HOUSE OF ASSEMBLY

Thursday 11 March 1999

The SPEAKER (Hon. J.K.G. Oswald) took the Chair at 10.30 a.m. and read prayers.

CONSTITUTION (CITIZENSHIP) AMENDMENT BILL

In Committee.

(Continued from 4 March. Page 975.)

Clause 2 passed.

Clause 3.

Mr SCALZI: I move:

Page 1, line 23—Leave out 'nationality or'.

My amendment simply takes out the word 'nationality' and leaves 'foreign citizenship'. Although 'nationality' and 'citizenship' on a passport are in effect legally the same thing there could be some confusion, given that we live in a multicultural society, in that people might consider that giving up their nationality is giving up their heritage. That is not the case. To avoid confusion, I wanted us to focus on foreign citizenship, which is commitment to a State and which would be consistent with the Bill—that the commitment should be to Australian citizenship first and foremost.

Amendment carried.

Mr McEWEN: I move:

Page 1, after line 24—insert:

(4) Subsection (2) does not apply to a person who has been a member of the Parliament of South Australia at any time before the commencement of the Constitution (Citizenship) Amendment Act 1998.

(5) The seat of a member of the Legislative Council who has been a member of the Parliament of South Australia at any time before the commencement of the Constitution (Citizenship) Amendment Act 1998 is not vacated because the member acquires or uses a foreign passport or travel document.

I think that all this has been much ado about nothing and I am disappointed that we are even debating it. Now that it has got this far, I want to extend the comments I made when I first spoke against this action, because I believed at that time that the whole thing was politically motivated. I believe that this amendment takes the political motivation out of the equation in that it is not aimed at anyone who has chosen to put up their hand and serve the people of South Australia. It does not preclude those people from continuing to offer that service that they have offered. So, it takes all those people, irrespective of their political persuasion, out of the equation. It actually says that they can continue, as long as they wish, to serve. Even if they are not presently serving, if they have chosen in the past to serve they can continue to do so into the future.

Having put that to one side, we can then look at the other matter, which is the substance of the Bill. To my mind, that is simply bringing us in line with the Federal Constitution. I am mindful of the fact that federally the whole matter is being looked into. I cannot see that there will actually be a change to the Constitution, so if we can at least take the politics out of it there is some merit, albeit minimal, in pursuing the rest of the intent of the Bill.

Mr SCALZI: I accept the amendment and accept that the honourable member's intention is to clarify the issue. However, I do not agree with him that the Bill was politically motivated. If the Bill had been politically motivated it would have been introduced at a more opportune time before a State election. One has 14 days from the announcement of the next State election and, provided that one takes reasonable steps, the Bill is fair in the sense that it is does not discriminate against present members of Parliament. However, if some members feel that they are discriminated against by the Bill, I think the member for Gordon's amendment should allay their fears.

I believe that one's commitment to Australian citizenship should be beyond question. The amendment still supports the intent of the Bill in that it excludes present members. Some members have the perception that it is retrospective. By supporting the honourable member's amendment, no-one can accuse the Bill of having any retrospectivity. I believe that it is of fundamental importance to support the Bill in its entirety and, if this amendment assists in the passage of the Bill, I believe we have achieved something. I know, from comments made opposite, how difficult it has been to get the Bill this far.

We must distinguish between multiculturalism and citizenship and, as an Australian from a non-English speaking background, I see it as my duty to make that distinction. It has been difficult for me, but imagine how much more difficult it would be for an Australian from a more traditional background to introduce such a Bill. That person would be harassed and unnecessary comments would be brought into the debate. As I have said, this year we celebrate 50 years of Australian citizenship. I have the Australian citizenship badge and I am proud to wear it.

I am proud of my heritage and my background, as every member should be but, as Australian and South Australian members of Parliament, our commitment to Australian citizenship should be beyond question. Imagine this scenario: a State election has been held under the present law, and elected into the Parliament is an Australian Greek who holds both Australian and Greek citizenship. In the same election, but on the opposite side, an Australian Turk is elected who holds both Australian and Turkish citizenship. I know that, as Australians, we all make a commitment to Australia—and members opposite have said that they have—and there should be no question about that.

I do not doubt the professionalism of members in putting Australia first, but imagine the scenario if it were discovered that both the Australian Greek and the Australian Turk, who both held dual citizenship, were both born in Cyprus. That scenario is possible under the present law. The member for Spence can go on all he likes about the discrimination of an 18 year old person who does not know about what another country can claim; and he can go on about some fictitious state which does not presently exist but which will exist in the future and what some countries might claim.

I commend the member for Spence's support for the rights of those individuals but, in this instance, we are more concerned about the rights of Australian citizens. We should be more concerned about the Australian community so that it remains a united, cohesive, multicultural and diverse society. It is possible that the very thing which the member for Spence and the Leader of the Opposition support and believe in—a truly multicultural society—will be threatened in the future by that scenario because we are too frightened to give up a little privilege.

I could have applied for Italian citizenship. I am proud of my background. When I travelled to Italy I was in tears when I returned to my village. Members should not question my

pride for my heritage. The difference is that I am a committed Australian citizen. I see it as an honour and privilege to serve in this place. We refer to each other as, say, the member for Hartley or the member for Colton—we are not just individuals. Standing Orders provide for that to ensure that we represent the electorate, the composite. When we are Australian citizens we represent the composite that is Australia, a multicultural society. How can you represent the composite and the part with equal fervour? It is not possible, so there is a problem. Certainly, I do not believe that members opposite wish to attack this Bill just out of bad intention. I know they really believe that somehow it is tied in with multiculturalism, but I hope I have made the position clear and that I have distinguished between the two situations.

My Bill is not out to get the Leader of the Opposition, the member for Spence or the member for Peake. What is at stake here as we move towards the celebration of the Australian centenary and the celebration of 50 years of Australian citizenship is commitment to Australia's citizenship. That is what is at stake. As I said earlier, at present we have 750 000 permanent residents who are not Australian citizens: we have three-quarters of a million people who are not citizens and we must lead by example. I commend the member for Gordon's amendment to ensure that the principle behind the Bill is maintained and that it has an easy passage through Committee.

I believe that members opposite should support the amendment. This is a conscience issue and it does not affect present members on either side of politics. I have been consistent in my support for Australian citizenship since 5 May 1994, long before One Nation and long before this debate arose. There is no room for growth if we forever fear to offend, and there is no room for truth if we forever sit on the fence and fail to bend. We must make it clear that we have unswerving commitment to Australian citizenship.

The Hon. M.D. RANN: I wish to oppose the amendment—

Mr Atkinson interjecting:

The Hon. M.D. RANN: I wish to oppose those parts of the amendment that exempt existing members of Parliament. This is a grandfather clause, and some might call it the Mike Rann clause. It seems that, in order to obtain passage of this iniquitous Bill, the honourable member has thought, 'Okay, there are some existing members of Parliament who have dual citizenship and in some cases triple citizenship and perhaps more and, therefore, in order to try to secure passage of this Bill that prevents other dual citizens from entering the Parliament, perhaps somehow we can grandfather in the present dual and triple citizens and exempt them in an attempt to secure support.'

That is foolhardy. My principal objection to the Bill is not about my circumstances as someone who was born in the United Kingdom and raised in New Zealand and, therefore, who has other citizenships, but because my principal and prime total loyalty is to Australia. I oppose the member's Bill because of its impact on multiculturalism. It is a disincentive for migrants and the children and grandchildren of migrants to run for Parliament.

We have seen the effect of that in terms of the Federal Constitution and how that has been interpreted. There is a campaign nationally by senior members of all Parties to ensure that that provision of the Constitution is changed. In 1994, following some Crown Law advice that was somewhat shaded in grey in 1993, it was decided that we needed to act in the South Australian Parliament to remove ambiguity so that dual citizens, whose loyalty was to Australia and who were Australian citizens, should be able to be members of this Parliament. This is a totally retrograde step.

What concerns me, for instance, is the impact on the Greek and Cypriot community in South Australia. Where Greece may choose to recognise generations of Australians as its citizens, they may be unaware of that fact. What it will do is put people of Greek origin, particularly, under the iron and it is also designed to be an active impediment to migrants and their children who are Australian citizens running for Parliament. No-one is suggesting that people who are not Australian citizens should be members of Parliament. We are saying that this is designed to be a deterrent for people from a migrant background entering our Parliaments.

I would have thought that, as we move into a new century, all of us should be trying to encourage a decent representation of all Australians, of people who are prepared to stand up and swear an oath of loyalty to Australia, that they should be able to be members of the South Australian and Australian Parliaments. This is a backward step which was originally, in part, designed as some kind of puerile political punishment, otherwise why would I have been named in the second reading speech? Why was I singled out? When it started to go wrong in the multicultural communities, because they could see what the member for Hartley was up to, now we have got—

Mr Scalzi interjecting:

The Hon. M.D. RANN: I have got letters too. Realising that they are on a political hook, and thinking that it will not go through the Upper House, they have decided to give Joe a bit of support in the Lower House. It was great to see the Minister for Environment and Heritage stand on an issue of principle in opposing what the member for Hartley was doing, opposing her own Party, as an unprincipled act. If this is designed to be the Mike Rann exemption clause, I do not want it because I want to see the defeat of these iniquitous provisions.

Mr ATKINSON: I move to amend the member for Gordon's amendment as follows:

Leave out proposed subclause (4).

I am putting to the Committee that we should support the exemption for those South Australians who use foreign travel documents for whatever reason from the disqualification, but we should not accept the first part of the amendment which is to treat members of Parliament and former members of Parliament differently from the rest of the population.

Just on the question of travel documents, it is a matter of record that eminent Australians involved in peace-keeping efforts overseas, such as Alexander Downer, the Foreign Minister, a South Australian I should add, use foreign travel documents in some war torn parts of the world, and I refer of course to United Nations travel documents. The member for Gordon's amendment is worth while in that respect. When the Electoral Act was before the House, I think only two years ago—

An honourable member interjecting:

Mr ATKINSON: —no, I think it was two years—an amendment to that Act was sponsored by the member for Davenport and me. That amendment was to allow members of Parliament to have access on their electronic electoral roll to the country of origin of their constituents, and that access was to be obtained for the first time. It was resisted quite stoutly by the Attorney-General, but because it was a cross

Party initiative we managed to get that information included on the electronic electoral roll that is available to MPs.

I think I am the only member of Parliament who actually pays $350 annually to obtain that information. So, on what the Labor Party calls Electrac (the Liberals call it Feedback), I can access the country of origin of all my constituents where it has been indicated. I ran through that program for my own electorate recently and found that more than 1 000 were from Greece, more than 1 000 were from Italy, 750 were from the former Federal Republic of Yugoslavia, 450 were from Vietnam, 350 were born in Poland, 150 were born in Cambodia, 100 were born in what is now called the Ukraine (at the time of their birth it would have been the USSR), and there were at least a dozen other categories. Some or all of those people will now be ineligible to stand for Parliament as a result of this Bill. This is a colossal number of people in any one State electorate. They could remedy that position by renouncing their former citizenship if they or their children and grandchildren know about it.

I shall tell members a little story. A couple of years ago, I was doorknocking around Hammond Road, Findon, late on a Saturday afternoon. When I doorknock new constituents I know their name before I go to the door. An elderly man answered the door and we began to chat. I said, 'You're from the Ukraine', because his name was clearly Ukrainian. He said, jokingly, 'I don't remember what country I'm from.' That is the attitude to their former citizenship of many migrants who have come from war-torn parts of the world: it is something that they would rather leave in the past. Will those grandfathers and fathers tell their children exactly to which new state they have citizenship rights? I do not think so. I think some families want to put the past behind them.

This Bill punishes people who have been born in Australia and who, inadvertently, are entitled to citizenship of another country. The member for MacKillop shakes his head, but he is wrong. He should read the Cleary case in the High Court.

Mr Scalzi: Reasonable steps.

Mr ATKINSON: The member for Hartley interjects that any person can take reasonable steps to renounce a former citizenship. I agree with that for people who are born overseas and others, such as I, who are aware of their entitlement to a foreign citizenship, but a great many people—indeed, thousands—will not be aware of their entitlement to a foreign citizenship. The trouble is that the way—

Mr Condous: How many are in Parliament?

Mr ATKINSON: Well, we don't know, but I can tell the honourable member—

Mr Condous: I can't see any war torn former migrants here.

Mr ATKINSON: I can tell him that a former member for Peake was unaware of his disqualification under a former provision of the State Constitution Act until I brought to his attention the fact that he was a subject of Queen Elizabeth II in right of the United Kingdom owing to his father's being born at Newcastle-upon-Tyne. Therefore, under this Bill he would be disqualified if he was still a member of Parliament. He was unaware of that. I do not see how you can take reasonable steps to renounce a citizenship of which you are not aware.

This Bill comes into effect 14 days after the issue of the writs for the next poll. What the member for Gordon proposes to do is exempt existing members of Parliament and former members of Parliament, such as David Wade, Scott Ashenden, Julie Greig—whomever the Government wants to bring back. I do not see why—

An honourable member: There's a good chance they'll come back?

The Hon. M.D. Rann: You saw today's poll?

The CHAIRMAN: Order!

Mr ATKINSON: I do not believe there is any reason why they and we should be in a different position from other South Australians who have the same attributes. For instance, I do not see why the member for Newland, who was born in Scotland and, as she said last week, was a subject of Her Majesty Queen Elizabeth II in right of the United Kingdom, should not be disqualified under this provision; whereas someone standing in Newland as, for example, the Labor candidate, the Democrat candidate or as an Independent, who was also born in Scotland and is also a subject of Her Majesty Queen Elizabeth II in right of the United Kingdom, should be ineligible to stand; whereas the sitting member, who has exactly the same attributes, is entitled to stand but is exempted. So, we certainly will not support the grandfathering clause moved by the member for Gordon, even though I am sure it is done with the best will in the world. Our principal objection to this Bill is that it punishes a person for being born to a particular class or status rather than anything that the person has done. That is our objection to the Bill.

The member for Hartley spoke in favour of the Opposition's position in 1994—and I refer members to *Hansard* of Thursday 5 May, pages 1074-1075. There is the Government putting into law, with the support of the Opposition, exactly those provisions which the member for Hartley now seeks to repeal. He says that the Bill did not go to a division, so he was not recorded supporting it. In fact, he is caught out. He spoke on the Bill, and the words he used are: 'I fully support this Bill.' He is allowed to change his mind, but would he just have the courtesy to tell the House that he has changed his mind?

Mr SCALZI: I never thought that I would see the member for Spence espouse such Liberal philosophy. I would have thought that the Labor Party was more concerned about equity and social justice and about preserving this community. But he has gone on (and you would have thought they could make him a representative of the United Nations) because he is concerned about some hypothetical situation. The Leader of the Opposition said that this will prevent migrants from seeking office in this place. Did it prevent the member for Colton? Did it prevent the member for Hartley? Did it prevent the member for Norwood? Did it prevent the Hon. Mario Feleppa? Did it prevent Julian Stefani? Did it prevent John Klunder? Do you want me to go on?

Members interjecting:

The CHAIRMAN: Order!

Mr SCALZI: Did the Bill prevent Nick Bolkus? That is a furphy. In relation to the debate on the Bill on 5 May 1994 to which the honourable member referred, I said that I supported it because of the practical sense but that I found it morally unacceptable that we should have more than one citizenship. The honourable member failed to read the rest. I was honest enough to bring it to the attention of the House when I introduced this Bill, and I read from that section on 5 May. The member for Spence can talk as much as he likes. The bottom line is: do we have an unswerving commitment to Australian citizenship? Previously, I said that 750 000 permanent residents are not Australian citizens. Let us lead by example. The other night the Leader of the Opposition said that you could not be a councillor and a mayor and serve

in this place because of a conflict of interest. Let me say that, no matter how professional or objective you are as a member of this place, constituents from your particular background will still make unrealistic demands. That is a political reality and fact.

Ms Ciccarello interjecting:

The CHAIRMAN: Order! The member for Norwood is out of order.

Mr SCALZI: Some people expect us to do more than what is possible; that is the perception. If we are to be a truly multicultural society, the cement that binds us together should be Australian citizenship, specifically at this level. Parliament is the highest court of the land. Members of Parliament have privileges that other people do not, so surely members should have more responsibility and commitment to this place than those who are not members.

Opposition members who are voting on this Bill along Party lines and not by conscience are camouflaging the issue in the community. There is a distinction between citizenship and multiculturalism. If there is one thing I will do before I leave this place, it will be to make sure that that distinction is clear in the community, because I am a proud Australian of Italian background. As members of Parliament, we need to lead by example. I support the amendment moved by the member for Gordon. Obviously, the Opposition is still not happy with how this Parliament considers present members.

Ms WHITE: Briefly, I support the amendment moved by the member for Spence to the member for Gordon's amendment. Quite simply, the Opposition's position on this is based on the principle that those parts of the amendment to clauses 3 and 4 moved by the member for Gordon are discriminatory. We do not believe in supporting the elitism that would ensue from those parts of these clauses.

An honourable member interjecting:

Ms WHITE: The member for Hartley asks about elitism. It is elitism if we are to treat present and past members of Parliament differently from the rest of the community in terms of their capacity to nominate for Parliament. Nomination for Parliament is a fundamental right of all South Australians who are over the age of 18, who do not have a criminal record and who are on the electoral roll. We have not put into place—

Members interjecting:

The CHAIRMAN: Order! The conversation between the members for Peake and Chaffey will cease.

Ms WHITE: As I said, it is elitism if you exempt one group of people from the entry criteria. Why would the member for Gordon include past members of Parliament in his amendment? At the last State election it was mainly Liberal members who lost their seats. In the past 12 months or so, I have come across some former Liberal Ministers and some former Liberal members and it is their clear intention to run for Liberal pre-selection again and to try to get re-elected. Under the clauses of this Bill they will be treated differently from all other candidates. Why should this be so? I ask the member for Gordon the specific question: why should it be that those Liberal members, past Labor members or past Independents should be treated differently from any other candidate in South Australia? Why should they have a privileged position?

Mr CONDOUS: I do not think that anyone in this Chamber, either on this side or the other side, has any idea as to the magnitude of the passion that I have for my country, Australia. Before expressing my support for the member for Gordon's amendment, I will quote two verses of a poem, which, throughout my entire life, have always portrayed exactly what I feel about my country. It was written by a Scottish poet who migrated to Australia and who felt passionate enough about her new country to write these words:

I love a sunburnt country,
A land of sweeping plains,
Of ragged mountain ranges,
Of droughts and flooding rains.
I love her far horizons,
I love her jewel-sea,
Her beauty and her terror—
The wide brown land for me!
. . . An opal-hearted country,
A wilful, lavish land—
All you who have not loved her,
You will not understand—
Though earth holds splendours,
Wherever I may die,
I know to what brown country,
My homing thoughts will fly.

I quote that poem because I am very proud to be an Australian of ethnic background. What ethnic background that is I do not know.

In an attempt to adopt a child some 13 years ago, I went to the Department of Community Welfare, and a departmental officer said, 'You have to have your mother's and father's birth certificate.' I went back to Greece and in Athens I applied to get a copy of my mother's and father's birth certificate. I was told that they did not have one, and that they had no knowledge of my mother and father being—

The CHAIRMAN: Order! I apologise to the member for Colton. There is too much chatter in the Chamber; it is difficult to hear the member for Colton.

Mr CONDOUS: They said that they had no knowledge of my mother and father being born in Greece, and therefore they had no birth certificates. I then went back and found my mother's and father's birth certificates. My father came out in 1928 and my mother in 1933. I found stamped on the certificates that they were of Italian background. The reason for that was that the island of Kastellorizo had changed so many times from Balkan to Italian to German to British and eventually back to Greece, that there were no records. Therefore, I cannot really say what I am, anyhow. However, I accept the fact that, because I speak fluent Greek and I was brought up in the Greek tradition and Greek religion, I am of Greek background.

The member for Spence has spoken eloquently this morning but as a lawyer. I have no respect for the legal profession at all—and I will tell members why—because, like many members, I have been clutched by them occasionally and it has cost me a heap of money to go to them and, in the end, all you finish up with is a load of garbage, anyhow. The member for Spence has tried to confuse all members by using legal jargon, rather than keeping this very simplistic.

I support the member for Gordon because I do not think we should be shifting the goal posts during the game. Everybody that came in here knew what the rules were when they came. His amendment is saying, 'Let us, from this time onwards, make everybody committed to Australia.' The member for Spence and I are passionate Eagle supporters. Nothing in the world would ever make us change and go to anything else, because we are committed. We have not enjoyed great success, but we are still passionate supporters. You cannot serve two masters—you can only support one. I am disappointed that the Leader of the Opposition has said that it is something to try to get at Rann. Let us face it, the

Leader of the Opposition, like all of us, in four, eight, 12 or 16 years may not be in this place; there will be a new generation of people who, if this legislation goes through, will be committed to single citizenship.

Members interjecting:

Mr CONDOUS: That is right. To show what loyalty is all about, during December I went to the Adelaide Oval to watch Australia play England (I am a passionate cricket supporter) and I happened to see the Leader of the Opposition walk in there with his lady friend. I just thought, wait a minute, who is the Leader of the Opposition supporting today? Is he supporting England or is he supporting Australia? He may not have been supporting either. He may have been listening to another match, as on the same day New Zealand was playing Pakistan across the Tasman—he might have been supporting them.

You cannot sit in here and be loyal to all things. You can only have loyalty to one country and one flag. Reference was made to supporting the desire of the Minister for the Environment to keep her citizenship of the country of origin, which was Scotland. There are a lot of intelligent people walking past out there—go and ask them, do a survey. I say to everybody here who holds dual or triple citizenship: when your super pay-out comes when you leave this place, how many countries of origin will contribute to that super? Absolutely none of them! The only pay-out you will get is from the people of South Australia, who have financed us during our time here.

I only want to say one more thing. We are only 69 people in the State privileged to represent the people of South Australia in the Parliament. There should be no difference between Federal and State Parliaments. Federal politicians travel overseas to talk to other countries on trade and various issues. We go overseas and talk about trade here. You cannot have loyalty in two or three different countries—your loyalty has to be to the country you are serving in this Parliament. That is why I believe that this legislation must go through, so that we have a commitment to Australia and to the flag we serve under.

Mr KOUTSANTONIS: In listening to the remarks of the member for Colton, he has well and truly confirmed the argument of the member for Spence. In his remarks he could not identify his nationality or origin, but simply says, 'I am of Greek origin and background because of the way I was raised.' Through his own admission he does not know which country was his country of origin. The member for Colton could very well renounce all claims to Greek citizenship, that is fine; but on his own admission he could be an Italian citizen without knowing it. On his own admission he could be a citizen of Great Britain. Through his own admission he could be a citizen of the republic of Turkey. Through his own admission, without knowing he could be citizens of all these countries and they could consider him a citizen which would make him ineligible to stand for this House.

But what a contrast in Leaders today. We saw our Leader today fighting for multiculturalism. I have not heard the Premier speak on this Bill; I have not heard him say a word about it, but after this vote today we will be letting everyone know exactly how the members for Unley, Chaffey, Colton and Hartley voted.

The Hon. M.K. BRINDAL: I rise on a point of order, Sir. I ask whether what the honourable member is saying constitutes an attempt to intimidate an honourable member in the exercise of their vote.

The CHAIRMAN: The Chair does not uphold the point of order.

Mr KOUTSANTONIS: I will be making sure that every constituent of the member for Unley who is of a different ethnic background knows that, because they have a different citizenship, he does not think they have a right to the sit in the Parliament in which he sits. Perhaps he thinks he is better than they are because he was born in Australia and is an Australian citizen.

The Hon. M.K. Brindal interjecting:

Mr KOUTSANTONIS: That is right; by your own admission you do not go to your own electorate to have a drink.

Members interjecting:

The CHAIRMAN: Order! The member for Peake.

Mr KOUTSANTONIS: Thank you, Sir. This Bill tries to define to us that there is only one person who is truly Australian and that is the person who has citizenship.

An honourable member: Rubbish!

Mr KOUTSANTONIS: Exactly: what absolute rubbish! What defines an Australian? What is an Australian? What defines someone who loves this country? Surely people who migrate to this country—

Mr Scalzi interjecting:

Mr KOUTSANTONIS: Or course, he is talking about members of Parliament. Let us say for example that someone wants to challenge me at the next election; a member of the Liberal Party wants to run against me in my seat.

An honourable member: Good idea!

Mr KOUTSANTONIS: Yes, it is a very good idea. I hope you do; I always enjoy beating Liberals. It is always good fun, good entertainment.

Members interjecting:

The CHAIRMAN: Order! The member for Peake has the floor.

Mr KOUTSANTONIS: Let us say for example that this Liberal does not know they have citizenship rights of another country. The member for Hartley claims that their loyalty to this country is not as strong as mine when I renounce my Greek citizenship, as I will be forced to do by the member for Hartley; that someone who runs for Parliament against me who without knowing it has some claim to foreign citizenship is not as good an Australian as I am. I remember when Quentin Black ran against the current member for Hartley at the last election he was incensed and outraged. The ALP candidate for Hartley said, 'My family has been here for five generations.' The candidate for Hartley was saying, 'We have lived in Adelaide for five generations.' The member for Hartley was outraged: 'How dare he?' Look what he is doing today. He talks about a level playing field. It is not a level playing field. What he is trying to do is what John Howard and John Hewson also tried to do.

Keating was right in saying that, when people such as the member for Hartley join the Liberal Party and become involved in a sort of establishment game, to try to prove their worth to their mates they kick the people where they came from in the guts the hardest. That is what it is about. It is like working class people who join the Liberal Party and become members of Parliament. To prove their worth to your lot, they kick our people the hardest just to prove they are one of you: they support regressive IR legislation and aggressive laws. You are doing this just to prove that you are one of them. It is an outrageous act and you are a disgrace.

Mr SCALZI: I rise on a point of order, Mr Chairman. I find quite offensive the member for Peake's comments that

I am trying to prove myself to my Party by kicking people from my background in the guts.

The CHAIRMAN: Order! I do not uphold the point of order. The comments were not unparliamentary.

Mr KOUTSANTONIS: In concluding my remarks, I oppose this Bill. It is disgraceful, and no decent member of Parliament would vote for this Bill at all.

Mr WILLIAMS: The member for Spence raised in this Parliament concerns about the effect this Bill might have on those citizens of this country who, unbeknownst to themselves, are seen by foreign powers to be citizens of other countries. He made a very good point. However, he failed to acknowledge that the mover of this Bill has included a clause which provides for a new nomination form for election to Parliament. The signing of that form would renounce all citizenships and supposed allegiance to a foreign power, even if the person was unaware that a foreign power was claiming them as a citizen.

Mr ATKINSON: I would like to respond straightaway to the member for MacKillop. The High Court deliberated on this matter in the Cleary case. So it dealt with a provision which is similar in substance to the provision that the member for Hartley is now seeking to put in our constitution. What it was faced with in the Cleary case was a Labor candidate called Kardamitsis and a Liberal candidate called Delacretaz who were born overseas. Kardamitsis was born in Greece and Delacretaz was born in Switzerland and had emigrated to Australia in the early 1950s. Both of those stood against Phil Cleary in Wills and they lost. However, in the course of the case being litigated over Cleary's having an office of profit under the Crown, the High Court ruled by a majority that what Kardamitsis and Delacretaz had to do was to write to the Government of Greece and the Government of Switzerland, renouncing their citizenship. They said that that is what the provision required. It is simply not good enough to fill in an electoral nomination form and say, 'I renounce all citizenship known to me or unknown to me.' The High Court has ruled by majority that that is not adequate.

I actually prefer the minority's reasoning in the Cleary case. What the minority said is that the entitlement of Australians to run for Parliament should not be decided by reference to the law of a foreign country, and I agree with that. I think it was Justices Deane and Gaudron who comprised the minority, and what they said was:

> Under international law, the tests where there were competing citizenships were: where does the person habitually reside? Where are his family ties? Where does he participate in public life? What nationality are his children?

They are the tests that ought to be applied in determining whether one should be able to stand for the South Australian Parliament.

The Hon. D.C. KOTZ: The Bill still lies with me as being very iniquitous, for all the reasons I have said before. I have listened to the debate this morning, and it is somewhat sad that it has come to the point that each member in this place is being negative about the debate and malicious towards each other.

The member for Colton misrepresented my position when he expressed what he alleged were my views when I spoke previously on this issue. The member for Colton said that, 'the member for Newland appears to want to hang onto two citizenships'. That was never my intention in speaking to this Bill. My intention in speaking to this Bill is to state, very clearly, that I hold one citizenship, as I said, and I thought I also made it very clear that I have only ever given one oath of allegiance to any country. That oath was made to this country.

In terms of other comments made in this place, I have an Australian husband and I have two Australian children. I attend many of the citizenship ceremonies, as each of the members in this place would do, and very proudly stand there as an Australian. I also advise the citizens that I am watching that I am proud to see them take on the citizenship of this country. I stand in front of them and advise each and every one of them that they have done us, as Australians, a great honour in taking out that citizenship. I have never questioned the fact that there is an honour in taking out that citizenship. I have never questioned the fact that an oath of allegiance is given that is now being questioned by this Bill—and this is my great concern with the principles and concepts that are being promoted here.

There are many different aspects to this Bill, as we have heard with the different opinions that have come out and with the different degrees of research that members have entered into. A great deal more complex issues are involved in what seems to be something that is very simplistic. Well, it is not. In terms of where I am coming from in respect of this Bill, I cannot resile from the comments I made earlier. I believe that it is discriminatory in the sense that, in this instance, it reflects only on members of Parliament.

I do not believe that any form of renouncement will stop the purpose that this Bill has now. It not only reflects on the members of this Parliament who sit in this place and who were born in another country but it questions the oath of allegiance that we all took. Why is every member in this place who was born in another country being singled out, and why is their oath of allegiance being questioned by this Bill? That is exactly what this Bill does. I find that offensive. There is an integrity—

Mr Scalzi interjecting:

The Hon. D.C. KOTZ: The member for Hartley said 'Federal'. I suggest to the member for Hartley that we dealt with the contentious issues of citizenship and allegiance to this country in the Constitution Act of this State in 1994.

Mr Scalzi: It's different.

The Hon. D.C. KOTZ: No, it is not different. The Constitution Act of this State very clearly provides that, if any sitting member of this Parliament swears allegiance to another country, their seat is defaulted. They lose their seat in Parliament. What is the intent of this Bill? We may be talking about dual passports. Another issue is involved there. I do not believe that the Bill, as it stands, identifies anything other than discrimination to members of Parliament who come from a different country of origin.

I am also concerned that the oath that I took has been questioned. I do not know whether some members in this House have taken on board the tremendous myth that is perpetuated about politicians by the press and many others in this country. It would seem that this Bill is a direct result of some of those perceptions—that members of Parliament cannot be trusted; that there is no integrity in members of Parliament; that the oath they take as a member of Parliament is not to be trusted; and that there is no integrity in this place.

For all those reasons, I must take personal offence at this Bill. In terms of other citizenships, I point out to the member for Colton that I stand here continually and say, 'I am Australian but my country of origin is Scotland.' I have never sworn allegiance to the country of my birth. In terms of what I am supposed to renounce, as I tried to say before, there may be legal interpretations of citizenship and nationality, and

what renouncement means in terms of those things. But, to me, never having sworn any other oath of allegiance and now being asked to renounce something, I am not sure what I am being asked to renounce.

That is why it appears to me that I am being asked to renounce a birthright—a birthright that all Australians are given without having to swear allegiance to their own country. They are born here: they have a birthright. Regardless of where they go in the world, that birthright remains with them. I was born in Scotland, so that is my birthright; and that is why I question whether this is also detrimental to the very motivation for and promotion of multiculturalism, because it questions one's birthright. Can the member for Hartley tell me, outside the legal determinations—although that is what we will deal with in Bills that eventually become legal, in terms of the legal jurisdiction—what it is that I am supposed to stand here and renounce?

Renounce to whom? If I am supposed to renounce a birthright, how do I say to my children, who are Australian but who also have a birthright—by birth their bloodline is 50 per cent Scottish, but they are Australian and probably, far more than me, do not think of themselves as having a Scottish background—that I stood up and renounced something that I believe is a direct line to renouncing my birthright? I find that quite impossible to contemplate. Again, we are being questioned as members of Parliament. Despite the oath of allegiance that we took, our integrity is being questioned. This Bill does nothing other than what we have already seen in the Constitution Act, which covers this area successfully. If a member of Parliament swears allegiance to another power, their right to hold a seat in this place is forfeited, and that is all that is required to be said on a Bill such as this.

Mr MEIER: I support the amendment of the member for Gordon. I was a little surprised to hear some of the comments of the previous speaker, because I know that every Federal member of Parliament currently has to give up any citizenship they hold with another country. It is not as though it is anything new: members of Parliament have been doing it for years. They simply have to renounce any citizenship they hold with another country. Therefore, I do not see that as a problem. I will not go over the arguments I put forward last time with the fictitious country of Austral, but I highlight the fact that members of Parliament must make considerable sacrifices once they become a member of Parliament. You lose your privacy to a large extent; you are at the beck and call of your constituents 24 hours a day, seven days a week; and you must make many other sacrifices.

I see no problem in making the sacrifice of deciding that you will retain the citizenship of only one country—that is, Australia—if you want to stand for Parliament. Therefore, I support the amendment, because I believe that every current member of this place had to weigh up what he or she wanted to sacrifice before they stood for Parliament. Members here did not have to weigh up whether they wanted to renounce the citizenship of another country. It was not an issue that they had to consider. If members have been here for, say, 12 years and go on for another three years, which would make it 15 years, and then they seek another term, I think it only right and proper that they be exempted from this. If they want to serve the 19 years, so be it.

Members interjecting:

Mr MEIER: Why?

Mr Koutsantonis: The principle's the same though, isn't it?

Mr MEIER: No. The principle is that you have to weigh up before you go into Parliament what sacrifices you will make. All the current members have had to weigh that up, but one of the conditions we did not have to weigh up was whether or not to forgo the citizenship of another country. If you stand for Federal Parliament, you do have to weigh that up, and you must decide to forgo any other citizenship. Every Federal member of Parliament has had to forgo foreign citizenship, but we have not had to do that. I am suggesting that that is not a good thing and that we should have to undergo that. But for those who have already made the decision and are currently members here, that is fine. For the next election I do not believe they should be penalised, nor for the election after that if they want to go on.

I think that this is a very sensible amendment, therefore, and at least overcomes the problem of some members feeling that the Bill was selecting certain members in this House, which, I think, was a lot of rubbish: it had nothing to do with it. At least the amendment overcomes any member's concerns that that was behind this Bill.

The Committee divided on the member for Spence's amendment:

AYES (20)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Thompson, M. G.
White, P. L.	Wright, M. J.

NOES (24)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Oswald, J. K. G.	Penfold, E. M.
Scalzi, G. (teller)	Such, R. B.
Venning, I. H.	Williams, M. R.

PAIR(S)

Stevens, L.	Buckby, M. R.

Majority of 4 for the Noes.

Amendment thus negatived.

The member for Gordon's amendment carried; clause as amended passed.

Clause 4.

Mr SCALZI: I move:

Page 2, line 6—Leave out 'nationality or'.

Amendment carried.

Mr McEWEN: I move:

Page 2, after line 7—Insert:

(4) Subsection (2) does not apply to a person who has been a member of the Parliament of South Australia at any time before the commencement of the Constitution (Citizenship) Amendment Act 1998.

(5) The set of a member of the House of Assembly who has been a member of the Parliament of South Australia at any time before the commencement of the Constitution (Citizenship)

Amendment Act 1998 is not vacated because the member acquires or uses a foreign passport or travel document.

Mr ATKINSON: I reiterate that the Opposition opposes creating two classes of people in the South Australian Constitution: one class would be members of Parliament and former members of Parliament who are entitled to have dual citizenship, to retain it and to stand for Parliament and to sit in the Parliament; and a second class of people would be the other South Australians who are not entitled to have that privilege. Therefore, we oppose subclause (4).

Mr McEWEN: In opposing this clause, Opposition members need to be very careful of their words because they are saying that retrospectivity is okay, and we all oppose retrospectivity. Whenever we change something and apply something different beyond that point, we create, in their language, two classes, two sets of rights: one set for the people up to that point and one set for the people who come after. It is a fact of life that, as we move forward, we will apply differently rules, regulations, legislation, etc., depending upon the status of the individuals at the time the change was made.

It is very hollow to claim that this is about two classes of citizens. It is not about that at all. It is about respecting the ongoing rights of people who chose to make a decision in the set of circumstances that prevailed at the time. It is totally arrogant of the Opposition to say that this does anything else. The member for Taylor can frown as much as she likes. The fact remains that we are not creating two classes of citizens. We are simply respecting the rights—

Members interjecting:

Mr McEWEN: I bring to the attention of the Chairman a rude gesture that was made by the member for Taylor. It was a most unladylike gesture, I might add.

Mrs GERAGHTY: Mr Chairman—

The CHAIRMAN: Order! The member for Torrens has a point of order.

Mrs GERAGHTY: Mr Chairman, I did not make any kind of gesture that was unparliamentary, and I ask the honourable member to withdraw.

Honourable members: The member for Taylor!

The CHAIRMAN: Order! I do not uphold the point of order.

Mr McEWEN: The member for Taylor exhibited something that one of my sons would call the rude finger. I have no idea what they are talking about. This is not about two classes of citizens. It is about respecting the fact that retrospectivity of itself is abhorrent to this place.

Mr LEWIS: I have twopennyworth. I support the sentiments expressed by the member for Spence. I believe that the time for the change is at the next election and that there ought to be one class of citizens eligible for election to this Parliament: a class of people who were willing on their nomination form to renounce all other citizenship, whether they know they have it or not. It would simply be a standard part of the form. That would solve a lot of the problems to which many members in the course of discussion on this matter in the Committee stage have referred. Whether they know they have got the citizenship or not, they renounce it. That says nothing whatever about whether or not they have more than one travel document.

We all know that Christopher Skase is an Australian citizen and that his travel documents are not only an Australian passport, which has now expired, but also a Dominican Republic passport. He is not a citizen of the Dominican Republic. He has not been granted, nor has he applied for, citizenship. However, he holds travel documents for the Dominican Republic. Notwithstanding the fact that he is a scurrilous fellow, an absolutely outrageous criminal, in the way he is carrying on, it is not germane to this debate, but it illustrates in some part what I am talking about.

That is why I support what the member for Spence is saying. As of the next election all of us ought to be required to sign a drafted form if we seek re-election in which above our signature appears the statement that we are citizens of Australia and that we renounce all other citizenship.

Ms WHITE: I have a question on what the member for Gordon presented to the Committee. I also regret that he misinterpreted a most friendly gesture in an unfriendly manner.

Members interjecting:

The CHAIRMAN: Order!

Ms WHITE: Friendliness. The member for Gordon just said that we should reject retrospectivity and that the Opposition's position is one of retrospectivity, but consider this: he is saying to the Committee that, in the future, all past members should be treated differently from all other sections of the community. So, he is saying that the privilege that is bestowed upon them because they have been members of this House should be enacted retrospectively. I think his argument is a nonsense. We cannot get past the fact that we have one set of rules for those who have been privileged to serve in this House and another set of rules for those who just wish to do so.

Mr LEWIS: I could say one thing to the Committee that might enable it to understand the seriousness of this situation. Notwithstanding my respect for the member for Gordon, I differ strongly from him on this matter and support what the member for Spence has said. In previous Olympic Games, athletes have been able to get away with using substances such as steroids. Does that mean that at the next Olympic Games they should be allowed to get away with using steroids again, just because they did it last time and won? We have now changed the rules and say there must be more stringent testing to prove the point.

Come the next election, not one member of this place remains a member once the writs are issued. We are all equal together with anyone else who seeks nomination, who is a citizen of South Australia and who holds Australian citizenship. We should all be prepared to renounce citizenship of any other country. That means, however, that we can retain our travel document if we happen to have more than one travel document; there is no problem with that.

Mr ATKINSON: A feature of the amendment moved by the member for Gordon which perhaps has not been noted by some members of the Committee is that it applies not only to current members of Parliament but also to all former members. So, Scott Ashenden, Julie Greig, Sam Bass, John Cummins, Lorraine Rosenberg, Joe Rossi, Heini Becker, David Wade and Stuart Leggett can all have dual citizenship, but other South Australians who want to stand for Parliament cannot do so. I think that is an inconsistency that the Committee should not countenance.

Amendment carried; clause as amended passed.

Title.

The CHAIRMAN: The title, 'An Act to amend the Constitution Act 1934'. That that be the title of the Bill: for the question, say 'Aye', against, 'No.' I think the Ayes have it.

Mr ATKINSON: Divide!

The CHAIRMAN: Order! Does the honourable member withdraw his request for a division?

Mr ATKINSON: Yes, Mr Chairman.
Title passed.

Mr SCALZI (Hartley): I move:
That this Bill be now read a third time.

Mr ATKINSON (Spence): I do not think the Bill comes out of the Committee stage any better than it went into it. Changes have been made, but the substance of the Opposition's case against this Bill is that it penalises South Australians who were born in Australia and who are Australian citizens for having a foreign citizenship entitlement of which many of them may not be aware. I think it is a Bill that will cause untold difficulty for the Electoral Commissioner when it comes into effect 14 days after the issue of the writs for the next election.

The Electoral Commissioner will be expected to be able to discover whether all of the hundreds of people who nominate for election for the House of Assembly or the Legislative Council have entitlement to a foreign citizenship. This Bill is not expressed in terms of a South Australian's doing something or knowing something: it is a strict liability disqualification. One is disqualified if one is a subject or citizen of a foreign power. One does not have to know about it; one does not have to do anything.

The member for Newland quite rightly said that, if a member of the House or a candidate for Parliament took steps to make an acknowledgment of allegiance to a foreign power, they should be disqualified. I agree with that; I agree with that part of the Bill which provides for that. But that part of the Bill duplicates what is already in the State Constitution. My objection is to that provision that makes unwitting South Australians the subject of its operation.

What will happen, political Parties being what they are, is that there will be private investigations made by both the major Parties into the antecedents of candidates of the other Party with a view to knocking them out. So, what we will see during the election campaign is impassioned letters to the Electoral Commissioner pointing out that this Liberal candidate or that Labor candidate has an entitlement to a particular foreign citizenship, or is even a subject of Her Majesty the Queen in right of the United Kingdom—as so many of the candidates, of course, will be and always are because of our connection with Britain. I cite the example of Heather Hill, the candidate for One Nation in Queensland. As soon as she was elected, members of the National Party said, 'She was born in Britain; she is a subject of Queen Elizabeth II in right of the United Kingdom; therefore, she is not eligible to stand for Parliament. We will knock her out.' How often will the game be played in South Australia now that the rules have been changed back?

Literally tens of thousands of South Australians will be disqualified from standing for Parliament as a result of this Bill. I hope that members opposite do not squeal when Opposition members of this Parliament write to those people born overseas, and their children and grandchildren, informing them of the effect of this Bill. That is certainly what I will be doing in my electorate. I urge members to reject the third reading of this Bill.

Mr SCALZI (Hartley): The member for Spence has talked about what political Parties would do. Perhaps he is talking about his own political Party. He is talking about hundreds of thousands: we are talking about 69 members of Parliament. This Bill is in unison with but more generous, because it relates to reasonable steps, than the Federal legislation. And there has not been a revolution in the Federal arena.

As I pointed out last week, an article in the *Labor Herald* (I forget the date on which it was printed) clearly stated that the organisers of political Parties—if they are worth their salt—will make sure that their candidates are not disqualified. As I said previously, in this country there are people of diverse backgrounds and over 150 different nationalities. Do we make laws based on what other countries might claim on us? The bottom line is that we should base laws on what we claim ourselves. The commitment to Australian citizenship should be based on what members of this House and the Legislative Council claim as individuals.

You cannot go on and on talking about who might be disqualified, as the Whip said, in terms of a fictitious country. We have to base laws on Australian society because, otherwise, we will never function. I would have thought that members opposite, who always talk about equity, social justice and protecting the community and the less fortunate, would have suggested something in the best interests of the society. Instead, they went on some far fetched, philosophical liberal tangent—

The SPEAKER: Order! Could the honourable member refer back to the third reading, a fairly restrictive debate that analyses the Bill as it has left the Committee stage.

Mr SCALZI: I thank all members who contributed to this debate. In particular, I thank the member for Gordon for his amendment, as it allays the fears of some members about retrospectivity. The amendment clearly states that no present member is disadvantaged, and it takes this situation out of the political arena, because this is a matter of principle. I would have preferred the Bill to be passed in its original state; but the principle that members of this place should have an unswerving commitment to Australian citizenship has been maintained by the amendments. I thank the member for Gordon and other members for their contributions.

The House divided on the third reading:

AYES (24)

Armitage, M. H.	Brindal, M. K.
Brokenshire, R. L.	Brown, D. C.
Condous, S. G.	Evans, I. F.
Gunn, G. M.	Hall, J. L.
Hamilton-Smith, M. L.	Ingerson, G. A.
Kerin, R. G.	Kotz, D. C.
Lewis, I. P.	Matthew, W. A.
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	Olsen, J. W.
Penfold, E. M.	Scalzi, G. (teller)
Such, R. B.	Venning, I. H.
Williams, M. R.	Wotton, D. C.

NOES (20)

Atkinson, M. J. (teller)	Bedford, F. E.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Rankine, J. M.	Rann, M. D.
Snelling, J. J.	Thompson, M. G.
White, P. L.	Wright, M. J.

PAIR(S)

Buckby, M. R.	Stevens, L.

Majority of 4 for the Ayes.
Third reading thus carried.

GREAT MOUNT LOFTY PARK

The Hon. D.C. WOTTON (Heysen): I move:

That this House supports the establishment of the Great Mount Lofty Park acknowledging it was an important plank of the Government's environment policy at the last election and recognising that the multi use park will contribute significantly to the tourism potential in the Mount Lofty Ranges as well as resource protection and economic development within the State.

As the previous Minister for the Environment and having been involved in the preparation of the policy at the time of the last election, I was very keen to see the concept that is set out clearly in the policy brought forward. It is well recognised that the Mount Lofty Ranges have significant tourism potential. There is an enormous amount of diversity through that area and I will talk about some of that diversity a little later. The area designated as one to consider for such a park contains some 12 parks and reserves under the National Parks and Wildlife Act, including parks like Belair, which is no doubt one of the more important of our reserves in this State and one of the oldest in the world. Morialta Park also has significant potential with its magnificent vegetation. It is well recognised for its unique flora and fauna and is a very important park, in particular because of its close proximity to the city of Adelaide, and, of course, Cleland is contained, and so one could go on.

The whole of the Mount Lofty Ranges is recognised for its significant flora and fauna and the recognition given to the great Mount Lofty Park would help in that area as well. There is a significant amount of other public land through the Mount Lofty Ranges as well as that set aside for parks and reserves. I refer particularly to land now the responsibility of SA Water—the old E&WS land. If we look at areas like those surrounding some of the reservoirs—the Mount Bold Reservoir, for example—there are significant areas of open space which contain in themselves magnificent vegetation. There is also forestry land, and it would be my hope that as we move forward with this concept we would be able to include all public land under the control of the Government as part of that park.

Significant land is also held by councils. I understand that councils in the area are happy to consider further their land becoming part of the park structure itself. I strongly make the point that I am not talking of a change in ownership of land. It is totally appropriate that the ownership of land should stay as it is, but that the park be one that is recognised in taking up a significant part of the Mount Lofty Ranges.

There is also the matter of private land, and again I know that when announcements were first made about this proposal, and because of the publicity that was given to it, some concern was expressed on the part of private owners that the Government would be looking to take over vast areas of private land. That would certainly not be my intention. There are ways in which private landowners could become involved, possibly through management agreements. There are many heritage agreements through the Mount Lofty Ranges, and people who hold those agreements might wish to become more involved. There may be others whose land is under no specific agreement but who would be prepared to talk further about this concept.

It really is a concept at this stage, because there needs to be an enormous amount of discussion. I am very keen that that discussion should take place. I would be very keen to be involved as this concept is worked through because, my having lived in the Adelaide Hills and the Mount Lofty Ranges all my life, it is an area which is very dear to my heart and the potential of which I recognise very clearly indeed.

A number of other issues can also be taken into account, one of them being the need to preserve good agricultural land through the area. I think that a better understanding can be provided to the public on that. There is the matter of the hills face zone. I realise that some people feel that we need even better protection of the hills face zone than is currently the case, and there are matters that need to be worked through as far as that is concerned. Then there is the matter of walking trails linking various parts of the Mount Lofty Ranges. I am pleased that those trails are being developed to a small extent. I would certainly like to see that increased, because again I see the opportunity for people being able to walk right across the top of the hills face zone as being very important for tourism.

As I have said before, we must realise that the potential, particularly the tourism potential, comes about as a result of the Mount Lofty Ranges being so close to the city. There are very few places in the world where, within 20 minutes or half an hour, people can leave the centre of the city and be in such magnificent rural conditions as is the case with the Mount Lofty Ranges.

At the time when the environment policy was released in 1997, a number of comments were made by the media. When the Premier released the policy it was indicated that we would be looking to introduce the concept of this park. It was indicated that more than $2 million would be spent on upgrading existing parks in the Mount Lofty Ranges and upgrading the Mount Lofty Botanic Gardens as part of the proposal. I am delighted to announce that that upgrade has now commenced, and I look with a great deal of interest at the work that is being done, particularly in the Mount Lofty Gardens which, as I have said on numerous occasions in this place, is very close to my heart and very important to tourism in this State.

We also talked about the Mount Lofty plan, including upgrading facilities at Waterfall Gully. Again, I am delighted that that has occurred. I have already mentioned the need to upgrade Morialta, the upgrading of the Heysen Trail and, of course, the Mount Lofty Botanic Gardens, where $950 000 has been earmarked to upgrade that garden. It was said at that time that the greater Mount Lofty plan would lead to better management of parks and Government land, including reserves owned by other agencies. All the various areas would be managed as one park, making better use of manpower and resources. That is something that needs to be worked through.

It was indicated that the visitor facilities at the Morialta Conservation Park would be redeveloped to create a world class attraction. I am still very keen to ensure that that happens. I also refer to the development of the network of walking trails through the Mount Lofty Ranges which would be encouraged, including an upgrading of the Heysen Trail which is felt to be necessary. I still feel strongly that that is the case.

I am very pleased that the establishment of this park has been picked up and supported very strongly by the Adelaide Hills Regional Development Board. The board has been strong in its support and the representation that it continues to make to the Government, and I appreciate very much the support that the Adelaide Hills Regional Development Board is providing. Certainly the Executive Director, Mr Thomas, has indicated that he and other members of the board would be very pleased to work very closely with this program.

As I said earlier, this section of land is very important. The concept of the park has been strongly supported by the Conservation Council. It has done a lot of work on this concept and has, for many years, been talking about the opportunities that would be provided for the development of a super park along the western edge of the Mount Lofty Ranges. There is a lot of opportunity for further discussions with that organisation, as well.

There are a number of quotes in respect of the magnificence of the Mount Lofty Ranges. One of them is an excerpt from the dairy of James Allen in 1841 when he said:

To the south of Adelaide is a long range of lofty hills, which forms a beautiful view from town, the road to them is across a plain (3 miles) studded with wattle trees, and here and there belted with peppermint gums.

These hills are lightly wooded to the tops, which command an extensive view of the country around, the sea, St Vincent's Gulf and Yorke Peninsula.

It is interesting that he went on to say:

One of these is named the Brownhill, and gives its name to a little Brook, which runs from the mountain.

There are a number of other references that have been made through the ages in respect of the Mount Lofty Ranges, and they could be referred to on a another occasion. In closing, as the member for Heysen, I intend persevering with the commitment that was made at the last election in working through with this concept. I look forward to doing so. I am keen to be involved in any way that the Minister sees fit but certainly intend continuing to discuss this proposal with the people of the Mount Lofty Ranges. We have recognised what has been done in other parts of Australia, and I hope that members of the House will support this proposal.

Mr HILL secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: TAILEM BEND TO PINNAROO RAILWAY

Mr LEWIS (Hammond): I seek leave to make minor amendments to the wording of the proposed motion so that the intention is more clearly understood, as follows:

That the word 'directs' where it occurs in the first line be deleted and that the words 'calls on' be inserted in lieu thereof; and that the words 'Minister for Transport and Urban Planning and' be deleted; and that the words 'and refers the public works of the standardisation and associated contracts of the Tailem Bend to Pinnaroo railway to the Public Works Committee.' be inserted at the end of the motion.

That will give a reference to the committee which my motion otherwise (I am informed by wiser heads than mine) does not really do.

Leave granted; proposed motion amended.

Mr LEWIS: I move:

That this House calls on all Government agencies which have been involved in any way whatsoever with the work undertaken to convert the railway line from Tailem Bend to Pinnaroo to standard gauge to prepare and present all relevant information about this public works project to the Public Works Committee as required under and pursuant to the provisions of the Parliamentary Committees Act 1991 before 31 March 1999, and to appear before the committee at times and places convenient to it to explain the work and answer all the committee's inquiries about the work and any related matters, and refers the public works of the standardisation and associated contracts of the Tailem Bend to Pinnaroo railway to the Public Works Committee.

The motion, in effect, refers the standardisation works of the Tailem Bend to Pinnaroo railway line to the Public Works Committee. The total value of the works is well over $4 million, the State's contribution being $2 million. It is on Crown land. The issue of concern to me, not so much as Presiding Member of the Public Works Committee alone but also as the local member, is to look at the contract arrangements between the Government and the successful tenderer for the operation of that line as they affect local land-holders who have property adjacent to the line. At the same time, we will look at how the contract arrangements for the work itself were obtained and satisfy ourselves that what has been done is in the public interest. I would pleased if members could give the matter swift passage so that the Public Works Committee could get on with it.

Ms THOMPSON (Reynell): Likewise, I will be brief in my remarks. I know nothing about the conditions relating to the Tailem Bend to Pinnaroo railway other than what has been referred to by the member for Hammond. I do know that there is an alarming tendency in Governments, quite widely, to avoid scrutiny by the community. I also understand that in this case some people feel that their rights have been transgressed. Traditional access rights to land by the railway line are no longer available to them. It is quite amazing to me that we have not heard more about this matter because my experience is that, when people no longer have a right they believe they had, they are not happy about it and they want to know how it came about.

It appears that this is the situation in relation to the Tailem Bend to Pinnaroo railway, and I consider that those people and the community at large have the right to have this matter scrutinised by a parliamentary committee so they can see where the benefits and where the costs are of the new arrangement. It should have happened before the works occurred, but at least if it happens now people have some access to information.

Mr HAMILTON-SMITH (Waite): I move:

That the debate be adjourned.

Motion negatived.

The House divided on the motion:

AYES (25)

Armitage, M. H.	Atkinson, M. J.
Breuer, L. R.	Ciccarello, V.
Clarke, R. D.	Conlon, P. F.
De Laine, M. R.	Foley, K. O.
Geraghty, R. K.	Hanna, K.
Hill, J. D.	Hurley, A. K.
Key, S. W.	Koutsantonis, T.
Lewis, I. P. (teller)	Maywald, K. A.
McEwen, R. J.	Rankine, J. M.
Rann, M. D.	Scalzi, G.
Snelling, J. J.	Thompson, M. G.
White, P. L.	Williams, M. R.
Wright, M. J.	

NOES (17)

Brindal, M. K.	Brokenshire, R. L.
Brown, D. C.	Condous, S. G.
Evans, I. F.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L. (teller)
Ingerson, G. A.	Kerin, R. G.
Matthew, Hon. W. A.	Meier, E. J.
Olsen, J. W.	Penfold, E. M.
Such, R. B.	Venning, I. H.
Wotton, D. C.	

PAIR(S)

Bedford, F. E.	Buckby, M. R.

PAIR(S) (cont.)

Stevens, L. Kotz, D. C.

Majority of 8 for the Ayes.

Motion thus carried.

PUBLIC WORKS COMMITTEE: NORTHERN POWER STATION

Mr LEWIS (Hammond): This is another motion from the Public Works Committee and, again, I seek leave of the House to clarify its meaning in the same way. Accordingly, I move:

Delete 'directs' in line one and insert 'calls on'; and delete 'Treasurer'.

Leave granted; proposed motion amended.

Mr LEWIS: I therefore move:

That this House calls on Flinders Power Pty Ltd which is proposing to refurbish and repair the Northern Power Station to prepare and present all relevant information about this public works project to the Public Works Committee as required under and pursuant to the provisions of the Parliamentary Committees Act 1991 and refers the public works of the project and associated contracts to the Public Works Committee.

That is what the committee intended when I gave notice of this motion yesterday in the House. Accordingly, I simply tell the House in brief that the total value of the works is in excess of $7.5 million. The power station is having a sort of mid-life crisis. It requires major maintenance work—one could say it needs a couple of hip replacements to fix up what is otherwise dangerously likely to fail. The State's power position is parlous enough, God knows. The work therefore is urgent but, notwithstanding that, to ensure that the processes followed are proper and that no favouritism is shown to any Government agency, the Public Works Committee believes that the project, involving in excess of $4 million, ought to be examined.

The agency itself has given advice that it thinks it ought to be exempt from the Public Works Committee. The Treasurer has been advised by the agency that it does not want to come before the Public Works Committee. I think that is petulant on the part of the agency. It should get its act together and understand that it must be a responsible corporate member of the public sector in this State and come before the committee. Every other agency does so, and I do not see why this agency should attempt to rely on specious devices to avoid appearing before the committee.

If one has a motor car and the rear tyre goes flat, one can change the tyre and take it to be repaired. If you also need some major overhaul work done and the radiator replaced, you can get that done. If you also need to have the lights fixed, and so on, the whole thing is unroadworthy. Each item is separate from the other item in its effect on the whole, and I guess you could operate it at a pinch without doing any one of the works.

It is pretty much the same with the Northern Power Station, because there is a boiler with tube replacements required or a couple of boilers need that work. They also need a turbo generator to be replaced in boiler No. 2 and an economiser. That comes up to $4.05 million in itself, and they claim they are two separate parts. The No. 1 boiler economiser needs its tubes replaced. It is not a woman—it is a machine—and there is a cost of $3.5 million.

In short, the Northern Power Station is an entity and it will need about $7 million on it to keep it functional. The Parliamentary Committees Act clearly spells out that that is public work—repairs and maintenance. To try some specious argument that they are separate pieces of the whole and therefore are not caught by the provisions of the Act is okay if that is the way they want to see it. I believe the House ought to simply tell them to get on with it.

Ms THOMPSON (Reynell): I support the motion and point out that the Public Works Committee is not sitting round waiting for work to come to it. In fact, we have some major references before us, including the Government Radio Network, the National Wine Centre and some other important references, which are very important to those involved, such as the Qualco Sunlands salt interception scheme. What we are concerned about, as I said previously, is the process of accountability and scrutiny. There seems to be some move amongst some organisations to think that, if they are working in a privatised manner or corporate manner, they are no longer subject to scrutiny by the Parliament. I think it must be made very clear to these organisations that they are subject to parliamentary scrutiny so long as they stay part of the public sector.

Mr Lewis: And spend public money.

Ms THOMPSON: And spend public money. It is not their money that they are spending—it is our money. They need to be able to demonstrate that they are doing this because the need is clearly there and because they are doing it in a way that is beneficial to the community and to the public interest. The fact that Flinders Power has sought to avoid this is very sad indeed. It needs to be reminded of its responsibility, and anyone else who thinks they might avoid their responsibility needs to get that message clear.

The Public Works Committee does not delay projects unnecessarily and has been very accommodating in allowing urgent projects to go ahead. We cancelled many of our electorate activities in order to deal with the matter of the Leigh Creek coal dumping bridge and Playford B Power Station. We put ourselves to considerable inconvenience to go up there, when Flinders Power realised belatedly that it needed to come before the Public Works Committee for those matters. It cannot complain that the committee is a barrier, but it can complain that we scrutinise thoroughly, because we do. I will continue to do so in the interests of the Parliament and the community.

Motion carried.

CONSTITUTION (CITIZENSHIP) AMENDMENT BILL

Mr ATKINSON: Mr Speaker, I rise on a point of order. It would have been convenient to take this point of order a little earlier. It relates to the Constitution (Citizenship) Amendment Bill. Section 8 of our State Constitution Act reads:

The Parliament may, from time to time, by any Act, repeal, alter, or vary all or any of the provisions of this Act, and substitute others in lieu thereof: Provided that—

(a) it shall not be lawful to present to the Governor, for His Majesty's assent, any Bill by which an alteration in the Constitution of the Legislative Council or House of Assembly is made, unless the second and third readings of that Bill have been passed with the concurrence of an absolute majority of the whole number of the members of the Legislative Council and of the House of Assembly respectively;

I refer to *Hansard* of Thursday 4 March 1999 where the Constitution (Citizenship) Amendment Bill received only 23 Ayes to 21 Noes. I wonder why, Sir, you did not follow

the precedent of other Speakers at that point and rule that the Bill was ineligible to go further under section 8 of the Constitution Act and I ask you, Sir, to do so now.

The SPEAKER: I appreciate the honourable member's point of order. The Chair would like to read the Act, take a considered reply and come back at the appropriate time in the near future.

SPORTS FLAGS

Adjourned debate on motion of Mr Hill:

That this House calls on the Minister for Transport and Urban Planning to amend the Development Act 1993 and regulations to ensure that South Australians have the right to display sporting flags.

(Continued from 4 March. Page 976.)

Mr HAMILTON-SMITH (Waite): I move to amend the motion as follows:

Delete all words after 'House' and insert the following words—

(a) notes that the Development Act 1993 and regulations already provide for the installation on private property of a flagpole less than 10 metres in height and the flying of a recognised sporting flag without the need to seek council approval; and

(b) considers that the Development Act 1993 and regulations should continue to provide that flagpoles greater than 10 metres in height and any flags incorporating advertising require council approval.

This motion has arisen as a consequence of an inquiry by one of the member for Kaurna's constituents, Mr Gerald Heymann of O'Sullivan Beach, to display a Crows football club flag. Initially the inquiry led to some confusion within the Onkaparinga Council about what approvals are required under the Development Act. On 4 March the council clarified the matter in a media release stating in part that the council had now advised Mr Heymann that he could display his Crows flag, that the council had never denied Mr Heymann permission to fly the flag, that a single sporting club flag would not be considered by council to be an advertisement requiring approval under the Development Act, and that a flag with a commercial logo such as a sponsor may be considered to be an advertisement requiring approval but that, until full details of a specific proposal were to be known, no discussion could be made.

It should be noted that the erection of a flagpole less than 10 metres in height and the flying of a recognised sporting club flag does not require approval under the Development Act. I suggest that the majority of sporting club flags flown in private gardens would fall into this category. The current Development Act and regulations require approval for both flagpoles greater than 10 metres in height and advertisements. It is considered that in such circumstances council approval is required in order to determine that the flagpole structure is safe and that the commercial component of the flag is not used for de facto advertising. This approach to advertising reflects current practice whereby signage and billboards are subject to council approval.

The media release from the council proposed that it would be of assistance for the legislation, that is, the Development Act and regulations, to be amended to clearly exempt sporting club flags from any requirement for approval. However, that is already the case provided any flag does not incorporate advertising. Why confine the exemption just to sporting club flags and not include any other creative pursuits that may be of interest to landowners? Let us consider the interests of neighbours and the neighbourhood.

Therefore, I do not support the original motion, because the Development Act and regulations already cater for councils to address issues of concern to anyone who wishes to erect a flagpole and sporting flag minus advertising, as well as the interests of neighbours. This issue arose because the council issued general advice without knowing the specifics of the project. Now, with more information at hand, the council has granted permission to Mr Heymann to install the flagpole and the Crows flag. I urge the House to support my amendments.

Mr De LAINE secured the adjournment of the debate.

COONGIE LAKES

Adjourned debate on motion of Mr Hill:

That this House calls on the Minister for Environment and Heritage to ensure that applications to grant wilderness status to the Coongie Lakes wetlands be processed forthwith and calls on the Minister to ensure that Coongie Lakes wetlands be given the highest possible level of environmental protection once the exploration licences for the area expire in February 1999.

(Continued from 4 March. Page 979.)

Mr LEWIS (Hammond): I oppose this proposition. I do not support the view that has been expressed by the member for Kaurna in his motion. The exploration licences expired in February 1999. In my judgment, this motion simply locks up the mineral wealth of the State, whether that be oil, gas or any other substance, unnecessarily. This is a highly prospective area.

Mr Hill interjecting:

Mr LEWIS: Well, you might say that at the moment, and you are entitled to think that, but that does not mean that what you say is true. We now have more sophisticated—

Mr Hill interjecting:

Mr LEWIS: Yes. In my judgment, we have done enough to damage ourselves already in that respect. We created a huge national park called Ngarkat when the Government was in caretaker mode in 1979 under Premier Corcoran.

Ms Key interjecting:

Mr LEWIS: No. What we have in Ngarkat is a huge reserve of mineral sands. The only reason the land was never allocated was that no-one wanted it. It consists of very hungry, coarse white sand, and no-one wanted this rain fed land for agricultural purposes. It was very deficient: sheep and cattle would get coast disease if they grazed on it for any length of time because of acute deficiencies of copper, cobalt and zinc in the covering layers of pure white sand in which the Banksia heath grows.

However, because it was there in the County of Chandos with no hundreds allocated to it and not being used for any purpose with no-one seeking to procure it at that time, without regard for whether or not it contained any minerals the Government simply proclaimed it as a national park in response to a request from the Conservation Council.

It is a huge area of land: it would more than swallow up the metropolitan area from Gawler to Victor Harbor several times over. Anyone who puts calipers on a map of South Australia and places those same calipers over Ngarkat will see this.

Debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

CONSTITUTION (CITIZENSHIP) AMENDMENT BILL

The SPEAKER: The member for Spence, by way of a point of order, asked me a question before lunch as to why I did not follow what he said were precedents and rule that the Constitution (Citizenship) Amendment Bill did not pass the second reading with an absolute majority. The simple answer is that it was not necessary to make such a ruling.

Mr ATKINSON: Sir, I rise on a point of order. Would it now be lawful for the Government to present the Bill to the Governor, under section 8 of the Constitution, if it passed its second reading and third reading with an absolute majority in the other place?

The SPEAKER: The Chair is not in a position to, nor does it have to, answer that question. I was asked that question prior to lunch and I have given a ruling. The question concerned—

An honourable member interjecting:

The SPEAKER: It is not a ruling: I clearly answered a question. If the member believes that the House has erred in the way in which it dealt with that piece of legislation, I refer him back to the Constitution Act to see how he will deal with it. It is not a matter for the Chair. It is a matter of whether he believes that the House has erred, and what he intends doing about it.

EDUCATION POLICY

The Hon. J.W. OLSEN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: The way in which we choose to educate our children will determine the future of our society. We have a responsibility to ensure we plan effectively for education in the next century, both across Government and at a community level. Education cuts across the criminal justice system, early childhood, employment, information technology and a number of other areas within government, and we must recognise it as such. Globalisation and pace of international change has required us to pause, reflect, adjust and manage that change and implement it. Education is the key to our future and this Government is seeking to ensure that South Australia's future is prosperous—socially prosperous.

One fact stands alone: education and children's services touches each and every family in South Australia. So often we get caught up with debating the pros and cons of economic rationalism—in the media, the Parliament and the academic world—the perception is that this is where good policy starts and finishes. That is not so. As the year 2000 approaches, Governments must look beyond that—at the even bigger picture, if you like. In life we can achieve any number of things but there is one thing that no-one can ever take from us: our knowledge, our education. If we get it right—educating our children—the benefits to our community, our society, will be staggering. It will impact on social issues such as crime, homelessness and drugs. And it will impact on economic issues, research and development, industry development and employment.

What the Government is proposing to do is to embark on possibly the most significant social debate the State has undertaken in decades. South Australians are being asked to think about what sort of education system we need for the next century. How are we, as a community, going to best equip our children and grandchildren to meet the challenges of the next millennium and beyond? I refer to the Government's very public review of education. This is a bold initiative, initiated and undertaken by the Minister for Education and Training, and I commend him for it.

South Australians have strongly embraced the opportunity to have their say. They are asking the Government to look at the very heart, the very core, of our system. Is it still fulfilling the very basic role of ensuring young South Australians are given the opportunity to be all they want to be in this new information technology driven world? Parents and students have the right to demand outcomes from our education system, that those wishing to enter the work force straight from school have the best opportunity to do so, that those wishing to pursue higher education are given the best possible chance of achieving those goals. It is a fine balance, but it is crucial we get it right.

It has been 27 years since the current Education Act was enacted. It is legislation for a different generation, for a different time. It was a time when there were jobs for just about anyone who wanted one, when 15 year old school leavers had a tremendous choice. But that is yesterday's story. The majority of today's 15 year olds, quite simply, are finding it difficult to meet the demands of a highly competitive and increasingly sophisticated work force—and I would even question whether it is fair to expect them to do so.

South Australians are telling us that we need to rethink the issue of how long our children remain at school, indeed whether the compulsory age of 15 is still appropriate. It is our belief that the debate should not be one of compulsory years of schooling. We have moved beyond that. As a Government we have to now consider whether it is now appropriate to make it compulsory for young people to be engaged in some form of training up to the age of 16 or 17 years, whether that be formal training, TAFE college, traineeships or apprenticeships. And Governments have, over time, failed a large number of students by not having programs for those who were 'good with their hands'. Unfortunately, in recent times, these students left school at the age of 15 years with very few going into full-time employment. It is widely known that students who complete year 12 are four times more likely to gain employment than those who do not.

The Government is taking real steps to address this issue. We are already committed to giving those students real job skills before they leave school through vocational education. More and more schools are establishing links with local industry to ensure the skill needs of local employers can be met by beginning to teach students those skills before they leave school. But the question South Australians are asking is: is this enough? Do we need to go further?

The reality is that unless these students stay within the education and training systems, beyond the age of 15, for many their employment chances will simply not improve. Our focus is simple, to ensure that young South Australians are given the best possible chance of getting a job. If broadening the definition and span of compulsory schooling can contribute to that, then it is an issue we must seriously consider.

There have been many other issues raised by South Australians since the public review started last November, issues which no Government can hide from—issues which need to be met up front. That is exactly what the Government intends to do and what the Minister has been implementing. South Australians are asking: should our schools be open

longer—in shifts, for example? There is already a wide acceptance that learning occurs at all hours. What powers and responsibilities should school councils have? Should they be able to hire and fire teachers? Should pre-schooling be compulsory and who should be responsible for what is taught in schools? Is child care educational and how do you get rid of the schoolyard bully? Is truancy a problem for the school itself, the wider community or only the justice system? Under-performing teachers: should they stay or go? Should you reward outstanding teachers?

The review is being conducted in three phases. South Australians have until the end of the month to have their initial say. A discussion paper based on issues raised by the public will be produced, which is expected to be released for further public comment in approximately August. A draft Bill is expected to be completed by January next year. We must show leadership on what will be the most significant piece of social legislation this Parliament will debate in decades. I seek the support of every member of this Parliament in working with their constituencies in the consultation process. We must all become involved in shaping our education for the sake of our children and their children as we head into the next century.

QUESTION TIME

ALICE SPRINGS TO DARWIN RAILWAY

The Hon. M.D. RANN (Leader of the Opposition): I direct my question to the Premier. Given the immense importance of the Darwin to Alice Springs railway to the future of jobs in South Australia and the need to build upon today's very good news on jobs and unemployment, is the Premier aware that the Federal Government intends to tax Government grants intended to encourage private investment in the railway and that this would mean that the Commonwealth would take more in tax than it would have contributed to the project? The Commonwealth, South Australian and Northern Territory Governments have each committed $100 million to the railway. In the Northern Territory Parliament on 18 February, the Minister for the AustralAsia Railway, Mr Barry Coulter, said that capital grants made towards the railway's construction would be taxable by the Commonwealth. The Opposition has been informed that this would mean that the Commonwealth would put in $100 million but get back $108 million in taxation.

The Hon. J.W. OLSEN: This issue has been in the public domain for about four or five months and was the basis of a discussion held at the last Premiers' Conference in Canberra towards the latter part of last year, so the basis of the question is nothing new. Following that Premiers' Conference last year, when the then Chief Minister, Shane Stone, and I had a meeting with the Prime Minister, there was a commitment regarding the Prime Minister at officials level—at a Commonwealth, Northern Territory and South Australia level—to work through the options to ensure there would not be an outcome such as the Leader has suggested. The principal task in the negotiation of that is left to the Northern Territory Government on the basis that this track is being laid solely in the Northern Territory but that we have committed $100 million to the project because we see it of significance to South Australia in establishing this State as a transport hub and the spin-off benefits that can flow from that.

As I have previously advised the House, best and final offers are currently being prepared. Those best and final offers are due to be presented to the AustralAsia Rail Corporation, the body set up between South Australia and the Northern Territory to oversee the calling and assessment of tenders and giving of recommendations to the respective Governments. Those bids are due on 31 March this year. Upon receipt of the bids, the AustralAsia Rail Corporation will give advice to both the South Australian and Northern Territory Governments as to a preferred tenderer and what steps might or might not have to be put in place subsequent to the receipt of those best and final offers.

At the last advice I had, it would take a month or two for the AustralAsia Rail Corporation to make an assessment of the bids it receives. Suffice to say that, as it relates to intent—that is, the $300 million of grants from the respective three Governments underpinning this project in terms of capital contribution—it is thought by South Australia and the Northern Territory to be the minimum that ought to be considered. Further, if there are constraints in relation to tax laws at a Commonwealth level, it is incumbent upon the Commonwealth Government to ensure that suitable arrangements are put in place to make sure that there is a net benefit to the consortium of some $300 million. Those negotiations are continuing at official levels.

GOVERNMENT POLICIES

The Hon. G.M. GUNN (Stuart): Will the Premier inform the House of the benefits to South Australians of the Government's clearly defined policy initiatives?

The Hon. J.W. OLSEN: This question goes to the heart of what this Government is about: setting a clear direction; developing and implementing policies that deliver a better quality of life for South Australians; having a plan; and working that plan. This week we have seen the contrast in that regard between the Government and the Opposition. It can be summed up in one word: policy. We have a policy: the Labor Party has no policy.

Policies that this Government has developed and is proud of developing and delivering for South Australians— and you can look at the regional employment programs—include the Small Business Employer Incentive Scheme and regional labour exchange programs. The Government is also committed to providing better water quality for South Australians in regional areas for not only personal consumption but also export markets, involving the manufacturing and processing of food products from rural areas to go into the international export markets. It is a reduction of an input cost. Instead of some of the wineries or other food manufacturing processing facilities in country areas having to put in very expensive water filtration systems, now that the Government has provided them with that, it takes away an input cost to that business so that business can be internationally competitive in food and beverage going into international export markets. That is a deliberate policy direction of this Government and it is illustrated by the recent opening of the last regional water filtration plant at Tailem Bend.

They are but a few examples of how the Government is following a clear direction for regional South Australians. We are soon to receive the report of the Regional Development Task Force containing a number of recommendations that will be addressed and given consideration, and many of them, I am sure, will be implemented by the Government.

In relation to tourism, the Government is conscious of the fact that a plan to rebuild tourism activity in South Australia has resulted in many benefits being passed onto South Australians. For example—and I alluded to this in the House yesterday—I think $2.2 billion is the latest figure of economic activity being generated by the tourism industry in South Australia. Hitherto, employment in tourism in South Australia grew substantially over the course of the last year. Why? Did it just occur? No, it did not. It occurred because of a deliberate policy direction of the Government to put in place tourism infrastructure to underpin the tourism industry in South Australia, to put in place a marketing campaign to make maximum use of that tourism infrastructure, and then to go out and seek a range of events to come to South Australia, once again to give marketing a focus nationally and internationally and to sell South Australia and its products.

We have developed a program of 56 events that will occur this financial year generating some $46 million in economic activity. That means, through that economic activity, the creation of jobs in the tourism and hospitality industries. We have pushed forward with major projects such as the Glenelg foreshore development which involves not only jobs in the construction phase but, on completion of it, the greater focus and economic activity it will bring to the locality.

I just contrast that, as an aside, to the many promises never delivered in relation to that particular development. I well remember—it was 1987—that the then Premier John Bannon announced that we would have in the Barossa Valley this new nationally recognised tourism facility. Well, it took a Liberal Government, 10 years later, to actually deliver, and that facility, as I understand it, may well be opened later this month.

The Hon. D.C. Wotton: It was 14 years of a Labor Government to get Mount Lofty up.

The Hon. J.W. OLSEN: Yes, 14 years. The member for Heysen ought personally to take a lot of credit for what we now have at Mount Lofty. We have turned the ashes at the Mount Lofty Summit, a tourism feature of South Australia, into something—

Mr Wright interjecting:

The Hon. J.W. OLSEN: I have found out who the shadow Tourism Minister is; I have actually found out who he is. He might get up to ask a question or put down a policy one day. Any policy would do; we do not care which one you have; one policy instead of just saying 'No' and having no policy option for South Australia. That is why—

Mr Wright interjecting:

The Hon. J.W. OLSEN: Look at our track record on tourism infrastructure and tourism numbers coming to South Australia. We will give the honourable member the details and, if he likes, he can send it up to the Queensland Premier. I am advised that, although Queensland is supposed to be this tourism promoting, developing and growing industry, South Australia's figures are better than Queensland's. On a percentage basis Queensland had a contraction last year. South Australia did not have a contraction last year. These things do not happen without planning, foresight and driving through the process, and that is exactly what this Government has done.

What has the Opposition done? Of course the member for Ross Smith put the lie to the statement that 1999 would be a policy year. The honourable member issued a leaflet in his electorate entitled 'Labor Listens', which said that the Opposition would work up policy for the year 2002. But what about in the interim? What does the Opposition stand for? Silence, again. Clearly the Opposition has no idea, no policy and no intention of developing policy. This Government has identified one of the most important policy initiatives facing the State, namely, the sale or lease of ETSA. Where is the alternative from the Leader of the Opposition? He has no policy, no idea and no solution.

The Leader of the Opposition sat in the Bannon Labor Government as a Minister, presided over the collapse of the State Bank, put $3.5 billion of additional debt on South Australia and actually created the problem, and he is not prepared to be part of the solution to the problem. Opposition members are walking away from any fundamental responsibility to this House or the broader South Australian community. We are pursuing that policy: we want to free ourselves from debt burden; we want to deliver services that people deserve; and we want to remove risk from a national electricity market. But what do we get from the Leader of the Opposition? He just says 'No.' He has no policy, no idea, no plan and, what is more, he is not interested. We make a clear distinction—and it will be exposed as the days go by—between the Government and what it is delivering, the course it is pursuing and the policies in which it believes, and an Opposition that is simply sitting in a vacuum.

CICCARELLO, Mr S.

Mr WRIGHT (Lee): My question is directed to the Minister for Tourism.

Members interjecting:

Mr WRIGHT: Thank you, thank you.

Members interjecting:

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

Mr WRIGHT: Why was the Major Events Corporation not capable of handling the negotiations to secure Olympic soccer games for Adelaide, and why was it necessary to hire consultant Mr Sam Ciccarello at a cost of $378 000 to negotiate this deal, given that every State and Territory capital which had applied for these games and which met the criteria received soccer matches? SOCOG distributed a questionnaire to States and Territories in relation to hosting soccer matches which was to be returned by 30 September 1996. The essential requirements were that they had a suitable venue and were within an acceptable distance of Sydney.

Brisbane received seven matches, Canberra received six matches, Melbourne received seven matches, Sydney received eight matches and Adelaide received seven matches. The Opposition has been advised that Brisbane negotiated its deal through a Government department. We understand that Brisbane did use a consultancy to establish the economic benefit of securing the soccer games. It cost just $5 000, not $378 000.

The Hon. J. HALL: I am rather astonished at the question by the honourable member for Lee. Having read *Hansard* yesterday I saw that my colleague the Minister for Industry and Trade gave a pretty extensive answer. I take exception to the reflection inherent in the question on the Australian Major Events agency. Australian Major Events has been an extraordinarily successful agency of this Government and for many months now the Labor Opposition in this State has done nothing but knock the great success that this Government has achieved in getting Olympic soccer to South Australia next year. I would have thought that they would be proud and supportive that this State will host the Olympic soccer tournament and all that will go towards making it an enormous success.

I cannot believe that the shadow Minister and his colleagues consistently find reason to cast doubts and throw a bit of mud around on anything related to the activities of soccer and the Olympic tournament. I thought it might be interesting to share with the House some of the places that our international visitors might like to visit when they come here next year. There are some pretty interesting figures that have just been provided to me as Minister for Tourism. When all our international visitors arrive next year to witness the soccer and to join and share in the many visits and attractions in South Australia, some of the sorts of areas that they might be interested in visiting are interesting because 12 per cent of all international visitors like to go into our spectacular outback.

Mr WRIGHT: Mr Speaker, I rise on a point of order and ask you to ask the Minister to go back to the substance of the question.

The SPEAKER: Order! There is no point of order. I cannot put words into the Minister's mouth. If she debates, that is another matter. She is not debating the issue.

The Hon. J. HALL: Thank you, Mr Speaker. Unquestionably we are looking forward to many thousands of international and interstate visitors coming to South Australia next year, particularly to visit the soccer games. We are hoping that they will stay for many days before and after the tournament and perhaps come back another time. It is interesting to look at the places international visitors like to go when they come to South Australia. For example, it might be of interest for the House to know that 5 per cent of all international visitors—about 21 000 at the moment—visit Kangaroo Island and we understand why. There are 65 000 interstate visitors, for example, and about 13 000 international visitors who go to the Barossa. These are the sorts of figures and spin-offs that we can all look forward to as well as the economic activity that will be generated when all those Olympic visitors come to South Australia.

YOUTH EMPLOYMENT

The Hon. D.C. WOTTON (Heysen): Further to the Premier's ministerial statement, can he now inform the House how Government policy and strategies are helping young South Australians, in particular, to enter the work force?

The Hon. J.W. OLSEN: The unemployment figures out today are continuing the encouraging trend where 8 000 more South Australians are now in full-time employment in this State than was the case in January. Of course, we have to treat figures on a monthly basis with caution. However, it is clear that our policies are having some tangible results. Particularly encouraging is that our youth unemployment rate, which is far too high, has dropped by 5.5 per cent to 30 per cent in today's figures. Importantly, this is the eighth consecutive month where we have had a decline in the unemployment figures. The trend is heading downwards, exactly where we want it to be, and the fact that we now have eight consecutive months—the trend line, which is important—is the encouraging factor with these job figures today.

To have the figures drop by .7 per cent in one month down to 8.8 per cent, seasonally adjusted, is something that we would welcome—and I acknowledge that the Leader made reference to that earlier. But these are the policy directions, with determination and commitment and new private sector capital investment, we are starting to see translate into real jobs and, in particular, for young people. We must equip our young people to make them employable, and we are doing this through a range of policy initiatives in our education system, in our training system and the opportunities also through apprenticeships.

Over the course of the past week we have identified that those in training in the hospitality industry I believe was of the order of 338 or 383 when we came to office. It is now over 2 000. That has been the turnaround in the past five or six years. And if you take other industry sectors, many of them are moving in the right direction. Once again, we are getting on with the job, not just talking about it and not just holding some closed forums that a handful of people attend to talk about development of policies.

In contrast to the last days of the Bannon Government—in fact, when the Leader was Minister—we had an increase in unemployment where 34 South Australians joined the dole queue on a daily basis when the Leader was the Minister for Employment: 34 600 people lost their job and the unemployment rate jumped from 6.8 per cent to something like 11.4 per cent. And, by the way, youth unemployment went, I believe, from 17.6 per cent to something like 40 per cent or a bit greater.

They were the circumstances that we inherited in 1993 and, with a clear focus, a policy direction and putting parts of the jigsaw together, a range of initiatives—no single initiative will solve the problem for South Australians—we are now starting to see the benefit flowing to the broader South Australian community. So, in sum total, the fact that 8 000 South Australians now have a job over those who applied last month is welcome news. The trend line for eight months is also welcome news. We as a Government will continue to work at on a daily basis policy direction and strategies to ensure that that trend line continues by making South Australia a conducive business climate in which to invest to attract new private sector capital investment, get expansion of our existing industry base, attract new industries to South Australia and, in doing so, offer the real prospect of jobs for South Australians as we go into the next millennium.

OLYMPIC SOCCER

Mr WRIGHT (Lee): My question is directed to the Minister for Recreation and Sport. What are the full details of the total budgeted cost to the South Australian taxpayer of mounting the seven Olympic soccer games in Adelaide, including any travel and accommodation costs of bringing teams here, and can the Minister—

The Hon. G.A. Ingerson interjecting:

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

Mr WRIGHT: Thank you, Sir. He is very rude. Can the Minister assure the House that South Australia has secured a deal in line with that struck by other States? The Opposition understands that South Australia was the first State outside New South Wales to secure Olympic soccer matches, and perhaps the Minister can tell me why Major Events was not used.

The Hon. I.F. EVANS: The honourable member asks why Major Events was not used. The view was that Mr Ciccarello had the specialist skills required to do the job; hence, he was employed.

TEACHERS, PAY DISPUTE

Mr HAMILTON-SMITH (Waite): My question is directed to the Minister for Education, Children's Services

and Training. What is the current status of negotiations with the Australian Education Teachers Union?

The Hon. M.R. BUCKBY: This is a dispute that the Government has always wanted to settle. We made an offer of some 13 per cent on the table to teachers over three years and that has not been removed from the table: that offer still stands. However, we have not found a reciprocal willingness on the other side of the table, and I have now moved to have the Industrial Relations Commission move to arbitrate this pay dispute with teachers. I am not prepared to allow this dispute to continue. I believe that I have shown goodwill in releasing the $28 million a year in flexible funding to schools, to ensure that continuity and certainty in planning of the school year can be undertaken by teachers and principals in their schools. I have linked that to future pay increases, so that it is indexed to future pay increases.

We must remember that it was the AEU that took the Government to the Industrial Commission in terms of trying to settle this dispute, and we have had numerous meetings. There has certainly been a willingness on the part of the Government to solve this issue, but not from the other side. In fact, I was greatly interested in hearing the latest missive from the AEU yesterday, which says that teachers are prepared to settle on wages. I just about fell off the chair, because that was the first time that I had heard of it. It certainly has not come out in any of the meetings which we have had with the union.

As a result, the Government has been left with little choice but to seek arbitration through the Industrial Relations Commission. Despite being told that taxpayers cannot afford any more, the AEU continues to seek a substantial increase—and I am sure, Sir, that you remember the 10 per cent over two years and the salary sacrifice that would have cost the Government an additional $154 million over three years. Students and teachers deserve better. It is destructive and futile to continue along the path that we are travelling. The union is extremely slow to realise that there is a bottom line to Government expenditure, that South Australian taxpayers do not have infinite sums of largess to dispense every time the union happens to put its hand out.

CICCARELLO, Mr S.

Mr WRIGHT (Lee): My question is directed to the Minister for Recreation and Sport. When did Mr Ciccarello first notify the Government that he was engaged in discussions with SOCOG about securing employment with the Sydney Olympic Committee and when did he formally notify the Government that he was taking up the position of Event Director of the Olympic soccer tournament? The Minister's press release of 9 March indicates that Mr Ciccarello's consultancy arrangements with the South Australian Government ended on 28 February this year.

The Hon. I.F. EVANS: Given that previous Ministers were involved, I am not sure of the exact date when negotiations first started. I am happy to get that date for the honourable member. The advice to me was that, as far as signing up with SOCOG, that was done this year—but I will get the exact date. However, that is certainly the advice to me. My recollection is that—and I will also check this for the shadow Minister—in actual fact, he was nominated by the Government to the position. I will check that advice and get back to the honourable member.

DRUGS

Mr CONDOUS (Colton): Will the Minister for Human Services outline to the House how Government departments are working in partnership to provide drug education programs for South Australian children?

The Hon. DEAN BROWN: I thank the member for Colton for this question. Members of the House, and the member for Colton in particular, have spoken to me on this issue of the problem with drug addiction within our community. It is an enormous cost. It is invariably a small number of people but a huge cost of somewhere between $100 million and $200 million per year here in South Australia alone. Therefore, it is very important that we carry out an effective education program for all young South Australians, particularly through the schooling system. In fact, the State Government, back in 1996, initiated a program called Tough on Drugs Strategy and that put up a range of programs under what they called health and physical education within the education system for all students between reception through to year 12. The junior primary students learnt about the safe use of medicines; the primary students learnt about the effects of drugs on their developing bodies and lifestyles; and the secondary students heard of the harm particularly inflicted upon them by smoking and the potential excessive use of alcohol and cannabis.

The program has been largely carried out in the schools by Living Education. It is a body which is independent of the State Government but which is largely funded by grants from both Living Health and the Drug and Alcohol Services Council. Living Education has its own mobile classrooms and it travels from school to school. However, I was concerned to find that fewer than 50 per cent of all students in the State receive annual education on drugs and other key issues relating to their health. I also found that a large number of different bodies are delivering other programs—and some very worthwhile programs—including the Heart Foundation, the Anti-Cancer Foundation, local GPs in various schools, the AMA and others.

I had a discussion with my colleague the Minister for Education and both of us have agreed that it is time to make sure that we have a unified drug and health education program throughout the entire State. We have agreed that we will need more resources and we have agreed it is fundamental that it should touch on every student from reception through to year 12 every year. To do that means a significant lift in funding through Life Education. I am hoping we can do that as part of the anti-tobacco strategy and as part of our broader drug education program. We want to ensure that the number of classrooms is increased, and therefore all the students in all the schools each year can be contacted in one form or another.

Can I say that a very high priority will be to ensure that effective drug education is delivered to all the students in South Australia, together with programs in areas such as diet. We have already launched a program on diet with what we call 'Munchie Card' (which is an initiative with Telstra) whereby the students can buy a value card which can only be used in the school canteen. There is $25 on the card. They take it to school each day instead of taking money. They cannot go to the corner shop and buy inappropriate food or cigarettes. We have also launched an exercise program encouraging young students, in particular, to get regular exercise. We have found that there is a very alarming increase in obesity of young people. Something like 25 per cent of the

population of school students now spend up to four or five hours a day sitting in front of television set, which is quite alarming. Therefore, to overcome this obesity which is occurring, we are running a number of programs to encourage them to get out and get more exercise.

There is also the Sunsmart program to reduce the incidence of skin cancer in our community and also a program to work on mental health problems, particularly amongst young students at school. Invariably, with people who develop mental illnesses, they exhibited some signs of that at school, and it has been identified that if the problem is tackled at that time it is reduced later in life. Both of us are very committed through our departments to ensure that we have a far more effective education program, particularly for drugs within our community.

HAMMOND, Dr L.

Mr HANNA (Mitchell): My question is directed to the Minister for Government Enterprises. Was the Premier correct when he informed Parliament that the Minister for Government Enterprises was responsible for authorising the termination payment for the former Chief Executive Officer of the MFP, Dr Laurie Hammond; and, if that is the case, why did the Minister not supply the full details of the termination payment when the question was asked in Parliament 15 months ago? When the question was asked in Parliament on 19 November last year and again on 2 March this year about who authorised Dr Hammond's termination payment, the Premier said he would check. However, a month earlier (on 9 February this year) the Premier supplied a written answer to Parliament saying the termination payment was authorised by the Minister for Government Enterprises. Dr Hammond's termination payment was authorised in December 1997, but the Minister failed to tell Parliament about the full details of the termination payments at that time and details of an extra $300 000 were not revealed until earlier this month. Why?

The Hon. M.H. ARMITAGE: My clear recollection is that in answer to a question in relation to the authorisation of Dr Hammond's pay out, the Premier answered in Parliament words to the effect that it was his belief it was the Chief Executive of the Commissioner for Public Employment's area—and that is factual.

CRIME PREVENTION

Mr LEWIS (Hammond): Mr Speaker, I want to ask my little mate a question.

The SPEAKER: The Chair cannot hear to whom the member is directing the question.

Mr LEWIS: The Minister for Correctional Services. Why does the Government's crime prevention program involve prison inmates talking to school children about life in gaol?

The Hon. R.L. BROKENSHIRE: I am delighted to answer this question because it is an important question. Whilst we all know that the Minister for Education is doing a great job in leading edge curriculum activities in schools, I am delighted that my portfolio for correctional services is working with the Minister for Employment, Education and Training to get the message about the school of hard knocks and so on through to young people. The prisons program that is now being undertaken throughout the schools is an active program which is designed to reduce youth crime. High school students around the metropolitan area, in particular—and I know about this through my own electorate—through the Straight Talk Crime Prevention program are really getting a taste of what it is like if they go over the line and they end up heading towards a life of crime.

For example, in recent times at Port Augusta—and I understand this is the first time that it has been done on a rural and regional level—there was a session of Straight Talk programs put to 30 young people in the Port Augusta area, young people who may have been at risk or who may have been involved in low levels of crime. Eight low security inmates—five from Port Augusta and three from Adelaide—attended at Port Augusta to let them know just how difficult life is behind bars: how you lose all your privileges; how you have to tow the line at all times; and issues concerning the fact that it will be difficult when you apply for a job if you have had a prison sentence.

The program is being run by the Department of Correctional Services, but it is a very good partnership between Correctional Services and the Minister for Education, Training and Employment. So far, 700 presentations have been made to Adelaide high schools by these inmates. The message that I would like to leave with my colleagues—which is as a result of this initiative between my department and the Department of Education—is what someone told me the other day when they were at one of these programs. When they finished the program one of the prisoners said to the students, 'Well, you are going home tonight. You will be able to play football and netball on the weekend, you will attend school tomorrow, and you have all the time in the world to spend with your family and your loved ones.' This particular prisoner then went on to say, 'I still have 10 years of my sentence to serve and I am going back to be locked behind bars.' It is a strong message and I hope that these initiatives will keep young people in mainstream society and away from crime.

SCHOOL MANAGEMENT

Ms WHITE (Taylor): My question is directed to the Minister for Education, Children's Services and Training. Has the Government accepted all 29 recommendations for local school management in the report entitled 'Community Partnerships and Education' dated December 1998; and does the Minister intend to implement the recommendations? The Opposition has a copy of the confidential report that recommends a shift in power—

An honourable member interjecting:

Ms WHITE: —a leaked report, yes—to school communities to improve teaching and learning and the application of new resource application formulae to ensure that disadvantaged schools are better off.

The Hon. M.R. BUCKBY: I thank the member for Taylor for her question. It has been no secret that this Government is looking at the implementation of local management in schools. In fact, I announced in the House last year—from recollection, probably in August or September last year—that Professor Ian Cox would be heading up a working party that would develop a set of initiatives and guidelines under which to implement local management. That is an excellent report and we will be releasing it publicly within the next month. I publicly thank all the principals and acknowledge the involvement of the union and the large number of members who did a tremendous amount of work on the report. There are a number of recommendations in the report. I am speaking with the Chief Executive of the

Education Department on those recommendations and I am sure that we will come forth with a very good plan in terms of local management in the future.

INFORMATION ECONOMY

Mr SCALZI (Hartley): Will the Minister for Information Economy advise the House of how information economy education is being enhanced in this State?

The Hon. M.H. ARMITAGE: I thank the member for Hartley for a very perceptive question about an area which will be a great growth area for South Australia in the future. In August last year I advised the House about the innovative Adelaide scholarships initiative developed by the University of Adelaide, and the first recipients of these scholarships are now studying at the university. The scholarships are being particularly successful and the University of South Australia and Flinders University have expressed interest in similar initiatives. It is notable that, of the extraordinarily talented young people in South Australia who graduated with such great glittering honours at the end of last year's Year 12, the majority have stayed in SA. Why? It is because of these scholarships. Many of them were the recipients of these scholarships. That is one thing that is happening in relation to preparation for the information economy in education in that area.

Today I want to advise the House of another exciting initiative, stimulated by information economy and a visit I made with the University of Adelaide last year to Austin in Texas. The University of Adelaide is now providing a Masters course in the commercialisation of science and technology. That course will teach students all the steps in successfully commercialising intellectual property. In other words, it will take the really great ideas in ivory towers and turn them into really great ideas in IPOs. It will move what is terrific in the university out into the community—into jobs, profit and growth of our economy.

The program focuses on the very best possible practices. It will be delivered by renowned practitioners and professors in a student peer environment which will use digital technology such as video conferencing and Internet based groupware. There will be a number of teams made up of students from Brazil, Mexico, Portugal, Russia and America and, because of the efforts of our Government, combined with the University of Adelaide, people in South Australia. Each project team will have one person from each of those countries. They will all collaborate on commercialisation projects and technology assignments both physically and virtually over the Net and the Web. This is a clear example of the fact that we are living in a global economy, and the sorts of steps that the Government is putting in place will ensure that that continues to grow.

The Masters course is being provided in conjunction with the University of Texas in Austin, which has developed this course over many years following on a brainchild of Professor George Kozmetsky, who has been a real catalyst to the rebirth of the Texan capital over the past 15 years. There are other similarities. Because of the perfect lifestyle in Austin in comparison with California, and because of the great culture in Austin for information economy, each day there is a specific plane which leaves Austin and flies to Silicon Valley. I am informed that they do not bother to play movies on that flight, because everyone works on their portable laptops, does their e-mail and so on. Hence, the plane has become known as the 'nerd bird'.

Members interjecting:

The Hon. M.H. ARMITAGE: I did; and I used my laptop, too. By partnering with the university in our sister city of Austin, local students will obviously have the benefits of the huge experience of the Austin renaissance. We would expect to do that also in Adelaide. We will localise the course and, very importantly, in the years ahead we will be presenting this course in the Asia Pacific region. It has been very successful in the United States, and interest in South Australia has been very keen. I acknowledge the fantastic efforts of the University of Adelaide in bringing the Masters course on the commercialisation of science and technology into the realms of South Australia. It will be a great winner.

POLICE, WORKCOVER CLAIMS

Ms BEDFORD (Florey): I direct my question to the Minister for Police. Is it true that SAPOL has lost the right to self insure for workers' compensation due to the chronic numbers of stress and other occupational health and safety claims; and, if so, how much are WorkCover premiums likely to cost? The Opposition has been told that staffing levels have exposed SAPOL personnel to unacceptable workloads and workplace situations, resulting in large numbers of claims.

The Hon. R.L. BROKENSHIRE: One of the great things about Focus 21 and the new policing direction is that it is holistic in its approach to taking on—

Members interjecting:

The Hon. R.L. BROKENSHIRE: Members might laugh. This is a serious issue about bringing police into the next millennium, and members, including the Leader of the Opposition, again want to make a joke of it.

Mr Hanna: You're the joke.

The Hon. R.L. BROKENSHIRE: The member for Mitchell in particular wants to make a joke again about police, but I am serious about police, and I am serious about ensuring that our Government supports the new direction for policing. As a result of that, one of the very important aspects of Focus 21 is modernising the human resources area of the South Australia Police Department and bringing in new training and development opportunities for police. That will further enhance them from the point of view of occupational health and safety and workplace risk. A review is being undertaken in that area at the moment. I look forward very much to getting the results of that review in due course and I will then advise the honourable member of the details of the issue.

Ms BEDFORD: I rise on a point of order, Sir. That does not answer the question.

The SPEAKER: Order! There is no point of order. The Minister is free to answer as he sees fit. The honourable member can probably ask another question later if she feels so inclined.

Members interjecting:

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

VOCATIONAL COLLEGE

The Hon. R.B. SUCH (Fisher): Will the Minister for Education, Children's Services and Training let us into a secret and tell us when he will announce the location of the second vocational college?

The Hon. M.R. BUCKBY: Three things are common in terms of the location of the second vocational college. The first is that there is high demand within the community; the

second is that there is high demand within industry; but the third and probably the greatest is the demand from the members of this House for it to be placed in their electorate. I think there is hardly an electorate that has not lobbied for this one, but I am committed to developing a second vocational college in the south. As members would know, the first one was very successfully opened at Windsor Gardens by the Premier on 23 February this year. That was an extremely successful event. The people who are involved in that vocational college are very enthusiastic. Industry is completely on side and is cooperating with both TAFE and the Windsor Gardens principal—and it will an excellent program. I also have country members who are wanting one. Where does it end?

This college is at the leading edge. It is working with local industry and the local community to get outcomes for our young people that will lead to employment. I have asked the member for Mawson (the Minister for Police) to coordinate a local interest in the south. He is working on a bipartisan agreement with both the member for Kaurna and the member for Reynell—who, I have to say, are working extremely well towards this. There is a meeting of some 24 interested parties at 2 p.m. on 19 March at Christies Beach High School.

Next week, secondary schools in the south will be invited to apply for the second college. The closing date for applications will be 30 April this year and a selection panel consisting of department and industry representatives will consider applications and make a recommendation to me by 28 May 1999. I anticipate an opening in February 2000, and this will be another very significant move towards incorporating industry, education and our schools to ensure that our young people are equipped for industry and have the greatest opportunity to gain employment when they leave their training.

WESTERN MINING CORPORATION

Ms BREUER (Giles): Given that neither the Treasurer nor the Premier has so far been willing to categorically rule out that ETSA failed to place a bid for the supply of power to Western Mining Corporation, will the Premier now tell the House whether or not ETSA bid for the $12 million a year contract and, if so, whether the bid was made on a fully commercial basis approved by the Minister?

Government sources have informed the Opposition that the Electricity Sale and Reform Unit prevented ETSA from placing a fully commercial bid for the Western Mining retail contract. The sources understand that this was done so that the Government could use the Western Mining example to place pressure on those parties opposed to the privatisation of ETSA. Western Mining told the media yesterday that, despite the retail loss, ETSA would still retain its lucrative transmission contract with Western Mining worth many millions of dollars each year.

The SPEAKER: Before calling on the Premier, can I say to members that, if they are going to stand in their place to raise a point of order, I suggest they call, 'Point of order'. Members on both sides are developing this habit of just standing in their place and looking at me without saying anything. The procedure is to call, 'Point of order'. If I do not hear members, I suggest they repeat it. Does the member for Hartley have a point of order?

Mr SCALZI: Mr Speaker, my point of order is that the honourable member was commenting.

The SPEAKER: There is no point of order.

The Hon. J.W. OLSEN: Perhaps the honourable member would like to do a bit of homework before asking her question in this context. Regarding the comment that some business would still be done because the electricity would have to go through a transmission line, you do not have to be Einstein to work out that electricity does have to go through a transmission line from point A to point B, from the generator to the consumer. But, in relation to the earlier question, I am advised—and the Treasurer will be responding fully to this—that the Deputy Leader did get it wrong yesterday and there were, in fact, some bids given by ETSA-Optima to Western Mining that were rejected.

FARMBIS

Mrs PENFOLD (Flinders): Will the Deputy Premier give details to the House on the opportunities provided by this Government for primary producers to access education, training and skills enhancement?

The Hon. R.G. KERIN: Last Friday, when Mark Vaile, the Federal Minister for primary industries, was in Adelaide we took the opportunity of launching FARMBIS, which is a new joint State and Federal program to provide opportunities into the rural areas for training. It is a $14.5 million program over the next 2½ years. It has a very fine focus on viability, increasing production, trying to increase profits to farming enterprises and also giving them the skills whereby they can pick up on any opportunities which present themselves from either the use of new technology or through a change to the enterprise of their land if there is a better way of using the land—and, if they have water, also to get greater value for the water.

It is a shift from what was the focus of rural adjustment or rural assistance a few years ago, which had a welfare spin to it. This is very much about helping those who help themselves and providing the training opportunities in farming communities for not only farmers but also employees. We are focused on things such as risk management and getting the books right, because farming these days is not just about growing whatever crop: it is very much about running a business and getting the marketing and the financials right.

It follows on—and it is probably a bit of reward for the rural sector—from the successful RAS training program which has been conducted over the past couple of years. Some people were cynical about whether farmers would take it up. They have shown themselves to be extremely innovative. In the first year, 5 000 farmers took part in the program, putting beyond doubt that farmers are well and truly willing to treat change as an opportunity rather than a threat. They certainly picked up on that.

It goes hand in hand with the rural leadership program which we announced earlier in the week. A total of 120 aquaculture trainees, which also means jobs in the rural areas, is helping primary production, along with a whole range of other programs. I am sure that FARMBIS over the next couple of years will be extremely successful in helping us to meet the goals that we have set for the food industry. I thank the FARMBIS steering committee who have put in a lot of work, David Jericho (the chair), SAFF, the advisory board and the ag bureau for their cooperation to ensure that we put together a very good program.

HAMMOND, Dr L.

Mr HANNA (Mitchell): Will the Minister for Government Enterprises now admit that he authorised Laurie Hammond's pay-out—yes or no—or does he say he cannot remember a pay-out of almost $500 000?

Members interjecting:

The SPEAKER: Order!

The Hon. M.H. ARMITAGE: I repeat what I said before: I am happy to be asked the same question—

Mr Hanna interjecting:

The Hon. M.H. ARMITAGE: And I will give the same answer. What I said was that the Premier's answer, which I believe was along the lines of—

Members interjecting:

The SPEAKER: Order! The member for Mitchell has asked his question. He will remain silent and let the Minister respond.

Mr Hanna: Thank you Sir; I am waiting for the answer.

The Hon. M.H. ARMITAGE: Now I know how the visiting footy teams feel at Football Park: it is terrible. As I indicated before, and I will continue to indicate, my recollection of the Premier's answer a week or 10 days ago—

Mr Hanna interjecting:

The Hon. M.H. ARMITAGE: Just be quiet. If you give me half a chance, I will get to it. My previous answer to exactly the same question—and I am very happy to waste the Opposition's time; every time they want to ask the same question I will give—

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: No, I am giving a very full answer. It must be important because it has been asked twice.

Mr Foley interjecting:

The Hon. M.H. ARMITAGE: Absolutely not. I am happy to get out the *Hansard* in a minute but my recollection is that—

Mr HANNA: I rise on a point of order, Mr Speaker. It may be that the Minister misheard my question—

The SPEAKER: What is the member's point of order?

Mr HANNA: The Minister's remarks in contravention of Standing Order 98 are not directed to the question.

The SPEAKER: Order! I think that the honourable member knows that there is no point of order on this occasion.

The Hon. M.H. ARMITAGE: As I was saying, my recollection was that the Premier said that the payment had been authorised by the chief of the Office for the Commissioner for Public Employment, or words to that effect. Then, in answer to the previous question, which is exactly the same as this question, I said, 'And that is factual.'

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The House will come to order. Members have had a good run in this Question Time; let us not spoil it.

Mr Foley interjecting:

The SPEAKER: Order! I warn the member for Hart for continuing to interject after the Chair has called him to order.

HUMAN REMAINS DISPOSAL

Mr MEIER (Goyder): Is the Minister for Local Government aware of any problems relating to the disposal of human remains in South Australia?

Members interjecting:

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

Members interjecting:

The SPEAKER: I apologise to the member for Spence. I warn the member for Peake.

Members interjecting:

The SPEAKER: Order! I do not need assistance from the Minister.

The Hon. M.K. BRINDAL: I am reminded of Hamlet, Sir, where one could not distinguish between two characters in that play, either. This is an important matter and I believe that the Commissioner for Consumer Affairs has made an important announcement today about which, as the Minister responsible for the legislation on the disposal of human remains, I have been aware for some weeks. While it is not proper to comment on that, I merely inform the House that the previous Labor Government resolved not to introduce a Disposal of Human Remains Bill in 1991—one presumes for political reasons.

The problems which will be highlighted today and which will become the subject, I believe, of court proceedings (and therefore we should not comment on them) draw public attention to the fact that we need, as a Parliament, to address this important issue. I commend the House to take a clear look at what has been happening and to discuss what can happen under the current legislation. I implore the House to focus its attention on this matter because it is quite clear that the Government today should not only be looking at this matter but should be doing something. We are prepared to give this matter our serious consideration. We look to the Opposition to assist us in an important public issue.

YOUTH AFFAIRS COUNCIL

The Hon. M.K. BRINDAL (Minister for Local Government): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.K. BRINDAL: The Leader of the Opposition yesterday raised a number of important questions. I have a statutory declaration, as I promised, from a staff member who was improperly and without evidence impugned. I call on the Leader of the Opposition to apologise and withdraw statements for which there was no substantiation. I have also been given—and I will be coming to you privately on this matter, Sir, because I think it touches on the privilege of this Parliament—a letter circulated by the Leader of the Opposition, only part of which—and it also, I believe, touches on my legal rights—was read into the *Hansard* of this Parliament. The Leader of the Opposition did not read the following sentence:

> However, I have been advised by one of my staff who attended the Multicultural Youth Network that he was present at a recent meeting whereby the Minister was a guest speaker.

In other words, the Leader read a letter which purported to be from the City of Charles Sturt and which he inferred was an official letter from the City of Charles Sturt—

Mr Atkinson: He implied—

The Hon. M.K. BRINDAL: —he implied it—but he did not bother to inform this House that the person who wrote the letter was not even present and was acting on hearsay. I am shortly fully expecting a full apology from the person concerned, and I will ensure that that is circularised. I have here also a letter from the City Manager of the City of Charles Sturt, which I would like to read into the record.

Members interjecting:

The SPEAKER: Order! The Minister raises some very serious issues this afternoon; I intend hearing them in silence.

The Hon. M.K. BRINDAL: The letter states:

> I refer to a letter sent to Mr Kym Davey of the Youth Affairs Council (YACSA) dated 2 March 1999 on the City of Charles Sturt letterhead relating to YACSA. I have investigated this issue and the authorised use of a council letterhead for the author to put forward his private views. The views of this letter do not, in any way, reflect the position of the City of Charles Sturt and I apologise unreservedly for any distress or embarrassment this letter caused you. Appropriate employment action is being taken with the staff member involved, and we will communicate with YACSA informing them of our position on this matter and the unauthorised use of the city's name.

Later today I will also, I believe, be in a position to be able to circulate letters from the MCC, which I addressed, refuting the allegations made. As I previously said, I am expecting an apology from the gentleman concerned.

The third question concerned a letter that the chair of the review committee had sent to my office. I promised the House an explanation and I give it now. I can confirm that I received the letter from the Chairperson which was dated 2 March. The Chairperson sent me the letter as a result of a number of concerns the President of the Youth Affairs Council of South Australia raised with that committee.

The review committee felt that two of the questions raised by Mr Turley were outside its responsibility and therefore requested me to respond directly to YACSA. I do not believe this constitutes a breach of the review committee's independence nor is it at variance with any statement that I have made in this House. I am surprised that the Opposition would be compliant in promulgating statements calculated to undermine the work being undertaken by a group of young people on my behalf. I am concerned—

Mr Koutsantonis interjecting:

The Hon. M.K. BRINDAL: I would suggest, Sir—

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

The Hon. M.K. BRINDAL: That is a statement of untruth and I require the honourable member's apology and withdrawal, or that he repeat it outside this place so that he can subject himself to a test to which any other citizen is subjected.

The SPEAKER: The Chair did not hear anything which was unparliamentary and which warranted a withdrawal.

The Hon. M.K. BRINDAL: I take your ruling on that, Sir. I am concerned that this is not the first example of what appears to be emerging as a carefully orchestrated campaign to derail a review. The House, like myself, must simply ask the question: why?

SALMONELLA

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

Leave granted.

The Hon. DEAN BROWN: At 1 p.m. today the Health Commission issued the following statement:

> The Health Commission has received microbiological results today from testing done on other fresh orange juice. The combination of the microbiological and epidemiological data presently available indicates that salmonella typhimurium phage type 135a was confined to Nippy's fresh fruit juice products. On Monday the Health Commission made an order prohibiting the sale of Nippy's, Orange Grove and Aussie Gold fresh fruit juices. That order remains in place. Pasteurisation gives an added level of protection against salmonella. Most orange juice products are pasteurised. Dr Robert Hall reminded people to maintain high levels of hygiene, such as regular careful washing of hands and food utensils because salmonella could be transmitted from person to person. Further updates will be provided once more information becomes available.

POLICE INQUIRY

The Hon. R.L. BROKENSHIRE (Minister for Police, Correctional Services and Emergency Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.L. BROKENSHIRE: I report back to the House on the results of a review by the South Australian Commissioner of Police into the apprehension of two Federal members of Parliament in Canberra on Sunday night. An investigation commenced by officers from South Australian police into two men suspected of both being drug couriers inadvertently resulted in a search of a Mr Martyn Evans and a Mr David Cox by officers from the Australian Federal Police.

The South Australian Police Commissioner, Mr Hyde, has had the matter investigated and has now reported back to me. The results of that investigation have been outlined by Mr Hyde at a media conference at police headquarters that was due to commence at 2 p.m. today. This is an operational matter and it is therefore appropriate for the Commissioner to outline the operational aspects of this case. However, as the matter has been raised in this House I would like to outline the conclusions from the investigation.

The investigation found that the tip-off to the South Australia Police was received from an anonymous caller. There was nothing in the circumstances that would remotely indicate the incident was politically motivated. There was nothing to indicate the initial information provided by the anonymous caller was politically motivated or malicious. Officers from South Australia Police had sufficient evidence to commence investigations and subsequent evidence reinforced this to the level of reasonable belief.

The Commissioner has advised that SAPOL regrets any embarrassment caused to Mr Cox and Mr Evans. However, on the basis of police inquiries, the Commissioner is satisfied that his officer acted reasonably in the circumstances. Any embarrassment resulted from the way the information was handled by the Federal police officers, for which the Federal Police Commissioner, Mr Palmer, has apologised.

GRIEVANCE DEBATE

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

Ms HURLEY (Deputy Leader of the Opposition): Yesterday in Question Time in response to a question (the Premier was not answering the question, I might add, and got on to another topic) the Premier said:

> At least when he was the Deputy Leader the member for Ross Smith used to get out into the regions. I do not suppose that the present Deputy Leader has been past Gepps Cross in terms of going out into the regions to champion the cause of the Labor Party.

I am a bit fed up with Gepps Cross being used as an expression by members of the Adelaide Establishment as being the delineation for country areas. There are many suburbs and many people live beyond Gepps Cross within the metropolitan area of Adelaide and I happen to be one of them. I pass Gepps Cross regularly every day in and out of this place and I certainly do not regard myself as living in the country, and neither do the 300 000 other people who live north of Gepps Cross. There is just this view that anything beyond Gepps Cross out of Adelaide is not worth considering, and obviously the Premier subscribes to that view as well.

I can tell the Premier that a lot is happening beyond Gepps Cross and I invite the Premier to go north of Gepps Cross and discover this. For myself and the members for Florey, Ramsay and Taylor—

Mr Foley: And Hart!

Ms HURLEY: Yes, and the member for Hart, who represents part of the northern suburbs. We would be very happy to take the Premier around those northern areas beyond Gepps Cross to see the benefits of living in the northern suburbs and why so many people have chosen to live there and enjoy living there, including myself. My electorate is out there and I regularly go north of Gepps Cross. I object to the view that Adelaide stops at Gepps Cross. In fact, I am not surprised that the Premier holds this view because only recently I gave a grievance in which I indicated how much has been taken away from the northern suburbs. I am quite prepared to believe that members of the Liberal Party do not realise that anything exists beyond Gepps Cross. We receive very little in terms of recognition from the Government. It may have something to do with the fact that the members I just listed are all Labor members and it is a Labor voting area.

However, I can assure the Premier that it is rapidly becoming more and more Labor voting. It is about time that this Government recognised the importance of the northern suburbs, the importance of that number of people choosing to live in the northern suburbs, and the fact that it is a growing area. We have lots of young families. The north is rapidly expanding and I think the Premier may find this out fairly shortly because the seat of Light, which is centred around Gawler, has now become a marginal seat and it may be that the Premier might visit a bit more often those outer northern suburbs which are now part of Light. I have already made an invitation to the current member for Light, the Minister for Education, Children's Services and Training, to show him around the suburbs which, in future, will be in the seat of Light but which are now within my seat of Napier—the suburbs of Smithfield Plains and Munno Para.

I am happy to show the member for Light where the suburbs are, to introduce him to a number of people in the area and to show him exactly how people live there and what they expect from the Government. I am very happy to extend the same invitation to the Premier, and I very much hope he will take it up. It would do him good to come out to Smithfield Plains and Munno Para, talk to people there and find out what they think about his Government's policies. I can understand the Premier might be a little reluctant to do that, especially in the wash up from the announcement of the proposed ETSA tax which, I can tell him, is extremely unpopular in those suburbs.

Mrs MAYWALD (Chaffey): I rise to speak today about the recent salmonella outbreak that has been linked to the Nippy's fresh fruit juice products. The Nippy's family are constituents of mine who started their business in the small Riverland town of Moorook some 30 years ago. Alec Knispel came to the Riverland with just a few shillings in his pocket and started the Nippy's fruit juice factory in Moorook. Since then his two sons have joined the family business and they now enjoy a very successful business in the fruit juice area, expanding into the flavoured milk line. Nippy's developed into a multi million dollar enterprise with juicing plants not only at Moorook but also at Regency Park, Adelaide. The company has also begun exporting its products interstate and into the Asian and New Zealand markets. This successful company employs 20 people in the Riverland, and this employment is extremely important for my electorate. In the past the company has had a reputation of being a reliable supplier of products of excellence.

However, the company has stumbled up against a serious health problem. One of my concerns about the whole process since the salmonella outbreak was identified has been the media coverage and, whilst I appreciate that there can be no compromise with respect to public health, in the past couple of days we have seen the debate go a little astray in terms of speculation causing considerable angst to other orange juice processors and confusion within the community as to what may or may not be safe. I refer to a bold headline in yesterday's *Advertiser* saying 'Brazilian suspect'. My concern with this is that not only is the Brazilian concentrate a suspect of the source of the salmonella poisoning, but so is everything used in the Nippy's factory to produce the fresh juice line.

By highlighting the Brazilian concentrate as only one product has misled many in the community to believe that the Brazilian fruit juice is the problem. This has caused considerable angst for other processors that have even had their customers phoning them to ask them if they use concentrate and saying that, if they do, they will not be purchasing their product. This is most unfortunate, because these other processors—in fact, the majority of processors—pasteurise their product: therefore, the risk of salmonella poisoning has been reduced greatly.

This has created an enormous problem for my region, because many of my major employers are fruit juice processors within the Riverland. I believe it is irresponsible media coverage of an event that is of great concern in relation to public health, and also of great concern to people in the same industry who have been unaffected by the salmonella bug. I was greatly pleased to read the media release from the South Australian Health Commission today, which has identified that Nippy's is the only source and, therefore, the other processors can feel confident now in going forward and continuing to sell their product and consumers also can feel confident that they can buy juice without any fear of contamination.

One of the other concerns that I have about the recent coverage in the newspaper is Nippy's admission in today's *Advertiser* that it has been forced to use up to 49 per cent of concentrate in its fresh product because of the substantial increases in citrus prices. This has once again highlighted the many structural problems within the industry—and, indeed, many of the primary industries. It seems such a pity that the only time that juice companies can make a profit is when citrus growers are going broke: or, if they demand a reasonable price for their produce, processors seek to maintain their margins by sourcing cheaper imported products.

This is a real concern and has been a concern for many years. In fact, in the paper today Nippy's has been quoted as saying that prices have risen from under $100 a tonne to $400 a tonne. Under $100 a tonne is not meeting production costs

for the grower and, therefore, it is unviable for the industry to continue to produce at that rate. I believe it is important that we look at that issue now that it has been highlighted again and look at where we can introduce structural change, particularly in view of the fact that the Australian consumer enjoys one of the lowest levels of food prices in the world.

Mr HILL (Kaurna): Yesterday I addressed the House on the sorry issue of Yumbarra and I revealed the Government's incompetence in handling that issue and how it was attempting to allow mining there as a political act rather than as a true expression of the potential mineral wealth there. Today I would like to highlight another problem with our national parks, this time in relation to what is known as Hardy's Scrub, which is part of the Onkaparinga National Park. I am advised by the Friends of Onkaparinga Park that Hardy's Scrub was purchased by the Government as a result of considerable negotiations between the National Parks and Wildlife Service and Mr Hardy, the then owner of the scrub, after extensive lobbying by the Friends of Onkaparinga Park—in particular, local residents Ron and Doris Fowles. So, the Friends of Onkaparinga Park has a very strong interest in this piece of land, since they were responsible for it in fact becoming part of a national park.

I am told by the Friends of Onkaparinga Park that Hardy's Scrub is the largest and most valuable area of remnant vegetation in the southern metropolitan area, with a number of rare endangered plant species. Since the purchase of this land, the Friends of Onkaparinga Park has had an ongoing program to remove the environmental pest plants from this area. These include bridal creeper, olive and boneseed. Last year, over 800 hours were spent by more than 50 friends on the task, which has a very high priority on their program, demonstrating their appreciation and commitment to this area of high conservation value. That is an excellent effort by the Friends of Onkaparinga Park, and that body does a good job throughout all of the Onkaparinga Park. So, you can imagine the distress of those people when they became aware of a backflip by what was then known as the Department of Environment and Natural Resources, now DEHAA.

In 1997, Allan Holmes, who was then Director of Natural Resources in the department, contacted the Friends of Onkaparinga Park and informed it that the department had every intention of stopping the camel trek activity in the park. Prior to that, for some 20 years, camel tours had occurred in the scrub. But on 16 September 1997 Mr Holmes said:

> Although I believe that treking camels through the area is likely to detract from its conservation values and as such should be discontinued, the undedicated Crown Land status of the land has severely limited the powers of the National Parks and Wildlife Act 1972 to manage activities on the land.

I intercede by saying that, eventually, they were incorporated into the park so that it was possible to ban the camel tours. In the same letter Mr Holmes said:

> In view of the above, the commercial users license held by Mr Rex Ellis who runs Bush Safari Co Pty Ltd was extended from March 1997 to March 1998, but it will not be renewed beyond that date.

So, because of conservation problems, the department said that it would not renew the camel trek program. Yet, on 22 January 1999, in a letter to Ms Gail Rees, the Secretary of the Friends of Onkaparinga Park, the department—that is, Mr Holmes, who was then the Director of Heritage and Biodiversity—announced a complete backflip. He said:

> In light of the decision I have received advice concerning the NPWSA position on camel tours in Hardy's Scrub. Mr Ellis has conducted his tours through the scrub for over 20 years and there appears to be no long-term detrimental impacts on the environment of the area or to park users from this activity. NPWSA therefore proposes licensing Mr Ellis to continue to run camel tours through Hardy's Scrub on the following conditions—

I will not read the conditions. The Secretary of the Friends, Ms Gail Rees, said in her letter to Mr Holmes:

> It is a sad day for our many 'Friends of Parks' groups who have worked assiduously to gain a good relationship with the department—only to find that the word of our Director cannot be relied upon. Things will never be the same.

Ms Rees has told me that the fact that these treks are now continuing will cause all sorts of conservation problems in the park and it will mean that many of the Friends of Parks group will stop doing voluntary work in that park. In fact, they are very dubious about whether the tours will be kept to the management tracks, because a *Postcards* program on Channel 9 on 14 February clearly showed that the camels were wandering right throughout the scrub, and the Friends had previously found camel hair and faeces on walking trails. So, they are concerned that this will create a bad precedent for other potential users of the park.

The Hon. R.B. SUCH (Fisher): Today I would like to make brief reference to the debate that is occurring in relation to so-called voluntary student unionism. I am very saddened to see that this debate has now re-emerged because when I was Minister, and when the member for Bragg was Minister responsible for industrial relations we, as a Government, had a clear policy that we would not interfere in the affairs of students at the university—and I believe that is still the appropriate course of action.

Part of the problem is that the term 'student union' is quite inaccurate. It is not a trade union. They are not registered trade unions and, in many ways—and I have used this analogy on many occasions—the fee that is paid by students is very much akin to a rate levied on ratepayers by a local government area. If a resident, or a ratepayer of a district chooses not to use the library but uses other services, then so be it. And a similar situation exists at the university. If we move away from the situation that exists now of a common rate you will have a situation where students, presumably, could be asked to pay to go to the toilet on a user-pays basis, to use the cafeteria and to walk on the oval. This gets into a very difficult situation, as has occurred in Western Australia, where the student fee has been dealt with by local legislation and has brought about very unfortunate consequences.

So, I would very much counsel parliamentarians, State or Federal, not to go down the path of interfering in the affairs of adult students—and I emphasise adult students. If the students at university do not like what is being done with their money, they should do something about it: they should get off their backside and change the rules.

I am afraid that what is happening is that people are fighting battles of the 1970s. The universe does not end or begin at Monash and I think people are frightened by the ghost of Mr Langer and others who got a bit excited about Castro's policies (which, over time, have been shown not to be too flash) and other people who seem to have a liking for Maoist policies. Students go through various phases in terms of their political attitudes and behaviour, and the fact that during the 1970s Monash was a hot bed of leftist activity—by a minority of students, I should point out—should not be colouring the views of present day members of Parliament,

State or Federal. One would argue that the student bodies today of our universities are much more conservative than years ago. My concern about many of our students at universities today is that they are motivated essentially by materialistic concerns.

It is important to have an outlook which focuses on getting employment, but I dread the day when universities simply are places where we churn out people to work in industry. That is part of their role, but it is not their main or principal role. The role of universities is to seek the truth and that should be totally uncompromised. Universities are not there to produce people simply to serve the needs of industry, but that is one of their aims. I come back to the point that moves such as this which involve and interfere in the running of universities are very dangerous. I was very careful when I was a Minister, as was the then Minister for Industrial Affairs (Hon. Graham Ingerson), to ensure that that principle was not in any way jeopardised. As I say, universities will never be to everyone's liking and I think the day that the universities become popular with Governments is when one would have to question whether the universities are really doing their job.

They should be a thorn in the side, at times, on issues. They should be challenging and questioning whether it is a Labor, Liberal, or whatever Government. The tragedy of today is that the universities have been silenced. Apart from a few academics, not many people are prepared to say anything because they are frightened of having their funding cut. That is a very sad situation: it is a form of censorship which our society cannot afford to have. I believe that the universities, like some of the other great institutions—the ABC—are fundamental to our democratic system.

Ms CICCARELLO (Norwood): This afternoon I will speak about a subject which is very close to my heart, and of course it is Norwood. This morning the member for Colton (Mr Steve Condous) recited a poem by Dorothy Mackellar because he said that that best embodied his love of Australia. I would just like to say a few lines which would indicate my love for Norwood:

> I love to live in Norwood
> Where the flowers do scent the air
> And take a walk at sunset
> When the evening air is cool and fair.

That was written by C.J. Dennis, another one of our famous poets in South Australia.

The Hon. G.M. Gunn: Where was he born?

Ms CICCARELLO: He was born in Auburn. I thank the member opposite. He also lived in Norwood; he lived in Elizabeth Street, Norwood.

The Hon. G.M. Gunn: He lived in Laura, too.

Ms CICCARELLO: And he lived in Laura.

Mr Conlon interjecting:

Ms CICCARELLO: No, the *Glugs of Gosh*. I want to speak about the Food, Wine and Music Festival which will be held on the Norwood Parade on Sunday. Mr Speaker, I apologise, I have given all the members a program for the day, and I have one for you. It highlights exactly what will be happening. This year we have some 30 restaurants and cafes, and we even have the Norwood Pie Cart participating in the event. This year will be the fifth time our Norwood Food and Wine Festival has been held, and it started from very modest beginnings. When we held it in 1995, we attracted some 20 000 people. The inspiration for the event came through our links with the Clare Valley and C.J. Dennis. We decided to twin the City of Kensington and Norwood with the Clare Valley and we had the Clare Valley wineries combining with the restaurants in Kensington and Norwood. Each restaurant prepared a special plate and matched it up with wines from the Clare Valley.

The event has gone ahead in leaps and bounds. We also twinned with the area of Penola because of our relationship with Mary MacKillop from Penola, who was also a resident of Kensington and Norwood. Last year our event was extremely successful and it attracted between 70 000 and 80 000 people and we anticipate that this year we will have even more people. However, I have always been a little bit bemused—and I am glad to see the Minister for Tourism in the Chamber at the moment—because the council, along with the Parade Development Association, has organised the event on the smell of an oily rag. We have approached Major Events in the past to see whether it would be willing to sponsor the event and we were always knocked back.

In fact, I saw Mr Bill Spurr at a conference once at which a speaker from interstate was telling us how best to organise events. Bill said to me, 'Vinnie, why are you still here; you do not to do this sort of thing any more now that you are in Parliament?' I like to think that I am still learning about a lot of things and I like to take every opportunity I can to best represent the interests of my area. A comment Mr Spurr made was that we did not need the support of Major Events because we are too successful. As I say, I am a little bemused by that because in some of the publications recently I have seen that other festivals are highlighted as being major events in this State, yet our festival, which I think is probably the biggest and best in metropolitan South Australia, has not attracted any funding. I will say, though, that Major Events has, at times, distributed our leaflets in some of the tourism outlets.

Our festival is not just about food and wine. It is also a cultural event because we do have many South Australian artists performing at the different venues and it gives them an opportunity to perform, something that they are not able to do in many of the pubs these days. Also people who come to Norwood can be pleasantly surprised by the attractions of the area. Our council was the oldest constituted metropolitan council in Australia. We have many old historic buildings in Norwood and, if people would also like to walk down The Parade, we have a cultural walk. Several plaques in the footpath highlight some of the notable residents of Norwood, including C.J. Dennis, Don Dunstan, Max Harris, Mary Martin—

Mr Conlon: Garry MacIntosh.

Ms CICCARELLO: We will have a plaque to him one day. Also some of the small business people, the Waite family and the Ward family, who have had family businesses on The Parade for almost 100 years. I would urge all members to come to The Parade because it is a really wonderful experience. The police have also said that it is one of the best run festivals in South Australia.

The Hon. J. HALL (Minister for Tourism): I rise on a matter of importance to me and I believe to this House. Over many years, people have called me many things—some certainly would be unrepeatable in this House. One of the descriptions used has been that of a feminist. I have never seen myself as a great feminist ideologue and my interpretation of this description is best explained by the comments of Rebecca West, who in 1913 said:

> I only know that people call me a feminist whenever I express sentiments that differentiate me from a doormat.

In differentiating women from doormats, I have always pursued—amongst many other policy interests—interests of specific importance to women and children, and particularly policies promoting the status of women. These have included issues of sexual discrimination and equal opportunity and laws to prevent those responsible for domestic violence or stalking, to name but a few—but those are issues for another day.

Earlier this week we celebrated International Women's Day, and in this context it is fitting to refer to a former member of this House, Hon. Joyce Steele, who was also occasionally called a feminist. Though Mrs Steele was certainly no doormat, I doubt that many of her modern day contemporaries would use the 'f' word to describe her. In an interview in 1970 she said:

> Although I am not a feminist, I am certainly in favour of women taking their proper place in the community based on their ability to do a job.

The late Joyce Steele undoubtedly took a proper place in the South Australian community and did so on the basis of her many abilities, skills and attributes. In fact, her place in our community was more than just a proper place: it is one of the most significant and important places in our State's history. Mrs Steele was indeed a pioneering politician, and I am delighted to speak today to recognise her and to congratulate the Premier on his announcement earlier this afternoon that a portrait of the late Mrs Steele is to be commissioned and that, given all the appropriate approvals that will be required, it may hang in this Parliament. The Hon. Joyce Steele was one of two women who were the first to be successful in gaining election to this Parliament, and on the same day in 1959—

Members interjecting:

The SPEAKER: Order!

The Hon. J. HALL:—which I remind the House was 40 years ago this week—the Hon. Joyce Steele was elected as the member for Burnside while fellow Liberal, the Hon. Jessie Cooper, was elected to the Legislative Council. Joyce Steele became the first female to sit in this Chamber, and it was the first of many firsts. She became the first female Whip in 1966 and in 1968 she was the first woman to become a Minister.

Members interjecting:

The SPEAKER: Order! The Minister will resume her seat. I know this is a grievance debate. I am fully aware that some of the interjection is done with levity but, if I give instructions from the Chair that members will cease interjecting, they will cease interjecting. They are arguing the point with the Chair, not with the person on their feet.

The Hon. J. HALL: As a Liberal I am very proud of our Party's history in electing Joyce Steele and Jessie Cooper, the first women elected to the South Australian Parliament—the first in the House of Assembly and the first in the Legislative Council respectively. In fact, our Party was the trail blazer for women elected to all Parliaments. We elected Nancy Buttfield to the Senate in 1955 and Kaye Brownbill as the Federal member for Kingston in 1966—both South Australian Liberal firsts. Our Party's record of firsts for women in politics is an extremely impressive one. Since these times, the status and number of women in politics has progressed significantly, and at one stage I was proud to serve as Chairman of the Federal Women and State Women's Committee of the Liberal Party.

Today the election of women to Parliament is far less remarkable than it was at the time when Mrs Steele was elected, and it is my hope that in future years women being elected to Parliament will not make front page news. Importantly, this week, when we have celebrated International Women's Day as well as the fortieth anniversary of Mrs Steele's election to Parliament, I applaud the Premier's announcement. In my view, it is about time that we had a women permanently looking over us in this place—and I have a few suggestions as to where that might be. The commissioning of this portrait is a most significant act towards raising the status and recognising the enormous contribution of women in public life since the activities of the Centenary of Women's Suffrage in 1994, and I hope all members of the House will join me in welcoming the Premier's announcement today.

SELECT COMMITTEE ON WATER ALLOCATION IN THE SOUTH-EAST

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

That the committee have leave to sit during the sitting of the House today.

Motion carried.

SOIL CONSERVATION AND LAND CARE (APPEAL TRIBUNAL) AMENDMENT BILL

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

That Standing Orders be so far suspended as to enable me to introduce a Bill forthwith.

A quorum having been formed:

The Hon. R.G. KERIN obtained leave and introduced a Bill for an Act to amend the Soil Conservation and Land Care Act 1989. Read a first time.

The Hon. R.G. KERIN: 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.

Current provisions for the handling of appeals under the *Soil Conservation and Land Care Act 1989* have not proven to be sufficiently flexible to allow for the ongoing operation of the Tribunal in certain circumstances.

This Bill proposes amendments that will ensure the timely and effective convening of the Tribunal and minimise the risk of potential conflicts of interest.

The Tribunal is currently comprised of three members, of whom two are appointed by the Governor and the other being a District Court Judge. Should one of the appointed members not be available for service, then the Tribunal cannot be convened. A recent example was the disqualification of the PIRSA member of the Tribunal through a perceived conflict of interest. Without this member the Tribunal could not convene and the appeal cannot be heard.

It is therefore proposed to establish two panels of lay members, one panel made up of persons with practical experience in land management, and the other of persons with formal scientific training. Panel members who are available at the relevant time will be selected by the Judge to sit on the Tribunal for a particular appeal. To deal with deadlocks caused by the non-availability of a lay member once a Tribunal has commenced to hear an appeal, the Bill provides that the Tribunal may continue with the Judge and the remaining lay member, providing that the Judge so allows.

Other provisions deal with the issue of conflict of interest and allow persons to be appointed to panels despite being past or present Public Service employees engaged in the administration of the Act, or past or present members of certain bodies.

It is also proposed that the Presiding Member, who is a Judge, be able to determine certain procedural matters while sitting alone. This is currently not provided for.

A transitional provision will allow the current appeal before the Tribunal to proceed once the Bill is assented to.

I commend the Bill to honourable members.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the Act will come into operation on assent except for sections 3 and 4, which will be brought into operation by proclamation.

Clause 3: Amendment of s. 47—Constitution of the Tribunal

This clause provides for the Soil Conservation Appeal Tribunal to be constituted of a District Court Judge (as at present) and two other members selected by the Judge (the presiding member), from each of the two panels to be established by the Minister. One panel will be comprised of persons with appropriate tertiary qualifications and the other of persons with extensive practical experience in soil conservation or land management. As far as it is practicable to do so, there is to be a reasonable representation of both men and women on the panels. Public Service employees (past or present) engaged in the administration of this Act are not debarred from being appointed to a panel, nor are past or present members of the Soil Conservation Council or of a soil conservation board. A panel member is disqualified from sitting on the Tribunal for a particular appeal if he or she has a direct or indirect interest (personal or pecuniary) in the matter. If the presiding Judge allows, an appeal may be completed by the Judge and one member if the other member dies or is for any other reason (e.g., illness or disqualification) unable to continue. The presiding Judge is empowered to deal with certain non-substantive matters (e.g., adjournments) while sitting alone.

Clause 4: Amendment of s. 48—Determination of questions

This clause is a consequential amendment.

Clause 5: Transitional provision

This transitional provision enables the current Tribunal to complete any part-heard appeal with only two members, if the Judge so allows.

Ms HURLEY secured the adjournment of the debate.

INDUSTRIAL AND EMPLOYEE RELATIONS (WORKPLACE RELATIONS) AMENDMENT BILL

The Hon. M.H. ARMITAGE (Minister for Government Enterprises) obtained leave and introduced a Bill for an Act to amend the Industrial and Employee Relations Act 1994 and repeal the Long Service Leave Act 1987. Read a first time.

The Hon. M.H. ARMITAGE: 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.

Introduction

The South Australian Government established its workplace relations policy position in 1997 with its pre-election policy document "Focus on the Workplace". This policy document envisaged a comprehensive and evolutionary series of changes to workplace relations in this State. This Bill, the *Industrial and Employee Relations (Workplace Relations) Amendment Bill 1999*, reflects and implements the policy commitments made by the Government in 'Focus on the Workplace'.

The policies, which this Bill will implement, have been in the public arena for almost 18 months. They have been broadly circulated and published, and there have been continuing opportunities to challenge and improve them.

The resulting combined input has helped to ensure that in implementing these policies, the Bill is a logical, well considered, contemporary and evolutionary step for workplace relations in South Australia. The changes reflected in this Bill are formulated to suit the workplace relations needs of employers and employees in this State, by allowing employers and employees to share the benefits of a more flexible and user friendly system, which encourages greater freedom for employers and employees to determine their own relationships. The changes are 'South Australian' in nature and do not 'blindly' follow workplace relations systems either federally or in other States. The Bill will not implement a radically deregulated system, but it will re-position South Australia's workplace relations legislation abreast of other states.

Opposition to the reforms contained within this Bill, especially those relating to workplace agreements, will mean that South Australia's workplace relations laws will fall behind those of other States. As other States continue to move forward, passage of the Bill becomes all the more critical to ensuring that South Australia maintains its reputation as a State with industrially contemporary and competitive laws, and a State in which to do business.

The Government's commitment to developing and focusing employment relationships at the workplace level is demonstrated through the amendment of the short title of this Act to the Workplace Relations (SA) Act. It is further demonstrated in similar name changes to a number of bodies, including the change of the Industrial Relations Commission to the Workplace Relations Commission, Enterprise Agreement Commissioners to Workplace Agreement Commissioners, and the creation of the new agreement approval authority, the Workplace Agreement Authority (the "WAA"). Similarity, this change in focus sees most references in the Act to "Enterprise", change to "Workplace".

Objects of the Act

With this Bill, the South Australian Government confirms its commitment to providing new opportunities to increase employment for all South Australians, by improving key areas of the workplace relations system.

Through amendments to objects of the Act, the Government makes clear its desire to create a stronger, flexible and more efficient workplace relations system in this State.

The Government recognises the need to promote employer / employee partnership in the workplace. The Bill inserts into the Act an object that recognises the primary responsibility which employers and employees have to determine the terms and conditions of, and matters affecting, their relationship. The encouragement and facilitation of the determination of wages and conditions of employment through agreements between employers and employees is fundamental to the Bill.

The Government continues to recognise the importance of the award system as a fair and enforceable base for employment conditions, which does not hinder the responsibility of employers and employees to determine the matters that affect their employment relationship.

The Government recognises the desirability of encouraging parties to reach and "own" their own solutions to difficulties in their workplaces. To this end, the Government has provided for a new mediation stream as part of its overall package of reforms.

The Government is committed to ensuring that youth employment in this state continues to improve. The Bill will insert a new objective into the Act, which seeks to encourage and facilitate the employment of young people in this State, through the protection of their competitive position in the labour market. This aim will be enhanced through the maintenance of youth wages.

The Employee Ombudsman

The Government is keen to see that employees are able to obtain independent and informal assistance when negotiating a workplace agreement. The Bill will focus the role of the Employee Ombudsman to where the help of the Employee Ombudsman is needed most: for those employees who request the help of the Employee Ombudsman in relation to a workplace agreement.

In this regard, the Bill gives the Employee Ombudsman extensive functions. In particular, the role of the Employee Ombudsman will be refocussed on assisting and representing employees who request the assistance of the Employee Ombudsman in the negotiation of, approval of or in disputes arising from individual or collective workplace agreements. The Employee Ombudsman will be able also to assist or represent an employee who requests the assistance of the Employee Ombudsman in claiming that they have been subject to coercion, harassment or improper pressure in the negotiation of a workplace agreement. In carrying out these functions, the Employee Ombudsman will have the powers of an inspector.

These amendments will ensure employee protection and maximise the efficient use of the resources of the Office of the Employee Ombudsman.

Rationalising the functions of the Employee Ombudsman in this way will see improved utilisation of resources, with inspectors from the Department for Administrative and Information Services taking the major responsibility for workplace agreement and award compliance.

Functions of Inspectors

In keeping with the encouragement of employers and employees to resolve their own differences, inspectors will be expressly charged with a new function of encouraging voluntary compliance with the Act, with workplace agreements and with awards. Consequentially, inspectors will no longer need a complaint in order to enter a workplace. Inspectors of course will retain the ability to take action to enforce compliance where that is appropriate. The Bill makes it clear the inspectors have the role of investigating whether there is compliance with workplace agreement and award obligations in respect of outworkers.

Deduction of union dues

Strong representations were made to the Government that this Bill should prohibit the deduction of union dues by employers. The Government rejected that position. Rather, the Bill will limit to a maximum 12 month period the effect of a written authorisation to an employer to deduct union dues from an employee's wages. This allows an employer and employee to agree upon the employer's facilitating payment of union dues in this manner, but properly ensures that every employee reviews this decision at least once per year. This is consistent with the arrangements that are in place in the SA public sector.

Minimum Entitlements under the Act

The Bill proposes to move the provisions of the *Long Service Leave Act* into this Act. Wherever possible, legislative provisions about workplace relations matters should be contained in the one statute. Whilst workplace agreements will facilitate more flexible long service leave arrangements, there will be no reduction in entitlements.

Employment of Children

The Government's commitment to fairness for, and protection of, employees compels recognition of the special considerations which face children involved in door to door selling. In this respect, the Government considers children involved in door-to-door selling as a special and isolated case. The Bill therefore will make it an offence to employ a child under the age of 14 years in a prescribed occupation or activity. The Government intends to ask the Governor to prescribe certain door to door selling activities.

Workplace Agreements

The Bill aims to provide employers and their employees with new opportunities to make employment arrangements which best suit their workplace needs. This allows for arrangements to be made between employers and employees which are conducive to the removal of restrictive workplace practices which can often hinder an enterprise. It allows for the development of more innovative and productive working arrangements. Access to such arrangements has clear benefits for employers and employees alike. The Bill will give employers and employees the freedom to choose the workplace agreement that is best suited to their mutual benefit.

This Bill provides for two forms of workplace agreements. It will preserve the ability to make collective workplace agreements, which are made with a group of employees. It will introduce the ability to make a South Australian individual workplace agreement, which will be an agreement made between an employer and an individual employee.

The introduction of individual workplace agreements will provide new opportunities for South Australian employers and workers. In particular, it will provide access to a type of individual agreement for many workplaces that have been unable to access the federal stream of individual agreements. The Bill provides for the statutory recognition of individual workplace agreements, which is something denied currently to many South Australian workers. This is something which is offered to many employees through the federal system and other State systems. In this regard, the Bill will draw South Australia level with many other States.

A new "Workplace Agreement Authority

The Government recognises the achievements of the current Enterprise Agreement Commissioner in making the approval process for agreements less formal and accessible.

However, the Government feels compelled to recognise the concerns expressed to it by users and potential users of "the system" that the existing Commission processes can be perceived as legalistic and intimidating. In this regard, the Government is concerned that the use of workplace agreements is being hindered by the parties perceptions about the processes used by the existing bodies.

In an attempt to accommodate these concerns, most workplace agreements will be approved by a new Workplace Agreement Authority. In addition, the process for approving workplace agreements will be simplified, and made even more accessible and user friendly in nature.

The Workplace Agreement Authority will be expected expeditiously and informally to assess individual and collective workplace agreements against specified approval criteria. The Workplace Agreement Authority will undertake this process by consultation with the parties. The Act encourages the Workplace Agreement Authority to visit individual workplaces, where appropriate, to hold discussion with the parties, in order to work out whether the criteria for approving an agreement has been met.

The interests of employees in this new agreement-making system will be protected by an extensive array of checks and balances. The Government's commitment to this is demonstrated for example by the introduction of a "cooling off" period for employees of which a breach by an employer is punishable by the highest level of maximum fine applicable under the Act.

The approval criteria

The approval criteria which the Workplace Agreement Authority is charged with applying are simple, but fair. The Workplace Agreement Authority must approve a workplace agreement, if after examining it and making reasonable enquiries, the Authority finds no reason to believe that the criteria for approval have not been satisfied.

The approval criteria for collective workplace agreements and individual workplace agreements will be slightly different. With regard to collective workplace agreements the majority of employees to be covered by the agreement must have agreed to it. The approval criteria for individual agreements require the Workplace Agreement Authority to be satisfied that the parties appear to understand the agreement; that there was no coercion, harassment or improper pressure applied in the negotiation and signing of the agreement, and that the parties genuinely want the agreement registered. In those circumstances where the Workplace Agreement Authority is unable to come to a clear determination whether the workplace agreement reached between the parties satisfies approval requirements, the proposed agreement must be referred to the Workplace Relations Commission for consideration.

Furthermore, no workplace agreement will be able to be approved unless it complies with the minimum requirements of conditions of employment set out in the Bill. Those minimum requirements relate to annual, sick, bereavement, parental and long service leave, plus a rate of pay no less than the ordinary time rate appropriate to the nature of the work, that is applicable under a relevant award. These statutory minimums provide employers and employees with the necessary flexibility to negotiate terms and conditions which suit their workplace. Despite the freedom this offers, the Government has insisted that the Bill guarantee that certain "essential elements" of these statutory minimums cannot be "cashed out". For example, the Bill requires a workplace agreement to preserve an employee's entitlement to take the relevant amount of paid annual leave.

The Government recognises the need to balance these user-friendly procedures with clear offences for employers. An employer who is found to have discriminated against an employee, or who applies coercion, harassment or improper pressure to an employee in respect of a workplace agreement, will commit an offence under the Act. Furthermore, the Workplace Relations Commission will be able to set aside the approval of a workplace agreement if it is subsequently found that an employee was subject to coercion, harassment or improper pressure in the negotiation of the agreement.

The Workplace Agreement Authority will be independent from the Minister as to how it exercises its statutory powers and discretions, but will be responsible to the Minister for the proper administration of the Authority's office.

Role of awards as a safety net in the agreement process

Awards will remain safety nets by which an employee can choose to remain covered simply by declining to make a workplace agreement. However, for those employees who do not wish to remain covered by an award but who want instead the flexibility offered by a workplace agreement, the minimum standards set out in the Bill will provide a statutory safety net. Some aspects of the award safety net will "carry over" in this regard, those being minimum provisions as to an ordinary rate of pay, and bereavement leave.

Awards

The Government recognises the importance of creating a workplace relations system within this State that is easily understood, and yet which provides employees with critical minimum protections. The Bill therefore provides for a means of award simplification, and specifies the range of matters with which an award is able to deal.

It also provides that within 18 months after the implementation of the award simplification provisions, any provision of an award that could not have been validly made under these provisions will automatically become void.

This process of award simplification will occur in a manner which, where appropriate, encourages greater correlation with relevant federal awards, while still recognising issues which have particular significance for South Australian workplaces. This will reduce the confusion that has been caused in the past by particular discrepancies between federal and state awards which are otherwise substantially the same.

The Government considers that the 1994 award review provisions have not achieved their stated aims in respect of a significant number of state awards. Many awards continue to contain provisions which confound and confuse both those covered by them and those who are approached to provide advice in relation to them. Contrary to the aims of the existing review provisions, these awards affect to a significant extent the way work is carried out, inappropriately interfere with the practical application of the award provisions, and have failed to keep pace with industrial, technological, commercial or economic developments applicable to the relevant industry. The Bill therefore modifies these 1994 review provisions, and integrates them with the award simplification provisions I described a moment ago.

In recognition of the Government's commitment to ensuring that youth employment is promoted in this State, where an award prescribes rates of pay the award will be required to prescribe rates of pay for juniors.

Public Holidays

In proposing to allow more flexible observance of public holidays, the Government draws a parallel with the informal (but written) individual agreement system which has worked so well for the cashing out of long service leave. This is so, despite much Parliamentary unrest about the passage of the relevant amendments during 1997.

Many South Australians come from diverse cultures/background. Many South Australians may prefer to have flexible arrangements that allow them to use their "public holidays" to celebrate their own special days. In recognition of this, the Bill facilitates the reaching of an informal but written agreement between an individual employer and an individual employee to transfer the observance of a public holiday.

The aim of these changes is to increase flexibility and meet the needs of both employers and employees. The changes will allow employees to choose to make arrangements with their employer, to suit the needs of the employer's business as well as the employees own particular needs.

If an employee does not agree to transfer the observance of the public holiday and is nonetheless required to work on the public holiday, the employee will remain entitled to any penalty rates otherwise applicable for that work.

Unfair dismissal provisions

The Government recognises that the unfair dismissal laws have provided many businesses (and particularly small business) with a disincentive against employing a new employee. The Government is aware also that, due to the fear of an unfair dismissal claim, some employers will only offer short-term or other types of employment, which do not contribute to the establishment of an ongoing employment relationship. The Government therefore recognises the need to balance the criticisms of the current unfair dismissal regime against the desirability of certainty about rights and obligations. This balance is achieved through the amendments to unfair dismissal laws contained within this Bill.

The Bill contains a limited exemption from the application of unfair dismissal laws for employees of small business. Employees of small business, defined as a business with 15 or fewer employees, who have less than 12 months service, will not have access to the unfair dismissal provisions. The Bill also provides that a "larger" business, which divides itself into a number of "small" businesses, will not be covered by this exemption.

The small business exemption is viewed as an important step in restoring employer confidence that has been destroyed by small business exposure to unfair dismissal claims.

Access to unfair dismissal laws is restricted also to those employees who have continuously served an employer for 6 months or more. The current exemption for probationary employees which speaks of a 'reasonable' period is confusing, and fails to provide either an employee or an employer with the certainty they tell the Government they want. This six month qualifying period for employees of medium and large businesses will give employees and employers a reasonable and appropriate period of time to assess whether they want to establish an ongoing employment relationship.

The Government considers that all employees are entitled to be treated fairly in the course of their work. However, if a casual employee is not entitled to expect ongoing work from their employer, that employee should not be able to bring an unfair dismissal claim in the event that no further work is offered to the employee. To enable more appropriate assessment of an employee's casual employment status (or otherwise), a casual employee will need to have worked for an employer on a regular and systematic basis for at least 12 months, and have a reasonable expectation of continuing employment, before being eligible to make an unfair dismissal claim.

On the other hand, the Government considers that those employees who are entitled to expect ongoing work from their employer are also entitled to expect that employer to treat them fairly in the event that the employer seeks to end that employment. Therefore, the Government's amendments will ensure a better and fairer balance of the rights of employers and employees.

In order to discourage frivolous and vexatious claims, employees who make an application claiming that they have been unfairly dismissed will be required also to pay a $100 filing fee. If an employee claims that the fee is beyond their means, the Registrar has discretion to remit or reduce the fee. In two other limited circumstances, the fee is to be refunded to the employee.

The Government's amendments in relation to the current unfair dismissal regime strike an appropriate and reasonable balance between the rights of employees and the need to encourage employment.

Mediation

The Government is committed to encouraging the parties to find their own ways to resolve their workplace disputes. Settlement of disputes in this manner gives the parties ownership of and therefore greater commitment to the outcomes. This sort of approach is more likely than adversarial dispute resolution to preserve a working relationship between the parties.

However, employers and employees (and particularly those who have rarely, if ever, participated in proceedings before the Commission) have expressed to the Government their perceptions about the intimidating and legalistic confines of the Commission.

For these reasons, the Bill elevates the status of mediation as a preferred mode of dispute resolution. It retains for the Workplace Relations Commission the mediation powers that the Commission already has. At the same time, and in order to attempt to address the parties' perceptions about the Commission processes, the Bill introduces a mediation service separate from the Commission.

This mediation initiative will be criticised because "it has not been tried and proven elsewhere". It will be criticised by those who believe that despite the voluntary nature of mediation, and the ease with which any party may withdraw from the process at any time, employees will somehow feel pressured by mediation. These sorts of issues justify a cautious approach to mediation – an approach to see if it works for South Australians – and that is exactly what the Bill proposes. However, these concerns do not justify rejecting this important initiative.

To this end, the Bill makes it clear that the parties can continue to seek help from a mediator of their own choice, the Commission, or a mediator from the new mediation service. The Bill requires the Commission to encourage parties to explore the possibility of reaching a negotiated settlement, and to ensure that they are aware of the mediation avenues available. Importantly, the Bill does not institute mediation as a necessary first step to dispute resolution. Use of the mediation service is to be voluntary in every respect.

Parties will be able to utilise the mediation facility for all forms of workplace relations disputes, other than a dispute about dismissal from employment, which will remain within the jurisdiction of the Commission.

This mediation proposal is not focussed on setting up a mediation industry in South Australia. Mediators for the mediation service will be appointed by the Minister.

At any stage prior to, during and after use of the mediation service, any of the parties are free to utilise the Commission processes. The mediator will not have the power to make a binding determination, order or direction. However, it is considered that as it is the parties themselves who will determine the terms of resolution of their dispute, they will be likely to be more willing to adhere to that resolution. Additionally, parties who have reached an agreement in mediation that indicates the need to vary their workplace

agreement would be encouraged to independently seek variation of that workplace agreement.

The Bill further provides that information disclosed during the course of mediation by the mediation service and the outcome of mediation must be confidential unless the parties agree to the contrary. The mediator must suspend mediation if a party to the relevant dispute engages in industrial action.

In encouraging the parties to use mediation to resolve their disputes, and in order to provide a service which is as user-friendly and non-legalistic as possible, there will be limited right of representation for those participating in mediation by the mediation service. However, these limited rights will not prevent any party from seeking independent advice during that mediation process, or even from having an adviser present. In recognition of difficulties suffered by a person who is not fluent in English, the Bill provides that an interpreter may assist that person. However, in most cases, these advisers will not be able to represent a party in mediation at the mediation service.

Rights of entry of union officials

The Government's workplace relations policies devolve greater responsibility upon the parties for determining matters relating to their employment arrangements. In keeping with this, the Bill restricts the inspection rights of union officials to accessing time and wages records of their members only. Non-union employees have a right to privacy in relation to records concerning their employment. Of course a departmental inspector may inspect records relating to any worker, whether union member of not, and irrespective of whether a worker has requested such assistance. However, the Government considers that rights of this nature are necessary for departmental inspectors, but that similar rights for union officials are unnecessary and inappropriate.

The Bill also requires that prior to entering a workplace, a union official must have a reasonable suspicion that an employer has breached, or is breaching an award or workplace agreement to the prejudice of a union member. The Bill preserves the current requirement that a union official notify an employer of a proposed entry to the workplace, and also requires such notification to refer to the nature of and grounds for the suspected breach of an award or workplace agreement.

Freedom of association

The Bill preserves existing requirements that a workplace agreement cannot discriminate or require discrimination against or in favour of any person on the ground that the person is, or is not, a member of an association.

This Bill also allows members of a registered association to resign from membership, even though they are not financial at the time of resignation. It further provides that resignation from a registered association will become effective 14 days from the giving of notice of resignation. These changes will take effect, despite any rule of a registered association to the contrary.

Penalties

The Bill offers parties important flexibilities, and greater opportunities to determine their own working arrangements. This is a fundamental aspect of the Government's workplace relations policies. However, the Government recognises that increased responsibilities must accompany these fundamental freedoms.

The Bill therefore increases many of the maximum penalties for breaching the Act. Offences which attract the highest level of maximum penalty of $20 000 appropriately will include those in relation to discrimination against, or coercion, harassment or improper pressure of, an employee in respect of workplace agreement issues.

The maximum penalties for obstructing the right of entry of union officials, departmental inspectors or the Workplace Agreement Authority will be $5 000.

The Bill introduces some new expiation fees (for example, in respect of an employer's failure to keep certain records). The introduction of additional expiation fees is consistent with the Government's desire to ensure that there be quick and expedient ways to achieve justice within the workplace relations system. The use of expiation fees saves the court process both time and money in cases where it is not appropriate to use the court process for determination of such offences. Expiation fees have not been, and would not be, introduced for those circumstances where an apparent breach of a provision would be a matter that needs to be determined judicially.

Operational changes

The Bill also makes a number of operational improvements, particularly in relation to the manner in which the Workplace Relations Court and Commission will be able to conduct its proceedings. In this regard, I am pleased to have received and been able to act upon many suggestions from members of the Court and Commission. With the incorporation in the Bill of a number of those suggestions, the Court and Commission have been able to make a very constructive contribution to this important Bill.

The Government looks forward to the passage of this Bill and the consequent increase in employment in South Australia, along with the continuation of the harmonious workplace relations that we enjoy in this State.

Explanation of Clauses

Clauses 1 and 2

Clauses 1 and 2 are formal.

Clause 3: Substitution of s. 1

This clause changes the name of the principal Act from *Industrial and Employee Relations Act 1994* to *Workplace Relations Act (SA) 1994*.

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

This clause amends the objects of the principal Act. A new object "to encourage and facilitate the employment of young people and protect their competitive position in the labour market" is inserted. New provisions are inserted emphasising the primacy of agreements in determining industrial issues between employers and employees and resolving industrial disputes.

Clause 5: Amendment of s. 4—Interpretation

This clause inserts definitions required for the purposes of the amendments. The Commission and the Court are renamed as the Workplace Relations Commission of South Australia and the Workplace Relations Court of South Australia. The is a consequential amendment to the Registrar's title. A definition of improper pressure is included in relation to the negotiation of agreements. A new subsection (5) is included requiring the Registrar to publish for each year the dollar amounts of sums which are fixed in the principal Act but are subject to indexing.

Clauses 6 and 7

Clauses 6 and 7 make consequential amendments.

Clause 8: Amendment of s. 7—Industrial authorities

This clause amends section 7 of the principal Act to reflect the new names assigned to industrial authorities and to allow for the appointment of the new Workplace Agreement Authority.

Clause 9: Amendment of heading

This clause makes a consequential amendment to a heading.

Clause 10: Substitution of s. 8

This clause repeals and re-enacts section 8 of the principal Act. The new section provides for the Industrial Relations Court of South Australia to continue as the Workplace Relations Court of South Australia.

Clauses 11, 12 and 13

Clauses 11 to 13 make consequential amendments.

Clause 14: Amendment of s. 15—Injunctive remedies

An order under section 15 of the Act may be in the nature of an interim or final injunction. A determination or order under the section does not constitute evidence of the commission of an offence.

Clause 15: Amendment of heading

Clause 15 makes a consequential amendment.

Clause 16: Substitution of s. 23

This clause repeals and re-enacts section 23 of the principal Act. The new section provides that the Industrial Relations Commission of South Australia is to continue as the Workplace Relations Commission of South Australia.

Clauses 17, 18 and 19

Clauses 17 to 19 make consequential amendments.

Clause 20: Substitution of s. 35

This clause repeals and re-enacts section 35 of the principal Act. This deals with the terms of office of Commissioners and acting Commissioners.

Clause 21: Amendment of s. 39—Constitution of Full Commission

This clause provides that, if the Full Commission is to determine a workplace agreement matter, at least one member of the Commission must be a Workplace Agreement Commissioner. This corresponds to the present law in relation to enterprise agreements.

Clause 22: Amendment of s. 40—Constitution of Commission

This clause provides that if the Commission is to be constituted of a Commissioner for the purpose of determining a workplace agreement matter, the Commissioner must be a Workplace Agreement Commissioner. This corresponds to the present law in relation to enterprise agreements.

Clause 23: Amendment of heading

This clause makes a consequential amendment.

Clause 24: Amendment of s. 41—The Registrar

This clause changes the Registrar's title.

Clauses 25 and 26

Clauses 24 and 25 make consequential amendments.

Clause 27: Amendment of s. 45—Annual report

This clause requires the President of the Commission to include in his or her annual report a report on progress in the review of awards identifying any impediments to progress.

Clause 28: Substitution of s. 46

This clause provides for the Industrial Relations Advisory Committee to continue as the Workplace Relations Advisory Committee.

Clause 29: Amendment of s. 62—General functions of Employee Ombudsman

This clause sets out the functions of the Employee Ombudsman. These functions are—

- to assist or represent employees in negotiating individual or collective workplace agreements;
- to assist or represent employees who are uncertain about whether an agreement should be approved as a workplace agreement, or who are opposed to the approval of a proposed workplace agreement;
- to assist or represent employees in obtaining approval of a workplace agreement to which they are parties;
- to advise employees about their rights under workplace agreements and to assist or represent them in enforcing those rights;
- to assist or represent employees who claim that they have been subjected to coercion, harassment or improper pressure in the negotiation of a workplace agreement;
- to assist or represent employees who claim that they have been subjected to adverse discrimination by their employers because of participation or non-participation in proceedings intended to lead to the formation or approval of a workplace agreement or because they have asked the Employee Ombudsman to take action on their behalf in connection with a workplace agreement.
- to carry out other functions specifically assigned to the Employee Ombudsman—such as the negotiation of provisional workplace agreements.

The Employee Ombudsman is, however, not to provide advice, assistance or representation in connection with a claim for unfair dismissal. For the purpose of carrying out his or her functions, the Employee Ombudsman is to have the powers of an inspector.

Clause 30: Amendment of s. 63—Annual report

The annual report of the Employee Ombudsman will be required to include reference to any assistance or representation provided by the Employee Ombudsman in cases of coercion, harassment or improper pressure, or involving adverse discrimination, in connection with the negotiation of workplace agreements.

Clause 31: Amendment of s. 64—Inspectors

This clause makes a consequential amendment.

Clause 32: Substitution of s. 65

The functions of inspectors have been revised. A new function is to encourage voluntary compliance with the Act, workplace agreements and awards.

Clause 33: Insertion of Division 3 in Part 6 of Chapter 2

It is proposed to constitute the *Workplace Agreement Authority* to provide an expeditious means of approving workplace agreements without formal hearings of a judicial or quasi-judicial kind. The Workplace Agreement Authority will either approve agreements lodged with the Authority in cases where the Act allows for such approval, or refer agreements lodged with the Authority back to the parties for renegotiation, or to the Commission for consideration. The amendments also contain a scheme for the appointment of the Authority. An appointment will be for a term of six years (which term may be renewed for one further term of six years). The Workplace Agreement Authority will be responsible for the Minister for the proper administration of the Authority's office. The Minister will not be able to control how the Authority is to exercise its statutory powers and discretions. The Workplace Agreement Authority will prepare an annual report that will be forwarded to the presiding Members of both Houses of Parliament and laid before the Houses.

Clause 34: Amendment of s. 68—Form of payment to employees

This clause amends section 68 of the Act with respect to the amounts that may be deducted from the remuneration of an employee. An authorisation to deduct subscriptions payable to an association of employees will only have effect for a specified term not exceeding 12 months. A written authorisation will be required.

Clauses 35, 36, 37 and 38

Clauses 34 to 37 make consequential amendments.

Clause 39: Insertion of s. 72A

The Act will now deal with the general entitlement to long service leave. The minimum standard will be included in new Schedule 5A. The provisions will not apply to a contract of employment if the employee is entitled to long service leave under another Act, or under an award or agreement under the Commonwealth Act.

Clause 40: Insertion of new Part 1A

It will be an offence to employ a child under the age of 14 years in an occupation or activity of a prescribed kind.

Clause 41: Substitution of Chapter 3 Part 2

It is proposed to enact a new Part 2 of Chapter 3 of the Act to deal with *workplace agreements*. A workplace agreement is an agreement between an employer and an employee or a group of employees about employment or industrial matters approved, or intended to be submitted for approval, under the Act. A workplace agreement will either be an individual workplace agreement or a collective workplace agreement. A workplace agreement within the meaning of the Act will have no force or effect unless approved under the Act. New section 74B describes the effect of a workplace agreement. An individual workplace agreement operates to the exclusion of a collective workplace agreement or award that would otherwise apply (but not so as to affect entitlements that have already accrued), and a collective workplace agreement operates to exclude (to the extent of any inconsistency) an inconsistent provision of an award that would otherwise be applicable to the employee. In addition, an individual workplace agreement approved under the Act will operate to exclude (to the extent of any inconsistency) any inconsistent provision of a contract of employment, and a collective workplace agreement approved under the Act will operate to exclude (to the extent of any inconsistency) any inconsistent provision of a contract of employment, other than where the contract of employment makes a more beneficial provision and the parties agree that the inconsistent provision in the contract of employment is to prevail despite the workplace agreement. An employer who proposes to enter into an agreement that is to operate as an individual workplace agreement must provide certain information to the employee or prospective employee. An employee will be entitled to be represented in any negotiation by the Employee Ombudsman, an association or other representative of the employee's choice. An employer will not be able to submit an individual workplace agreement for approval if the employee notifies the employer within seven days after the date of the agreement that the employee does not want the agreement to proceed. The provisions also specify various procedures to be followed if an employer is intending to begin negotiations on the terms of a collective workplace agreement. It will still be possible to enter into a provisional agreement in certain cases. A workplace agreement will need to comply with certain formalities and contain certain minimum requirements. The criteria for approval of a workplace agreement will be set out in the legislation (*see* proposed new section 78). A workplace agreement will initially be submitted to the Workplace Agreement Authority for approval (unless it is intended to prevail over a Commonwealth award). The powers of the Authority are set out in the legislation and the matter must be referred to the Commission if the Authority cannot approve the agreement under the proposed legislative scheme (*see* especially proposed new section 78B). The Commission will be able to set aside the approval of a workplace agreement if it subsequently appears that a party was subject to coercion, harassment or improper pressure in he negotiation of the agreement.

Clause 42: Amendment of s. 90—Power to regulate industrial matters by award

This clause makes more specific provision about the matters for which the Commission may make an award. An award will only regulate pay and conditions under which outworkers work to the extent necessary to ensure fair and reasonable pay and conditions in comparison to employees who carry out the same kind of work. If an award prescribes rates of pay, the award must, wherever appropriate, prescribed rates of pay for juniors.

Clause 43: Amendment of s. 99

These amendments relate to the principles to be applied when awards are to be reviewed.

Clause 44: Amendment of s. 101—State industrial authorities to apply principles

This clause makes a consequential amendment.

Clause 45: Insertion of s. 101A

Proposed new section 101A provides for the making of holiday substitution agreements by award or workplace agreement.

Clause 46: Amendment of s. 102—Records to be kept

This clause increases the expiation fees under section 102 of the Act, and the penalty under section 102(7).

Clause 47: Amendment of s. 103—Employer to provide copy of award or workplace agreement

The penalties and expiation fees under section 103 of the Act are to be increased.

Clause 48: Amendment of s. 104—Powers of inspectors

The penalty under section 104(8) is to be increased and an expiation fee included. An inspector will be given authority to have access to individual workplace agreements, and related documents, in the custody of the Workplace Agreement Authority or the Registrar.

Clause 49: Amendment of s. 105—Interpretation

A definition of "remuneration" is to be included for the purposes of Chapter 3 Part 6 ("Unfair Dismissal").

Clause 50: Amendment of s. 105A—Application of this Part

This clause revises the circumstances to which Chapter 3 Part 6 will not apply.

Clause 51: Amendment of s. 106—Application for relief

An application for relief under Chapter 3 Part 6 must be accompanied by a $100 fee. A remission, reduction or refund may be made in an appropriate case.

Clause 52: Amendment of s. 107—Conference of parties

The presiding officer at a conference under section 107 of the Act will also be able to hear and determine (as if sitting as the Commission) an application for an extension of time to bring the application, and any question about the applicant's ability to claim relief under the relevant Part.

Clause 53: Amendment of s. 112—Slow, inexperienced or infirm workers

This clause increases the penalties under section 112 of the Act and provides an expiation fee under section 112(5).

Clause 54: Amendment of s. 124—Rules

The rules of an association registered after the commencement of new section 124(2) must include a rule to the effect that a member may resign from the association whether or not the member is a financial member at the time of resignation. A resignation will take effect no later than 14 days from giving notice of resignation.

Clause 55, 56 and 57

These clauses revise the penalties in the relevant provisions of the Act.

Clause 58: Amendment of s. 140—Powers of officials of employee associations

This amendment revamps the circumstances under which an official of an association of employees may enter an employer's premises and carry out an inspection or interview in the exercise of statutory powers under the Act.

Clauses 59 and 60

Clauses 58 and 59 revise the penalties in the relevant provisions of the Act.

Clause 61: Insertion of s. 144A

Despite any rule of a registered association to the contrary, a member of the association may resign from the association whether or not the member is a financial member at the time of resignation. A resignation will take effect no longer than 14 days from giving notice of resignation.

Clauses 62, 63 and 64

Clauses 61, 62 and 63 make consequential amendments.

Clause 65: Substitution of s. 173

This clause revises the circumstances where the Court or Commission may make an order for costs.

Clause 66: Insertion of s. 175A

This clause will allow proceedings before the Court or Commission to proceed before another member if it is not possible or convenient for the original member hearing the matter continuing.

Clauses 67 and 68

Clauses 66 and 67 make consequential amendments.

Clause 69: Amendment of s. 187—Appeals from Industrial Magistrate

The amendment effected by this clause will allow a Judge hearing an appeal under section 187 to refer an important or difficult appeal to the Full Court for hearing and determination.

Clause 70: Amendment of s. 190—Powers of Court on appeal

Clause 69 makes a consequential amendment.

Clause 71: Insertion of s. 190A

The amendment effected by this clause will allow an industrial magistrate or a single Judge to state a question of law for determination by the Full Court.

Clause 72: Substitution of s. 192

It will be a provision of the Act that a settlement of an industrial dispute negotiated by the parties is to be preferred to a solution imposed on them by another. This amendment is consistent with that principle.

Clause 73: Insertion of Division 1A

Parties to a dispute will be encouraged to resolve the dispute with or without the assistance of mediators. External mediation will be available. The Minister will be able to establish a panel of suitably qualified mediators. A mediator under these provisions is to be limited to a dispute, other than a dispute about dismissal from employment, within the jurisdiction of the Commission. Limited rights of representation will apply on a mediation. Information disclosed in the course of a mediation, and the outcome of a mediation, must be kept confidential unless the parties agree to the contrary. A mediator will not have power to make a binding determination, order or direction. Industrial action must not be taken by a party to a mediation while the mediation is in progress.

Clause 74: Amendment of heading

Clause 75: Amendment of s. 198—Assignment of Commissioner to deal with dispute resolution

Clause 76: Amendment of s. 199—Provisions of award etc. relevant to how Commission intervenes in dispute

Clause 77: Amendment of s. 202—Reference of questions for determination by the Commission

Clause 78: Amendment of s. 204—Experience gained in settlement of dispute

Clause 79: Amendment of s. 207—Right of appeal

Clause 80: Amendment of s. 209—Stay of operation of determination

Clause 81: Amendment of s. 212—Reference of matters to the Full Commission

Clause 82: Amendment of s. 219—Confidentiality

Clause 83: Amendment of s. 220—Notice of determinations of the Commission

Clause 84: Amendment of s. 223—Discrimination against employee for taking part in industrial proceedings etc.

These clauses make consequential amendments.

Clause 85: Amendment of s. 224—Non-compliance with awards and workplace agreements

The maximum penalty under section 224 of the Act is to be increased to $10 000.

Clause 86: Amendment of s. 225—Improper pressure etc. related to workplace agreements

The maximum penalty under section 225(4) of the Act is to be increased to $10 000.

Clause 87: Amendment of s. 226—False entries

The maximum penalty under section 226 of the Act is to be increased to $5 000.

Clause 88: Amendment of s. 227—Experience of apprentice etc. to be brought into account

Clause 87 makes a consequential amendment.

Clause 89: Amendment of s. 228—No premium to be demanded for apprentices or juniors

The maximum penalty under section 228(1) of the Act is to be increased to $5 000.

Clauses 90 and 91

These clauses 90 and 91 make consequential amendments.

Clause 92: Amendment of Schedule 3—Minimum standard for sick leave

It will be possible to negotiate to have unpaid sick leave and an allowance or loading in lieu of paid leave.

Clauses 93 and 94

Clause 93 and 94 relate to essential elements of relevant employee entitlements.

Clause 95: Insertion of schedules 5A & 5B

This clause provides for the minimum standard for long service leave.

Clause 96: Amendment of Schedule 8—Rules for terminating employment

Notice of termination will not be required in certain circumstances.

Clause 97: Repeal of Long Service Leave Act 1987

The *Long Service Leave Act 1987* is to be repealed.

Clause 98: Transitional provisions

This clause sets out the transitional measures associated with the Bill.

Ms HURLEY secured the adjournment of the debate.

STATUTES AMENDMENT (SENTENCING—MISCELLANEOUS) BILL

Adjourned debate on second reading.

(Continued from 2 March. Page 891.)

Mr ATKINSON (Spence): The Opposition has studied the Bill carefully. It allows a court to sentence a prisoner to home detention from the start if the prisoner is sufficiently ill, disabled or frail to justify it. The maximum period of home detention under this provision will be 12 months.

The Opposition has been anxious about the use made of home detention by the Correctional Services Department. Given that more than 90 per cent of the State's 1 600 prison places are occupied at any one time, we suspect that there is administrative pressure on departmental officers to farm out prisoners on home detention without due regard to the merits of each case. We worry that prisoners are released for home detention not because the merits of the case would justify it but because the prisons are full or close to full and room needs to be made for those being sentenced at that time.

It seems to the Opposition that there are not enough officers available to supervise home detainees. The case of Bora Altintas who was drinking at hotels and playing cards in clubs in the western suburbs when he was supposed to be at a nominated home address is well-known. Altintas was murdered outside such a club on Torrens Road, Brompton.

We are not against the principle of home detention. Indeed, it could be useful if the provisions were extended to convicted persons who are very old or mentally disabled. It has an important place in the penal system. The Attorney-General has said that the Correctional Services Department is in a better position to decide whether to let a prisoner out on home detention because it has come to know the prisoner during his years in prison. By contrast, a sentencing judge, deciding whether to allow the convicted person to serve his entire sentence by home detention, knows the prisoner only from the trial. The Government points out that 50 per cent of home detention orders by a court fail whereas only 16 per cent of those arranged by the department fail. I wonder what category Bora Altintas's home detention came into?

I think the Attorney's point is a good one, but it has to be balanced against the point I made earlier about there being pressure on the department to release prisoners owing to the prisons' being full. The cost of home detention is only one-quarter of the cost of imprisonment. One would hope that the sentencing judge would be—

Mr Conlon interjecting:

The DEPUTY SPEAKER: Order!

Mr ATKINSON: Yes, it is, until we come up with something better. One would hope that the sentencing judge would be disinterested in that respect, although he, too, would know that our prisons are normally full.

The Bill tries to clarify the point that a defendant upon whom a bond is imposed must return to court to be further sentenced on breach of the bond. A bond cannot dispense with this requirement.

The Bill adjusts the rules on community service orders so that the order may be revoked and a fine imposed. This would occur if the defendant had gained employment and was no longer able to find time for the community service and had the capacity to pay the fine. We support this aspect.

The Bill clarifies the ability of the DPP to appeal against a sentence if the sentence consists of discharging the offender on a bond without penalty. It is possible that a High Court decision could be interpreted to mean that such a sentence is not really a sentence and therefore not appealable. We support this aspect of the Bill also.

The Bill also clarifies and affirms the DPP's ability to appeal against a Griffiths remand in which a court, instead of sentencing the offender, releases him on bail and adjourns sentencing to assess his prospects of rehabilitation.

The Bill also allows a court to sentence an offender convicted on several charges to one global penalty even though they are not all on the one complaint or information. I am a little concerned about this clause. I think persons convicted and sentenced should know the penalty for each crime they have committed. It may be that the penalty for one crime is reasonable, for another manifestly excessive and for a third manifestly inadequate. Clearly, the new clause will have the effect of making it more difficult to appeal a sentence, both for the defence and the prosecution, because the threads of the sentence will be rolled into one. Perhaps the Government sees this as a virtue of the clause.

The Bill also gives authority to probation officers to interview persons at a place where the probationer is required to attend. The Law Society argues that this clause would allow a probation officer to ask the home detainee's solicitor where he is; answering this question would mean that the lawyer has violated legal professional privilege. I accept the Attorney's arguments against the Law Society's contention. This authority has been in the Correctional Services Act for many years. I do not think it would seriously erode legal professional privilege.

Finally, the Bill also introduces partial suspension of a sentence, namely, imprisonment for, say, nine months suspended after three months imprisonment upon entering into a bond. Partial suspension of sentence is limited to head sentences of imprisonment between three and 12 months.

The Opposition shall vote for the second reading of the Bill and has some questions to ask the Minister in Committee.

The Hon. I.F. EVANS (Minister for Industry and Trade): I thank the members for Spence and Elder for their contributions. It is not often you get two opinions for the one contribution.

Bill read a second time.

In Committee.

Clauses 1 to 5 passed.

Clause 6.

Mr ATKINSON: What is the Government's reasoning on rolling all counts upon which the offender is convicted into one and imposing one global sentence?

The Hon. I.F. EVANS: My advice is that the judges themselves in their annual report requested the principle of such an amendment in 1996, and they believe there is some benefit in having the capacity to amalgamate the offences, if you like, to deal with matters all at one time.

Mr ATKINSON: The judges would say that, wouldn't they? If, say, the defendant is accused of three crimes and convicted on three counts, and if one sentence is reasonable, the other is arguably manifestly inadequate and the third manifestly excessive, how does the convicted person or the DPP appeal the sentence when all the threads have been rolled into one and there are no grounds for unravelling the sentence? How are grounds to appeal the sentence determined, either by the prosecution or the defence? Surely, it is

in the interests of the judges to cover up any mistakes they may make in sentencing by rolling all the penalties into one so they cannot be unpicked and examined?

The Hon. I.F. EVANS: I am advised that even though sentencing is amalgamated the judge must still give reasons and so the defendants would appeal on those reasons. If the reasons were invalid or somehow in error the defendants would appeal.

Mr ATKINSON: I think the Minister misses the point entirely, that is, that the judge might give reasons for a particular global sentence but the global sentencing covers up the various threads of his reasoning such that they cannot be disentangled. It seems to me that the judges have an interest in global sentencing because it would tend to cover up their mistakes. The question the Minister should be asking himself is not whether the judges are in favour of global sentencing but whether global sentencing is in the interests of the public; is it in the interests of the DPP; is it in the interests of the defence? The judges are the last people we should be trying to please in this process.

Clause passed.

Clauses 7 to 11 passed.

Clause 12.

Mr ATKINSON: Does the Government believe there is any merit in extending the ability to sentence to home detention from the beginning of the sentence people who are very old or people who have a mental disability and who would be more suited to serving their sentence of 12 months or less at home? Why have those people not been included in this clause?

The Hon. I.F. EVANS: I am advised that the fact that someone is old—I think that was the word used by the honourable member—is taken into consideration in the normal course of events. In relation—

Mr Atkinson: What do you mean by that?

The CHAIRMAN: Order!

Mr Atkinson interjecting:

The CHAIRMAN: Order!

The Hon. I.F. EVANS: In relation to a person's mental health, I understand that mental impairment provisions are available through the legislation.

Mr ATKINSON: Could the Minister share with the Committee the number of people employed in supervising home detention in South Australia, the methods used to supervise home detention and what conditions may be placed on the home detention of these people sentenced *ab initio* to home detention?

The Hon. I.F. EVANS: I will have to take those questions on notice. A number of people are employed in administering or supervising home detention under the portfolio of the Minister for Correctional Services. I am happy to provide that information for the honourable member.

Mr ATKINSON: Could the Minister tell the Committee to what degree the Government's policy on home detention is driven by the excessive cost of imprisonment and the lack of space in our prisons, or is that just an irrelevant matter in the Government's consideration?

The Hon. I.F. EVANS: In my former life as Minister for Corrections, always some comments were made by members opposite about the levels of imprisonment and prisons being nearly full, etc. That certainly was not necessarily the advice given to me at the time.

Mr Atkinson: That's not what Minister Brokenshire told me by letter a few weeks ago.

The Hon. I.F. EVANS: Time has moved on. I was a Minister at a different time. All I am saying is that, when I was Minister, that was not necessarily the advice given to me. The Government's policy in relation to home detention is obviously a consideration of what is in the best interests of the individuals concerned.

Mr CONLON: I do not know a lot about it: what does home detention entail?

The Hon. I.F. EVANS: I am just wondering about the nature of the question.

Mr Atkinson: You will get back to us on that.

The Hon. I.F. EVANS: No, it is simply a method of administration of people who are requested, by certain order, to restrict their activity to the home, and certain conditions apply to that.

Mr CONLON: I do not actually know what home detention entails. I did not know before I asked that question and I do not know any more now. Could the Minister tell me, for example, what it would entail—

The CHAIRMAN: Order! The Chair suggests that this is moving outside what this provision in the Bill is about.

Mr Atkinson: Nonsense.

The CHAIRMAN: Order!

Mr CONLON: The Minister can take the question on notice. I am not asking for an answer immediately if he does not know.

The CHAIRMAN: Order! The Chair would suggest that the honourable member is capable of getting that information from the relevant Minister; it does not need to come through—

Mr ATKINSON: I rise on a point of order, Sir. Clause 12 of this Bill is entitled 'Powers of probation officer in the case of home detention.' The clause and the Bill is about home detention. If we cannot ask a question about home detention on this Bill, when can we ask it?

The CHAIRMAN: I again say that the information the members for Spence and Elder are seeking could be obtained through the principal Bill, and it is not necessarily appropriate to be seeking that information through this legislation.

Mr ATKINSON: On a point of order, Sir; this Bill is introducing, for the first time, home detention from the beginning of a sentence. If you continue to rule that way, Sir, I will be forced to move dissent from your ruling because it is clearly a wrong and bodgie ruling and I ask that the member for Elder be allowed to ask his question.

The CHAIRMAN: The Chair has made that ruling. If the Minister wishes to provide that information he is entitled to do so.

The Hon. I.F. EVANS: The member for Elder, I suggest, being a member of the legal profession, fully understands the meaning of home detention. I refer the honourable member to clause 12, which pretty well explains it. It simply provides that the defendant is requested or required to reside in a specific place, to remain in that place for a specific period except for one of the following purposes:

> remunerated employment;
> necessary medical or dental treatment for the defendant;
> averting or minimising a serious risk of death or injury (whether to the defendant or some other person);
> [or] any other purpose approved or directed by the probation officer to whom the defendant is assigned,

That gives a short explanation of home detention. If the honourable member wants to know more about it there used to be (and I am assume there still are) some excellent publications on home detention—

Mr Atkinson: This is your Bill.

The Hon. I.F. EVANS: I understand that.

Mr Atkinson: It's your Bill; you are supposed to explain it.

The Hon. I.F. EVANS: I think that I just did. There are some excellent publications within the Parliamentary Library to which I refer the honourable member.

Mr CONLON: I am shortly to be asked to exercise a vote on this matter. Having practised in criminal law I have never had a client sentenced to home detention. I just ask an honest and innocent question: what does it entail? In particular, can the Minister tell me where someone who is sentenced to home detention can go other than to work? Are there places to which a person can go? I simply want to know what it means.

The Hon. I.F. EVANS: I refer the honourable member to clause 7(2c):

> . . . the defendant to reside in a specified place and to remain at that place for a specified period of no more than 12 months, not leaving it except for one of the following purposes:
> (a) remunerated employment;
> (b) necessary medical or dental treatment. . .
> (c) averting or minimising a serious risk of death or injury (whether to the defendant or some other person);
> (d) or any other purpose approved or directed by the probation officer. . .

So, if the probation officer decides there is some other purpose for which the person needs to leave the specified place, it is available. Read the Bill.

The CHAIRMAN: The member for Elder has had three questions.

Clause passed.

Remaining clauses (13 and 14) and title passed.

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

That this Bill be now read a third time.

Mr ATKINSON (Spence): The member for Elder and I tried to fulfil the function of an Opposition, which is to scrutinise Government legislation. I am disgusted by how there was an attempt to obstruct us in conducting the scrutiny of the Bill in the Committee stage. It tends to happen in the Committee stage. The Opposition will be supporting the third reading of the Bill because we think it is worth while. The Minister who handles the Attorney's Bills in this House does not have an expertise in legal matters but I suppose he does his best, with advice. I think he was actually willing to try to do his best, with advice, to answer what were innocent and honest questions from the Opposition. It is a pity there was an attempt to obstruct his doing it.

Bill read a third time and passed.

The Hon. I.F. EVANS (Minister for Industry and Trade): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

LOCAL GOVERNMENT BILL

In Committee.

(Continued from 10 March. Page 1118.)

Clause 51.

Mr CONLON: I use this opportunity to signal to the Minister something for which I am sure he will be grateful, that is, that I intend asking only one more question on clause 92(10) and one on this clause. I signal this now so that, unless other members have questions, we are now prepared to let the Bill go through to the Upper House where we will be moving most of our amendments. My question on this provision is similar to the one I asked on clause 50 last night. If councils are allowed to form joint ventures, partnerships, trusts and operate as a natural legal personality, why can they not be trusted to draft a public consultation policy on their own without the need for regulation?

The Hon. M.K. BRINDAL: First, with the indulgence of the member for Elder and the Committee, I would like to deal with an amendment which I did not pick up. I move:

Page 47, after line 25—Insert:

(5a) A council is not required to comply with subsection (5) in relation to the alteration of a public consultation policy if the council determines that the alteration is of only minor significance that would attract little (or no) community interest.

This amendment clarifies that minor amendments to a council's consultation policy that would attract little or no public interest need not be the subject of a full consultation process.

Amendment carried.

The Hon. M.K. BRINDAL: In response to the member for Elder, last night some members of the Opposition took up the theme that, to require them to comply with basic accountability arrangements, was an insult to councils. I think that is what the shadow Minister is alluding to. I said then and I repeat that this Bill sets out what local communities can and should do to be able to rely on their own local councils. There are those in local government who perhaps wrote briefs on this who do not understand or who have forgotten the privilege we enjoy in Australia in living under the rule of law.

This Bill is designed to provide all South Australians—those inside and those outside local government, those who deal with councils and those who work for or on behalf of a local council—a clear operational framework for their relations with each other. Is it insulting to our councils to say, 'Please tell us how you propose to organise things on our behalf, with our money, and how you will seek our views on important matters, such as the use of our land.'? Yes, in that sense the Bill is insulting to councils, but how insulting is it to electors not to give them the right to information? How insulting is all the legislation that sets out the whole complexity of State administration and binds State agencies to standards of predictability and probity?

I speak here of legislation such as the Administrative Arrangements Act, the Auditor-General's Act, the Treasurer's Instructions and so on. This is a democracy and people are entitled to know how the Government framework operates, and local accountability will not work without local transparency. I put to the shadow Minister that the answer to his question is simply that this is a measure required to establish in the public mind and in the local council framework that what we require here is honest, open and accountable local government to the people.

Clause as amended passed.

Clause 52.

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

Page 48—
Line 9—Leave out 'elected' and insert: chosen.
Line 16—Leave out 'elected' and insert: chosen.
Line 21—Leave out 'elected' and insert: chosen.

Line 26—Leave out 'elected' and insert: chosen.
Line 28—Leave out 'elected' and insert: chosen.

This amendment, made at the request of the LGA, is a return to the current provisions and clarifies how a council, which is constituted with a principal member selected from within its members, a chairperson rather than a mayor, goes about selecting that person. Goode and Williams in an authoritative text *Council meetings in South Australia*—

An honourable member interjecting:

The Hon. M.K. BRINDAL: Yes, it is Matthew Goode and he is exceptionally good on those matters.

An honourable member interjecting:

The Hon. M.K. BRINDAL: No, because he is not here. I am referring to a ghost. Goode and Williams in the authoritative test *Council meetings in South Australia* draw attention to the fact that the current wording does not specify—and the member for Gordon raised this matter very well earlier in the debate—whether the choosing of a chairperson is to be done by resolution or by election. There is the comment that choosing by election means the process is uncomplicated by technical rules relating to motions. Although election for a fixed term cannot be revoked, councils are not required to elect a chairperson for the full three year term, and we thought this provided both flexibility to change chairpersons at intervals throughout the term of the council and certainty for the chairperson as to their term. However, the LGA submits that some councils prefer to choose by resolution so that they can dismiss by revocation of the resolution.

Mr McEWEN: I want to appeal to the Minister to reconsider this amendment and all the consequential amendments.

Mr Conlon: It's coming back.

Mr McEWEN: Yes, it is coming back. I am disappointed that it is coming back. I am disappointed that I am not having the opportunity to share both the Minister and the shadow Minister's views in this place. I thought that this was the most appropriate place to deal with all the substantive amendments. But when they come back, as I indicated earlier, I will need to seek some liberty, Mr Chairman, in terms of consequential amendments that might arise as a result of amendments that come back. As to this amendment, I appeal to the Minister to consider adding the word 'choose' rather than replacing the word 'elected' with 'choose', because there are many opportunities through here where the council ought to have the opportunity to choose or elect.

There is a very important distinction here, because choose by resolution or elect by vote have very different consequences for rescinding or otherwise altering or reversing a decision. If you choose by resolution you can very quickly choose an alternative by another resolution and, in some situations, that adds the flexibility that we require. But in others you need to elect by vote. So, all I am saying to the Minister is that I am delighted that the Minister is considering adding 'choose', but I think he has now actually gone too far and, from here on, all these consequential amendments ought to be 'choose or elect'.

The Hon. M.K. BRINDAL: I am impressed with the consistent line of logic adopted in this debate by the member for Gordon. I indicate that, while we will not alter it now, we will alter it between the two Houses, in accordance with his wishes, because his argument is convincing. If the matter of choosing by lot, which the member for Gordon raised either in his second reading speech or early in the Committee stage, needs attention we will consult the member for Gordon on that and fix that as well.

Mr McEWEN: I have given notice of an amendment to this clause, so we will need to come to that in a minute. It is a subsequent amendment to the one that we are dealing with.

Ms CICCARELLO: I refer also to where lots must be drawn. Can it clarified how the lots would be drawn? Also, it may appear to be nit-picking, but where it is stated that the term of office of a chairperson must not exceed three years? I would have thought that that is unnecessary, given that council elections are every three years and it would be impossible for someone to be elected for more than three years in the life of a council.

The Hon. M.K. BRINDAL: The answer to the first question is 'Yes.' I have just explained that. The answer to the second question is 'Yes.' At face value that appears to be right, but I will check it. It just may be that a council can say that they will elect this person for four years. It would be consequential on them being re-elected. I am not sure.

An honourable member interjecting:

The Hon. M.K. BRINDAL: I am just saying that it may be. I will check it and, if it does not make much sense, we will alter it.

Amendments carried.

Mr McEWEN: I move:

Page 48, line 30—Leave out 'of the candidates will fill the office' and insert 'candidate or candidates will be excluded'.

This amendment simply clarifies the intention of subclause (8) in relation to the drawing of lots. As I indicated in the sad story the other day, unless you understand that the drawing of lots is to exclude candidates you can have a ridiculous set of circumstances on your hands. The amendment is to clarify the intent of clause 52(8).

Amendment carried; clause as amended passed.

Clauses 53 to 68 passed.

Clause 69.

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

Page 57, line 19—After 'of that fact' insert:
and include specific information about the consequences under Division 1 of Part 2 of this Chapter if a return is not submitted in accordance with the requirements of this Division.

The amendment places an onus on the CEO to warn an elected member of the consequences of failing to submit a return for the register of interest within the prescribed time frame. Members would be well aware of the sort of provision that is imposed since it is no less or no more than the provision that is imposed by this House upon us.

Amendment carried; clause as amended passed.

Clauses 70 to 72 passed.

Clause 73.

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

Page 58—
Line 8—Leave out 'A council or councils may determine' and insert:
The charter of a subsidiary may provide.
Line 9—Leave out 'the' and insert:
a.
Line 12—Leave out 'a determination is made under subsection (2)' and insert:
the provisions of this Division apply.

The first amendment is technical and means that the charter of a subsidiary will indicate if members of the board are subject to the register of interests provisions, reflecting council's decision on the matter. The second amendment is

a consequential amendment, as is the third amendment which is consequential upon the first two.

Amendments carried.

Mr McEWEN: I have some difficulty with clause 73(2). I believe that it needs to be dealt with differently, in that people other than elected members need to know where they stand before the event, particularly in relation to the declarations we are talking about. So, it ought to be dealt with in a charter or in some other way so that an individual knows before the event what they might be getting themselves into and does not want to find themself, as a consequence of accepting a position on a subsidiary, having to do something that they did not wish to do. So, although I agree with what is being asked for, I believe that it poses too many difficulties doing it in this way and I would like the Minister simply to reconsider the mechanism whereby people are advised in advance if they will be required to sign a declaration as a consequence of being a member of a subsidiary.

Mr CONLON: I want to signal to the member for Gordon and the Minister that we also have reservations, not simply about this, but the application of provisions for registers of interest to committees and subsidiaries to people who might be mere employees or otherwise. I would signal that we share, as I understand it, the concerns of the member for Gordon and we will be looking at that in another place.

The Hon. M.K. BRINDAL: The member for Gordon's logic in this matter is so compelling that he may have missed the effect, I believe, of the amendment that I have just moved. To do that it requires that that be made clear in the charter—and the councils, of course, develop the charter. It must be made clear in the charter, so that is the effect exactly. I suspect the member for Gordon must have spoken to my officers—otherwise, they can read his mind. I note the Opposition's concerns with this. We also had concerns with this, which is why we seek in this instance to say, 'Look, if it is a council subsidiary or committee, it is the council that should determine the applicability of the interests for people outside the council.'

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: That is for you in another place. The reason for that is simply this. The member for Gordon will know especially—and other rural members—that throughout rural councils there is a plethora of council committees to deal with such things as a hall—the Paringa Hall Committee, the Kybybolite Hall Committee—all those sorts of small committees in which there is interest of the community but no financial interest. It is a good Samaritan act. Were all those to be required to disclose their financial interests, we would get very few people on them. However, the same council may have one committee, and one committee alone, which is exceptionally important. It may well be—and I am inventing this committee—the Naracoorte Meatworks Development Committee, or something such as that.

Council may decide that on that committee, no matter who is on it—that is, whether they are a council worker, a council elected person or a volunteer—that, because of the financial interests of the community and because of the potential for conflict of interest, a register is required. I know the Opposition will consider that. I know that, if it does not agree, it will take it up in another place and we will continue the debate. I am merely explaining.

Mr CONLON: I merely use the opportunity to signal that we do continue to have concerns. I think most councils would do the right thing, but there is a certain willingness to impose a regime upon people merely because it is imposed on oneself. That is the concern we have. The second thing I will do is answer, to the best of my ability, the member for Peake who was wondering what 'plethora' meant. As I understand, it is an unhealthy surfeit of blood, from medieval English and I think probably reflects the influence of Galen on medieval medicine.

Clause as amended passed.

Clauses 74 to 76 passed.

Clause 77.

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

Page 62—
Lines 8 and 9—Leave out paragraph (b) and insert:
(b) at its first ordinary meeting after the conclusion of each periodic election,
Lines 10 to 13—Leave out all words in these lines after 'members' in line 10 and insert:
during the ensuing period of 12 months.
Lines 14 and 15—Leave out subclause (3) and insert:
(3) The rates of allowances fixed by a council under subsection (2)(b) must not be less than the rates applying to members of the council immediately before the conclusion of the periodic election.[1]
[1] The rates may be subsequently reduced on a review under subsection (5).

The amendments to the allowance clause have been made after agreement with the Local Government Association. The first amendment allows the incoming council to set allowances at its first meeting after an election. We did that because we were trying to correct a difficult situation where—and it has happened—someone offers themselves for mayor. They are elected and, for some reason, they are not a popular choice with the council which then agrees to slash their allowance.

In talks with local government we were originally proposing that the outgoing council should perhaps set the allowances to avoid that. That was not thought to be the best way to do it, so we have changed it to the incoming council. However, it is with the provision, in the first 12 months at least—and that is where the other two amendments come in—that the allowances cannot be less than those paid in the previous year. So we have attempted to hear the LGA's concerns and to take on board what we know to have been a real issue in some councils. Simply, I do not think any member of this House would support the principle that any of us could offer ourselves for membership to an elected body and could calculate carefully whether or not we could afford to do it—and some people are battlers and it might not be big allowances they get but they need them, so they calculate it carefully—only to find that when we are elected someone decides arbitrarily to slash our allowance. That is what we seek to avoid in these amendments and we hope we will have the support of the Opposition.

Amendments carried; clause as amended passed.

Clauses 78 to 86 passed.

Clause 87.

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

Page 68—
Line 5—Leave out 'elected' and insert:
chosen
Line 7—Leave out 'elected' and insert:
chosen
Line 9—Leave out 'elected' and insert:
chosen

This amendment is also made at the request of the LGA and is a return to the current provisions. It clarifies procedures to select a member to reside where a principal member, and the

relevant deputy elected member, is not present. The other amendments to this clause are consequential.

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: I do not believe that they are silly, or we would not have accepted them.

Amendments carried; clause as amended passed.

Clauses 88 to 90 passed.

Clause 91.

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

Page 73, line 33—Leave out 'meetings' and insert: sessions

The amendment removes doubt about the term 'planning meetings' in the clause. Subclause (7) is designed to clarify that there are certain types of gatherings and discussions that, providing members do not obtain a decision on a matter, do not constitute a meeting of the council. The term 'planning session' provides additional clarity.

There was much debate among many parties in the previous legislation about definitions of informal meetings. We deliberately decided that to define an informal meeting was to give it a status. For instance, you could not stop the member for MacKillop, the member for Gordon and myself going outside and speaking to one another, but what this House clearly does not allow us to do is to go out there and make decisions. We decided that this legislation should concentrate on the meeting procedures of councils. It is not our business what councillors or anyone else does outside the meeting. What we have tried to do is clarify in this Bill that council cannot make decisions other than in the formal setting of meetings. We have ignored all the provisions about informal meetings by saying there is no such thing. There is either a meeting of council or people outside are doing whatever they like.

Amendment carried; clause as amended passed.

Clause 92.

Mr CONLON: I should apologise because I have questions also on clauses 93, 105 and 109, but that is it and I only ask them because I am genuinely interested in the Minister's answer—as opposed to some of the questions I asked last night, I guess. I have genuine concerns about clause 92(10), and in particular I apologise if I have misconstrued the import of the clause, but clause 92(10) reads:

No action for defamation lies against the council in respect of—

and I refer to paragraph (b) which provides:

the accurate publication of the transcript, recording or other record of a meeting of a council or a council committee.

I raise whether that offers to council a very significant privilege of the nature that is extended to the *Hansard* recordings of Parliament. If it does, I am concerned about that and I am particularly concerned in light of other sections of the Bill, in particular, from memory, clause 40, which I think operates like section 35—or whatever, I am confusing myself—of the Wrongs Act.

Basically, it provides that the councillors are not liable: the council is liable. I am very concerned that, if someone is defamed in proceedings of the council, they should have a remedy. I would like an assurance that this provision does not operate to give the same sort of privilege to proceedings of council as they are recorded as applies to *Hansard* in this place.

The Hon. M.K. BRINDAL: That is a very interesting and pertinent series of questions. I will give answers, but I also undertake to doubly check, just to be sure. As it has been explained to me, the effect of this clause is to protect a council as a corporate entity from being enjoined against proceedings which might be taken against an councillor. That is because council is required to display and make available minutes and to keep minutes and reports. It is a bit like the *Advertiser*. If a councillor stands up and defames or libels, the council is then obliged by law to record, report and display publicly. In the normal course of events, just as the *Advertiser* is partly responsible for publication, so therefore would be the council. This clause seeks only to protect the body corporate, which is the council, from an action. The councillors themselves, by tradition and probably by statute, are covered by qualified privilege. That has traditionally been the case and is not altered. I am sure of this, but I will check because he is right: it is an exceptionally important issue. There is nothing in this that would prevent a wronged person from taking proper redress against the person making the allegation. It simply protects the body corporate.

Mr CONLON: I understand and accept the Minister's assurance about the intention and what he does not want to happen, but I want to make plain what I am talking about. I was right: clause 40 is the relevant clause of the Bill, providing that no civil liability attaches to a member of a council for an honest act or omission. Again, I am not a defamation lawyer, but I assume that one can act honestly but stupidly yet still defame someone. In those circumstances, there would be no remedy against the councillor, and it would seem by the operation of clause 92(10) that there is no remedy against the council recording that. That is the first point.

The second point is that there should be a remedy against a council that does choose to record in its minutes something defamatory. I understand what the Minister has said and I do not expect an answer on this occasion, but I flag that I would be most comfortable with an amendment that overcomes those concerns.

The Hon. M.K. BRINDAL: The Government will take that on board and we will discuss it further with officers. I am quite prepared to discuss it with the relevant members between the Houses to determine whether there is a better solution or whether this solution is satisfactory.

Clause passed.

Clause 93.

Mr CONLON: I do not have an enormous difficulty with this; I think it is a useful clause. My question relates to the code of practice that is set out. I mentioned in my second reading speech my concern that council proceedings should be as open as they can be. I spent some time talking about one of the objectives, which is phrased in the imperative, that they should be. It is useful to make sure that people understand the code of practice. Regarding the code of practice and the other protections under this legislation, what remedy exists for someone to challenge a code of practice that is not correct or in accordance with the provisions of the legislation that require openness? I think someone once said that there is no right without a remedy. A right to inspect a code of practice is one thing: a right to a remedy if it is not a good code of practice should go with it.

The Hon. M.K. BRINDAL: We believe that the LGA has in fact developed a model code of practice. It has no force in law, but it is a fact that most councils that are given a model code of practice by the LGA, which they put money and legal expertise into developing, generally adopt the code. If there is a breach of that code, the normal measure of redress in this would be the Ombudsman. However, if it is serious enough, it is obviously a breach of—

Mr Conlon interjecting:

The Hon. M.K. BRINDAL: But it has no legal force. It is a code, so it has no legal force. The code is more the political statement for the electors. If the confidentiality provisions set out in the Act are breached, you have the Ombudsman; for serious breaches there is the Minister to whose superintendence the law is entrusted; and there are also the courts. We think the introduction of a code is a good way to focus the councillors' attention on what needs to be done and for the public to feel comfortable that something is being done. The redresses in the Act are not in the code: they are in the provisions of the law.

Mr CONLON: It would be our preference that a code be set out in legislation so it has some legal effect. One of the worrying aspects of the Bill is that it does not do enough to ensure openness, although I understand the Minister's personal view and commitment to it. Another point I would make about this relates to the mandatory provisions prescribed by the regulations. I guess it is the same point as the first one: I think we should look at setting out a code in the legislation or leaving it to councils, but not having some sort of halfway house.

A third point I would make—and I made it in my second reading speech—is that in another place we would be looking at reinserting, as in the present Act, the signal to people that the Ombudsman can investigate any improper use or overuse of confidentiality provisions. The new Bill preserves the right of the Ombudsman to look into it but removes that specific referral at the end of those provisions. I seek an indication whether the Minister is hostile to that.

The Hon. M.K. BRINDAL: Certainly not, but you can blame the member for Gordon for that. I have noted his comments, especially in his regional papers, that he wants this Bill kept short and succinct. We have dropped the Ombudsman provision only because in 2½ years there has been only one complaint. Nevertheless, the Ombudsman's powers are such that, without its being included, it does not limit the Ombudsman's powers to do exactly what you are suggesting. You may want it there and the member for Gordon may want it there: we dropped it simply to meet the request of the member for Gordon that he wants a shorter, sharper Bill. We will add it if you think it improves the Bill and if the other members of this House concur in that.

Clause passed.

Clauses 94 to 96 passed.

Clause 97.

Mr CONLON: Clause 97(3)(c) also concerns me. It deals with term contracts for CEOs. We may lose that argument. We do not like them and we may well lose this but, as a humble industrial solicitor, I have difficulty with contracts having a requirement to meet regulations. If you are so keen on having contracts govern the relationship between the CEO and the council, you probably should not have a role by regulation in determining what those terms are. Unless there is some good reason for that provision, I would say that, as a fall-back position to removing term contracts altogether, we would certainly want that removed.

The Hon. M.K. BRINDAL: I am quite comfortable whichever way this goes. As I told the Committee yesterday, many of the provisions for regulation subsequent upon this Act are there only as measures of possible resort with the effluxion of time. I state to the Committee quite clearly that there is no intention in this provision to prescribe any requirements at all at this time or, as far as we can see, in the future. It is a sort of catch-all. As Minister, I have no intention of acting on paragraph (c). If the Opposition succeeds in striking it down in the other place, that is fine with me.

What will cause me to laugh is that if, in some subsequent Government, I do happen, unfortunately, to be sitting opposite and some future Minister of that Government comes in here seeking to regulate for this. I am comfortable with the Opposition's striking it down. This was for the Opposition's benefit, not for mine.

Mr CONLON: I do not want to labour the point but I mentioned earlier the lack of a conceptual framework for local government. I really do believe that the Minister should try to have some sort of conceptual framework for legal provisions having gone down the path of suggesting that the proper way to govern an employment relationship, with which I do not agree, is to have some sort of free bargain between equals. I do not think that conceptually the Minister should then be inserting himself to determine what agreement must be made. I say that in the sense that, as an industrial lawyer, I was annoyed at the Federal and High Courts' unwillingness to incorporate terms of awards into contracts of employment.

If I can get off on a particular bent, I do not think there is a comprehensive empirical view of labour law in Australia. It is unfortunate that we treat it the way we do, but I believe there needs to be a little rigour and a conceptual framework for the legal treatment of employment.

The Hon. M.K. BRINDAL: I, Sir, plead guilty. I do not pretend to have either the depth or the breadth of understanding that the shadow Minister has in terms of industrial law.

Mr Conlon: I might be making it up.

The Hon. M.K. BRINDAL: That is a real worry: I am never sure whether the honourable member is being serious. If in the Upper House the Opposition can suggest constructive amendments to the Bill, which this House then decides that it likes, we are not averse to considering anything that improves the Bill. I am not sure, though, that we will not, in some instances on industrial matters such as this, end up having a strong degree of difference in the principles involved, but that is as one would expect between a party who represents Labor and a party who represents other values on this side.

Clause passed.

Clauses 98 and 99 passed.

Clause 100.

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

Page 83, line 13—Leave out paragraph (b).

This amendment is technical and related to the redefinition of 'senior executive officer'.

Amendment carried; clause as amended passed.

Clauses 101 to 106 passed.

Clause 107.

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

Page 86—
Line 11—Leave out 'remuneration' and insert salary
Line 13—Leave out 'salary' and insert: remuneration

The first amendment is technical and clarifies the contents of the salaries register. My second amendment is consequential on the first amendment.

Amendments carried; clause as amended passed.

Clause 108 passed.

Clause 109.

Mr CONLON: I am happy if the Minister brings back an answer to my question, and I apologise because yesterday I had the Act in front of me but I do not now. There is a provision in section 69 of the 1934 Act governing human resource management that is not included in this Bill. It provides that employees or persons seeking employment with council should not endure unlawful—and the phrase about which I am particularly interested—or unjustifiable discrimination. That struck me when reading the Act as being an unusual provision and a good one.

My question is in two parts. The Minister can take on notice the first past. Has anyone ever made use of that provision, in particular the provision about unjustifiable discrimination which, I think, extends a greater protection than unlawful? Secondly, why does that very nice provision not appear in the Bill?

The Hon. M.K. BRINDAL: We do not know the answer to the first question but we will provide the honourable member with the relevant information. The answer to the second question is that those matters to which the shadow Minister is referring, and the very detailed grounds listed in the current Act, are subject to various other statutes and are, of course, part of the Statutes Interpretation Act. For example, the Racial Vilification and the Sexual Discrimination Acts contain those identical provisions. Therefore, for simplification and for locating the specific responsibilities in their home statutes (which is part of what this Bill has been about) this Bill states the general principles only.

It is to be expected, however, that the council's code of conduct might provide information to employees about the existence and purpose of those other Acts. It was only not there because it is already a requirement in law. On the specific questions that the shadow Minister asks, we will bring back a reply. If the old Bill goes a little further in the protection of employees, again it is a matter I think we should discuss.

Mr CONLON: I want to be clear about my point. I do not have the current Act in front of me but it makes reference to unlawful and also unjustifiable discrimination in respect of employees and those seeking employment. I do not have any difficulty with removing the reference to 'unlawful discrimination' because, of course, it is almost tautological to protect people against unlawful discrimination. However, I am concerned about the removal of 'unjustifiable discrimination' because it plainly goes beyond that.

The Hon. M.K. BRINDAL: The answer is 'Yes, we will look at it.'

Clause passed.

Clauses 110 and 111 passed.

Clause 112.

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

Page 89—
Line 21—Leave out 'or industrial agreement' and insert:
, industrial agreement or contract of employment
Line 24—After 'consult with' insert:
its employees and with

This amendment ensures that the code of conduct for employees of council cannot diminish the rights of employees on contracts. The further amendment ensures that employees, in addition to unions, are consulted during the preparation of the employees' code of conduct. This is a provision which one would hope would be strongly supported by the Opposition because it strengthens the rights of employees and makes it clear that the code of conduct cannot diminish employees' rights under contracts.

Amendments carried; clause as amended passed.

Clause 113.

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

Page 90, line 1—Leave out paragraph (b) and insert:
(b) any other officer, or any officer of a class, declared by a council to be subject to the operation of this division.

This is one of a number of technical amendments relating to the register of interests for officers of council. It means that in addition to the CEO a council may determine which of its employees are to register their interests rather than limiting the application only to senior executive officers. In fact, it puts the onus on elected councillors to make these determinations.

Amendment carried; clause as amended passed.

Clause 114.

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

Page 90, after line 3—Insert:
'prescribed officer' means an officer within the ambit of a declaration under section 113(b);

This amendment is consequential on the previous amendment.

Amendment carried; clause as amended passed.

Clause 115.

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

Page 90, line 14—Leave out 'senior executive' and insert: prescribed.

This is a consequential amendment.

Amendment carried; clause as amended passed.

Clause 116.

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

Page 90, line 19—Leave out 'senior executive' and insert: prescribed.

Amendment carried; clause as amended passed.

Clauses 117 to 156 passed.

Clause 157.

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

Page 119, lines 23 and 24—Leave out 'or level of usage (or a combination of both) of the service' and insert:
of the service or the level of usage of the service (or a combination of both).

This is a technical clarification of wording and has been sought by the Local Government Association.

Amendment carried; clause as amended passed.

Clause 158.

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

Page 120, lines 7 to 9—Leave out subparagraph (iv) and insert:
(iv) the council has change the basis of valuation used for the purpose of rating,

This amendment was devised after discussion with the LGA. It removes reference in clause 158 to paragraph (iv) concerning the use of differential rates to address the situation of a major change in rates which may result from a change in valuation of an individual property. Council capacity to deal with this situation is now dealt with under clause 168 and gives a council discretionary capacity to grant rebate of rates. Clause 158 as amended gives council the capacity to use differential rates in and to address effects of a change in the basis of valuation used by the council, for example, a change from site to capital values which can cause increases in rates for some properties.

In moving this amendment I particularly acknowledge, in the matter of rate considerations, the very valuable work that the LGA and many councils, particularly rural councils, did in pointing out where we were proposing things that, in their

own particular cases, did not work and then working with us on a system which I think will give them much more flexibility, which will be a much fairer system and for which they are conjointly responsible with the Government. It is a good example of cooperation at work between two spheres of government.

Amendment carried; clause as amended passed.

Clauses 159 and 160 passed.

Clause 161.

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

Page 123, line 21—Leave out 'then the lowest rate' and insert:
and thus provided for a distinct residential rate then that residential rate.

This amendment provides that any proportion of land belonging to a body which is eligible for a rate rebate under this division but not used for the public or charitable purpose of that body, that is, land used for business purposes, will be rated on the residential rate set by council if the council uses differential rates. This is considered a more appropriate measure than the lowest rate—and I quoted the lowest rate—as the original clause requires.

Amendment carried; clause as amended passed.

Clause 162 passed.

Clause 163.

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

Page 124, lines 12 and 13—Leave out all words in these lines and insert:
(b) the council has declared differential rates according to the use of land and thus provided for a distinct residential rate,
then that residential rate must be applied to the land to which the rebate relates.

This amendment provides that the rates applied to land use used by an eligible community services organisation, as defined, will be based on the rate set by a council for residential land use where that council uses differential rates. The intention is to ensure that the rates applied to land use by non-profit community services, specified in this provision, are based on a reasonable level of rate, not on a potentially higher rate under some other land use category. The residential rate is considered a more appropriate measure than the lowest rate, as the original clause required. I refer members to the amendment the Committee has just passed.

Amendment carried; clause as amended passed.

Clauses 164 to 167 passed.

Clause 168.

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

Page 126, lines 16 and 17—Leave out paragraph (f) and insert:
(f) where the rebate is considered by the council to be appropriate to provide relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to a change in the basis of valuation used for the purpose of rating, rapid changes in valuations, or anomalies in valuations.

This clause is amended again after discussion with the Local Government Association to give councils the clear capacity to use rate rebates as a mechanism to alleviate substantial rate increases which would be incurred by a property or properties as a result of, first, a change in the valuation base used by a council, for example, moving from site to capital values; secondly, the rapid changes in valuations, for example, as has affected some viticulture properties this year (I know that is a very important matter for some of our members); or, thirdly, anomalies in valuations that may occur. In moving this chapter, I will formally let the LGA know at its next general meeting the number of times 'LGA' appears in this debate, and I am sure it is more than 'ministerial authorities'.

Amendment carried; clause as amended passed.

Clauses 169 to 182 passed.

Clause 183.

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

Page 137, after line 32—Insert:
(14a) Despite a preceding subsection, a council may decide that rates of a particular kind will be payable in more than four instalments in a particular financial year and, in such a case:
(a) the instalments must be payable on a regular basis (or essentially a regular basis) over the whole of the financial year, or the remainder of the financial year (depending on when the rates are declared); and
(b) the council must give at least 30 days notice before an instalment falls due.

This amendment gives councils the capacity to offer a rate payment scheme based on more than four instalments, provided the instalments are spread evenly across the financial year. This gives councils further flexibility in addition to the present provisions requiring all councils to offer quarterly instalments by the year 2001-2.

Amendment carried; clause as amended passed.

Clauses 184 to 202 passed.

Clause 203.

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

Page 153—
Line 1—Leave out 'disposal or' and insert:
disposal of the land for
Lines 5 and 6—Leave out all words in these lines and insert:
or other disposal require the council to pay to the Crown, or to apply for a purpose specified by the Minister, on the sale or disposal of the land, an amount not exceeding the amount that bears the same proportion to the sale price (in the case of a sale) or to the value of the land (in the case of another form of disposal) as the amount of State government financial assistance bore to the purchase price (in the case of a purchase) or to the value of the land (in the case of another form of acquisition) at the time that the council acquired the land.

The first amendment is purely technical. The relevant phrase should read 'the proceeds of the sale or disposal of the land for acquisition or development of other land'. The second amendment is related to the sale or disposal of local government land. This amendment was devised after discussions with the Local Government Association. It limits the amount that a Minister may require the council to pay to the Crown or to apply a purpose specified by the Minister out of the proceeds of the sale or disposal of community land only where State Government financial assistance was received by the council for the acquisition of land.

Amendments carried; clause as amended passed.

Clauses 204 and 205 passed.

Clause 206.

Mr ATKINSON: This clause provides:

(1) The Adelaide Park Lands are classified as community land and the classification is irrevocable.

(2) On the permanent closure of a road, or part of a road, within the area of the Council that passes through, or abuts, the Adelaide Park Lands, the land merges with the park lands and is vested in the Crown.

The Committee is familiar with Barton Road. It runs from the junction of Hawker Street and Park Terrace up the hill where one can continue along it in a southerly alignment, but the road becomes known as Mildred Road, or one can turn to the left and go more sharply up the hill to the east, to the junction of Barton Terrace West and Hill Street. That road was first closed in 1987 when the City Council, without any legal authority, simply dug up the old Barton Road and reconfigured it as a one lane S bend available only to buses.

Mr Koutsantonis interjecting:

Mr ATKINSON: I am glad to hear that the member for Peake used that bus lane last night, as I did in company with one of my Caucus colleagues earlier in the week. That S bend is partly on the old road reserve—

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: Part of that bus lane was on road reserve—

The Hon. M.K. Brindal: Was: it is now part of the parklands. Are you trying to sequester the Adelaide parklands? Say that to the Committee.

Mr ATKINSON: Some of that road, between 1987 and 1995, was on road reserve and some of that road was on parkland so that those people who were behind the so-called closure of the road had actually dug up parkland to put asphalt on it, and I believe the member for Adelaide was one of those people. So, part of the parkland was dug up to accommodate a reconfigured road.

Between 1987 and 1995 a number of fines levied on motorists who used that S bend were refunded because the authorities knew that part of that S bend was on parkland and that one could hardly be fined, under the usual provisions employed by the police, for driving a car on parkland, because the asphalt had been put on it by the proponents of the closure. The Government was in difficulty because it and the Minister for Government Enterprises wanted to start fining people from suburbs such as Ovingham for using that patch of bitumen. In 1995 the Adelaide City Council passed a closure under the temporary closure provision of the Local Government Act—section 359, which we are now doing away with as part of this process—

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: Right—and what that temporary closure provision purported to do was to close that bus lane, that S bend, to use by motorists and pedal cycles. I think that 'pedal cycles' was put in there at the insistence of the member for Adelaide who could not bear their noise and emissions as they passed his home.

That temporary closure motion was passed by the Adelaide City Council but the police would not enforce it because part of that S bend was on parkland and not on road reserve. What did the Government do to try to fix the problem? I will tell you. The then Minister of Environment and Lands who today graces the House in the guise of the Chairman of Committees, on the advice of the member for Adelaide who was then the Minister of Health, expanded the road reserve, that is, widened the road reserve, at the expense of parkland so that it embraced the S bend.

In fact, what the member for Adelaide did in cooperation with the then Minister of Environment and Lands was to widen the road reserve at the expense of parkland, so in fact the road reserve on the deposited plan at Barton Road is now wider and bigger than it has ever been—this is quite an extraordinary tale—but they did that so that they could fine hapless motorists and cyclists from Ovingham who were using the S bend to get to North Adelaide.

My question is this: will that bit of road reserve which was added to the Barton Road reserve in 1995 by the Government now be part of parklands under clause 206 or does it remain road reserve and exempt from this provision?

The Hon. M.K. BRINDAL: What a pretty little speech! Another lesson in ancient history with which the member for Spence regales this House every time. The problem that this House has with the member for Spence is that we are talking about the entire local governance provisions of this State and it comes down to Barton Road, on which the member for Spence is nothing if not a zealot. Most of the world, I point out to the member for Spence, distrusts zealots. In answer to his question—

An honourable member interjecting:

The Hon. M.K. BRINDAL: If you want to profess to be a zealot you can: it's up to you.

Mr Atkinson: One of the zealots was one of Christ's disciples.

The Hon. M.K. BRINDAL: Yes, and look what he wrote.

An honourable member interjecting:

The CHAIRMAN: Order!

The Hon. M.K. BRINDAL: I will discuss that with the member for Spence afterwards. The member for Spence wants to read, I suggest to him, the first six words: 'On the permanent closure of a road'. Permanent closure of a road is any road closed under the Closure of Roads—

Mr Atkinson: Opening and closing.

The Hon. M.K. BRINDAL: Sorry, under the Roads (Opening and Closing) Act. The member for Spence asks a question, and in his answer says this particular matter that he always and incessantly regales us with was effected under section 359 of the Local Government Act. It was, therefore, not effected under the Roads (Opening and Closing) Act and this provision provides for those roads, and those roads alone, that have been closed under the Roads (Opening and Closing) Act.

Mr Atkinson: Was Barton Road closed under that?

The Hon. M.K. BRINDAL: No.

Mr Atkinson: Exactly.

The CHAIRMAN: Order!

Mr CONLON: If I understand the Minister's answer correctly, that the road is not permanently closed, can the Minister give us an indication as to when the temporary closure, therefore, of Barton Road is coming to an end and when we can expect it to open again?

The Hon. M.K. BRINDAL: That is a question that I wish I knew the answer to, because this House would be saved much time and much trouble if there was a definitive and definite answer. But I cannot give that answer.

Mr Atkinson interjecting:

The CHAIRMAN: Order!

The Hon. M.H. ARMITAGE: I was rather hoping that this matter would not be raised at this moment. But I wish to draw the attention of the Committee to a couple of matters in relation to this very important matter. Five minutes ago, the member for Spence said, in relation to the closure, and I quote—or I believe I put words into his mouth, but he said words to the effect of, 'I believe the Minister for Government Enterprises was one of those responsible.' He then went on to say that changes to the S bend, or something or other were, 'Put in at the insistence of the member for Adelaide.' Sir, he further went on to say, in relation to your role as a previous Minister, that these various changes occurred on the advice of the member for Adelaide. On 4 August 1998, the member for Spence said:

> I apologise to the member for Adelaide if I have exaggerated the personal element in this debate and been too hard on him. I know that he supports the closure as a resident but he is not a member of the Adelaide City Council and, obviously, he has not directly brought about this closure. If I have implied that he is solely responsible for this closure, if I have said that he is directly responsible for it, I withdraw and apologise.

Obviously, the member for Spence knows that I had nothing to do with this other than a legitimate cause as a member—

An honourable member interjecting:

The Hon. M.H. ARMITAGE: As a member of the community of North Adelaide. And he clearly apologised before because, in his own heart of hearts, he knows he went much too far before and in this instance he is going, simply to try to make a point, too far again, because it is at odds with his apology on 4 August 1998.

Mr ATKINSON: I see that the Minister has a pamphlet in his hand. I think that he will be lowering his class by actually going down the hill and distributing it himself in Ovingham. He certainly would not do that. The residents of Ovingham have twice been direct mailed, personally addressed, on the Minister's role in this. And, of course, it is a letter distributed outside Parliament. The Minister is always inviting me to say these things outside Parliament and I have, by letter, twice.

The Hon. M.H. Armitage: Send me a copy.

Mr ATKINSON: I do not think that anyone in Ovingham is sufficiently intimate with the Minister to share that information with him.

The Hon. M.H. Armitage: You send me a copy. Go on, I challenge you. If you are so smart, send me a copy.

Mr ATKINSON: I read them both out in the House. You were here when I read them out. I read the text of the letter.

An honourable member interjecting:

Mr ATKINSON: That's right.

The Hon. M.H. Armitage interjecting:

Mr CONLON: Sir, I rise on a point of order. Could I ask either the member for Adelaide or the member for Spence to start making sense?

The CHAIRMAN: I uphold that point of order.

Mr ATKINSON: The point I am trying to make is this, Sir: that you, when you were Minister responsible for the Lands Department, made a decision—and I would think that decision went through Cabinet, of which the member for Adelaide was a member—to widen the road reserve at Barton Road. And it is a matter of great concern to the Minister: he has long campaigned for the closure of that road. He admits that he campaigned for the closure as a Minister and member—

Mr CONLON: I rise on a point of order. I am most reluctant to do this to my colleague the member for Spence, but I simply ask whether the member for Spence has a question—alert to the fact that I support the member for Spence's amendment to a subsequent Bill and not this one.

The CHAIRMAN: I have to uphold the point of order, and I ask the member for Spence to conclude his remarks.

Mr ATKINSON: Yes, sure. My remarks relate to the clause, and that is that the road was closed (it was a so-called temporary closure) under section 359 of the Local Government Act. Sir, you will observe from this Bill that that clause is not reproduced in the Bill. So, that clause has fallen to the ground. So, Barton Road is closed pursuant to a temporary closure provision of the Local Government Act and it will not be in the new Local Government Act. What, then, is the status of the road closure at Barton Road when the new local government Bill comes into effect? Is it closed permanently under a residual power—under a power that has, if you like, passed away—or is it a closure under some new provision? Is the closure temporary or permanent? Can that road reserve be converted to parkland under this clause?

The Hon. M.K. BRINDAL: The status will be as it is now. It is intended, when the new Road Traffic Act comes in, to deal with it then and it will be dealt with then in a way that confirms its status as it is now. I am further advised that, in the amendment Bill, what will happen with the land that abuts what will then be clearly the road reserve will revert to parklands and will become the property of the Crown. But the care, custody and control will be vested in the Adelaide City Council, as is the rest of the parklands.

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: The land that abuts what will then be the road reserve—the road reserve being the width, I believe, from kerbway to kerbway in an S shape through that parkland—will be designated road reserve. The land that abuts as per this provision—what was the previous road reserve but, as the member for Spence points out, has been widened—the road reserve, will become the carriageway between kerb and kerb, albeit in an S-bend. The land that abuts those kerbs will revert to parklands in the ownership of the Crown. However, the care, custody and control, as with the rest of the parklands, will be vested in the Adelaide City Council.

Mr ATKINSON: I have very great concerns about that answer, because the old Barton Road was wider than the current Barton Road at that point and could carry two buses passing one another. The current Barton Road, in the nature of the S-bend, could only carry one vehicle at a time.

Mr Conlon interjecting:

Mr ATKINSON: It is a chicane, if you like. My point is that the road reserve is much wider than the current chicane. If the current road reserve, which is not asphalted, ceases to be road reserve and becomes parkland, then by this clause Barton Road could never revert to its previous width and alignment even though, on the current road reserve, the road could be restored to its current width and alignment. Is the Minister telling the Committee that by this expedient a temporary road closure of Barton Road dating from 1995 could be made permanent by taking the non-asphalted part of the road reserve and making it into parkland, because I would have thought that the only way that could be done is by an application under the Roads (Opening and Closing) Act making sure that the non-asphalted part of Barton Road was no longer part of road reserve? I am willing to accept that, but this clause is a very—

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: This is my last attempt.

The Hon. M.K. Brindal interjecting:

Mr ATKINSON: The Minister's answer appeared to say that land which is currently road reserve and which would be needed to restore Barton Road to its previous width and alignment—which is what would occur within a few hours of Labor forming a Government in this State—that that would no longer be possible because the non-asphalted road reserve would be taken for parkland.

The Hon. M.K. BRINDAL: I am sorry, I apologise to the member for Spence, I misled him; my understanding was incomplete. The surveyed road reserve, which he points out is two parallel straight lines, continues as the road reserve. Therefore, what he was saying will be possible. The road reserve is not as I thought, the S-bend from curb to curb. It is two straight lines as it exists, so it will be possible for a future Labor Government to do exactly what he says. I just say—

Mr Atkinson interjecting:

The Hon. M.K. BRINDAL: Yes. What I would say to the member for Spence though—even under his proposition if the Labor Party got into Government—is that it is possible for any Government to do whatsoever it wishes. I acknowledge that had I been right it would have been slightly harder but only marginally.

Clause passed.

Clauses 207 and 208 passed.

New clauses 208A and 208B.

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

Page 154, after line 31—Insert:

Constitution of a land bank to protect the area of Adelaide Park Lands available for public use

208A. (1) In this section—

'land bank' means land forming part of the Adelaide Park Lands that is available for unrestricted public use and enjoyment.

(2) For the purposes of this section—

(a) the Council will be credited with 1.0 credit units for every 1.1 square metres of land that the Council adds to the land bank after the commencement of this section; and

(b) the Crown will be credited with 1.0 credit units for every 1.1 square metres of land that the Crown, or any agency or instrumentality of the Crown, adds to the land bank after the commencement of this section.

(3) The Council may only grant a lease or licence over land that forms part of the Adelaide Park Lands, or take other action to remove land from the land bank, to the extent that the Council holds credit units equal to or exceeding the number of square metres of land to be subject to the lease or licence or to be otherwise so removed.

1. If the Council grants a lease or licence or takes other action to remove land from the land bank under this subsection, then the number of credit units held by the Council will be reduced by an amount equal to the area, in square metres, of the land that is subject to the lease or licence or otherwise so removed.

2. This subsection does not apply—

(a) to the extension or renewal of a lease or licence, or to the granting of a lease or licence in place of an existing lease or licence or a lease or licence that has expired within the preceding period of one month (to the extent that land is not added to the area of the lease or licence); or

(b) to a lease or licence for a term (including any right of renewal) not exceeding three months, or to any other temporary removal of land from the land bank for a period not exceeding three months; or

(c) to a licence that does not confer a right to occupy land.

(4) The Crown, or an agency or instrumentality of the Crown, may only take action to remove land from the land bank to the extent that the Crown holds credit units equal to or exceeding the number of square metres of land to be so removed.

1. If the Crown, or any agency or instrumentality of the Crown, removes land from the land bank under this subsection, then the number of credit units held by the Crown will be reduced by an amount equal to the area, in square metres, of the land that is so removed.

2. This subsection does not apply to a temporary removal of land from the land bank for a period not exceeding three months.

(5) For the purposes of this section, any calculation or consideration of credit units or square metres will be taken to the first decimal place.

Constitution of fund to benefit the Adelaide Park Lands

208B. (1) There will be a fund at the Treasury entitled the Adelaide Park Lands Fund.

(2) The fund consists of—

(a) all amounts paid to the credit of the fund under subsection (3); and

(b) any income paid into the fund under subsection (5).

(3) A person or public authority proposing to undertake development on land forming part of the Adelaide Park Lands must not commence the development unless or until the prescribed amount in respect of the development has been paid to the credit of the fund.

(4) Subsection (3) does not apply to—

(a) development undertaken by the Capital City Committee; or

(b) development undertaken by any person or public authority for the beautification, rehabilitation or restoration of the Adelaide Park Lands; or

(c) development of a prescribed class.

(5) Any money in the fund that is not for the time being required for the purposes of the fund may be invested by the Treasurer and any resultant income must be paid into the fund.

(6) The money standing to the credit of the fund may be applied by the Capital City Committee—

(a) for the beautification, rehabilitation or restoration of the Adelaide Park Lands; or

(b) for any other purpose which, in the opinion of the Capital City Committee, will benefit the Adelaide Park Lands or increase or improve the use or enjoyment of the Adelaide Park Lands by the general public and constitutes an appropriate use of money standing to the credit of the fund.

(7) If an amount is paid to the credit of the fund by a person or public authority in respect of a proposed development and the development does not subsequently proceed, the Capital City Committee may, in its absolute discretion, repay the amount to the person or public authority from the fund.

(8) The Minister may require a person or public authority to provide reasonable information or evidence in connection with the determination of a prescribed amount for the purposes of this section.

(9) If the Minister believes on reasonable grounds that information or evidence provided under subsection (8) is incomplete or inaccurate, the Minister may make a determination of the prescribed amount on the basis of estimates made by the Minister.

(10) A person who—

(a) commences development in contravention of subsection (3); or

(b) fails, without reasonable excuse, to comply with a requirement under subsection (8) within a reasonable time,

is guilty of an offence.

Maximum penalty: $10 000.

(11) In this section—

'Capital City Committee' means the Committee of that name established under the City of Adelaide Act 1998;

'development' has the meaning given in the Development Act 1993;

'prescribed amount', in respect of a development, means—

(a) if the total anticipated development cost does not exceed $5 000—$25;

(b) if the total anticipated development cost exceeds $5 000—$25 plus $5 for each $1 000 over $5 000 (and where the total anticipated development cost is not exactly divisible into multiples of $1 000, any remainder is to be treated as if it were a further multiple of $1 000), up to a maximum amount of $10 000;[1]

[1]The regulations may prescribe matters that will be included or excluded from total anticipated development costs for the purposes of this definition.

'public authority' means—

(a) the Crown;

(b) an agency or instrumentality of the Crown;

(c) a council or other body established under this Act.

This is a long amendment but it is a simple premise. The parklands are precious and people temporarily charged with their care, I believe, should ensure that the area of the parklands reverts towards Colonel Light's vision. I do thank the Minister, and I particularly thank the member for Colton, who, of course, had an illustrious career as the Lord Mayor of the City Council, for their support for this amendment.

The amendment, first, moves the parkland area back towards Colonel Light's vision by ensuring all development henceforth returns an increment of 10 per cent of the area greater than that used by the development to parklands, which will see the gradual—some would say less gradual than they might like—increase in area of the parklands; and, secondly, by creating an Adelaide parklands fund to be administered by the Capital City Committee for the benefit of the parklands,

that fund to come from a small levy of .5 per cent of the total anticipated development cost, to be paid into that fund. I could talk for ages; I shan't.

The Hon. M.K. BRINDAL: The Government in accepting the amendment is delighted to congratulate both the members for Colton and the member for Adelaide who worked collaboratively on this. We think it is a most constructive and useful adjunct. For the first time in the history of Government in South Australia, it gives a degree of certainty to the orderly return of much of the parklands to recreational use and to green spaces. The member for Colton has long been a champion of this. The member for Adelaide has been absolutely scrupulous in his vigorous defence of the parklands and every member of the House on this side, and I hope on the other side, applauds the initiative.

Mr ATKINSON: I indicate my personal endorsement and support for the member for Adelaide's initiative: it is splendid.

New clauses inserted.

Clauses 209 to 233 passed.

Clause 234.

Ms CICCARELLO: I will not move an amendment to this clause because I understand it will be addressed in the Upper House, but I am concerned about the issue of the liability being removed from councils with regard to the planting of street trees. We are constantly trying to improve our streets and have more planting of trees. However, with the exemptions of liability for councils it might be that councils will start removing their trees because they do not want to be prosecuted by residents.

The Hon. M.K. BRINDAL: That is not so. This provision seeks to reinforce and encourage councils in planting of street trees. What this does is clarify what has long been considered an anomaly in law, but a matter which has failed to be tested and which every council to which I have spoken fears being tested. Basically, the premise of the old Local Government Act was that councils were not liable for damage caused by trees. However, it is considered that, if that matter was tested in a court of law, having been properly notified that a tree was causing damage, if the council did nothing to ameliorate the damage caused by the tree, despite the provision in the Local Government Act 1934, which gave councils an exemption from damage, the courts would rule that the councils were liable under duty of care.

That is a matter which has greatly concerned in one instance the Unley Council, and I will give a very good example. Street trees were getting into the required sumps for Australian Motors. That was causing oil and other noxious substances to leak into the Patawalonga catchment, a serious matter for this Government and the EPA. The damage done to Australian Motors' property was considerable. Australian Motors faced legal consequences with the State Government of South Australia. It was going to pass those consequences on to the City of Unley. The City of Unley, quite rightly, planted some young trees further away and then removed the trees in question. All that this does is clarify the law, protects councils as much as it is possible, but clears up the fact that there is not an absolute protection and, unfortunately, there simply cannot be. This is to help councils not hinder them.

Clause passed.

Clauses 235 to 242 passed.

Clause 243.

Mr HANNA: Clause 243 really makes sense only in relation to clause 194, and perhaps other clauses relating to community land might be relevant. I note that the apparent effect of clause 243 is to allow dealings with land on the assumption that native title will not be affected unless it is affected, or unless the dealing with native title can be done without destroying it. I am not sure exactly why the clause has been phrased in that way. If I can put it more simply, why does it provide that dealing with land under this Act will not affect native title unless it does, validly?

The Hon. M.K. BRINDAL: This clause is inserted on the advice of the Crown Solicitor's Native Title Unit, and advice has also been taken from the auspices of the Crown as expressed in the Commonwealth of Australia. It is merely put in here to ensure consistency and that nothing we do in this Act prejudices a native title claim by people who are encouraged to exercise that claim.

Mr HANNA: I suggest to the Minister that there is an inconsistency between the approach taken under that clause and the approach taken under clause 194, where native title is clearly excluded from being a recognised interest in land, contrary to other interests which are recognised under the Torrens title system.

The Hon. M.K. BRINDAL: No, that is wrong; they have a recognised interest under native title legislation. They have a specific, recognised interest under another statute which overrides any provision of this Bill. That is why this provision is included.

Mr HANNA: This is really diverting us back to clause 194, but the Minister's answer is alarming because, if what he has just said is accurate, holders of native title should have been explicitly recognised in clause 194 as those holding recognised interests in land. So, will the Minister now consider going back to clause 194, when the matter goes to the other place, to have an appropriate amendment inserted so that councils will then be forced to consult with native title holders if they are dealing with land, just as they would have to consult with owners of registered legal interests according to the Torrens title system?

The Hon. M.K. BRINDAL: I am sorry; the member for Mitchell came in here last night and was wrong. He comes in here today and is wrong again. If the member for Mitchell looks at clause 194, he will see that you have an interest under that clause if you are an owner of the land. If the member for Mitchell then looks back at page 4, chapter 1, he will see that the definition of 'owner of land', paragraph (d), is a person who holds native title in the land. Again, the member for Mitchell is simply wrong.

Clause passed.

Clauses 244 to 246 passed.

Clause 247.

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

Page 173, line 12—After 'property' insert:
of the owner or occupier

This is a technical clarification of wording sought by the Local Government Association.

Amendment carried; clause as amended passed.

Progress reported; Committee to sit again.

LIVESTOCK (COMMENCEMENT) AMENDMENT BILL

The Legislative Council agreed to the Bill without any amendment.

HAMMOND, Dr L.

The Hon. J.W. OLSEN (Premier): I seek leave to make a brief ministerial statement.

Leave granted.

The Hon. J.W. OLSEN: I rise to correct an entry in *Hansard*. It is incorrect in a written reply in *Hansard* of 9 February 1999 (page 639) that Dr Hammond's termination payment was authorised by the Minister for Government Enterprises following advice from the Commissioner for Public Employment regarding the agreement negotiated with Dr Hammond. I am advised that the response to this question without notice is incorrect and should read:

> Dr Hammond's termination payment was authorised by the Commissioner for Public Employment in accordance with the agreement negotiated with Dr Hammond.

This is consistent with both the Minister for Government Enterprises' and my own verbal responses to this House concerning the issue.

ADJOURNMENT

At 5.57 p.m. the House adjourned until Tuesday 23 March at 2 p.m.

HOUSE OF ASSEMBLY

Tuesday 9 March 1999

QUESTIONS ON NOTICE

POLICE VEHICLES

36. **Ms RANKINE:**

1. How many police vehicles have been withdrawn from use in order to meet the $4 million departmental budget cut and from what areas were they withdrawn?

2. How many more vehicles are to be withdrawn and from what areas?

The Hon. R.L. BROKENSHIRE: I have been advised by the Commissioner of Police that SAPOL's motor vehicle fleet of approximately 1 000 vehicles is to be reduced by 77 vehicles by the end of February 1999.

These vehicles were primarily withdrawn from non-operational areas. Each area was requested to identify its least needed vehicles. This process enabled each area to absorb a reasonable percentage of the reduction in vehicles. No general patrol vehicles were reduced as a part of the strategy. Areas that vehicles were typically removed from include:

Police stations—Administration vehicles, utilities, excess cage cars.

Commissioners Command—Administrative vehicles and some vehicles from Strategic Development Branch and promotions vehicles from Public Affairs Branch.

Training and Development—Some administrative and driver training vehicles.

Fleet Services—Some reserve and loan vehicles and some administrative vehicles.

In addition to the above mentioned vehicles some utilities and 4 w.d. vehicles were removed from areas where they were not essentially needed.

The reduction of these vehicles has not heavily impacted on service provision to the public as vehicles were not reduced from patrols or other areas providing key core service functions.

I have been further advised that SAPOL is continually reviewing its resource utilisation and associated cost structures and efficiencies, including those of motor vehicles. In line with this approach, there may be a need for some adjustment to fleet establishment levels in the future.

EDUCATION DEPARTMENT, CEO

105. **Ms WHITE:** What are the details of the remuneration package and other benefits paid to the current chief executive officer of the Department of Education, is this officer receiving continuing remuneration or benefit from the Victorian Government, and is the Victorian Government reimbursing the Department for any costs associated with this officer's current employment and, if so, what are the details?

The Hon. M.R. BUCKBY:

1. The remuneration package paid to the current chief executive of the Department of Education, Training and Employment amounts to $248 000 per annum and comprises salary, superannuation and motor vehicle. Consistent with standard practice, other benefits include the provision of temporary accommodation for a period of up to six weeks, and limited reimbursement of costs should he choose to sell his existing Melbourne residence and purchase a home in Adelaide.

2. No.

3. No.