on councils.

Clause 282: Recovery of amounts from lessees or licensees
A council may in certain cases require the lessee or licensee of land to make payments to the council instead of to the owner of the relevant land to satisfy a liability of the owner to the council.

Clause 283: Ability of occupiers to carry out works
The occupier of land may carry out certain works in certain cases.

PART 3
EVIDENCE

Clause 284: Evidence of proclamations
Clause 285: Evidence of appointments and elections
Clause 286: Evidence of resolutions, etc.
Clause 287: Evidence of making of a rate
Clause 288: Evidence of assessment record
Clause 289: Evidence of Government assessment
Clause 290: Evidence of registers
Clause 291: Evidence of by-law
Clause 292: Evidence of boundaries
Clause 293: Evidence of constitution of council, appointment of officers, etc.
Clause 294: Evidence of costs incurred by council
These clauses provide for various evidentiary matters.

PART 4
OTHER MATTERS

Clause 295: Power to enter and occupy land in connection with an activity
An employee or contractor of a council may enter land for the purposes of various authorised activities.

Clause 296: Power to carry out surveys, work, etc.
Various survey inspections, examinations and tests may be carried out on land.

Clause 297: Reclamation of land
If a council takes action to raise, fill in, improve or reclaim land, the owners of adjacent or adjoining land may be liable to contribute to the cost if the work has added value to the owner's land.

Clause 298: Property in rubbish
Any rubbish collected by the council in its area becomes the property of the council.

Clause 299: Power of council to act in emergency
A council may make certain orders to avert or reduce any danger from flooding.

Clause 300: Costs of advertisements
This clause deals with the cost of advertisements under the Act.

Clause 301: River, stream or watercourse forming a common boundary
If a watercourse forms the boundary of an area or ward, a line along its middle will be taken to be th actual boundary.

Clause 302: Application to Crown
Subject to any express provision, the measure does not bind the Crown.

Clause 303: Regulations
This clause relates to the regulation-making powers of the Governor under the measure.

SCHEDULE 1
Provisions relating to organisations that provide services to the local government sector
This schedule provides for the continuation of the LGA, the Local Government Mutual Liability Scheme and the Local Government Superannuation Scheme.

SCHEDULE 2
Provisions applicable to subsidiaries
This schedule makes provision in relation to council subsidiaries established under the Act.

SCHEDULE 3
Material to be included in the annual report of a council
This schedule makes provision for the matter that must be included in the annual report of a council.

SCHEDULE 4
Documents to be made available by councils
This schedule lists the matters that must be available for public inspection.

SCHEDULE 5
Charges over land
This schedule deals with charges over land.

SCHEDULE 6
Selection of assessors for proceedings in the District Court
This schedule provides for the appointment of persons who may act as assessors for the purposes of certain proceedings before the District Court under Chapter 13 of the Act.

SCHEDULE 7
Provisions relating to specific land
This schedule makes special provisions in relation to specific items of land.

Mr CONLON secured the adjournment of the debate.

LOCAL GOVERNMENT (ELECTIONS) BILL

The Hon. M.K. BRINDAL (Minister for Local Government) obtained leave and introduced a Bill for an Act to regulate the conduct of local government elections; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This is the second Bill in the package of three Bills resulting from the review of the *Local Government Act 1934*. The Local Government (Elections) Bill contains provisions for the conduct of council elections and polls.

As councils will only need to consult the electoral provisions from time to time, the provisions are contained in a separate Bill for the sake of convenience and accessibility. This will also enable alteration to the electoral provisions in the future, should the need

arise, without affecting the main *Local Government Act*. However, the two Bills are to be read together to ensure that constitutional, operational and electoral provisions relating to Local Government work together in a consistent and coordinated way.

The Government's principal aims for the Local Government (Elections) Bill are to encourage greater community participation in council elections, and to establish fair and consistent rules and procedures which are as simple as possible.

The Bill restates many of the provisions about council elections now in the *Local Government Act*, rearranging them to improve clarity and access.

The Bill also includes changes made by the *Local Government (Miscellaneous Provisions) Amendment Act*, passed by Parliament in December 1996 for the Local Government elections of May 1997, and has benefited from review of those elections and from experience of the more recent Adelaide City Council elections.

The Bill promotes consistent practice across all council areas by providing for:

- universal postal voting (with exemptions possible in limited circumstances)
- one standard system for casting and counting votes (proportional representation)
- one independent authority—the Electoral Commissioner—to be the returning officer for all council elections.

In 1997, council elections conducted by postal voting in South Australia showed significantly higher voter participation than elections conducted at polling places. This was consistent with experience elsewhere in Australia and with the findings of studies previously undertaken. Mandatory postal voting was therefore included in the draft legislation for public consultation.

In response to requests from some rural councils concerned at the potential increased cost of mandatory postal voting without accompanying benefit, a schedule has been inserted in the Bill permitting such a council to seek the approval of the Electoral Commissioner to conduct its elections or polls using polling places and advance voting papers. Such a council will need to demonstrate that there has been a history in its area of high voter turnout at elections conducted using polling places, and that if postal voting were to be used (as required by the Bill), it would be unlikely to result in a significant increase in voter participation. If approval is granted for elections to be conducted by means of polling places, there is provision for the situation to be reviewed for subsequent elections should levels of voter participation decline. The provision for exceptions to postal voting is not available to councils in metropolitan Adelaide.

The Government has considered carefully the argument of some councils that they should be able to choose the voting system to apply in their areas. It is true that in very many matters related to Local Government one size does not fit all, and it is important that the "local" in Local Government is preserved. Indeed this has been a theme of much of the new legislation. However, the voting system to be applied at Local Government elections is not one of these matters. In keeping with the aims of maximising participation and simplifying procedures, the Bill puts a higher priority on having consistent approaches in these fundamental matters of governance across the State. The Bill therefore provides for one standard system for casting and counting votes in council elections.

The proportional representation system of vote counting has consistently been found to be the fairest system in a number of studies conducted by the State Government and/or the Local Government Association over the past decade, from the 1985 Council Elections Review, to a paper commissioned from Professor Dean Jaensch late in 1998. This is therefore the system provided for in the Bill.

The integrity of and probity of Local Government elections will be enhanced by the Bill's provision for the State Electoral Commissioner to be the Returning Officer for all council elections. This innovation will also bring important consistency of approach and policy co-ordination to the massive administrative and logistical task of producing and distributing elector instructions and ballot papers to over one million people and companies who will be eligible to vote in the May 2000 council elections.

In a practical addition, the Bill enables a council to nominate a suitable person as a Deputy Returning Officer (who may be an officer of the council), and subject to the Electoral Commissioner being satisfied as to their suitability, that person will be appointed as the Deputy for that area, and will be delegated certain powers to conduct aspects of the election locally. However, the Commissioner will at all times retain full responsibility as Returning Officer, and the Deputy will be required to observe any directions or limitations on their duties and performance issued by the Commissioner.

It is expected that many councils will want to nominate a local Deputy Returning Officer and the Electoral Commissioner is empowered to establish training courses for Deputy Returning Officers to maximise this potential. The clear line of accountability in this new approach to the appointment of electoral officers highlights the separate statutory nature of the office and should overcome the pressure council officers can be placed under when combining their usual duties with a council appointment as returning officer.

The Bill extends to all councils the simplifying provision in the recently enacted *City of Adelaide Act 1998* under which joint or group owners and occupiers and corporate bodies are entitled to be enrolled, without their having to nominate (before roll closure) a person to exercise their vote. The Bill provides for an authorised member of the group, or an officer of the corporate body, to make an appropriate declaration of authority to vote at the time of voting by post.

At the request of the Local Government Association, a prohibition against a the same individual exercising more than one entitlement to vote in a ward or area-wide election which Parliament included in the *City of Adelaide Act 1998* has not been extended to the rest of the Local Government sector. The problem which this restriction addresses in the City of Adelaide is the perception that significant numbers of votes, each attaching to a different group or company entitled to be enrolled as an elector, are in reality controlled by one or two individuals who are able to exercise unfair influence as the persons who exercise the votes of these electors. This problem is not, in Local Government's view, significant enough elsewhere to prevent persons who may be voters in their own right from exercising valid votes on behalf of a group or company entitled to be enrolled if they are a member of the group or an officer of the company.

In other changes the Bill provides that—

- a candidate for election must be an Australian citizen, or be a person who was a member of a council at any time in the period May 1997 to the commencement of the new Act. The latter provision will enable existing elected members who are not Australian citizens to stand in future elections.
- a candidate cannot be a member of an Australian Parliament (which is defined to include Commonwealth, State and Territory Parliaments).
- details of campaign donations over $500 are to be submitted in a prescribed return to the relevant council's chief executive officer by all candidates six weeks after the elections, and this information is to be kept on a publicly accessible register. Multiple donations from the same source are to be aggregated for the $500 rule.
- recognising the use in future of electronic counting of votes, a new offence is created of unlawfully interfering with any computer program or system used by an electoral officer for the purposes of an election or poll.

Finally, to overcome any uncertainty about how complaints about electoral matters can be made and investigated, the State Electoral Commissioner is empowered to investigate any matter connected with the operation of the Act, and may initiate proceedings for offences.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will be brought into operation by proclamation.

Clause 3: Objects

This clause sets out the objects of the Bill.

Clause 4: Interpretation

This clause sets out the definitions required for the purposes of the Bill. The provision also makes it clear that an election for mayor, an election for a councillor or councillors who are to be representatives of the area as a whole, and an election for a councillor or councillors who are to be representatives of a ward, are each separate and distinct elections. Subclause (5) provides that this legislation and the *Local Government Act 1999* are to be read together as if the two Acts formed a single Act.

Clause 5: Date of ordinary elections

It is proposed to maintain a three—year election cycle for local government elections, based on a close of polling at 12 noon on the first business day after the second Sunday in May of the relevant year. The new date (changed from the first Saturday of May) is

consistent with the move to full postal voting (subject to the operation of the schedule).

Clause 6: Supplementary elections

A supplementary election will be held in appropriate cases. The date for polling in such a case will be fixed by the returning officer.

Clause 7: Adjournment of election

An election will fail if a candidate—

(a) withdraws his or her nomination on the ground of serious illness (supported by a medical certificate); or

(b) ceases to be qualified for election; or

(c) dies where there is only one vacancy to fill.

An election will also fail if two or more candidates die.

Clause 8: Failure of election in certain cases

If a supplementary election fails, the council will select a person or persons to supply the vacancy or vacancies.

Clause 9: Failure or avoidance of supplementary election

A council may conduct a poll on any matter within the ambit of its responsibilities, or as contemplated by the *Local Government Act 1999*.

Clause 10: Council may hold polls

The Electoral Commissioner is to be the returning officer for each area. However, the Electoral Commissioner will be able to appoint a nominee of a council as a deputy returning officer for the council's area, if appropriate, and then, in such a case, the returning officer will be taken to have delegated the returning officer's powers and functions in respect of the area to the deputy returning officer. The Electoral Commissioner is also to be empowered to establish or specify courses of training for persons nominated or appointed as deputy returning officers under the Act.

Clause 11: Adjournment of poll

Electoral officers will be engaged to assist in the conduct of an election or poll. Neither a member of a council, nor a candidate for election, may be engaged as an electoral officer for the council.

Clause 12: The returning officer and deputy returning officer

This clause makes it clear that the returning officer is responsible for the conduct of elections and polls, and a council is responsible for various matters concerning the provision of information, education and publicity to the public.

Clause 13: Appointment of other electoral officers

The costs and expenses of the returning officer in carrying out official duties must be defrayed from funds of the council. However, regard must be had to the council's budget in incurring costs and expenses.

Clause 14: Delegation by returning officer

This clause sets out the qualifications for enrolment on the voters roll of a council.

Clause 15: Costs and expenses

The chief executive officer of a council will be responsible for the maintenance of a voters roll for the council. It will be a requirement that the roll must be maintained in a form that allows for the roll at any time to be brought into an up-to-date form within three weeks after relevant House of Assembly information is provided to the chief executive officer.

A closing date will be set for each election or poll, with the closing date for a periodic election being the second Thursday of the February in the year of the election. The roll will be available for public inspection at the principal office of the council. The roll is conclusive evidence of an entitlement to vote at an election or poll at which the roll is used.

Clause 16: Determination of method of counting at elections

This clause sets out in detail the entitlements to vote under the Act.

Clause 17: Postal voting option

This clause sets out in detail the entitlements to stand for election under the Act. In particular, a person is entitled to stand if the person is an Australian citizen, or a person who has been a member of a council at some time between May 1997 and the commencement of this section, and the person is an elector for the area or the nominee of a body corporate or group. The entitlement operates subject to any relevant provision in the *Local Government Act 1999*. A person is not eligible to be a candidate if the person is a member of an Australian Parliament, an undischarged bankrupt, a person who may be liable to imprisonment, an employee of the council or is disqualified from election by court order under the *Local Government Act 1999*.

Clause 18: Qualifications for enrolment

The returning officer calls for nominations.

Clause 19: The voters roll

An eligible person may nominate for election in the prescribed manner and form. A nomination must be accompanied by a declaration of eligibility and the information and material required by the regulation. The returning officer may reject a nomination if in the opinion of the returning officer the name under which the candidate is nominated is obscene, is frivolous or has been assumed for an ulterior purpose.

Clause 20: Entitlement to vote

If it appears that a nomination may be invalid for some reason, the returning officer must take all reasonable steps to notify the candidate in order to give the candidate an opportunity to address the matter before the close of nominations.

Clause 21: Entitlement to stand for election

A copy of any nomination is displayed at the principal office of the council.

Clause 22: Call for nominations

A nomination may be withdrawn before the close of nominations.

Clause 23: Manner in which nomination is made

Nominations for a periodic election close at 12 noon on the last Thursday of March.

Clause 24: Questions of validity

If a person nominates for two or more vacancies, all nominations are void.

Clause 25: Display of valid nominations

If the number of persons nominated does not exceed the number of vacancies when nominations close, the persons are declared elected (with the election to take effect in the case of a periodic election at the conclusion of the election).

Clause 26: Ability to withdraw a nomination

After the close of nominations, the returning officer must give public notice, and notice in writing to each candidate, setting forth—

(a) the names of candidates; and

(b) the names of any person declared elected; and

(c) if an election is to be held—the day appointed as polling day; and

(d) information on the operation of Part 14 (Campaign Donations).

Clause 27: Close of nominations

Any published electoral material must contain the name and address of the person who authorises publication of the material.

Clause 28: Multiple nominations

A person must not publish in any electoral material any purported statement of fact that is inaccurate and misleading to a material extent.

Clause 29: Uncontested elections

Ballot papers must be prepared for any election. The order of names of candidates on a ballot paper will be determined by lot. A ballot paper must conform with any prescribed requirement.

Clause 30: Notices

The returning officer will appoint a place for the counting of votes for the purposes of an election.

Clause 31: Ballot papers

Voting papers may be delivered under arrangements determined by the returning officer, personally to persons who reside at, or who attend, a specified institution or other place and who are entitled to voting papers under this Act.

Clause 32: Appointment of polling places and booths, and places for counting votes

A candidate may, by notice in writing to the returning officer, appoint scrutineers for the purposes of an election.

Clause 33: Special arrangements for the issue of voting papers

A ballot paper must be prepared for the purposes of any poll. The returning officer will design the ballot paper after consultation with the council.

Clause 34: Scrutineers

The returning officer will appoint a place for the counting of votes at a poll.

Clause 35: Ballot papers

Voting papers may be delivered, under arrangements determined by the returning officer, personally to persons who reside at, or attend, a specified institution or other place.

Clause 36: Appointment of polling places and booths, and places for counting votes

The council may appoint suitable persons to act as scrutineers for the purposes of a poll.

Clause 37: Special arrangements for the issue of voting papers

Voting at an election or poll will be conducted on the basis of postal voting (subject to any determination under the schedule).

Clause 38: Scrutineers

The returning officer will give notice in a newspaper circulating in the area informing electors that voting will be conducted by means of postal voting.

Clause 39: Publication of electoral material

Voting papers will be issued to each natural person, body corporate and group on the roll. The voting papers will consist of a ballot paper and an opaque envelope bearing a declaration to be completed by the voter. A pre—paid reply envelope is also included with the voting papers.

Clause 40: Publication of misleading material

This clause sets out the procedure for voting. Voting papers must be returned (by postal or personally) not later than the close of voting on polling day.

Clause 41: How-to-vote cards

A voter may be assisted if illiterate or physically unable to carry out a voting procedure.

Clause 42: Method of voting at elections

A person who cannot sign his or her name may make a mark as his or her signature.

Clause 43: Method of voting at polls

Fresh voting papers may be issued to a person if the returning officer is satisfied that postal voting papers issued to the person have not been received, have been lost, or have been inadvertently destroyed.

Clause 44: Notice of availability of advance voting papers

The returning officer must ensure that arrangements are in place for the efficient receipt and safekeeping of envelopes returned by voters at an election or poll.

Clause 45: Issue of advance voting papers

The voting system for an election requires the use of numbers to cast a vote. If only one candidate is to be elected, a voter must place the number one in the box opposite the name of his or her first preference, and then may continue to cast preferences. If more than one candidate is to be elected, a voter must place consecutive numbers up to the number of candidates required to be elected, and then may continue to cast preferences. A tick or cross will be taken to be equivalent to the number 1. A ballot paper is not informal by reason of some non—compliance if the voter's intention is clearly indicated on the ballot paper.

Clause 46: Procedures to be followed for advance voting

A person voting at a poll must vote according to directions printed on the ballot paper. The directions will be determined by the returning officer.

Clause 47: Voter may be assisted in certain circumstances

This clause sets out the procedure to be followed for the arrangement and scrutiny of voting papers returned for the purpose of an election or poll.

Clause 48: Issue of fresh advance voting papers

This clause sets out the method for counting votes at an election. The system is based on successful candidates obtaining a relevant quota of votes and the transfer of any surplus votes on the basis of a transfer value.

Clause 49: Person to whom advance voting papers have been issued not to vote at polling place except on certain conditions

A candidate may request a recount at any time within 48 hours after a provisional declaration of the result is made. A recount need not occur if the returning officer considers that there is no prospect that a recount would alter the result of the election. The returning officer may conduct a recount on his or her own initiative.

Clause 50: Notice of use of postal voting

The returning officer certifies the result of an election to the chief executive officer. The returning officer must also give written notice of the result to all candidates.

Clause 51: Issue of postal voting papers

The returning officer must prepare a return relating to information concerning ballot papers used for the purposes of the election process.

Clause 52: Procedures to be followed for postal voting

The returning officer will make a provisional declaration of the result of a poll when that result becomes apparent.

Clause 53: Voter may be assisted in certain circumstances

A scrutineer at a poll may request a recount of votes cast at the poll. The returning officer may also conduct a recount on his or her own initiative.

Clause 54: Issue of fresh postal voting papers

The returning officer will provide a return to the council certifying the result of a poll.

Clause 55: Voting procedure at polling booths

This clause permits the use of a computer program for the recording, scrutiny or counting of votes in an election or poll, after consultation with the council. The program must be a program approved by the Electoral Commissioner.

Clause 56: Issue of fresh ballot paper

A returning officer must retain all voting material relating to an election or poll until the returning officer is satisfied that the election or poll can not be questioned.

Clause 57: Violence, intimidation, bribery, etc.

It will be an offence for a person to exercise violence or intimidation, or to offer a bribe, in connection with the conduct of an election or poll. It will also be an offence to receive a bribe.

Clause 58: Dishonest artifices

It will be an offence for a person to dishonestly exercise, or attempt to exercise, a vote at an election or poll to which the person is not entitled.

Clause 59: Interference with statutory rights

It will be an offence to hinder or interfere with the free exercise or performance of a right under the Act.

Clause 60: Exception

This clause makes it clear that no declaration of public policy or promise of public action constitutes bribery or dishonest influence.

Clause 61: Persons acting on behalf of candidates not to assist voters or collect voting papers

A candidate, or a person acting on behalf of a candidate or as a scrutineer, must not act as an assistant to a person voting under the Act.

Clause 62: Unlawful interference with computer programs

It will be an offence to tamper or interfere with a computer program or system used by an electoral officer for the purposes of an election or poll under the Act.

Clause 63: Secrecy of vote

It will be an offence for a person to attempt to discover how another has voted. It will also be an offence for an unauthorised person to open an envelope containing a vote.

Clause 64: Unlawful declaration or marking of ballot papers

It will be an offence for a person to make a statement in a claim, application, return or declaration, or in answer to a question, that is, to the person's knowledge, false or misleading in a material respect.

Clause 65: Conduct of officers

It will be an offence for an electoral officer to fail, without proper excuse, to carry out officials duty under the Act.

Clause 66: Conduct of scrutineers

A scrutineer must not attempt to influence a person voting or proposing to vote at an election or poll. Not more than two of a candidate's scrutineers may be present in the place for the counting of votes at the same time while the count is occurring.

Clause 67: Constitution of the Court
Clause 68: The clerk of the Court
Clause 69: Jurisdiction of the Court
Clause 70: Procedure upon petition
Clause 71: Powers of the Court
Clause 72: Certain matters not to be called in question
Clause 73: Illegal practices
Clause 74: Effect of decision
Clause 75: Participation of council in proceedings
Clause 76: Right of appearance
Clause 77: Case stated
Clause 78: Costs
Clause 79: Rules of the Court

These clauses provide a scheme for the constitution of a Court of Disputed Returns and proceedings in connection with any petition disputing the validity of an election under the Act. The provisions are very similar to those currently contained in the 1934 Act.

Clause 80: Returns for candidates

Each candidate in a local government election will now be required to complete, and furnish to the chief executive officer, a campaign donations return.

Clause 81: Campaign donations returns

This clause sets out the various matters that must be included in a return. It will not be necessary to declare a gift made in a private capacity (*see* subclauses (2)*(a)* and (3)*(d)*), or a gift which is less than $500 (or less than $500 in value).

Clause 82: Certain gifts not to be received

A member or candidate will be prohibited from receiving a gift of $500 or more if the identity of the person making the gift is unknown.

Clause 83: Inability to complete return

This clause addresses cases where a person is unable to complete a return.

Clause 84: Amendment of return

A person will be able to request that a return furnished by the person under this Division be amended to correct an error or omission.

Clause 85: Offences

It will be an offence to fail to furnish a return under the Division, or to include information that is false or misleading in a material particular.

Clause 86: Failure to comply with Division

The chief executive officer must notify a person on any failure on the part of the person to furnish a return in accordance with the requirements of the Division.

Clause 87: Public inspection of returns

A return will be available for public inspection.

Clause 88: Restrictions on publication

It will be an offence to publish information derived from a return unless it is a fair and accurate summary of information in the return and it is a publication in the public interest. Any comment must also be fair and published in the public interest and without malice.

Clause 89: Requirement to keep proper records

A relevant person must, for a period of at least 4 years, take reasonable steps to keep in his or her possession all records relevant to completing a return.

Clause 90: Related matters

The regulations may assist in determining the amount or value of a gift other than money.

Clause 91: Elected person refusing to act

As with the 1934 Act, it will be an offence for a person to fail to assume an office to which he or she has been appointed or elected.

Clause 92: Electoral Commissioner may conduct investigations

The Electoral Commissioner will be specifically authorised to investigate any matter concerning the operation or administration of the Act, including a matter that may involve a breach of the Act, and to bring proceeding for an offence against the Act. A report must be furnished to a council with a material interest in the matter.

Clause 93: Regulations

The Governor will be able to make regulations for the purposes of this Act.

SCHEDULE

Voting at polling places

The returning officer will be able, in certain circumstances, to authorise a council outside Metropolitan Adelaide to conduct an election or poll at polling booths and by the use of advance voting papers.

Mr CONLON secured the adjournment of the debate.

STATUTES REPEAL AND AMENDMENT (LOCAL GOVERNMENT) BILL

The Hon. M.K. BRINDAL (Minister for Local Government) obtained leave and introduced a Bill for an Act to make certain repeals and amendments to legislation in connection with changes to the system of local government in the State; to enact transitional provisions; and for other purposes. Read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

This Bill is the third in the total package of legislation arising from the review of the *Local Government Act 1934*.

It is a largely technical Bill which repeals some specific Acts, the purpose of which are covered in the scheme for land management set out in the Local Government Bill 1999, repeals the provisions of the *Local Government Act 1934* with the exception of some regulatory powers, amends various other Acts in order to appropriately locate provisions of the current Local Government Act or to make amendments consequential on the revision of that Act, and makes necessary transitional provisions.

Acts repealed

The Acts repealed in total by this Bill are the *Klemzig Pioneer Cemetery (Vesting) Act 1983*, the *Public Parks Act 1943* and the *Reynella Oval (Vesting) Act 1973*. The objects of these Acts, as far as they are still relevant, are provided for under Chapter 11 of the Local Government Bill which deals with the acquisition and disposal of community land and schedule 7 of that Bill which preserves provisions affecting specific land. Under schedule 7, the Klemzig Memorial Garden and Reynella Oval are classified as community land, the classification is irrevocable, and the management of these lands remains subject to the specific requirements set out in the repealed legislation.

Amendments to the Local Government Act 1934

The bulk of the provisions of the *Local Government Act 1934* are repealed because they are replaced by provisions of the Local Government Bills, more appropriately located in other legislation, or are obsolete. Provisions able to be repealed without those powers being retained in the Local Government Bills in one form or another because they are either redundant or are covered by specific State Acts include provisions relating keeping of pigs and cattle, smoke, dust, and fumes as a nuisance, gunpowder and explosives, quarrying and blasting operations, licensing of restaurants and fish shops, removal and disposal of sewage, licensing of chimney sweeps and bootblacks, sale of meat, wrapping of bread, purification of houses, prevention and control of infectious diseases, and various provisions concerning buildings, party walls and cellars. Many of these provisions are by-law making powers which are no longer exercised.

One of the objectives for the review of the Local Government Act is that remaining Local Government Act provisions concerning regulatory regimes in which both State and Local Government have a role should, if the provisions are still required, be located in the specific legislation which deals with that function. This approach is designed to clarify respective roles, eliminate fragmentation, gaps and overlaps, or provide scope for simplification and consistency with any national standards. It should also assist councils to identify regulatory activities for the purposes of separating these from its other activities in the arrangement of its affairs, as required under the *Local Government Bill 1999*. The *Statutes Amendment (Local Government and Fire Prevention) Bill 1998*, and the amendments made in this Bill to the *Public and Environmental Health Act 1987* are examples of this approach.

It has been necessary to retain some regulatory powers of councils (together with any related definitions and interpretative provisions which are necessary for their continued application) in a remnant of the 1934 Act, pending the completion of reviews of the relevant functional areas.

- Provisions concerning traffic management and parking control

  The Government intends to incorporate Local Government's role in traffic management and parking control into a comprehensive review of the *Road Traffic Act* following the production of national Australian Road Rules. The Bill provides for the preservation of Local Government's parking and traffic powers on an interim basis until replacement provisions come into operation.

- Provisions concerning passenger transport regulation

  Councils' by-law making powers in relation to the regulation of passenger transport (s667 (1) 3 XX-XLII) are retained, pending consideration being given to how councils' by-law making powers to regulate taxis outside of metropolitan Adelaide should be framed and integrated into the *Passenger Transport Act* subsequent to competition policy analysis.

- Provisions concerning cemeteries

  The cemetery provisions are scheduled for comprehensive review in 1999 as part of a separate project to review and replace legislation for the disposal of human remains.

- Provisions concerning lodging—houses

  Councils' by-law making powers in relation to lodging-houses (s667 (1) 3 XVI) are retained, pending further consideration of whether any standards need to be established in relation to aspects not covered by the current provisions of the *Public and Environmental Health Act* or the *Supported Residential Facilities Act*.

- Provisions concerning sale yards and bazaars

  Councils' current power to impose annual licensing schemes and to make by-laws in relation to the regulating and licensing of sale yards and bazaars (Part 34 and section 667 (1) 3 XLVI—XLIX) are retained, pending further consideration of the adequacy of the current regulatory powers of the *Public and Environmental Health Act* in relation to any public health aspects of the operation of sale yards and bazaars, or whether additional standards or other regulatory mechanisms are required.

Provision is made in Part 5 of the Bill for the Governor to repeal by proclamation these remaining provisions of the *Local Government Act 1934*, in whole or in part, if or when satisfied that it is appropriate to do so.

Other Acts amended

A series of consequential changes to the *City of Adelaide Act 1998* amends references and updates provisions of that Act so that they mirror the Local Government Bills, except in relation to matters where provisions were intended to apply specifically to the City of Adelaide.

The Freedom of Information provisions of the Local Government Act are transferred to the *Freedom of Information Act 1991*. The new arrangements clearly separate general public sector provisions for freedom of information as they apply to local government from those concerning access to council documents under the open governance provisions of the Local Government Act. The effect is to simplify the legislative measures and clarify the routes through which persons can gain access to information and documents in relation to local government. South Australia has been different to the rest of Australia in adapting the regime of FOI for local government under the Local Government Act. The transfer will bring this State's practice into line with that of all other States.

Amendments to the *Coast Protection Act 1992* and the *Harbors and Navigation Act 1993* relocate the provisions in section 886bb of the 1934 Act which deal with the Government's responsibility for the effective management of sand and the access channel in association with the construction of any boating facility at West Beach. The amendments do not change in any way the Government's previous commitments made in relation to coastal and sand management in this area but clarify the functional responsibility within the State Government.

Amendments to other Acts are technical and are designed to ensure the smooth implementation of the new local government legislation.

Transitional provisions

Part 4 of the Bill ensures the continuity of councils and council business in the transition to the new legislation.

Allowances payable to elected members will continue as though they were made under the 1934 Act until fixed in line with the 1999 Act.

The provisions governing the employment of council executive officers under a contract will not come into operation until one month after the commencement of the 1999 Act.

Any register of interest or code of practice in force under the 1934 Act may, to the extent that a corresponding register or code is required under the 1999 Act, be taken to have been made under the 1999 Act. In relation to registers of members' financial interests, a current member will not have to lodge a fresh return until such time as they are re-elected at the 2000 Local Government elections.

Controlling authorities established under section 199 of the *Local Government Act 1934* will automatically continue as council committees when the Act enters into force. However, a s199 authority which already exists and which is notified by the Minister in the Gazette to be a controlling authority for which subsidiary status is appropriate will become a single council subsidiary under transitional provisions similar to those for regional subsidiaries. Controlling authorities established under section 200 of the *Local Government Act 1934* will automatically continue in existence as regional subsidiaries. Their rules under the old Act will be taken to be their charters under the new and they will need to bring their charter into full compliance by 1 January 2002.

Organisations with land which have been proclaimed exempt from rates for 1999/2000 under section 168(2)*(h)* of the 1934 Act will continue to be exempt until 30 June 2005. From that date the new Local Government Act's rebate provisions will operate if applicable.

Capacity is provided for certain council land to be excluded from the automatic classification of local government land as community land which applies at the commencement of Chapter 11 of the 1999 Act. Where:

- the council has acquired land within the last 5 years; and
- it is satisfied that it is able to show that the acquisition was for a specific commercial or operational purpose and not for public or community use or for the provision of community facilities; and
- the community has had reasonable opportunity to make submissions to the council before the acquisition occurred; and
- the council has resolved within 6 months after the commencement of the Act that the land is to be excluded from classification as community land,

the land will not be taken to be classified as community land. The onus is on the council to substantiate these claims. The effect of this provision is that councils will not be required to consult with their communities about removing such land from the classification of community land as they would otherwise have to do in the initial three year period provided under Chapter 11 for a council and its community to review which local government land should be excluded from the classification of community land.

By-laws will remain in force provided that the provision under which a by-law is made is continued in the 1999 Act, another Act, or by regulation provided for in this Bill.

Councils are provided with appropriate lead times for the preparation of policies, codes, plans and reports required under the 1999 Act. The implementation program for the Local Government Bills together with non-legislative support programs managed by the Local Government sector will assist councils to make a smooth transition.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

The measure will come into operation by proclamation.

Clause 3: Interpretation

This clause sets out the definitions required for the purposes of the measure. In particular, "relevant day" is defined as a day appointed by proclamation as the relevant day for the purposes of the provision in which the term is used.

Clause 4: Acts repealed

It is proposed to make provision for the repeal of the *Klemzig Pioneer Cemetery (Vesting) Act 1983* (now to be dealt with in schedule 7 of the 1999 Act), the *Public Parks Act 1943* (now redundant) and the *Reynella Oval (Vesting) Act 1973* (now to be dealt with in schedule 7 of the 1999 Act).

Clause 5: Amendment of City of Adelaide Act 1998

It is proposed to amend the *City of Adelaide Act 1998* in order to provide consistency between that Act and the initiatives in the new *Local Government Act 1999*.

Clause 6: Amendment of Coast Protection Act 1972

This amendment is connected with the continuation of the effect of section 886bb of the 1934 Act, which is to be repealed.

Clause 7: Amendment of Food Act 1985

This clause is based on section 883(3) of the 1934 Act, which is to be repealed. The special arrangement under the new provision is to expire on 30 June 2002.

Clause 8: Amendment of Freedom of Information Act 1991

The amendments contained in this clause incorporate document access rights relating to councils in the *Freedom of Information Act 1991*.

Clause 9: Amendment of Harbors and Navigation Act 1993

This amendment is connected with the continuation of the effect of section 886bb of the 1934 Act, which is to be repealed.

Clause 10: Amendment of Highways Act 1926

This amendment replaces section 300a of the 1934 Act, which is to be repealed.

Clause 11: Amendment of Local Government Act 1934

This clause makes consequential amendments to the *Local Government Act 1934* in view of the enactment of the *Local Government Act 1999* and the other provisions of Part 3 of this measure.

Clause 12: Amendment of Public and Environmental Health Act 1987

These amendments are connected with the repeal of section 883, and Part 25, of the 1934 Act.

Clause 13: Amendment of Pulp and Paper Mills (Hundreds of Mayurra and Hindmarsh) Act 1964

This amendment makes special provision for a cross-reference to the 1934 Act.

Clause 14: Amendment of Real Property Act 1886

This amendment is connected with the repeal of Division 3 of Part 17 of the 1934 Act.

Clause 15: Amendment of Roads (Opening and Closing) Act 1991

This amendment up-dates relevant definitions.

Clause 16: Amendment of Survey Act 1992

This amendment is connected with the repeal of Division 3 of Part 17 of the 1934 Act.

Clause 17: Amendment of Water Resources Act 1997

These amendments make special provision for cross-references to the 1934 Act.

Clause 18: Constitution of councils

All councils, council committees, areas and wards are to continue as if constituted under the 1999 Act. All persons holding office (other

than returning officers) under the 1934 Act continue to hold office under the 1999 Act.

Clause 19: Structural proposals

Proceedings commenced under Part 2 of the 1934 Act may continue and be completed as if this Act had not been enacted.

Clause 20: Defaulting councils

This clause provides for the continuation of a proclamation in force under Division 13 of Part 2 of the 1934 Act.

Clause 21: Delegations

Delegations will continue to have effect on the enactment of the new legislation.

Clause 22: Registers and codes

Existing registers and codes will continue under the 1999 Act. All members of councils elected at the May 2000 elections will be required to lodge a primary return for the purposes of the Register of Interests under the 1999 Act.

Clause 23: Allowances

Allowances payable to elected members will continue as though they were made under the 1934 Act until fixed in line with the 1999 Act.

Clause 24: Freedom of Information

Current freedom of information requests or proceedings will continue under the 1934 Act.

Clause 25: Contract provisions for senior executives

The provisions relating to contracts for the chief executive officer and senior executives under the 1999 Act will apply in relation to an appointment made more than one month after the appointed day.

Clause 26: Staff

Current processes relating to staff will continue under the 1934 Act.

Clause 27: Elections

Electoral processes will continue under the 1999 Electoral Act, other than where an extraordinary vacancy exists in the membership of a council and a day has already been appointed for the nomination of persons as candidates.

Clause 28: Investments

Existing council investments are not affected by new provisions under the 1999 Act.

Clause 29: Auditors

Any Auditor who is qualified to act under the 1934 Act but not so qualified under the 1999 Act may nevertheless continue until 30 June following the relevant day.

Clause 30: Assessment book

The assessment book will become the assessment record under the 1999 Act.

Clause 31: Rates

This clause makes specific provision for the continuation of rating processes.

Clause 32: Single council controlling authorities

Existing section 199 controlling authorities will generally become committees under the new Act. However, a council will be able to apply to the Minister to continue an authority as an incorporated subsidiary under the new Act.

Clause 33: Regional controlling authorities

Existing section 200 controlling authorities will continue as regional subsidiaries under the new Act.

Clause 34: Water reserves

A grant of a water or other reserve will continue as a grant under section 5AA of the *Crown Lands Act 1929*.

Clause 35: Evidence of proclamations

Clause 36: Evidence of appointments and elections

Clause 37: Evidence of resolutions, etc.

Clause 38: Evidence of making of a rate

Clause 39: Evidence of assessment record

Clause 40: Evidence of constitution of council, appointment of officers, etc.

These clauses facilitate the evidence of certain matters, consistent with the provisions of the 1934 Act.

Clause 41: Local government land

This clause provides for the continued holding and management of local government land and makes special provision in relation to certain land that might otherwise continue as community land under the 1999 Act. The new legislation will not affect the term of a lease under Part 45 of the 1934 Act.

Clause 42: By-laws

This clause enacts special transitional provisions relating to by-laws.

Clause 43: Contracts and tenders policy

Clause 44: Public consultation policies

Clause 45: Code of conduct—members

Clause 46: Register of interests—subsidiaries

Clause 47: Code of conduct—employees

Clause 48: Strategic management plans

Clause 49: Annual reports

These clauses provide for the "phasing-in" of various requirements under the 1999 Act.

Clause 50: Orders

A council will be able to make an order under Part 2 Chapter 12 of the 1999 Act in respect of a circumstance in existence before the relevant day.

Clause 51: Grievance procedures

This clause provides for the "phasing-in" of Part 2 Chapter 13 of the 1999 Act.

Clause 52: Reviews initiated by Minister

The Minister will be able to act under Part 3 Chapter 13 of the 1999 Act in respect of a matter arising before the relevant day.

Clause 53: General provisions

The Governor will be able to provide for other savings or transitional matters by regulation.

Clause 54: Further repeal—Local Government Act 1934

The Governor will be able, by proclamation, to suspend the repeal of any provision, to effect further repeals with respect to the *Local Government Act 1934*, and to repeal the *Local Government Act 1934* (if or when it is appropriate to do so).

Mr CONLON secured the adjournment of the debate.

SUPREME COURT (RULES OF COURT) AMENDMENT BILL

Received from the Legislative Council and read a first time.

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

That this Bill be now read a second time.

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

Leave granted.

This Bill concerns the power of the Supreme Court to make rules regulating the Court's pleading practice and procedure. It is designed to put beyond doubt that the Supreme Court's rule-making power extends to enable the Court to make rules requiring disclosure and exchange prior to trial of copies of any experts' reports and other relevant material.

The Supreme Court Rules presently require parties to make full pre-trial disclosure of any expert reports relating to any matter in issue in the action. Such disclosure is an integral part of the ordinary conduct of litigation and ensures that each party knows the case which he or she must meet at trial. It helps to focus litigation on the issues that are genuinely in dispute and promotes early settlement. It is thus a highly desirable power and one which helps to contain the cost and length of litigation, for the benefit of the parties and the Court.

As a result of a legal challenge, a similar provision in the District Court Rules was held to be invalid for want of a specific reference to such a power among the rule-making powers listed in the *District Court Act, 1991*. As a result of this decision, the *District Court Act, 1991,* was amended to provide specifically that the Court had power to require pre-trial disclosure of the contents of expert reports or other material of relevance to the proceedings (s. 51(1) (ca).

To avoid any similar doubts arising in respect of the validity of the Supreme Court Rule. it is proposed to similarly amend the *Supreme Court Act,* 1935. This amendment will not make any difference to the day-to-day practice of the Court or to the extent of disclosure currently required of parties, but will simply preclude any technical argument that this useful aspect of the Court's ordinary practice is technically beyond its power.

I commend this Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

Clause 2: Commencement

These clauses are formal

Clause 3: Amendment of s. 72—Rules of Court

This clause inserts paragraph IIaa in section 72 of the Act. Paragraph IIaa imposes mutual obligations on parties to proceedings in the court to disclose to each other the contents of expert reports or other material of relevance to the proceedings before the proceedings are brought to trial.

Mr ATKINSON secured the adjournment of the debate.

CRIMINAL LAW CONSOLIDATION (CONTAMINATION OF GOODS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 8 December. Page 499.)

Mr ATKINSON (Spence): Sabotage is this Bill's subject. The Opposition has studied the Bill carefully and I have read chapter 8 of the Model Criminal Code Officers' Committee *Report on Public Order Offences: Contamination of Goods*. The report gives some examples of contamination or threatened contamination of goods and shows that existing law will not always catch conduct that should be criminal. Following are some prominent examples of sabotage by way of contaminating or threatening to contaminate products. In 1982 seven people died in the United States after consuming an analgesic called tylanol that had been deliberately adulterated with cyanide. In 1991 in Australia Colgate Palmolive was threatened with the adulteration of its toothpaste unless it paid $250 000. No goods were found contaminated, but the company recalled the threatened toothpaste. The damage inflicted was the cost to Colgate of recalling the toothpaste from sale.

In 1992 in England a threat was made by telephone that Boots bathroom products had been adulterated. The threat was made because the caller thought Boots tested its products on animals. Eventually, police arrested the caller, no goods were contaminated, no publicity was obtained and no losses were sustained. In 1993 in Alaska sales of Pepsi dropped 50 per cent after rumours that cans of the cola drink contained hypodermic needles. A man complained that his daughter's lip had been pricked with a needle when she was drinking Pepsi. The complaint was found to be false and the man was convicted of product tampering. In 1996 in Victoria pins were placed in food at three supermarkets. No demands or threats were made. The offender intended to inflict harm on society in general, because he had been convicted of attempted murder.

In 1997 in Australia six letters were received demanding that four New South Wales police officers undergo a lie detector test concerning evidence given at a murder trial. The letters were received in New South Wales and Queensland. If the lie detector tests were not done, the writer said he would contaminate Arnotts biscuits. One letter was accompanied by a packet of biscuits adulterated with a pesticide. Arnotts withdrew its biscuits in New South Wales and Queensland and eventually destroyed 800 truckloads of biscuits. The company shares lost 25¢ in value on the stock market, meaning the total value of the company had been discounted by $35 million at that point in trading. Three hundred casual staff at Arnotts were stood down. Arnotts assessed its losses owing to the letters at $10 million.

The Criminal Code Officers' Committee report also mentions that copycat offences usually follow public reports of these offences, with six copies for every genuine offence. We live in an interdependent society. Almost no-one in Australia grows all his food. We buy food from the greengrocers and butchers and buy packaged, tinned and bottled food from the supermarket. We must trust the provenance and quality of that food. Adulteration of food before purchase can cause chaos in an interdependent economy. A threat to do this can cause chaos.

Current offences, such as blackmail, extortion and unlawful threats sometimes do not quite cover these types of offence because the offender may not be asking for money or anything in particular. In some cases, the offender's intention may be to cause indiscriminate harm rather than harm to any individual or group. Indeed, the harm that should concern the law is sometimes an anxious population rather than any physical harm that may ensue. The report to which I referred earlier gives the example of food being adulterated with the result that some people suffer diarrhoea and thousands more suffer anxiety about diarrhoea. The anxiety of the many is probably greater than the harm and the physical affliction of diarrhoea in the few. The Bill puts that right by creating offences that focus on different harms.

I now turn to the provisions of the Bill before us. A new section 260 is created that makes it an offence intentionally to cause prejudice, to create a risk of prejudice, or to create an apprehension of a risk of prejudice, to the health and safety of the public, and, by doing so, gain a benefit to himself, herself or another or cause loss or harm or cause public anxiety. 'Benefit' is defined to include non-material benefits:

> So that a person who engages in conduct out of anger or malice is taken to gain a benefit from that conduct by indulging that anger or malice.

The Act necessary for this section to apply will be contaminating goods (or threatening to do so) or some other Act prejudicing public health or safety (or threatening to do so). Acts prejudicing public health or safety are defined to include interfering with the supply of water, electricity, gas, sewerage, drainage or waste disposal, or transport or communications, or any facility, system or service on which the health or safety of the public is dependent. The Act may be making it appear that the goods have been contaminated or that an act prejudicing public health or safety has been committed. The current provision on 'unlawful threats', section 19 of the parent Act, states:

> Where a person, without lawful excuse, threatens to cause harm to the person or property of another; and, the person making the threat intends to arouse a fear that the threat will be, or is likely to be, carried out, or is recklessly indifferent as to whether such a fear is aroused, the person shall be guilty of an offence and liable to be imprisoned for a term not exceeding five years.

The threat may be made by words, conduct or a combination of both. If the offender does not make a threat this offence does not catch him. It may be that the provision in the Bill overlaps with this section, but I agree with the Attorney-General when he says that we should be careful to cover any possible gaps in our current law on this topic, even if overlap is the price. The section to be enacted by this Bill has a maximum penalty of 15 years' imprisonment. The Opposition agrees with the Bill and shall be supporting it at all stages. We commend the Attorney's extension of the Bill beyond contamination of goods and threats to contaminate, to acts prejudicing our public utilities.

The report says that it is important not to confine the definition of 'harm' to the consumption of goods because one cannot say that petrol, horse feed or cosmetics are consumed by a man or a woman, and I understand that the Minister has an amendment to cover this. When we consider what sort of damage the criminal law ought to make the occasion of punishing the perpetrator in this area, I think we should agree that a company that has spent much money to restrict its loss of market share or to restore public confidence in its goods has suffered damage that ought to be the occasion of punishment by the criminal law. This should be so even though the

public did not become aware of the adulteration, threat or prejudicial conduct. Threats should be punishable whether or not they come with a demand. I commend the Bill to the House.

The Hon. I.F. EVANS (Minister for Industry and Trade): I thank the honourable member for his contribution and support for the Bill and, hopefully, an amendment that addresses a point he quite rightly raises. I also thank the other parties in another place and the Independents for their support.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2.

The Hon. I.F. EVANS: I move:

Page 1, lines 16 and 17—Leave out 'CONTAMINATION OF GOODS AND OTHER ACTS PREJUDICING PUBLIC HEALTH OR SAFETY' and insert:

GOODS CONTAMINATION AND COMPARABLE OFFENCES

Page 2, lines 6 and 7—Leave out 'in a way that prejudices or could prejudice the health or safety of a consumer'.

Page 3, after line 5—Insert:

(3) In this section, a reference to the contamination of goods is limited to contamination in a way that prejudices or could prejudice the health or safety of a consumer.

Page 3, after line 5—Insert new section:

Goods contamination unrelated to issues of public health and safety

261. A person is guilty of an offence if the person—

(a) contaminates goods; or

(b) makes it appear that goods have been, or are about to be contaminated; or

(c) threatens to contaminate goods; or

(d) falsely claims that goods have been or are about to be contaminated,

intending—

(e) to influence the public against purchasing the goods or goods of the relevant class or to create an apprehension that the public will be so influenced; and

(f) by doing so—

(i) to gain a benefit for himself, herself or another; or

(ii) to cause loss or harm to another.

Maximum penalty: Imprisonment for 5 years.

These amendments address one principal element to one purpose. The reason for the amendments is as follows: members would be aware from the second reading speech that this is the South Australian version of a model Bill formulated for the Standing Committee of Attorneys-General by the model Criminal Code Officers Committee. This South Australian version differs from the model Bill for the following reasons: after the Bill was introduced the Attorney-General in another place received a letter from the Australian Food Council. The council, while expressing its appreciation of the introduction of the legislation to deal with the contamination of goods effectively, pointed out that the process of redrafting the model Bill had left a loophole in the intended coverage of the legislation. The offences in the Bill are directly linked to the health and safety of the public. In many (perhaps most) cases that will be the case but not necessarily so, and that was quite rightly pointed out by the member for Spence in his contribution previously.

The examples given by the committee and echoed by the Australian Food Council are contamination of sugar with salt and the contamination of horse feed for racehorses. While that will affect those industries and therefore those suppliers, it does not actually have a human component to it. In this kind of case examples could be multiplied but, while there is no direct threat to the health and safety of the public, nevertheless the manufacture and retail of the goods may well suffer just as much in terms of economic loss, withdrawal of supplies, disruption of business, and the like. The amendments which are on file and which have been moved are designed to fill this gap. In effect, the first three amendments rearrange the references to health and safety of the consumer and public health and safety to accommodate the addition of the new offence.

The last amendment constitutes the new offence. It is a lesser offence because it does not, by definition, involve a threat to the health and safety of the public. It therefore attracts a lesser penalty of five years.

Mr ATKINSON: Does this provision have extra territorial operation? The communication threatening consequences may be issued in another State and sent to South Australia. I am wondering whether the Bill covers that possibility and makes the sender of the communication liable in a South Australian court.

The Hon. I.F. EVANS: Section 5C of the Criminal Law Consolidation Act has a general territorial application of the criminal law in the State. So the general application as outlined in section 5C would naturally apply to this amendment.

Mr ATKINSON: I note in the Attorney's contributions on this matter that he refers to our blackmail and extortion offences as 'antique'. I have looked at section 19 of the Criminal Law Consolidation Act—'Unlawful threats'—and it seems to be quite efficient in doing what it sets out to do. Could the Minister give some guidance to the House on where these antique offences—blackmail and extortion—are contained in our statute law if, in fact, they are contained in our statute law, and could he explain why they are antique and how they are ineffective?

The Hon. I.F. EVANS: I am advised that, by way of example, the extortion offence, which involves section 160, dates back to early 1900 and has not been updated since. It is the view of the Attorney—that, given that it is 90-odd years later, it may need some amendment.

Mr LEWIS: I did not make a contribution during the second reading stage, because the contribution I want to make is directly related to these provisions. In my judgment, if anybody does such things as this, the opinion of an appropriate punishment widely held in the community is that they should be compelled to either eat or otherwise use the goods that they have contaminated and to be offered and provided with nothing else for their nourishment for whatever other purpose it is that the goods might be used than the contaminated goods, for they do that to the rest of society or expose the rest of society to such risk. I have to say that I have a lot of sympathy for that. It would save us a lot of angst from some of these fools. They would never do it again if they put poison in food or toothpaste, and that would solve the problem fairly quickly. It would mean that, to commit such an offence and to have been shown that they had committed the offence and found guilty of committing the offence, they would suffer the consequences they were prepared to visit on others. That is the very basis of justice.

Mr ATKINSON: I would just like to say how unsatisfactory the previous answer I received was about the relevant sections of the Criminal Law Consolidation Act and why they were antique and ineffective. I would have thought a Minister here who represents the Attorney-General in the House of Assembly and is allotted by the Government to that task would be able to answer comparatively simple questions. The answer consists merely in sharing with this House the

Attorney's reasoning. Since the Minister is a member of the same Cabinet as the Attorney, I presume he would have known the answers. Those answers were as unsatisfactory and as barren as the answers we used to get from the Minister for Government Enterprises when he was responsible for this portfolio in the House of Assembly. Perhaps I can try the Minister again and see how he goes this time. Will the Minister tell the House whether the Bill applies to damage or threatened damage to intellectual property such as computer data and, if not, why not?

The Hon. I.F. EVANS: I note the previous comments from the member for Spence. I would have thought that a learned lawyer of his ability would not need such detailed answers. The Bill relates to interference with any other facility, system or service on which the health or safety of the public is dependent. If the health or safety of the public is dependent on a system or service that may be computer related, then it would be covered.

Amendment carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

MANUFACTURING INDUSTRIES PROTECTION ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 663.)

Ms KEY (Hanson): I am pleased to say that this morning I received a briefing on this matter, so I feel as though I have more idea of the Government's agenda with regard to repealing this legislation and, in the short period available to me, I was able to consult the appropriate organisations, particularly employee organisations, that may be affected by the Government's proposal. I am advised that this legislation has not been used and, if it had been used, it would be probably somewhere in the 1930s. It does not seem as though the legislation has been of use to South Australians, and it certainly has not been used by manufacturers in South Australia. On the basis of that information and discussions and briefings I have had, in this instance the Opposition is prepared to support the Bill being superseded and deleted.

Mr ATKINSON (Spence): I have an interest in this legislation. I have the honour to represent a State district which has many mixed use zones, a combination of residences and manufacturing industry living alongside one another. So it was with some curiosity that I stumbled across this Act on our Statute Book. As the member for Hanson says, it is a pre-War enactment and presumably it was enacted to prevent residents from availing themselves of common law remedies against manufacturing industry, particularly remedies such as public nuisance.

Now that we have the Environment Protection Authority and a law prescribing its powers to intervene in situations of conflict between industry and residents, I suppose this enactment is superfluous and ought to be repealed. I would be curious to know which particular residents action group of the mid 1930s caused this Bill to be enacted as it was, presumably by either the Playford Government or the Butler Government.

Mr Clarke interjecting:

Mr ATKINSON: But I suppose we shall not know in this debate unless the Minister can enlighten us. Nevertheless, we do have one major enactment for dealing with conflicts between residents and industry. It has been enacted recently; it is something we ought to use; and the Act which is being repealed appears to be of no particular use given that we have the Environment Protection Act. So I am happy to support the repeal Bill.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank the members for Hanson and Spence for their identifying that they support the repeal of an Act which is well and truly past its use-by date. In identifying my thanks to those members, I do wish to identify that the second reading explanation indicates that:

> The Manufacturing Industries Protection Act Repeal Bill 1999 makes certain provisions for the protection of the proprietors of factories.

In fact, that is incorrect: it is the Manufacturing Industries Protection Act, not the repeal Bill. I believe that was a typographical error and I am more than prepared to take responsibility for that.

This repeal Bill is appropriate because there are other protections in place. It is not something which the Government would have contemplated without the Environment Protection Act 1993 and the Occupational Health, Safety and Welfare Act 1986 being on the Statute Book to provide appropriate standards of design and operation for plant and machinery, appropriate protection for the environment and the local residents, and so on. Given all that, I am grateful for the support being offered.

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

RACING (DEDUCTION FROM TOTALIZATOR BETS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 663.)

Mr WRIGHT (Lee): The Opposition has some concerns with this Bill. Unfortunately, I was not given a briefing by the Government until 5 o'clock yesterday and—

The Hon. M.H. Armitage interjecting:

Mr WRIGHT: What are you laughing at? I asked you for a briefing last week when you introduced the Bill and I had a telephone call yesterday at 4 o'clock. The Minister knows the game that is played in here. Had I received a briefing before I met with my Caucus colleagues, I would be in a far better position than I am in today. I will be asking a number of questions of the Minister during the Committee stage, and I will probably have to do that in groups of questions. Because there is only one clause in this Bill I will get the call on only three occasions, so I will need to ask the Minister a series of questions.

In relation to the Bill before us, the Opposition does have some concerns and, hopefully, they can be cleared up in Committee. Notwithstanding that, the TAB is an important area for the racing industry and, of course, the Government. The Government receives 45 per cent and the racing industry 55 per cent of the profits that are generated by the TAB. Obviously, this is important revenue which goes to the Government, but for the racing industry it is critical to its ongoing success, how it is able to perform and how it is able to generate its sources of income to provide prize money and to keep the industry flourishing.

The South Australian racing industry is currently handicapped by the Government. It is handicapped by a lack of

vision for the industry and an inability to make decisions and to set an agenda. We need look no further than the venue rationalisation debate which the Government has sat on for far too long. However, that is another story for another time. As I understand it, this Bill provides greater flexibility by regulation of the commission kept by the TAB. There needs to be some flexibility, but we also do not want to bite the hand that feeds us. We must ensure that the punter is protected and the amounts that are set by regulation must be mindful of that.

We have a rather complex system, largely as a result of the different forms of betting that are held here in South Australia and the various arrangements with different forms of betting. With 'win and place' we are linked to the SuperTAB. The commission which is kept by TAB for SuperTAB is 14.25 per cent. All States, except for New South Wales and Queensland, are in SuperTAB. With trifectas we are linked to Western Australia and the commission kept by the TAB is 20 per cent. With quinellas, it is a South Australian pool only and the commission is 14.5 per cent. For daily doubles, it is a South Australian pool only and the commission is 16.5 per cent. For trebles and fourtrellas, it is a South Australian pool only and the commission is 20 per cent. We have different forms of betting and in some cases those different forms of betting are linked to the SuperTAB, in another case they are linked to Western Australia and, of course, in other situations we have a South Australian pool only. As I understand it, at present there is legislation in place to allow us to move the commission as long as we are in a pooling arrangement with another State. That is my understanding of the current legislation, and I refer to section 68(2)(b) in respect of the assertion I am making.

My understanding is that the commission rate can be varied if we are in a situation where we are linked in a pool arrangement to another State. If I am wrong about that, I want to be corrected by the Minister. The Bill before us provides that that situation will continue, but that for the other forms of betting that I mentioned—quinellas, daily doubles, trebles and fourtrellas—where we have a South Australian pool only, the Bill gives greater flexibility to the TAB so that it is able to adjust its commissions.

As a broad principle, the Opposition understands that, particularly now that we are in a very competitive market with TAB Form and TAB Limited. If it can enter into arrangements where it can fluctuate its commissions, there must be an opportunity for us to respond. The Opposition appreciates that, but we still have some concerns. We are still concerned about what the bottom line will be and I will ask questions about that. How will the punter be affected? What sort of money will be taken out of the system by an increase in the commission and what effect will that have on the punter?

The Opposition will allow this Bill to pass on the voices. I reiterate what I said earlier that, unfortunately, my briefing came too late for me to be able to brief my Caucus colleagues. People on both sides of the Chamber know how the system works, so that is disappointing. I will need to take the next available opportunity, which will not be until next Tuesday, to brief my colleagues in regard to the content of this Bill, and we may well take another position in the other House. In broad terms we understand the need for the TAB to have greater flexibility, so we will allow the Bill to pass on the voices in this House.

I said earlier that I will ask a number of questions in Committee. It is my understanding that I will get the call on three occasions and that I can speak for up to 15 minutes on each occasion. I will be guided by your wishes, Sir, as to whether we will strictly follow that format, which will necessitate me asking a group of questions at the one time and then sitting down, which makes it more difficult for the Minister because I will be asking three or four questions at once and then when I get my next opportunity to speak I will do the same again. Perhaps more freedom can be allowed so that I can ask the series of questions that I have one by one—ask the question, sit down and get the response. I have to be guided by you, Sir.

Mr Meier interjecting:

Mr WRIGHT: What should have been done yesterday?

Mr Meier interjecting:

The ACTING SPEAKER (Mr Hamilton-Smith): Order! The member for Lee has the call.

Mr WRIGHT: That is a bit hard, given that I did not get a briefing until 5 o'clock yesterday.

Members interjecting:

The ACTING SPEAKER: Order! The member for Lee has the call. Interjections will cease.

Mr Meier interjecting:

Mr WRIGHT: You are talking absolute rubbish!

Mr Meier interjecting:

Mr WRIGHT: I did ask for a briefing when the Minister introduced the Bill. I received a response at about 4 o'clock yesterday. I will ask the questions in batches and, if we do not get satisfactory answers, our very competent former shadow Minister for Racing will follow them up.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I seem to have offended the member for Wright for which I am—

Mr Foley: Member for Lee.

The Hon. M.H. ARMITAGE: Member for Lee. You know what I mean.

Members interjecting:

The Hon. M.H. ARMITAGE: You know exactly what I mean. I apologise to the member for Lee. I had no idea that he was so concerned about this because the facts are as follows. The member for Lee, as he quite correctly identified, came to see me and asked for a briefing last week, and I had a chat with him about exactly what the Bill is about.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: Last week. I said that it is about providing flexibility to ensure that the profitability of the TAB can continue in the light of the occasionally predatory and voracious behaviour of other competitors, and that is exactly what the Bill is about. I am more than happy to answer questions because it is an important matter to ensure that the TAB continues to be profitable. In doing so, I stress to the Parliament that in a very competitive betting situation, which is now evident in Australia, there is no opportunity, as I think the member for Lee was attempting to infer, for the punter to be fleeced. That simply does not happen—

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: You wanted to make sure that the punter is going to be okay and, in the competitive situation which is evident in punting at the moment around Australia, that is a commercial reality which the directors of the TAB are faced with on a day-to-day basis. I share the member for Lee's concern about this matter, but commercially it will not happen because of the pressures around Aust-

ralia and the ease with which punters are able to address when and where they bet. They do that on a regular basis.

This Bill is nothing more and nothing less than about providing the opportunity for the TAB to work flexibly, and I look forward to answering whatever questions the Opposition may ask. The honourable member identified section 68(2)(b), indicating that we can only change our commission if we are in a pooling arrangement. That is not correct. If we are in a pooling arrangement, we have to have the same commission as the people with whom we are in that pool, and that is the effect of section 68(2)(b). We have the flexibility within the present regulations to change all our commission rates as we want to. This will just increase the flexibility with which they can be changed. I look forward to answering the questions because there is nothing sinister about this Bill. It is for the good of South Australia and the TAB, and I look forward to the next stage of the debate.

Bill read a second time.

In Committee.

Clause 1.

Mr WRIGHT: I accept the Minister's apology. Part of what he said is correct in that the commercial pressures will not allow the punter, as in his words, to be fleeced. I did not use that word. On behalf of the Opposition, I highlighted our concern that there is some protection in the system for the punter.

The ACTING CHAIRMAN (Mr Hamilton-Smith): Order! I advise the member for Lee that his comments should relate to clause 1, 'Short title'.

Mr WRIGHT: In regard to the short title, the Minister referred to section 68(2)(b). I think we were both talking about the same thing, but we might not have been. I stand to be corrected, but it is still my understanding—and we will not dwell on this—

The ACTING CHAIRMAN: Order! The member for Lee should confine his remarks under clause 1 to 'Short title'. There will be an opportunity under clause 2 to debate the detail of section 68.

Mr WRIGHT: I will leave my questions for clause 2.

Clause passed.

Clause 2.

Mr WRIGHT: As I have already outlined, I will ask my questions in a series because only this clause is before us. I think the Minister and I are talking about the same matter in regard to section 68(2)(b), but we may not be. I still contend that section 68(2)(b) allows the TAB to vary its commission rates if we are in a pooling arrangement with another State. Perhaps the Minister can confirm that. I also understand that what I said earlier is correct and at variance with the Minister, that is, that this Bill allows the commission rates to be varied on all other forms of betting where it is a South Australian stand-alone system. If that is not the case, perhaps the Minister can tell us what are the current arrangements, because I think he said words to the effect of, 'This will give us greater flexibility to do what we can already do but to do it in a more flexible manner.' I need the Minister to explain that to the Committee because, if that is the case, we need additional detail of what precisely are the current arrangements in regard to the variance of the commission rates. Are numbers actually set in regard to that?

Further, by what does the TAB expect to increase its profit line as a result of the proposed changes? What additional profit is the TAB budgeting for as a result of changes to the current Act? Will the Minister explain, as far as it is possible to explain, how worse off the punter will or could be with this change? If commission rates are to be increased—I appreciate that this will improve the bottom line and will increase the TAB's profit—and if it is only at the margin with respect to how the punter will be affected with the dividends, can the Minister give us some idea of what we are talking about in respect of percentages and what the punter may be looking at? For example, is it so minuscule that the punter will not even notice the difference, or is that not the case?

The change referred to increases the bottom line of the TAB. Is this a move to increase the value of the asset? Is it a move to get the asset ready for sale? Has the Minister consulted with the racing industry about these changes? It is all very well for the Minister to say that this is a very minor, straightforward change, and for the Whip on the other side to screw up his face and say, 'You should not be talking about not getting a briefing; what are you carrying on about?' We look at this Bill very seriously because, unlike members opposite, we believe that the racing industry here has a very important part to play and must be protected. As I said before, at this stage the Government is providing no leadership or direction to the racing industry. I would like to know whether the racing industry has been consulted about these changes and, if it has, with whom has the Government consulted?

The Hon. M.H. ARMITAGE: I am absolutely confident that we are talking about exactly the same thing in relation to section 68, but I do wish to clarify that section 68(2)(b) refers to the arrangement that must come into place for, as it is termed, an 'amount' which must be deducted from the amount of bets accepted by the TAB under the agreement, in other words the commission: all that section 68(2)(b) provides is that, where there is a pooled arrangement, for argument's sake between South Australia and Victoria, we are required under section 68(2)(b) to have the same commission in South Australia as applies in Victoria—where there is a pooled relationship. That is sensible, commercial stuff; that is already available.

However, what I think the honourable member is not taking into account in relation to all that is section 68(2)(a), which provides that the regulations may prescribe different amounts in relation to different kinds of bets. In other words, the TAB has the opportunity to prescribe different amounts, or different commissions, in relation to different kinds of bets. All that this legislation does is increase the flexibility to do what is already provided under section 68(2)(a), and that applies to all bets, whether they are in a pooled situation or whatever. We can change them. As I indicated to the honourable member last week, this does nothing more than increase the flexibility to do what we can already do, which is ponderous.

An honourable member interjecting:

The Hon. M.H. ARMITAGE: It is because it is ponderous, and in today's marketplace we do not want to be ponderous: we want to be able to react the minute one of our competitors decreases their rates.

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: Yes, but it is ponderous. Where we are able to delegate other people to do it, we can do it instantaneously and be competitive. In relation to the statements of the honourable member as to how much the bottom line might be increased and whether this is a sinister plot to increase the value of the TAB, we have looked at what would happen if we increased the commission on quinellas and doubles, for which, as the honourable member identified, our commissions are slightly lower than other areas. If we increased quinellas to 15 per cent from 14.5 per cent and

doubles to 17 per cent from 16.5 per cent—in other words, a .5 per cent increase—the huge amount of increased profit for the TAB would be $263 000 per annum, we believe.

To comfort the honourable member, I point out that that would happen if we increased the rates. On those two forms of betting we would get an increased profit of about $263 000. But the whole purpose of this Bill is, on occasions, to allow us to decrease the commission so that we do not lose a whole lot of bets interstate, whereupon the punter will do better in South Australia. It is not a matter of our attempting to fleece the punter but merely a matter of our wishing to address our competitors in a competitive market as quickly as possible. In relation to consultation, I am informed that RIDA was informed about this and was supportive.

Mr WRIGHT: One question that the Minister did not address from the range of questions I asked—

The Hon. M.H. Armitage interjecting:

Mr WRIGHT: I appreciate that there may not be an answer at this stage. I have never used the word 'fleece' and the Minister has used it a couple of times now. I am not for a moment suggesting that the TAB is looking to fleece the punter, because I appreciate that in the marketplace if you do that, you lose the punter—the punter will go into either a different system or a different form of betting. We can agree on that. It has to be a commercial decision and I appreciate that there can be increases and decreases: there is no argument with us on that.

So that we can allay the concern that may exist to the punter, are we able to give punters *per se* some sort of definitive answer on what effect an increase in quinellas from 14.5 to 15 per cent and in doubles from 16.5 to 17 per cent would have on the punter? By how much would it reduce their dividend? I asked that question earlier and I put it again to the Minister. I will need to continue because of the limitations placed upon me in regard to how many questions I can ask, based upon the number of clauses.

The Minister also said that he consulted with RIDA. That is well and good. I wonder what RIDA did beyond the consultation with it? It is my understanding that there has been no consultation with the South Australian Thoroughbred Racing Authority (SATRA), the industry body charged with the responsibility of running thoroughbred racing in South Australia. It is also my understanding that the SAJC has not been consulted either. It is one thing to consult RIDA—a Government appointed body—and another to consult the two vital bodies that are responsible for running thoroughbred racing in South Australia. Thoroughbred racing will be affected by these changes but, as the Minister would know, harness racing and greyhounds, I understand, are run by the TAB but thoroughbred racing is not run by the TAB.

The SAJC, through the company that it has employed—I cannot remember its name—will have to, I imagine, change its software to facilitate something like this. I would not have thought that was a big deal, but it is the reason why I deliberately raise the aspect of who has been consulted, and in this case it would have been good politics and good government to raise this matter with the South Australian Thoroughbred Racing Authority and the SAJC. It is well and good to raise the issue with RIDA, and it should be consulted as well—there is no doubt about that—because the Government has put RIDA in place (and it has been in existence for some 2½ years) to undertake a range of things in the racing industry, some of which have been successful and some of which have been an absolute failure. It is my understanding, on fairly good authority, that the South Australian Thoroughbred Racing Authority has not been consulted, so that is something else I suggest could have been a possibility.

[Sitting suspended from 6 to 7.30 p.m.]

Mr WRIGHT: I was asking a few questions and making a few comments before the dinner break and I think I got about halfway through some comments I was making about consultations that are being made with the racing industry and the importance of who should be consulted in this process. I accept the Minister's earlier answer that RIDA has been consulted in this process. I would be interested to know whether the South Australian Jockey Club has been briefed in regard to what is happening because it is my understanding that thoroughbred racing is the particular area of the racing industry that will be most affected in regard to the computers and the software. That is not to say that greyhound or harness racing should not be consulted as well, but it is my understanding that the TAB runs the operation at the greyhound and harness racing but with thoroughbred racing it is done by the jockey club; they hire someone do it (I cannot remember the name of the organisation). That is why I particularly make reference to whether the jockey club has been consulted.

I also wish to return to something we were talking about previously. I appreciate the answer the Minister gave but I have to tell the Minister in all honesty that I am not totally sure how it has worked until now and how it will be different in real, lay terms. I would appreciate the Minister's explaining that to me. I agree with what the Minister said when he referred me to 68(2)(a), that there is already some flexibility in the system but that this will give greater flexibility. I do not have a handle on that or a real feel for that at the moment, so I would appreciate some additional detail. For example, if there is flexibility in the system at the moment, what is that flexibility? How does that operate in physical, layperson's terms? How will the changes established by this Bill then provide greater flexibility to the system?

We are not arguing against the TAB's having greater flexibility, because we all agree that in the commercial market that is important, but it is also important that we raise some of these issues and have questions answered so that we can have it explained to us. I would appreciate some more detail about how the system currently works, whether it is done by regulation and why and how it will become more flexible with the changes to the Bill. I think that is my second question; it is a pretty important one, which I would like answered. I will stop here and ask my last few questions in my last opportunity to speak, because they probably link together.

The Hon. M.H. ARMITAGE: The honourable member asked what effect this will have on the actual punter. I think the honourable member is continually approaching this as if the rate of commission will always be increased so the punter will always lose. I have explained to the honourable member twice that that is not the case. Frequently in this instance the punter will win because we will be decreasing the commission rates to compete with, as I said, the voracious competitors in this market. So, whilst we have identified—

Mr Wright: Does that mean that the total mix of all this will be neutral to the punter?

The Hon. M.H. ARMITAGE: It means that we will be able to compete and that the profitability of the TAB will not be affected, and that is to the benefit of the racing industry. As the honourable member has identified, the percentages of the profit which the TAB makes are fixed. The TAB clearly

will not make a decision that will not be in the interests of the bottom line, and that includes making a commercial decision about frightening punters off because it increases the commission rate by too much. That is one of the issues raised by the honourable member. The TAB would not do that. It is experienced in the marketplace. If the TAB is going to make commercial decisions to secure its bottom line, racing benefits.

The commission rate in the examples we have used included quinellas moving from 14.5 per cent to 15 per cent and doubles moving from 16.5 per cent to 17 per cent which is, obviously, approximately a 3 per cent increase—0.5 per cent divided by 16 is approximately .03 per cent. That would apply in the case that we have given. However, I reiterate for the Parliament's benefit: there will be examples where the commission rate will decrease. So, it is simply impossible to give a completely identified figure that this is what the effect of this will be.

What I can say is that if we do not pass this legislation the effect will be negative on the TAB because the TAB will be hamstrung and unable to compete with its competitors. The honourable member has alluded on several occasions to the fact that there might be some great difficulty with changing software, and so on. I am informed—

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: The honourable member should calm down; no-one is interested in a fight, but—

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: No-one is interested in—

The CHAIRMAN: Order!

The Hon. M.H. ARMITAGE: I am telling you the facts.

The CHAIRMAN: Order!

The Hon. M.H. ARMITAGE: The simple fact is—

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: If I am misquoting the honourable member, I am sorry. I took down what I thought the honourable member said. I thought he said that the racing industry, which has a deal with another software provider, might have some difficulty coping with this change. If the honourable member did not say that, I am sorry. The fact is that if he had said that the answer to that objection—

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: I am saying that if you had said that the answer to your concern would be that I am informed that making the change in the software is extraordinarily easy: it is literally a matter of keying a different rate into the present software and everything happens thereafter, which is one of the benefits of technology.

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: As I indicated before, RIDA was consulted.

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: I have identified that. I have identified that RIDA was consulted.

Mr Wright interjecting:

The Hon. M.H. ARMITAGE: As I said, 'No'; RIDA was consulted. There is nothing sinister about that. I was quite specific in saying that we had consulted with RIDA. If we had consulted with the SAJC and 10 other people, I would have identified that. But RIDA, of course, is the overseeing body within the racing industry, and I believe that that is completely appropriate. Also, the racing clubs have traditionally used the same commission deduction rates as the TAB, and there is no reason to believe that exactly the same principle would not continue. To answer the honourable member's concern about the increased flexibility and how that will occur, if the honourable member refers to clause 2(a) of the Bill he will see that the principal Act is amended by inserting 'or fixed by a person or body appointed by regulation within limits prescribed by the regulation'. At the moment the process of varying the rates, which are fixed, requires a Cabinet process, and so on.

There are rules as to how quickly those can get in. In fact, we have a 10 day rule for Cabinet which is simply too long in the commercial world. I would love to think that it was not, but the days when you could make commercial decisions over a two or three week period are long gone. This allows the rate to be fixed by a person or body appointed by regulation within prescribed limits. In other words, it takes out the Cabinet process from that exercise. That is exactly the flexibility we identified.

Mr WRIGHT: The Minister said it will go up and down with the commission, and I appreciate that point of view.

The Hon. M.H. ARMITAGE: It might.

Mr WRIGHT: Yes. In a commercial sense we would expect those possibilities to occur. Given the total mix, does the Minister see the punter as being any worse off? Maybe that is an impossible question, because it could go up or down, depending on the form of betting. I am not worried that punters would be fleeced—and they are the Minister's words not mine—because in a commercial situation obviously the TAB would be cognisant that, if it goes too high with the commission, people could wake up and move into another pool or go to other forms of betting, and of course none of us would want that. How would the punter fair out of this total mix? If we increase the commission on quinellas, because that is one area that has been identified as going from 14.5 per cent to 15 per cent, and given that South Australia has the lowest commission rate for that form of betting, why not link it to the Super TAB rather than leave us only in the South Australian pool? Would it not be better for the Government, the TAB, the racing industry and the punter (so I have identified four areas where a benefit could be derived) if the quinella went into the Super TAB, because we would go into a bigger pool, which would be more attractive to the punter, it would be a better bottom line for the TAB, more money would go back to the industry and more profit would go to the Government?

Further, a lot of comments are being made in racing circles about the bottom line performance of the TAB relative to its turnover. There is an overwhelming criticism about this, and I am sure you would have heard it, Minister. It is difficult to avoid comments like this at, for example, the races, the trots or the greyhounds—and I have been to all in recent times. The criticism about the TAB that exists in the racing industry at the moment is along the lines of: 'We get all these figures and all this information about the significant improvements in turnover, which we all welcome, but it is not showing up in the bottom line.' Is that criticism justified?

Another area in which I am interested is: how does what we are about to do compare with Victoria? Are we following a model that Victoria is using? I do not ask that question to be critical but more to seek the information as to whether we are to have a similar arrangement. Obviously, because of the size of TAB Form and TAB Limited, particularly TAB Form, it may be appropriate that we model what is happening in that particular area. I would also be interested in when we might expect the regulations to apply. It is my understanding that the regulations will follow the legislation and that the regulations will set down the parameters that exist with

regard to the commissions that will be taken out for the various forms of betting. Am I correct in assuming that the commission that is prescribed by the regulations will actually set parameters, because I would have thought that there has to be some mechanism to know within what we are working?

The Hon. M.H. ARMITAGE: I wish to give an example to the honourable member in relation to the variation of commission to exemplify the sorts of things that might happen to underscore what I am saying: first, that the punters are not the targets of this and, secondly, to identify that there are clear commercial imperatives in all this. At one stage during the past 15 months while I have been the Minister—I forget when, about six to nine months ago, I think, although the timing is irrelevant—TAB Corp decided to decrease the commission on win bets because it thought this would be great; that is, decrease commission, the punter will do better, there will be a huge increase in turnover, we will make more profit and this will be great for the TAB. Big mistake.

What happened was turnover did increase and the profit fell. I guess that was a good commercial decision for TAB Corp, which was wrong. Now, it was able to change that immediately, and indeed with the passage of this legislation, if there was indeed any negative reaction—for example, if the punters decided to move to another State from the South Australian TAB betting opportunities—the flexibility would allow us to manipulate those things immediately. The honourable member asked: would it not be better for the punter if all our quinellas, doubles and so on were all part of the SuperTAB? The answer is 'No,' because, as I indicated, under section 68(2)(b) of the present Act, if we are pooled, we have to have the same rate as our pooling partner.

Now it may well be that we may choose with our own quinellas and own doubles commission rates to take a commercial advantage in South Australia and drop the commission rates whereas, if we were in a pool, we would not be able to do that. So, it is not necessarily better for the punter at all. In relation to Victoria—

Mr WRIGHT: If the pool is bigger, it will be more attractive to the punter.

The Hon. M.H. ARMITAGE: Yes, but if the commission rate is higher, it will not be. It is definitely a matter of swings and roundabouts. That is exactly why in this commercial world we need to be able to make quick decisions. In relation to Victoria, I am told that it is able to use a range of commissions but it is limited by a cap on the commission.

Ms WHITE: When will the regulations be gazetted and will those regulations include specific figures?

The Hon. M.H. ARMITAGE: I thank the member for Taylor for that extraordinarily perceptive question, to which the answer is as follows: the regulations will have to go through Cabinet in the first instance to do, in fact, what we are seeking to do under clause 2(a), that is, to insert 'fixed by a person or body appointed by regulation'. If the Bill were to pass, we would be keen to accept the advantage which this offers to the TAB, so we would be doing that as soon as possible. I know that the member for Taylor will follow up that question with, 'What rates would be likely to be identified in the regulations?' The answer is that we will be limiting it to between 12 per cent and 25 per cent, so there is quite a range, but that is what the person or body appointed by regulation could do. Also, it is intended that the TAB will report on an annual basis regarding the actual variations and the effects of those variations.

Ms WHITE: The Minister said that the upper limit would be 25 per cent. That is an increase, is it not?

Members interjecting:

The CHAIRMAN: Order!

The Hon. M.H. ARMITAGE: The simple fact is that that is an increase, and that is exactly what we have been debating. I know that the member for Taylor will ask the next perceptive question, which is, 'Is 12 per cent not a decrease?' to which the answer is 'Yes.'

Mr FOLEY: I have a number of serious, important questions. First, in relation to the Semaphore branch of the TAB, I have had a request before the TAB for many years about toilets in that TAB outlet. I am not getting a satisfactory response. Will the Minister ask whether the provision of toilets on Semaphore Road would be an issue that the TAB could look at soon?

The CHAIRMAN: Order! I would suggest to the honourable member that the question that has been asked is out of order as far as the Bill is concerned.

Mr FOLEY: Thank you, Sir. I thought it was a good opportunity to put that question, and I can reply to my constituents who continually write to me about that matter.

The CHAIRMAN: The honourable member has had that opportunity.

Mr FOLEY: The other issue concerns the alterations to the activities of the TAB, as addressed under this Bill. How will that be affected by possible sale of the TAB and, given the importance of these changes to the operation of the TAB, what do you intend to do in relation to the sale of the TAB? Where are we at and when will you be announcing a position?

The Hon. M.H. ARMITAGE: It has absolutely nothing to do with the legislation, but I am delighted to answer the question. It will have no effect on sale or otherwise of the TAB but, whether we make a decision to sell the TAB or whether we make a decision to retain it in State Government ownership, it is clearly in South Australia's best interests to have a TAB which is able to compete with its voracious rivals interstate, and this is the best way that that can occur.

Clause passed.

Title passed.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I move:

That this Bill be now read a third time.

I thank members opposite for their extraordinarily perceptive questions about this important matter. Given that there is an opportunity to give the SA TAB an advantage, if there is any question which arises from members opposite between now and when the Bill is debated in another place, I would be delighted to answer it before it is debated.

Bill read a third time and passed.

SHEARERS ACCOMMODATION ACT REPEAL BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 664.)

Ms KEY (Hanson): In speaking very briefly to this Bill, I note that the Shearers Accommodation Act goes back to the 1920s and was put in place to ensure that shearers had proper accommodation and amenities while moving around the countryside doing their work. I had the opportunity this morning of a briefing from one of the department's work-

place services inspectors who has a lot of experience not necessarily in the shearing area but certainly as an inspector and worker in that area, and I am advised that this Act is no longer necessary, as we now have in place a health, safety and welfare Act and regulations that cover the amenities that need to be provided in particular workplaces. Also, we have guidelines that were put together by a tripartite committee in 1997 with regard to accommodation and amenities.

My concern is that only guidelines apply to accommodation and amenities, not a code of practice or regulations, but I am assured that, when there has been concern in this area regarding accommodation in particular, the guidelines have served as a model for the provisions that should be laid on for shearers and other seasonal workers in rural areas. I have consulted with the appropriate union in relation to this issue, and I have been assured that, despite the fact that it questions the amount of consultation that has taken place, it has in fact been consulted, and it is prepared for this Act to be repealed.

My last point is that, in future, it would be better if we had proper briefings earlier in the piece and were not expected to push through or repeal legislation with only one week's notice. I would ask the Minister to bear that in mind. I am happy to make myself available for those briefings, but the offer should be extended to us so that we can facilitate pieces of legislation where repeal or modernisation is required, and where the parties agree that that could happen more speedily with some notice and the proper briefing and consultation. I am certainly happy, in relation to any areas under my portfolios, to give that undertaking, if I am briefed properly: I am happy to try to cooperate and facilitate legislation where we agree. It seems nonsense to me to spend hours discussing something on which we basically agree. I hope that the Minister will take on board my comments.

Given the advice I have received and the consultation I have had, I believe it is appropriate that the Act be repealed. I stress that I hope that the fact that accommodation and amenities are covered by guidelines will not disadvantage workers in this area in the future, and that the spirit of those guidelines will actually be acted upon where there are difficulties or disputes.

Mr VENNING (Schubert): I understand that the Shearers Accommodation Act is no longer necessary or appropriate, with provisions now in place under the Occupational Health, Safety and Welfare Act 1986 and regulations. I note the speech of the honourable member opposite. Many shearers' quarters these days are used for tourism purposes, and are certainly very high grade, particularly in isolated areas. I fully support the Government's objective to ensure that the needs of persons in occupations where accommodation, mess facilities and toilet facilities are required are met in the workplace. This applies to a wide range of occupations, including shearers. I have seen first-hand, as a very impressionable lad off the farm at the age of three or four years, shearers come into the shed.

Ms Breuer interjecting:

Mr VENNING: A little while ago, but not that long. The shearers were fresh from the pastoral company. Ours was an inside shed and we did not have to accommodate the shearers. The folklore that went with the shearers, as shown in films about them, is steeped in Australian history, so a Bill like this is quite important. I know first-hand of the poor accommodation facilities that shearers have had to endure working on properties. Some of the shearers' quarters were no better than chook sheds with wire netting nailed on the front and they had old, dirty mattresses to sleep on. The standard of hygiene in the kitchen and mess areas was also questionable.

On some properties shearers were exploited, particularly last century and the early part of this century, and my reading of the old speeches certainly shows that. They were poorly paid and, basically, they lived in squalor. In those days they sheared with blades, which is hard work by any call. The sheep were much wrinklier then, too, so they had double trouble! That has been part of the great Australian folklore—unique and quaint, but not too flash for the hardworking shearer using blades, especially in adverse weather such as a heatwave.

The most significant part of this Act was introduced in an endeavour to bring in some uniformity and standards in accommodation and it was passed in this Parliament on 21 December 1922. A Liberal Government was in office at the time, which is unusual when one considers the nature of the Bill that was being debated, led by then Premier Sir Henry Barwell, KCMG. The Minister of Agriculture (Hon. Tom Pascoe), who still has relatives living in the Mid North of this State, moved the second reading in this House on 20 September 1922. I refer to that speech, which contains some quaint remarks, as follows:

> The Shearers Accommodation Act 1905, is amended by an amending Act of 1916, which provides that specified arrangements shall be made by the employers of shearers for their sleeping and eating accommodation. The machinery provided in the Acts for the enforcement of the requirements is cumbrous.

That is a word we do not see used today. The speech continues:

> The steps to be taken to punish an employer for not providing the statutory accommodation are so circuitous and lengthy that the effective administration of the Act is almost impossible. . . The inspector then gives the employer notice to provide the required accommodation within three months.

That involved a long process. The Minister continues:

> The inspector then makes a complaint to the justice of the peace. . . At the time of the introduction of the original Act, i.e., in 1905—

it has been going on since that time, so the legislation is 94 years old—

> most employers had no such accommodation, as the new Act required, provided for their shearers; therefore these circuitous methods were provided in order to give employers ample time to comply with the law without unduly embarrassing them or exposing them to prosecution. As the Act has operated since 1905—

the Minister is addressing an amendment to that original 1905 Act—

> every employer should now have his shearing shed equipped with the necessary accommodation.

There was no 'his or her' then. I go on to quote the Minister (Hon. Tom Pascoe), as follows:

> The exemption in the section with regard to shearers who sleep at their own homes is dropped from the Bill as being unnecessary. If the shearers do not desire the accommodation, obviously, the employer need not provide it. . . It will be noted that the word 'employer' includes master, manager, foreman, overseer, or any other person. . . The effect of this provision will be that the Act will be administered almost entirely by the police force.

That was a big change because it was up to the justices before that. The Minister continues:

> The buildings in which the accommodation is provided must be at least 50 yards from the shearing shed.

That was a unique provision. The speech continues:

> The buildings in which the accommodation is provided must be fumigated annually.

I wonder whether that should still be the case in some areas.

Mr CONLON: I rise on a point of order, Mr Deputy Speaker. I do not know whether there is a Standing Order that requires the speaker to have a point, but I think the honourable member's speech must have relevance.

The DEPUTY SPEAKER: There is no point of order but I ask the member for Schubert to try to concentrate on the provisions of the Bill.

Mr VENNING: With all deference, Sir, I am doing that because I am referring to the original Act and I am reading from the original second reading explanation. Our repeal Bill today makes history. It continues:

> If the shearers allow the buildings to become dirty, the employer may clean them and keep them clean, and may deduct the cost of so doing from any wages due to the shearer by him.

How would that stand up today? The second reading explanation continues:

> All buildings are to be inspected at least once in every year. . .
> Under clause 14 proceedings may be taken before a court composed of two justices of the peace in accordance with the Justices Act 1921.

Later, on 3 October 1922, the Hon. W.G. Duncan, whom the member for Light might know something about, in Committee on clause 4—

The Hon. M.R. Buckby: Walter Duncan.

Mr VENNING: Yes. In Committee the Hon. W.G. Duncan said:

> Subclause 2 of clause 6 refers to Asiatics, for whom separate sleeping and dining accommodation must be provided. There is, however, no definition of 'Asiatics' in the Bill. For example, is a Chinaman born in Australia a Chinaman or an Australian?

The report continues:

> The MINISTER of AGRICULTURE (Hon. T. Pascoe): Very few full-blooded Chinamen are born in Australia. The Chinese do not allow their women to come here.
> Hon. W.G. DUNCAN: What about a half breed? Is he an Asiatic?
> The MINISTER OF AGRICULTURE (Hon. T. Pascoe): I should say that he was only a half breed Asiatic—

Ms KEY: Mr Deputy Speaker, I rise on a point of order. I wonder about the relevance of the comments made by the member for Schubert. I am not sure that he is talking about shearers at the moment and his comments do not address the Bill before us.

The DEPUTY SPEAKER: There is no point of order. I understand that the member for Schubert has referred to previous speeches made in the House but I ask him to consider the provisions under the present Bill.

Mr VENNING: I will consider them because I do not want to tire members, and so I will not continue quoting from the 1922 speeches. They are there for members to read and a portion has now been read into history for *Hansard* so that people can reflect on them again. Since that date there have been several amendments to the Act to further improve the living standards of shearers. Even though these laws were in place, a number of pastoralists flouted them and continued to provide substandard accommodation. More recently the Shearers' Accommodation Regulations 1976, which are pretty current compared to the provisions I have just quoted, were revoked and WorkCover issued new 'Guidelines for Workplace Amenities and Accommodation' under the OHS&W regulations.

As I previously stated, my only concern is that these OHS&W regulations are practical and that they can be applied without unnecessary bureaucratic red tape that often goes with them. People involved in the wool industry know that it has been pretty depressed over the past few years. Australia's sheep flock overall has declined significantly in line with this and, as a consequence, the demand for shearers has also dropped away, which is pretty sad indeed. It is suffice to say that a good shearer is a real asset to have on your place at shearing time.

In that regard I refer to Shannon Warnest, who lives in Angaston and who is an Australian champion shearer. It is magnificent to see a young Australian taking on this profession and doing so well. He has been a real credit and was recently adjudged Junior Citizen of the Year in the Barossa. Certainly, shearers are valued. We live in hope that the Hon. Ian McLachlan can turn things around so that once again reasonable profits can be returned by the wool industry and other industries that support it. I note the historic connotations of the Bill and I certainly support it.

Mr WRIGHT (Lee): Briefly, I echo the comments of our shadow Minister but also pick up what the member for Schubert just said. I hope that by repealing this Act we will not put the shearing industry and its shearers in a situation worse than currently exists. I hope that the regulations under the Occupational Health, Safety and Welfare Act, which will pick up these areas, will cover the amenities and that the accommodation issue will be covered by the guidelines. I hope that all of what we are being advised will indeed occur and that there will be no watering down of the standards, because we certainly cannot afford that. The shearing industry has a great historical perspective throughout our nation's history. The shearing sheds are a significant and important part of our history.

I was somewhat disappointed that the Australian Workers Union, which represents shearers, was not consulted about this. The shadow Minister has already alluded to that. That has to be a major disappointment. Over many years the shearing industry has provided the Australian Workers Union with strong membership and has been well represented by that union. At the very least, I should have thought that the union which represents shearers would be consulted during this process.

It is somewhat of a disappointment that we are losing some of our history. I am sure the honourable member would be aware that fewer and fewer people are taking on this occupation, something for which we as a nation will be sadder, because shearing is a noble and wonderful occupation. I would dearly love to see the shearing industry return to its great days of the past—

An honourable member interjecting:

Mr WRIGHT: —and to see young people take on the challenges that this industry confronts. This occupation does have much to offer. In conclusion, I will elaborate on the honourable member's interjection: any occupation that can throw up a Mick Young, a Jack Wright, a Don Cameron, a Clyde Cameron, a Keith Plunkett or a Jim Dunford is not a bad occupation.

Mr LEWIS (Hammond): Mr Speaker—

Mr Venning: Ted Chapman.

Mr LEWIS: Yes, I acknowledge that the former member from Kangaroo Island, Ted Chapman, was also a shearer, a shearing contractor and a farmer who owned quite a few sheep himself.

I make a contribution to this debate if for no other reason than that shearing enabled me to save sufficient funds, in company with a couple of my brothers, to buy some land and

get started in life in a horticultural enterprise. I have shorn a few sheep in my time, and that was almost immediately after I graduated from Roseworthy College.

The relevance of my remarks is simply this: during the 1950s and 1960s the conditions under which shearers were required to live improved to the point where they were reasonable and, in my judgment, quite acceptable. But in the late 1960s and through the 1970s I believe that the strong control which the AWU had acquired resulted in the demise of that industry, in the main, and their control of it, because they were simply too greedy in relation to the demands that they made of sheepowners.

I well remember the very sincere remarks made in this place by Keith Plunkett about his experiences as a shearer. But Mr Plunkett was quite paranoid in his view of the people who owned the land and the sheep, not understanding that, just because the title of the land was in their name or that of their family, they were worth as much as that and other assets could fetch on the market—they were not. Very often the value of the land was not much greater than the size of the mortgage which they had undertaken to repay in order to acquire the land. Equally, he did not understand that farmers and their families—the husband and wife who raised their family on a farm—lived on very little compared to people who were public servants and/or workers in some of the stronger manufacturing industries in urban society. Farmers' disposable income was very much less.

There was not, and is not to this day, the same measure of stratification in rural society as there is in urban society. Compared with many other Western countries, we should be happy that we do not have class distinctions. In fact, it is foreign to us and our nature. Regardless of the level of their income, we accept people as they are and for what they are more so than do other societies. We respect them for their views and what they contribute to the community, not for their bank balance or the extent to which they can put on the agony.

All that is relevant in the context of this Bill, because what was won for shearers in the way of reasonable accommodation was destroyed by too much more being then demanded of rural livestock owners, whether they were pastoralists or farmers. They could not afford to continue to raise sheep and have them shorn in that way. So, if they could possibly do so, they found ways around hiring shearing contractors by getting friends, nephews, cousins or anyone at all to shear their sheep or, more often than not, they simply did it themselves over an extended period.

Whereas previously it was unlawful under the award for shearers to cook their own food, and so on, that is now commonplace. I hope that with the abolition of this Act through this legislation we do not return to the days of 50 or more years ago—indeed, from the time of the shearers' strike in the 1890s—when, as was pointed out by the member for Schubert, shearers were treated very much like trash by land owners, whether they were graziers, large squatters or farmers. They suffered serious injury to their bodies as a consequence of the hard work they did and the inadequate and their inappropriate sleeping accommodation, and poor pay.

If you came off the board hot and sweaty and had nowhere to go to wash properly and cool down, by the time you were 30 years of age more often than not you ended up with severe arthritis and other bone diseases which accompanied being a shearer and which were more prevalent in those earlier times. We avoided the occupational health and safety adverse consequences by providing appropriate accommodation.

That is now dealt with under the legislation, but all legislators—indeed, everyone in the wider community who owns sheep and needs to get them shorn—should remember that they must take care of the people who do this work. I know, having done it, that it is extremely physical and difficult work. I have never shorn 1 000 sheep in five days, but I have shorn over 200 in one day, and I know what it feels like. I did not do that with any regret; I was fortunate to be able to do it, because it provided me with what I call my start in life. I know that a good many people tried too hard too early and literally tore their bodies to pieces in consequence—and they lived with that.

The Hon. G.M. Gunn: How do you reckon you'd go with a few big wethers now, Peter?

Mr LEWIS: I don't reckon I could get through more than about 10 in each run, that would be about as many as I could handle. I would be lucky if I got started again after afternoon smoko. In any case the other aspect of this legislation that I think is important is that we need to remember that in this as in any other industry, it cannot take more from it than the market is prepared to pay for the product which results. That is what happened in the wool industry. The costs of not only keeping sheep but, more particularly, of crutching and shearing became so high that using friends and relatives to do the work at lower costs overall was the way in which many farmers kept their sheep and kept going.

I do not want to see farming *per se* destroyed, nor do I want to see the viability of wool production and/or (and it is important to remember 'and/or') meat production, that is, lamb and mutton, lost to this country as it is an important part of it. It will never be as important as it has been, not only because people no longer eat so much sheep meat but also because other fibres have been invented in the past 40 or 50 years which have become strong competition for wool in the textile and garment industries and have reduced the demand and the price paid for wool. The other fibres are cheaper and perhaps in many instances more easily cared for. So whether those people, who believed that Australia in the 1950s riding on the sheep's back would always be able to do so and that the money they could expect to take out of the industry was like a bottomless bucket, died still believing that I do not know, but those of us who remain know now that that was not true then and it is certainly not true now. That is amply demonstrated by what was happened in the wool industry since.

So we lose part of our legislative heritage which relates to what I see as the economic heritage and the development of a great nation—Australia. Wool played a vital part in the development of that economy and the expansion of education facilities second to none around the world in the way in which it brought that money into the nation and spread it out across the nation and made it worthwhile and possible for us to develop other aspects of our farming science and the techniques by which we did it to the point where we now have such a strong, diverse and sustainable primary industry base in this economy. That is the relevance of the industry to which this legislation relates in the context of a society that has now become prosperous, diverse, multicultural and sophisticated—none of which would have been possible if we had not had sheep and the products that came from them.

The Hon. M.H. ARMITAGE (Minister for Government Enterprises): I thank members for their contributions

in relation to an important Bill, which the Government would not be introducing unless the matters covered in the Act which is to be repealed were dealt with in another piece of legislation. I wish to clear up only one thing: the member for Hanson said that she only had a briefing yesterday. It is important that the House knows that the way the Opposition has tended to run bills in the past is that it has asked me for a briefing when it has wanted one. I have always been happy to provide it. Frequently, as occurred in this instance, the shadow spokespeople from the Opposition get briefings without coming to Ministers. The member for Hanson asked for a briefing yesterday either during or immediately after Question Time and my staff facilitated it immediately. There was no suggestion of not providing a briefing—I was not sure that it was wanted. I thank members for their support of the Bill.

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

PARLIAMENTARY SUPERANNUATION (ESTABLISHMENT OF FUND) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 729.)

Mr FOLEY (Hart): As shadow Treasurer I will speak for the Opposition on matters relating to parliamentary superannuation, as I do on all matters relating to superannuation. I have scrutinised this Bill and had discussions with the Government to understand the issues at hand here. Before anyone says it, I will say that this is not an issue to do with the contributions or benefits under the superannuation scheme: it is about the process and structure of the scheme. Clearly, now that the parliamentary superannuation scheme is fully funded, and as we move into the—

The Hon. M.R. Buckby interjecting:

Mr FOLEY: Just on this Bill—new arrangements under the Managed Investments Act and structure required by the Commonwealth Government for all superannuation schemes, it is important that the parliamentary superannuation scheme also be appropriately restructured to deal with the nature of the superannuation fund. Clearly, the fund must be managed in line with other superannuation funds, and the Opposition supports what are clearly structural issues relating to the administration of the fund to ensure proper accountability, accounting and prudential management of the scheme. That is appropriate and has our support.

Mr LEWIS (Hammond): Notwithstanding the parliamentary fact that the legislation deals with the manner in which the superannuation scheme is managed and goes some distance towards the concerns which I have expressed about that fund in the past during this Parliament more frequently within this Chamber than behind the doors of the Party room of the Party to which I belong—the Liberal Party—I still think the reform needs to go further. I believe that every member of this place should have been and ought to be provided again with the necessity to convert their superannuation from what is called the old fund to the new fund. The State's liability would therefore be measured and ruled off at the time they retire. Like any other worker in any other industry, they should take their lump sum payment and roll it all over (or so much of it as they wish to roll over) into any other fund management, just as every other citizen has to do, and not continue to depend on taxpayers for the indexed payment that comes, regardless of the contributions made from MP's contributions.

Mr Venning interjecting:

Mr LEWIS: Parliament is a different institution and different career from any other, in that none of us has a contract for more than four years. Whether or not it is renewed depends upon whether a majority of the people in each of the electorates of this House decides that it ought to be renewed and re-elect us, if not on the majority of preferences then on the distribution of preferences, thus determining whether or not we should be here representing them as citizens with their delegated authority to do the work which they expect us to do.

In my judgment, there will be a continuing disenchantment with members of Parliament from all levels of society whilst we continue to occupy this favoured position with respect to our retirement funds; namely, that if we have been here for a couple of terms we are set for the rest of our lives. I believe that it is fair that we be given a lump sum proportional to the responsibility that we have accepted whilst we are here and the length of time that we have served here—I have no problem with that—but that the money so obtained in our name and for our benefit should then be invested at our discretion in any one of the funds that are available in the private sector in exactly the same way as that of every other citizen. I do not see any reason why we should see ourselves differnetly and needing to continue to suck on the tit of the taxpayer.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): As the member for Hart has indicated, the impact of this amendment is on the administration of the scheme without having any impact on the structure of members' benefits. The Bill establishes a formal fund, which is able to hold assets to meet the liabilities under the scheme. In the mid 1980s the scheme was largely unfunded, but now that it has been fully funded by the Government it is appropriate that this action be undertaken. The Bill also requires that the Parliamentary Superannuation Board establish and maintain member contribution accounts for all members. The fund will also provide for a more appropriate basis for crediting interest to members' contribution accounts and brings the scheme into line with the normal member contributory superannuation scheme.

The Bill also addresses a technical deficiency in the existing provision; that is, that it deals with the entitlements of members of the new scheme who leave Parliament with fewer than six years service. I thank the member for Hart and the member for Hammond for their contribution to the debate, and support the Bill.

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

STAMP DUTIES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 February. Page 665.)

Mr FOLEY (Hart): I rise tonight to talk about an important Bill, an exemption to stamp duties for relatives of families who own family farms, described by the Act as a child or a remoter lineal descendant of brothers or sisters of the person or of the spouse of the person. In its last term this

Government extended the stamp duty exemption to the daughter or son of a family member, and it now seeks to extend that exemption to the niece or nephew of a family member. The Labor Party will be opposing this legislation in this House. From the outset I want to say that it is a bad piece of legislation; it is bad public policy; it is unfair, unjust, and, I believe, sails very close to the wind in respect of giving advantage to a particular sector of our community.

To suggest that we will make exemptions from stamp duty available to the nieces or nephews of a farming family, I find extraordinary. The Opposition could barely accept the notion that a son or daughter of a family should not pay stamp duty on the family farm and, indeed, should not pay stamp duty on farm equipment, plant and machinery—and, as many members opposite would know far better than I, that equipment can be extremely expensive. I can accept, as I said, barely the argument that a family son and daughter, perhaps, is entitled to such exemption, but to come into this Chamber during the economic circumstances that befall this State and this country and suggest that we will extend an exemption to a niece or nephew, I find quite extraordinary. What do we do then? Do we allow cousins? Do we allow next-door neighbours? Do we allow lifelong friends?

Mr Lewis: The Bill is clear on that.

Mr FOLEY: If members opposite want to start bringing nieces and nephews into such a net, where does it stop? Follow it through: does that then mean that the nieces and nephews of the niece and the nephew to whom the family farm was passed could then get stamp duty exemption? Over 20, 30, 50 or 60 years the ownership of the family farm could be almost in a totally different family. The notion that we should give such privilege to the nieces and nephews of the owners of a family farm, I find extraordinary.

Why should that privilege be extended to the nieces and nephews when the family-owned newsagent, petrol station, hardware store, butcher shop or bakery in rural towns throughout South Australia, which are represented by members opposite, suffer just as much as anyone else in a rural downturn? But we do not extend a stamp duty exemption to the people involved in those businesses. There may be, as my colleague the shadow Minister for Industrial Affairs says, family-owned child care centres in rural centres. These businesses do not attract a stamp duty exemption for the son or daughter, and certainly do not attract a stamp duty exemption for the nieces and nephews.

Mr Lewis interjecting:

Mr FOLEY: I respect the member opposite and his role as a member of a country electorate, but to suggest that the only people who suffer from a drought is the owner of a farm in a rural town is utter nonsense, because the local butcher shop, hardware store, newsagent or haberdashery store all suffer when there is less money circulating in a country town. I must make this point as someone who worked for a former Minister for Agriculture: rural assistance schemes (RAS) and other financial incentives made available to farming communities were very necessary but, barring some exceptions, they were schemes not passed on to family businesses and to businesses operating in rural and regional South Australia.

I simply make this point strongly that we must understand that the person who operates in rural South Australia is not only the family farmer: a much more complex community is involved, as members opposite know only too well. Why are we singling out the family farm in such a discriminatory fashion in respect of what we are prepared to offer others? It is bad policy, and I ask members opposite, and perhaps those more independently minded, to think carefully about what we are doing here. It was an election promise by this Government, in large part, to defeat the ground swell of support for Independent members challenging their sitting members in rural South Australia.

This sort of policy—very much at the sharp end of pork-barrelling—was designed to shore up voter support in a disgruntled rural community. I appeal to members opposite of Independent and National background to think about that. I will not single out members but I know that members opposite on the crossbenches operate small businesses, and they cannot avail themselves of this privilege: they certainly cannot avail themselves of a privilege where nieces and nephews can obtain an extension to the stamp duty exemption. It really is bad public policy. And there may not be a lot of money involved. The Government's defence may well be that it involves only a few hundred thousand dollars a year—or it might be $1 million. I do not care whether it is $5: it is the principle that we are dealing with. I believe that it is a principle that we must uphold in this Parliament—that we will not take the road of pork-barrelling to such an extent that we will justify supporting the sort of legislation that this Government—the Liberal Party in this State—has introduced.

I ask members to think long and hard about that and to vote against this legislation. To do so would send a very clear message to this Government that it simply cannot erode the tax base of this State in such a blatant exercise in trying to shore up voter discontent brought about by its overall lack of economic management in rural and regional South Australia. I am not even certain (and it will be a question that I will ask, so advisers might want to take note of this) how this issue is affected by the proposals in respect of the GST and those stamp duties that will be eliminated regarding the rationalisation of stamp duties that will be undertaken in relation to the GST: this issue might or not might not be caught up in that process.

I can understand that members opposite will want to try to paint the Labor Party, in opposing this legislation, as being anti-farmer. I am prepared to wear that criticism, because it is not right, fair or just criticism. What we are about is equity and justice because, as I said before, there are struggling family businesses in regional and rural South Australia which cannot obtain this privilege. But I will tell members where else there is disadvantage to small and family run businesses: it is in my electorate and the electorates of my colleagues—in Adelaide, Whyalla and Mount Gambier. We do not have many other major regional cities, but in our major city of Adelaide and our major regional cities there is much hardship that is unrelated to the rural economy where people cannot avail themselves of this exemption. I ask members to think carefully: how many businesses in their electorate are family-owned businesses that have been owned and held by families for many a generation? They cannot avail themselves of a stamp duty exemption. They certainly cannot avail themselves of passing on their family butcher shop, bakery, petrol station, trucking company, child-care centre, or whatever, to a niece or nephew if there is not a sole surviving son or daughter.

This is bad policy: it is almost laughable in its intent. It is somewhat bizarre that we would even be debating a taxation exemption for the nieces and nephews of the owner of a family farm should it be passed to them. I do not want to enter a debate about the structure of families, but I am not that certain that there could not be some interesting examples paraded here tonight of the family relationships involved, and

I think it is just nonsense that we would be seriously considering such an exemption. Even if it involves forgoing only a small amount of money, let us have a little policy strength from this Government—but, obviously, the Government will not offer that. I appeal to the Independents on the crossbenches: you are not letting down your communities—

An honourable member interjecting:

Mr FOLEY: No, this was a tool, a promise and a mechanism to stop the members for MacKillop, Gordon and Chaffey getting into this place.

An honourable member interjecting:

Mr FOLEY: It didn't work, so you can reject this outright without any fear of upsetting voters in your electorate.

An honourable member interjecting:

Mr FOLEY: The member for Colton says 'Rubbish.' I thought the member for Colton was a champion of small business.

Mr Condous interjecting:

Mr FOLEY: Why aren't you offering this exemption to family fish and chip shops or family newsagencies? Why are you not doing that?

Mr Condous interjecting:

Mr FOLEY: The member for Colton says, 'Do away with all stamp duties.' The Premier is in the Chamber: put it to him. If you want to get rid of stamp duties, you are in government, member for Colton; you talk to your Federal colleagues and your Premier, and let us see if you can—

Mr Condous interjecting:

Mr FOLEY: Now the sale of ETSA will be drawn into it. How do you relate the sale of ETSA to giving a nice little taxation holiday to the nieces and nephews of the owner of a family farm? I would like that one explained to me.

Mr Condous interjecting:

Mr FOLEY: And delicatessens.

Mr Condous interjecting:

Mr FOLEY: I tell you what, member for Colton, as somebody who wants to be the next Treasurer of this State, I would love to be able to have no taxes in this State; we would be a pretty popular Government. Unfortunately, we would not have any money with which to provide services. There is a correlation between taxation and expenditure—a correlation between what you raise in taxes and what you can spend. I know that concept might be a little foreign to the member for Colton but, if he ever was to sit around a Cabinet table, I do not know how he would frame a budget.

Mr Condous: You couldn't even get North Adelaide people to pay their rates. What are you talking about?

Mr FOLEY: Exactly!

Mr Condous: You couldn't get North Adelaide people to pay their rates. You are a joke.

Mr FOLEY: This from the former Lord Mayor of Adelaide; this from the member who paraded around publicly saying that we should stop the rebate for the citizens of North Adelaide but, when he got in here, he went to water. So, member for Colton, your credibility on rebates is zilch.

Mr Condous interjecting:

Mr FOLEY: I appreciate the interjections from the member for Colton. I enjoy contributions involving the member for Colton, because it does not take a lot from me to get him fired up.

Mr Condous: It's because you talk bloody rubbish; that's why.

Mr FOLEY: He is a bit grumpy, isn't he?

Members interjecting:

Mr FOLEY: Throw in the football team.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr FOLEY: I should ignore the member for Colton's interjections, because they are clearly designed to detract from my somewhat measured contribution tonight, which I had hoped would be taken in the spirit with which it is being made—

An honourable member interjecting:

Mr FOLEY: A bit of constructive debate about public policy.

Mr Conlon: Mate, you were winding up a few minutes ago.

Mr FOLEY: I was until he got me fired up.

Mr Conlon: Well, I want a go.

Mr FOLEY: The more I know that the member for Elder wants me to sit down, the more I am inclined to continue to talk. The reality is that I would have thought that we would be able to debate constructively a bit of policy here tonight without descending into partisan abuse from members opposite. It is clear that the Government is incapable of having proper, measured debate about a bit of public policy. It would rather fall into the trap of hurling abuse at members on this side of the House. If that is the way members opposite want to do it, they should not stand here during Question Time and lecture and hector the Opposition about conduct in this place: I am simply trying to debate a piece of legislation and all I get is abuse from the member for Colton. I have said enough on this Bill to this point. I have some questions to ask about it. I simply make the appeal to the crossbench members: stand up for small business in your area and reject this bad and disgraceful public policy.

Mr McEWEN (Gordon): Unlike the member for Hart, I will stand up tonight for small business. My challenge to the member for Hart is to go further, to accept these amendments and to add to them. Stamp duty on the transfer of legitimate businesses is an abomination—

Mr Foley interjecting:

Mr McEWEN: Hear me out. Unfortunately, tomorrow I will have to move to discharge another action I am taking in relation to the abomination called stamp duty. Once again I must withdraw an action because we are not prepared to go far enough. I appeal to the member for Hart to accept the initiative of the Government and add to it because we need to go further. Stamp duty is an absolute abomination on small business. We ought to be taking this as a stepping off point. I agree with the honourable member's argument about equity and justice, and I appeal to him not to resist this but to take it further. I appeal to the honourable member to add further amendments—

Mr Foley interjecting:

Mr McEWEN: The member for Hart still has the opportunity to move amendments and I am telling him in this House that, if he has the guts to move the amendments, I will support him. The honourable member should take on what he is saying—

Members interjecting:

Mr McEWEN: Members of the Opposition talk about equity and justice. Their argument lacks logic. They believe only half of what they say. If they really believed what they say, they would extend this legislation, we would get rid of this abomination and they would have my support.

Mr CONLON (Elder): I will be very brief on this matter, but before I commence I will share a little—

Members interjecting:

Mr CONLON: I am certainly trying to avoid looking at Graham Gunn.

The ACTING SPEAKER (Mr Hamilton-Smith): Order! The member for Elder will address his remarks through the Chair.

Mr CONLON: Thank you for your protection, Mr Acting Speaker. Before I begin, I will tell a little story about the very generous offer of the member for Gordon to support any amendments we have the courage to propose. We will not be taking up the honourable member on that because we have heard the offer before. I recall the 'Minister Ran for Transport', as I like to call her, bringing a very odd Bill into this place in respect of school speed zones. We were convinced by the member for Gordon that, if we moved an amendment to it, we would have the strong, upright support of the Independents. They disappeared to have a few drinks with the Minister until about 2 in the morning and came back and said, 'Well, it was a good amendment but, sorry, we have had a rethink.' Forgive me if we do not accept the honourable member's very kind offer.

The reason I oppose this piece of legislation is that I know that the farming community could not possibly want this—and I do not think members really understand their desires. The reason I know that is that almost a year ago there was a major dispute in Australia with the waterside workers when the National Farmers Federation of Australia representing, I assume, Australia's farmers, decided that it needed to get the waterside workers off the wharves. Just for members' information, I grew up in a dockland area, so I know that jobs on the waterfront, like the family farm, have often been held for generations. In fact, when those jobs were first taken many years ago, they were very poorly paid. Of course, that sort of thing is not recognised by some of the ruling class members on the other side because it is not connected to the ownership of real property. However, they were their jobs and they were rather proud of them.

The National Farmers Federation, taking its scorched earth economic rationalist approach, decided that even though that might be the case it was in its economic interest to take the jobs away from these waterside workers and clear them off the waterfront. It went after them with the assistance of Patricks. It did that enthusiastically and exhibited a very plain ideology in doing that. That ideology was 'This is in our economic interest and the devil take the hindmost; there should be no special benefits for anyone in Australia.' I do not agree with that ideology but I respect the National Farmers Federation for holding it and, knowing that it holds it so strongly, I therefore would not impose such a socialist measure upon it.

Mr WILLIAMS (MacKillop): There are a couple of points which the Opposition has overlooked. I am not sure whether the last two speakers on behalf of the Opposition have contradicted each other.

The Hon. M.K. Brindal: They have.

Mr WILLIAMS: I thought they had. I take the member for Hart to task on the point he raised about bad public policy. Indeed, this is good public policy. One of the problems we have in South Australia, and indeed in Australia, is the drift—in fact, it is a lot more than a drift; it is a headlong rush—from rural communities into the cities. One of the causes of that is the downturn in the primary industry sector. The primary industry sector gets the least benefit and the least leg up from Governments in Australia of any industry in South Australia.

Mr Foley: Nonsense!

Mr WILLIAMS: The honourable member can say, 'Nonsense', but I believe that the primary industry sector receives very little help from Governments and communities in Australia. It stands on its own. One of the problems we have in Australia is that—

Mr Foley interjecting:

Mr WILLIAMS: It is not funded by the taxpayer. The primary industry sector in Australia sells its product on to the world market and, if it uses internal marketing systems to help itself, it provides the funding.

Mr Foley interjecting:

Mr WILLIAMS: It is not guaranteed by the taxpayer.

Mr Foley: What about diesel fuel?

Mr WILLIAMS: Diesel fuel which is used in road vehicles on public roads is paid for at the same rate as anyone else. But, if I use diesel fuel on my farm to run a stationary engine down the back of the farm to pump water, to run some sort of machinery or to run a generator because I cannot connect to the electricity supply grid, I get a subsidy on it.

Mr Wright interjecting:

Mr WILLIAMS: If you buy diesel fuel and use it in a road vehicle you pay the full cost including the tax—so do I as a farmer. But, if I use some of that diesel fuel to run a generator because I cannot connect to the electricity grid which runs past every house in the towns and cities in this State, I receive a subsidy for it. The subsidy is that I do not pay tax on it. I am not using it on public roads, and I think that is quite logical. If members of the ALP are going to suggest that farmers and the mining industry should not receive a tax rebate on their diesel fuel, there is an opportunity for them to raise that debate in the community—and I am sure they would get slapped around the ear for it.

Mr Wright interjecting:

Mr WILLIAMS: I am pointing out that the farming sector, the land-based primary production sector in Australia, is not subsidised to a great extent at all. In fact, there are very few subsidies. I have been a farmer for most of my working life and I—

The Hon. M.K. Brindal interjecting:

Mr WILLIAMS: It is not quite 100 years. I have received scant help from Governments and taxpayers. The point I am trying to make is that primary production in this country is based around the family farm. The family farm often consists of husband and wife, children, nieces, nephews, cousins, uncles and aunts running a family business and working long hours. I have had a situation in my own family where unmarried brothers and sisters worked a property for many years with no direct descendants to hand it onto. This happens regularly in the farming community. One of the other things about the farming scenario is that farmers are very conservative people, much more conservative than the average businessman.

The Hon. M.K. Brindal: And we are very grateful for that.

Mr WILLIAMS: We should be very grateful for that, otherwise the farming and primary production sector in this country would collapse and we all would pay a large cost for that.

One of the things that has happened as a result of their conservatism is they have not used fancy business arrangements. These days, through fancy business arrangements and family trusts, etc., a lot of people in business can avoid these

sorts of stamp duties by arranging their business affairs in certain ways. All this is doing is saying to those—

Mr Conlon interjecting:

Mr WILLIAMS: That is not what I am saying at all: I am saying they are very conservative. A lot of them do not appreciate the way to finesse their way through the business world. I certainly take the point made by the member for Hart about family businesses in small rural communities, such as the local newsagent etc. However, he should accept that by and large there is a great disparity in the relativity between the assets and income derived from those assets from family farms vis-a-vis other businesses in rural towns. It is quite well recognised that farmers, relative to their income, are asset rich and income poor, whereas that is not necessarily the case with other businesses.

Mr Foley interjecting:

Mr WILLIAMS: They are asset rich. When they transfer their business, which will produce only a small income flow for the person to whom it is transferred, without this amendment a large stamp duty would be payable on the transfer of that business. Other forms of business which would provide a similar cash flow with respect to income would be subject to a much smaller rate of stamp duty because the asset base of other businesses are much lower relative to the income.

I reiterate the point I made earlier about people from rural communities, and I made this point the other day when talking about jobs in South Australia: out of a base of approximately 12 000 farmers in South Australia we are currently losing about 400 per year. That has not happened just in the last 12 months but, rather, has probably been occurring for 10 years or so. If that was happening in any other industry in the metropolitan area of Adelaide, there would be a lot of chest beating from Opposition benches and calls for inquiries. That would happen even after Government assistance was handed out in relation to many of these jobs.

There are some points that the Opposition should consider when talking about public policy. Members opposite should look at the public policy of retaining people in these rural areas. After all, our rural sector provides 60 per cent of this State's export income. They should look at the public policy which protects a lot of jobs in other industries around South Australia and apply their same standards to those.

The Hon. M.K. BRINDAL (Minister for Local Government): I wanted to make a brief contribution to this debate, and I am prompted to do so by the contribution of the member for Hart. I am very proud in this place to be the Minister for Youth. I see this measure as an important public policy issue. As some of my colleagues on the crossbenches have pointed out, anyone in this House who understands the rural sector realises that the ageing profile of the rural community is at the upper end—so much so as to cause considerable concern in rural South Australia and, I believe, in rural Australia. Part of the way that has been addressed in public policy is to ensure that, as the member for MacKillop says, the extraordinarily large amounts of stamp duty payable because of the value of the farm are not passed on to the family, so that the children can carry on the family farm. The nieces and nephews must by definition be at least one generation younger. At present—

Mr Foley interjecting:

The DEPUTY SPEAKER: Order!

The Hon. M.K. BRINDAL:—if the stamp duty is not affordable, the farm moves from the ownership of the family, and then the full cost price must be paid. I can assure the member for Hart that, if young people cannot afford the stamp duty on the farm, they will not be able to afford the full cost price of the farm. So, when farms come onto the market—

Mr Foley: Have you read the Bill?

The Hon. M.K. BRINDAL: Yes.

Mr Foley interjecting:

The Hon. M.K. BRINDAL: If the member for Hart would care to try to understand what the Bill aims to achieve, he might be a little more honest in this place than he is normally wont to be. The fact is that it seeks—

Mr FOLEY: I rise on a point of order, Sir. The Minister has reflected on me by calling me dishonest. I ask that you request him to withdraw that remark.

The DEPUTY SPEAKER: I ask the Minister to withdraw.

The Hon. M.K. BRINDAL: With deference, Mr Deputy Speaker, I said 'more honest than he is normally wont to be'. It is not accurate to say that I said he was dishonest. If he feels that I impugned his honesty, I have much pleasure in withdrawing, because other people are better equipped to judge than I.

Mr FOLEY: On a point of order, Sir, I am highly offended by the comments of the member for Unley. I have asked, and you have ruled, that he withdraw them unequivocally. My pain cannot be addressed until he does just that.

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

The Hon. M.K. BRINDAL: I was trying to make the point that we need in our rural sector people as young as we can get them. We need to redress an imbalance that has currently built up. This Bill is a public policy measure which seeks to do that.

Mr Wright: Oh, rubbish!

The Hon. M.K. BRINDAL: The member for Wright says 'Rubbish.' If ever—

Members interjecting:

The Hon. M.K. BRINDAL: —and I pray that it will never be the case—the member for Wright gets on this side of the Chamber—

Honourable members: Lee, Lee!

The Hon. M.K. BRINDAL: Is he? That shows how much influence he has had on me in the time that he has been here. If the member for Lee ever happens to get on this side of the Chamber, he might have an input into public policy; at present he has not. This is a considered Bill by the Government which I hope will result in more younger people being able to take up family farms. Whether they are sons and daughters or nieces and nephews is less relevant than the fact that we need to change the age profile of farmers.

Mr Wright interjecting:

The Hon. M.K. BRINDAL: The member for Lee (and I am informed that he is the member for Lee) obviously does not understand. I am sure that the Government Ministers who have introduced this Bill do, and I commend the Bill to the House.

Mr CONDOUS (Colton): I want to clarify one point that was made by the member for Elder and the member for Hart about the rate rebate in North Adelaide, which they accuse me of having backed down on. In fact, if they remember, I was the one who moved the amendment in this House.

Mr Conlon: What did you do when you were Lord Mayor?

Mr CONDOUS: Hold it. I moved that the rebate be taken off not in five years but in three years. I was the only member on this side of the House who crossed to the other side, and I think that a couple of the Independents crossed with me. It was defeated in the Upper House because the Democrats, along with my parliamentary colleagues and the two Independents in the other House, voted to knock it off.

I agree with the member for Hart that the Bill discriminates between farmers and people in all other types of business. He is correct in what he says, and no-one could argue that what he is saying is wrong. I consider stamp duty to be a parasite that is eating into a dead body because it is another bureaucratic tax that was invented to assist the Government to collect more and more taxes. Let us take the broad instance of young people who get married and buy a home worth perhaps $30 000 or $40 000. Ten years down the track they have consolidated; they have managed to pay off their mortgage; and they want to upgrade. Not only do they have to pay a commission to the agent for selling the property but they also then have to pay a stamp duty to the Government merely because they want to upgrade into a better house.

That stamp duty is paid from the income they earned after they paid income tax. It is the profitability of their income after the payment of income tax. The same applies when they want to upgrade a car, buy a new refrigerator or other commodity for their house: they have to pay stamp duty. This is absolutely pathetic and is just as bad as the old death duties where people waited for one family member, either the mother or father, to die so that the Government could collect revenue for the general taxation system. All Governments have been guilty of this.

I can remember about seven or eight years ago where you brought in either FID or BAD taxes and Queensland was smart enough to say, 'We will not charge these taxes.' As to major companies in South Australia, instead of banking in this State and keeping people employed here, the Labor Party made sure that all the money went to Queensland where companies did not have to pay any tax at all on banking and this put many people on the unemployment list who were previously working in financial institutions. It is not that I am supporting the farming industry, because you can bring these provisions in for a whole range of areas and I will vote to remove stamp duty at any time. Stamp duty is an obnoxious tax as it is a means of bleeding people simply to raise revenue. It makes me absolutely sick to think of it.

Because of its wonderful financial situation Queensland may decide soon that stamp duty is not something it will charge and we will find people all over Australia, as in the days of death duties when Queensland was the only State not to charge them, will buy and register their new motor vehicle in Queensland and drive their vehicle back to their respective State because they do not have to pay stamp duty in Queensland although they would have to pay it in their respective State.

I agree with the member for Hart: it is wrong that we should be charging stamp duty or exempting just the farming industry. At the same time I feel so strongly against stamp duty and what it stands for that I am going to support the measure.

The Hon. M.R. BUCKBY (Minister for Education, Children's Services and Training): I thank all members for their contributions. One factor that has not come out in the debate from members who have spoken is that this exemption already applies if the farmer dies and the estate is transferred to the niece or nephew by the will. We are simply bringing it forward so that the farmer can transfer the land while he or she is still alive to a younger person. The member for Unley was correct as to the age profile of farmers in South Australia. The average age of farmers in South Australia is between 58 and 59 years. Government policy has been to do everything we can to encourage young people to remain on farms. That was the very reason for bringing in the exemption of stamp duty for sons and daughters of farmers but, as we all know, there are many cases where the farmer has not married and so the only remaining member of the family is a niece or nephew. Therefore, in terms of maintaining ownership of the family farm, I support this exemption.

I am advised that the effect of this measure is minimal. Because of the ability to transfer through a will, most transfers are going through the will rather than in any other way and so we are not picking up stamp duty, anyway. The effect of the provision is minimal. I thank members for their contributions and urge their support of the Bill.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2.

Mr FOLEY: I should say from the outset, so engrossed were we all in such spirited and good natured debate, that we forgot there was another half of the Bill which, indeed, deals with stamp duty exemptions to enable the restructuring of funds under the Managed Investments Act which the Commonwealth Parliament recently passed and which deals with the restructuring and reorganisation of those funds so as not to incur stamp duty (should one have been required). That is probably worth more and has much wider effect than the matter we just spent the last hour debating.

I preface my question with a couple of comments. I refer to the member for Unley, whose wont is to come into this place, make an irrelevant contribution and leave. The irrelevance of his contribution tonight, though, was most stark because he said, as the Minister for Youth, that this was such a great initiative and a great policy to bring the youth of rural South Australia into farm ownership. I would have thought that, given this is likely to apply to those farmers wanting to pass on their family farm towards the end of their working life, the nieces or nephews, by definition, would be perhaps 40, 50 or 60 years of age, which I acknowledge is younger than the parent or the actual owners; but they are hardly the youth that the member for Unley was trying to say would so greatly benefit. As usual, the member for Unley's contribution was totally irrelevant and somewhat wide of the mark.

I assume that the owner of the farm gets to nominate the niece or nephew. Has any thought been put to a large family situation where there might be many nieces and nephews? Is it simply the choice of the mother and father or the husband and wife as to which of their favoured nieces and nephews get the farm, or, indeed, can it be passed on to a group of nephews or nieces who may form some sort of family trust to take full ownership of the property?

The Hon. M.R. BUCKBY: I am advised that, provided they fall under the definition, it could be transferred to as many nieces and nephews. For instance, let us say that there are half a dozen nieces and nephews: the farm could be transferred to them as a group. Let us say that there are half a dozen sections on the property and half a dozen nieces and nephews: each one could receive a section of it.

Mr FOLEY: This Bill gets more bizarre as we ask some questions. Is the Minister honestly suggesting that if there are six nieces and nephews they can all get a share of the family farm? As my colleague the shadow Minister for the Environment just said, 'And what, perhaps subdivide it; break it up into smaller family units?'

Members interjecting:

Mr FOLEY: But the Minister just said that six nieces and nephews can receive stamp duty exemption and have a portion of the farm themselves.

An honourable member interjecting:

Mr FOLEY: So they form a family trust or a family company.

An honourable member interjecting:

Mr FOLEY: The question simply is: explain more to me about how—

An honourable member interjecting:

Mr FOLEY: Eligibility, yes. The point you are making is—

An honourable member interjecting:

Mr FOLEY: Well, dorothy dixer or not, it is looking sillier and sillier as we ask the question, so feel free to answer it.

The Hon. M.R. BUCKBY: For a transfer of land to occur, first, there must be a business relationship between the farmer and the niece or nephew for 12 months prior to that occurring. Someone cannot just split it up and give it away willy-nilly. Secondly, the farm must be of a viable size. You cannot give away two or three acres or subdivide or something like that; the farm must be a viable production unit to be able to do that.

Ms WHITE: Will the Minister help me with a question regarding the definition of a relative? I know a lovely woman who owns a very nice piece of land. I call her Aunt Mary. Do I qualify?

The Hon. M.R. BUCKBY: It is obvious from the definition that the relative must be a blood relative, and you must have a working relationship with the farm. It cannot just be handed across.

Mr FOLEY: The Minister is suggesting that there be a working relationship for 12 months—I do not think we are talking about a massive or complex hurdle that a member would have to jump—but what if a niece or a nephew comes into the family through a family member remarrying? How far removed can this linear descendant be? If a family breaks up and a spouse remarries and there is a new set of nieces and nephews, how far removed will this become?

The Hon. M.R. BUCKBY: I am advised that it includes the relatives of the spouse as well. If there is a second marriage—and, obviously, if the farm is in joint ownership—the niece or nephew of either partner is eligible.

Mr HILL: My electorate contains a number of hobby farms or small holdings of almond groves or other intensive agricultural pursuits. Will the Bill apply to those sorts of holdings?

The Hon. M.R. BUCKBY: The Bill provides that the farm must be greater than .8 of a hectare (roughly two acres) for a nephew or a niece to be eligible.

Mr HILL: The farm must be economically viable or in primary production. Many farms are not economically viable for a lot of the time, but if you exclude those you will exclude many farming communities. How will this apply to a hobby farm? I can think of a couple of examples in my electorate where the husband works and a retired relative grows a few flowers or a few horses are agisted on the back of the block. So, there is some income coming into the family, perhaps not enough to support the whole family, but there is some economic activity.

The Hon. M.R. BUCKBY: According to the definition, it must be the sole business of the person who owns it. So, the example raised by the member for Kaurna where a person receives the majority of their income away from the farm does not apply. It must be the sole business income of that person. If, for instance, a teacher or an accountant has three acres of grapes or almonds, their sole income is not derived from primary production. As a result of that it cannot be deemed that their sole business is that of primary production and therefore the niece or nephew are not eligible to receive the transfer of the property.

Ms WHITE: Based on the numbers of South Australians who have handed down farms to nephews or nieces over recent years, how much does the Minister estimate we will donate by this measure?

The Hon. M.R. BUCKBY: We do not have that figure, but I am advised that because the current exemption is available to a niece or nephew through a will, at this stage we have no idea in terms of what it would cost, but the number of transfers via the will has been extremely minimal. You would assume therefore that this is not something that will occur on a regular basis, because in most cases the transfer is to a son or daughter.

Mr HILL: I refer particularly to people involved in the wine industry. Much of this is hypothecated on the basis that farmers are struggling, there are big holdings and it is difficult to pass them on in some circumstances and make it easier for farmers. However, if you have land with grapes growing on it you are doing well at the moment. Am I right in saying that this would apply to wealthy farmers with extensive land holdings with good crops on them that are making a good return?

The Hon. M.R. BUCKBY: It is available to any persons who are eligible under the definitions of the Act.

The Hon. G.M. Gunn interjecting:

The Hon. M.R. BUCKBY: As the member for Stuart says, it is not available to companies but only to individuals to pass this on. I remind the member for Kaurna that, although the wine industry might be in an extremely good position at the moment, there are vagaries and highs and lows in agricultural markets, and it was only back in 1985-86 that we had a vine pull in this State and vignerons were doing extremely poorly. I am not suggesting that it will go to that extent again, but there is no doubt that with increased supply coming onto the marketplace prices for grapes will not always be at the very high levels they are now.

Ms WHITE: The Minister has said that he does not expect to be giving away a lot of money through this measure, so what was the Minister's motivation for this? Was he approached from a particular owner or approached by a group, perhaps a Liberal sub-branch? What was the motivation? Why are you doing it?

The Hon. M.R. BUCKBY: The motivation is that, at a time when people wish to diversify or devolve their farm to a younger member of their family, we allow them the opportunity to do that without having to wait until they die.

Ms White interjecting:

The Hon. M.R. BUCKBY: Not at all. Cases have come up that have not qualified for this where the last member of a person's family is a niece or nephew and they have not been able to take advantage of this because it was not in the Act. This allows people to do exactly that.

The Hon. R.G. KERIN: I would like to ask—

Mr FOLEY: I rise on a point of order, Sir. The Deputy Premier is a member of Executive Government. Is it proper that he question a Minister on a Bill that has been approved by Cabinet?

The CHAIRMAN: There is no proof that the Deputy Premier will ask a question at this stage. The Committee stage is open to any member.

The Hon. R.G. KERIN: I would like to make a point.

Mr Foley interjecting:

The Hon. R.G. KERIN: No, I will make a point. I think I can make a contribution as the member for Frome with many rural constituents, some of whom have had a problem with the lack of this having been there before. It helps some members opposite with the cost benefit which was asked about. With the previous exemption for sons and daughters, we have seen a benefit of about $20 million to the rural community, whereas the actual cost to Government has been only a couple of million, because what happens is that the land stays in the older person's name until they die. So, older people are not able to pick up a pension or whatever and it does not transfer until they die. It has been a terrific measure and I applaud it, because this extends it. We are not talking about nephews or niece who are lawyers in Adelaide because in many cases they are nieces or nephews who have put in 20 years or 25 years of work on these properties. It is a very just move.

Mr WRIGHT: Will the Minister explain what the Deputy Premier meant by 'lack of this having been there before'?

The Hon. M.R. BUCKBY: As I mentioned in the second reading debate, this ability to transfer to a niece or nephew has been available only upon the death of the person, whereas this amendment to the Act allows it to occur while that person is still alive.

Clause passed.

Remaining clauses (3 and 4) and title passed.

Bill read a third time and passed.

ADJOURNMENT DEBATE

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

That the House do now adjourn.

Ms BEDFORD (Florey): My grievance tonight will complete my speech contributing to the condolence motion on the death of Don Dunstan which we commenced on 9 February. In my speech I talked about many of the things that were important to Don and to many of the true believers. I will continue.

The objectives of the Engineering and Water Supply Department were not to make money for the Government (although at the time of the privatisation of the management it was providing revenue above its costs) but: to ensure optimal use of the State's water resources for the greatest benefit of the community; provision of water related services to the extent and standards established by Government in consultation with the community; efficient provision of services; full recovery of expenses from recipients of services except where explicit Government subsidies apply; and the provision of services in a socially responsible manner.

It can be seen that those objectives are very different from a concentration on maximising returns to foreign shareholders. And the result? Last year the reduced maintenance staff of United Water failed adequately to monitor the operation of the sewage treatment plant at Bolivar. A gate leaked, was not repaired and for weeks raw sewage poured into the biomass and killed it.

Our sewerage system, functioning efficiently until then, ceased to function and Adelaide, which can normally proudly boast its clean air as compared with other cities, had its north-western suburbs, nearly one-third of the whole metropolitan area, invaded by the smell of hydrogen sulphide for months. Was the great international expertise of our foreign management able to cure the problem? No, they had to call back a former EWS employee who had shifted interstate and whose investigation put the blame squarely on them. Clearly, the substitution of shareholder maximum returns and the marketplace for the stated aims in social justice of the public utilities this State had properly established do not produce economic efficiency, effective service or social justice.

But nor can the marketplace inevitably call forth the undertakings which can satisfy economic demand or community need. I could give many examples from the State's history, but one will suffice, because it can be illustrated by contemporary events. In setting out to see that, among other elements of the quality of the good life for South Australians, we built on the heritage we had to make this the major centre for the arts in this nation, it was essential that we provide for workers in that area a multifaceted employment base. In order to give actors and technicians reasonable employment opportunities, we needed to have, amongst other things, a film industry. There was no film industry here. With the help and advice of Phillip Adams—for which tonight I want publicly to thank him—I was shown the basis on which we might proceed.

We set up not the limited film units attached to government which other States had done but a statutory corporation with full entrepreneurial capacity, and gave it exclusive rights to making Government films, which provided it with a basic run of work, and backed its going into production itself to demonstrate to producers the advantages of working here. Historically, it became a prime factor in the re-establishment of the Australian film industry, which had been destroyed by the uncontrolled marketplace—the dumping of American films here in theatre chains controlled by the internationals. You will remember the successes: *Sunday Too Far Away*; *Picnic at Hanging Rock*; *The Last Wave*; *Storm Boy* and *Breaker Morant*. None of that would have happened but for the community enterprise of setting up the corporation and facilitating its work. And its success has persisted.

The film *Shine*, of such international acclaim and commercial success, was made by a man who got his start at the Film Corporation and who made it here with the corporation. Those who say that this would have happened as a result of marketplace initiative are absurdly refusing the evidence. In planning our future, it serves neither economic efficiency nor social justice to destroy the institutions which society from experience has created and which are efficiently meeting the social needs of the community. They are not impediments to progress but foundations for it. But the economic rationalists and Mr Olsen adduce a further argument for selling off the family silver.

We must get rid of the present or any debt. Australia, like most of the market economies of the world, has reasonably and properly borrowed money to build its infrastructure. We would not have a town hall, a general post office, roads and railways, schools and hospitals if we had not done this. Always, of course, one must be careful to see that the level of borrowing does not get to the stage where one cannot service the debt from current income. People are constantly encouraged to borrow money for the major investment most families make in their lives, the purchase of a home. Rightly, banks do not lend to those who require more than 30 per cent of their current income to service the interests and principal repayments on their home loans. Nor should the State's debt servicing go beyond that figure; and, in fact, it is far lower.

But with the State it must be remembered that the loans do not have to be repaid within 30 years. Public infrastructure lasts far longer and services normally not one but three or four generations. It is reasonable and has always been the practice that the cost of major public works was shared over the generations which would use it. Loans can be rolled over and, in history, have been. The debt burden in South Australia in world terms is quite low. At the time the Liberal Government took over in 1993, after the so-called bank disaster, the public debt of South Australia in real terms was less than in Tom Playford's day or in the early years of my Government. We reduced it quite markedly by selling our railways to the Commonwealth and having the Commonwealth assume the railway debt obligation. But that debt structure was manageable.

People have never stopped praising Tom Playford's management of the Treasury. Indeed, even Malcolm Fraser was heard to observe that mine was pretty good. Are we really in a desperate situation? Certainly not. On the last comparison available with OECD countries in 1992, South Australia's public debt *per capita* was less than that

in Belgium, Italy, Ireland, Greece, the Netherlands, Canada, Spain, Austria, the United States, the United kingdom, Denmark and France, and well below the average. That position obtains today. Why do we have to have a fire sale of community assets including assets that are revenue producing? It is only for ideological and irrational reasons that this is put forward. We must retain our right to intervene by State action to create undertakings to temper the marketplace or to remedy its failures. Moreover, we must retain our right to exercise community judgment about the depredations of international footloose capital and investment here to meet the social aims of justice and a fair go in our community.

We must retain the protections which have been historically built to protect the working people and to right the wrongs of the disadvantaged and underprivileged. All of these are under threat now. Witness the fact that this State had, under successive Governments, the most extensive public housing program of any State—with over 30 per cent of housing built from public funds it kept housing and therefore industrial and business costs low and provided South Australia with both the most affordable housing and the lowest housing prices in the marketplace. The Federal and State economic rationalists have wound up the program and are selling off the public housing stock.

We had, under my Government, the best health and hospital establishments in Australia and the best public education system—both have been starved of the money needed to maintain those standards. The hospital system once our proud boast is in dire straits, and it is no excuse to say that the tax base has declined and we cannot afford it. An Australia which sees more and more of its people falling below the poverty line while its wealthy, as listed in *Business Review Weekly*, have increased their wealth exponentially is not taxing fairly. Wealthy Australians gained a huge benefit from the introduction of imputation credits on franked share dividends—the first six years of the operation of that tax reduction almost entirely going to the wealthy. They received a present from the Treasury amounting to $13 billion.

The well-off are also avoiding tax by the use of private family trusts; overwhelmingly these are fictional arrangements where family members have income notionally distributed to them to bring them below a tax threshold. The intervention about which I have been talking is intervention for social justice. The present Federal Government is certainly intervening—intervening to demolish rights and protections of citizens to make them completely subject to the greedy manipulators of the marketplace; to have governments abdicate the role of providing social justice and to prevent intervention for it in the future.

I will end with three examples of this: the Aborigines of this country were denied the rights they should have had recognised from the beginning of European settlement here. The repeated instruction of the Government at Westminster that the land rights of Aborigines must be preserved to them were ignored in every State. Aborigines have at last established in law that they had land rights here and that this was not, contrary to the judgment of Mr Justice Blackburn '*terra nullius*'. The courts have said that, in most cases of title in Australia, there is no turning the clock back.

But in lands not alienated from the Crown with exclusive land rights to the grantee (as in the case of freehold land) if there is a remaining connection with the land, Aborigine descendants of the original owners have rights in it subject to the specific overriding rights granted under leaseholds. That is a right established by Aborigine citizens in law—our law. Mr Howard proposes effectively to deprive them of it in favour of pastoral lessees—to give these an enhancement of their existing rights—and calls it a 'fair compromise'. He is saying 'I'll fix the marketplace and fix it against you.' But he insists that he is not racist: he is just happy telling the impoverished pastoral interests of this country that he is extinguishing the rights of Aborigines to negotiate in relation to developments on their land not provided for in the pastoral leases.

To the trade unions he says that he is not against trade unions: he is only proceeding to destroy them for the benefit of the working class who can then negotiate on his kind of level playing field. On that he would fail any surveyor's exam. His level playing field has unevenness of Himalayan proportions. The marketplace will provide, you see. The protection of workers' conditions established by years of struggle must go out the window. The trade unions of this country came into being as did the Labor Movement because of the unfairness of the unregulated marketplace and the rapacity of employers driven by the same motive as is now hallowed by economic rationalism: the greed to maximise your personal returns regardless of the needs of others.

The Government has involved itself clearly in a plot with private interests to break the Maritime Union—and judging by the way they have behaved that is just a beginning. Mr Howard says that he is not against unionists or individual members of the MU but hails as 'historic' the unloading of cargo by non-union labour. He talks about people obeying the law but backs with our, the taxpayers, money a scam by which Patrick Stevedores has emptied its subsidiary companies of assets so that when waterside workers acting legally have sought orders against unlawful dismissal as they are entitled to do they find that the companies they are suing are empty shells.

The Howard Government says it is pursuing Mr Skase over that kind of crookery and involves itself in the same kind of operation. Most threatening of all is the Howard Government's enthusiastic involvement in the plans for a Multilateral Agreement on Investment—the MAI. This agreement is being negotiated under the auspices of the OECD, according to which the core concept is 'non-discrimination'—(non-discrimination in respect of foreign investors and the operations of multinational corporations). Under the MAI foreign investors and their investments must not be treated less favourably than a country treats its own investors.

The SPEAKER: Order! The honourable member's time has expired. I make an observation from the Chair—and I direct my attention to the Whips, in particular, but to members in general. As I understand it, Parliament is a forum in which to put forward one's ideas and views on various subjects. I believe it is fine to quote at length other people's ideas and statements, but I do not believe it is an appropriate forum in which to devote the whole of one's contribution to slabs of speeches which, really, are contributions by other people. I would just like the House to think about that. When compiling speeches in the future, it is one thing for members to devote the whole of their time to reading out someone else's speech but perhaps they could intersperse it with a few ideas of their own. The member for Goyder.

Mr MEIER (Goyder): The Liberal Government came to power in South Australia in 1993 and, if members recall, we had seen high interest rates, low commodity prices, high inflation and a major downturn in the rural sector, let alone in the economy as a whole. In addition, we had a major financial problem in this State as a result of the disaster of the State Bank and repeated poor housekeeping by previous Governments. So, it was not a good situation that we inherited, and the people in my electorate certainly felt it very strongly. When looking back now over the past five years, I am very heartened by the way in which things are going. Certainly, there are many things that the State Government does not have control over, such as interest rates, but it has had control over many other areas. I suppose we need to acknowledge those areas that the Government has concentrated on in particular, and one of the key areas is regional development. In fact, this State Government went out of its way to put considerable sums of money into regional development, particularly through regional development boards. I believe that each regional development board now receives about $200 000 per year—and there are some 13 regional development boards throughout the State.

I have looked at my own electorate of Goyder to see whether things are starting to move forward, whether we are shaping up and making progress, and whether we have overcome some of the disasters of the late 1980s and early 1990s. Without doubt, there are still a lot of problems. This year, the commodity prices for barley were nothing short of disastrous, and I feel very much for the farmers, who have not received a great amount for a lot of their grain. Thankfully, a diversity of crops means that they can probably offset a bad crop with one that returns something a little better. However, on the positive side, there is no doubt that I can see many

examples where my electorate is starting to advance, and I believe that the Government has made a significant contribution, at either State or Federal level.

Recently, the Deputy Premier and Minister for Primary Industries (Hon. Rob Kerin) opened the new Bowman's grain terminal, which was constructed by SACBH. This terminal is on the new railway link—the Great Southern Rail link—which goes north through to Alice Springs and which will eventually go through to Darwin. It is a huge complex, and every farmer to whom I spoke at the opening was delighted to be able to use it. They felt that it was making their handling much easier and that it was great that Great Southern Rail is working hand in glove with SACBH to bring a rail diversion into the area so that there would be maximum efficiency in handling grain from the silo complex onto the grain trucks.

There is another new factory nearby, the piggery just north of Port Wakefield, which I have had the opportunity to tour. It now employs 29 people, I think, and it hopes to expand that by another 20 in the not too distant future. That is a huge boost for the area around Port Wakefield, Lochiel and Balaklava. And, very importantly, it is helping the pig producers at a time when they themselves have emerged from a crisis: I believe that everyone here would appreciate the crisis that pig farmers have gone through in the last 12 months or so. So, the Port Wakefield piggery is a major step forward, and the good news is that it is seeking licensing to be an exporter of pig meat. Whilst it takes time to go through all the necessary red tape to obtain the appropriate AQIS certifications and so on, it is getting closer all the time and, once it has export status, we will be able to export a lot of pig meat overseas. I would suggest that, for South Australia at least, this will help to avoid a crisis of the magnitude that we saw last year in the pig industry, because we have to tap into that export market.

If we go into the export market, we will not be affected to anywhere near the same extent as we are by pig meat being imported from Canada or by an excessive production in our local area. For example, in the wine industry in the 1980s we had to have a vine pull program because we had an over production of wine. Today we cannot produce enough wine. Why? It is not because of the domestic market but because of the overseas market. Of course, we are still very much a small player on the overseas market. There is a huge capacity for our wine there, and the same would apply to exporting pig meat because, if we can increase our exports, we will be able to weather the storms in the future.

Traditionally, my electorate has had much emphasis placed on agriculture for many years. That is highlighted by the fact that there are silos throughout the electorate, from the south at Port Giles, Ardrossan, Wallaroo, then across to Paskeville, Bute, Nantawarra, Balaklava and Owen. We have a diversity of crops. We have more crops now than we had in the past, and this is helping. We have also have a few other industries; for example, there is BHP at Ardrossan with its dolomite; Klein Point, at which gypsum is mined; and there is occasional sand mining throughout the area. We are getting other new industries.

The fishing industry has been great for the area. Regardless of whether it is prawn fishing, marine scale fishing, net fishing or, of course, recreational fishing, they are all very important. However, we have now ventured into aquaculture, which is increasing at a rapid rate. We have oysters, some fish farming, and we now have some crayfish and abalone farming. They are either being farmed or are at a developmental stage, and we will see that expand significantly in the future.

We have also seen expansion in the grain area, with San Remo having a major silo at Balaklava and Kulpara. Of course, people are well aware that we are now sending to Italy pasta which is made from durum wheat that is grown in South Australia and particularly in my electorate, and that is a phenomenal achievement for South Australia. I am delighted that San Remo has shown so much confidence not only in my electorate but in South Australia as a whole.

Crab processing, which has occurred at Port Broughton for some time, is expanding, and I am pleased that a firm emphasis has been placed on the export of crab meat. Again, the future is almost limitless in that area, particularly in relation to the Asian market and, despite the Asian economic downturn, crab processing has gone very well.

In the past year or so, a marble mine has been established in the Wallaroo area. Whilst it is a relatively small industry, it looks as though processing will occur—possibly out of this State. However, it is certainly employing people, and the marble is of such quality that some of the masons in the area have indicated that it is comparable to, if not better than, the marble that comes out of Italy. It can be used for tombstones and for the tops of kitchen cupboards and the like.

I hope that I will have the opportunity to continue on a future occasion talking about the many other industries that are expanding or are being created in my electorate. We really have made great advances in the past five years, and I am delighted that the Government is seeking to do all it can to assist wherever possible. However, private industry has led the way, and the Government has tried to stay out of its way wherever possible by not having an excessive amount of red tape.

Motion carried.

At 9.55 p.m. the House adjourned until Thursday 18 February at 10.30 a.m.