LEGISLATIVE COUNCIL

Wednesday 25 March 1992

The PRESIDENT (Hon. G.L. Bruce) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS

GAMING MACHINES

The Hon. R.I. LUCAS: I direct my question to the Minister of Tourism. Will the Minister confirm that some time yesterday prior to Question Time she met with the Attorney-General and that he provided assistance in the drafting of her ministerial statement to Parliament and that he has also provided other advice in relation to her handling of this matter? If so, will the Minister explain why she believes that the Attorney-General is not therefore highly compromised and is able to conduct an independent review of the allegations surrounding the Minister?

The Hon. BARBARA WIESE: First, I indicate to members that what I have done is to refer my papers to the Attorney-General for his consideration. That is the matter that was the subject of my statement yesterday. I did discuss the matter with the Attorney-General yesterday before I took the decision that that was the course of action that I wanted to take. I think that is a common courtesy that would be expected.

The Hon. R.I. LUCAS: As a supplementary question, will the Minister indicate whether in the discussions that she had with the Attorney-General prior to Question Time yesterday the Attorney-General assisted the Minister in the drafting of and providing advice on the ministerial statement she provided to the Council yesterday?

The Hon. BARBARA WIESE: I did show a copy of my proposed ministerial statement to the Attorney and he certainly made some comments on it.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. K.T. GRIFFIN: I seek leave to make an explanation prior to addressing a question to the—

Members interjecting:

The PRESIDENT: Order! Members will come to order. If members wish to ask questions they can do it in the normal course of events. The Hon. Mr Griffin has the floor.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Hon. Mr Davis will come to order. He will have the opportunity to ask a question if he wants to.

The Hon. K.T. GRIFFIN: I seek leave to make an explanation prior to addressing a question to the Minister of Consumer Affairs about conflict of interest.

Leave granted.

The Hon. K.T. GRIFFIN: Last Thursday, in an answer to a question from the Hon. Mr Elliott, the Minister said:

> On the few occasions when issues have been raised for discussion in Cabinet where Mr Stitt has an interest or where I feared it could be alleged that there could be a perceived conflict of interest, I have declared an interest in the matter and have not taken part in Cabinet decisions on those matters.

She went on to refer to the Tandanya project on Kangaroo Island where, because Mr Stitt was involved as a consultant to the original proponent, she declared an interest to Cabinet and took no part in the discussion. She said that in respect of that matter her department was requested to make judgments about the tourism merit of the proposal. The Minister attempted to draw a distinction between that occasion and the occasion of the Gaming Machines Bill, claiming that another Minister—the Minister of Finance—had responsibility for the carriage of the Bill and that her involvement had been limited. However, in her ministerial statement last Thursday the Minister said that the Liquor Licensing Commission had given advice to the Minister of Finance, who had also sought advice from her on a few occasions in respect of the Bill. My questions to the Minister are as follows:

1. In view of the Minister's statement yesterday that she should have disclosed to Cabinet Mr Stitt's involvement, does she now acknowledge that in principle there is no difference between the situation of potential conflict in which she found herself in relation to the Tandanya matter and the situation of the Gaming Machines Bill in view of her ministerial responsibility for both the Liquor Licensing Commission and the Casino Supervisory Authority?

2. Having admitted yesterday that she should have disclosed Mr Stitt's involvement with gaming machines, does the Minister now also acknowledge that, as in the Tandanya issue, she should not have participated in the discussion or the decision on the gaming machines issue in Cabinet?

3. Will the Minister identify the other occasions when she has declared an interest to Cabinet, and say to which issues they relate?

The Hon. BARBARA WIESE: I have dealt with these issues in previous days questioning on this matter, and I have made quite clear what I thought the distinctions were between this matter and such matters as Tandanya. The essential difference here, it seemed to me, was that the Bill is not a Government Bill in the usual sense of the word. It is a Bill on which there is a conscience vote for every member of Parliament. I indicated that it was my genuine belief that my colleagues were aware of Mr Stitt's involvement with the Hotel and Hospitality Association. I have since learnt that that was not true in all cases and, certainly, having learnt that, I felt with that hindsight that it would have been more appropriate if I had declared his involvement.

However, I have indicated quite clearly that the outcome of this Bill will not in any way, shape or form be influenced by the omission that I made on that matter. The Bill has been introduced by the Minister of Finance; he decided its contents. The matter was approved for introduction by Cabinet, and every member of Parliament—including members sitting opposite—have the same opportunity to peruse the clauses of the Bill and to make amendments if they do not like what is there. That is the right of every single one of us acting independently, and that is a very clear position.

The politics that are being played with this issue by members opposite, particularly the Hon. Mr Lucas and the Hon. Ms Laidlaw, are absolutely disgraceful. The thing that amazes me about the role that Ms Laidlaw in particular is playing is that, of all members sitting opposite, she should be the one who has the best knowledge of the need that the industry has for a measure of this sort. And what has she done with it? She has decided to play politics. She is pushing herself into a corner on an issue that is actually unrelated to the contents of the Bill—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —and in this matter she is not acting in the best interests of the industry to which she claims to be so close.

Members interjecting:

The PRESIDENT: Order! The Council will come to order.

The Hon. BARBARA WIESE: Yesterday Ms Laidlaw indicated in this place that she was speaking on behalf of the tourism industry.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. I suggest that the Minister not proceed with the answer unless she gets the silence to which she is entitled.

The Hon. BARBARA WIESE: The Hon. Ms Laidlaw bellows across the Chamber about this being a conscience vote, and indeed it is, but it was she who, during Question Time, introduced the issue of industry needs and views on this matter, and she expressed her disappointment (how convenient) that I had not played more of a role. However, the day before that, during Question Time—the last opportunity for questions—she was accusing me—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —of being involved in a matter in which I should not be involved, so she seems to want it both ways, and it is not really possible for me to win. The real issue is that the industry of which the honourable member speaks will make its own judgment about her role in this and about her integrity. Don't worry about that.

The Hon. Diana Laidlaw: Are you threatening me?

The Hon. BARBARA WIESE: I cannot threaten you, Ms Laidlaw, but I am sure that the industry will make some very firm judgments about your integrity and about your role in this debate and in this issue.

The Hon. Mr Griffin asked me whether I could indicate other occasions on which I had declared an interest. The only other issue that I can recall at this stage is that of Tandanya, and I made my position quite clear on the occasions that the Tandanya development and a neighbouring development were discussed in Cabinet. I do not recall any other occasion at this time. I confirm again that I view the practice of declaring an interest on matters of relevance as a very important principle that Ministers should follow. I have outlined quite clearly the reasons for my omission on this occasion. The Premier has indicated that he does not consider this matter to be one of enormous significance, and I agree with that entirely—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —because the matter will not be affected. The issue before the Parliament cannot possibly be affected by that occurrence, and it is time that members opposite stopped playing politics with this issue, started looking seriously at the underlying reasons for the introduction of this measure in the first place—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —which is the economic viability of the tourism and hospitality industry, and started addressing the Bill.

The Hon. K.T. GRIFFIN: I ask a supplementary question. As the Minister has acknowledged that she should have announced to her Cabinet colleagues the interest of Mr Stitt in the gaming machine legislation, does she also acknowledge that she should not have participated in the discussion or in any decision on the issue in Cabinet?

The Hon. BARBARA WIESE: The fact is that when Cabinet considered this Bill there was negligible discussion on it, because it was acknowledged by the members of Cabinet that each member had a conscience vote. The discussion in Cabinet, as I recall on the occasions when this matter came before it, centred on the Minister of Finance, the responsible Minister, outlining various issues for Cabinet's information. As I recall, some members of Cabinet from time to time requested information from the Minister of Finance on certain points, but Cabinet was not making decisions about the content of the Bill. Cabinet made a decision to allow the Minister of Finance to introduce the Bill so that all members of Parliament in both Houses would have the opportunity to consider what he was putting before them and be able to make up their own minds about these issues.

Various members have presented differing points of view on a number of issues. We have already seen during the debate in another place that a number of amendments have been moved by numerous people, and it is quite likely that more amendments will be moved before this process is over.

Members will have an opportunity to cast their minds over all these matters. Some of the amendments would change the structure and nature of the Bill considerably should they be supported by members. This is quite a nonsense debate; it is not relevant to the future of this legislation that I may have participated.

The Hon. L.H. Davis: It wasn't 'may'; you did.

The Hon. BARBARA WIESE: I have acknowledged that I participated.

An honourable member interjecting:

The Hon. BARBARA WIESE: Yes, I have. The fact is that it was the Minister of Finance who led the small amount of discussion on this issue that took place in Cabinet. I am sure that my colleagues—and I cannot recall how many because obviously one would not usually remember in detail meetings of that sort—would be able to support my saying that I participated in only a peripheral way. At all times, the Minister of Finance led the debate, answered questions and provided further information when people requested it. The contributions that I made were on matters of fact or clarification where I had information available.

Members opposite want to turn this into some huge issue, when they know full well that it is not a huge issue at all. They are making a mountain out of a molehill. A very insignificant matter has been raised here, and I do wonder about the motivation of some of those who are participating in this campaign. From the knowledge I have already of some of the individuals who have participated in debates on this issue, it is quite clear that one of their motivations is to see that poker machines are not introduced into South Australia. It is most unfortunate that this matter should be used in such a campaign in this appalling way.

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Minister of Tourism a question on the subject of Nadine Pty Ltd.

Leave granted.

The Hon. L.H. DAVIS: Yesterday, in this Chamber, the Minister detailed two loan payments that, during 1991, had been made to Nadine Pty Ltd through companies in which Mr Jim Stitt has an interest. These loans to Nadine Pty Ltd totalled $1 250. Will the Minister indicate whether these loans to Nadine Pty Ltd have been repaid and, if so, on what date and, if not, why not?

The Hon. BARBARA WIESE: Those loans have not yet been repaid.

An honourable member: Are you going to repay them?

The Hon. BARBARA WIESE: I don't know yet; that decision hasn't been made.

MINERAL FIBRES

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation prior to asking the Minister representing the Minister of Labour a question about mineral fibres.

Leave granted.

The Hon. R.I. Lucas: It's about time you got your act together with a few dorothy dixers, you lot. You were left exposed yesterday.

The Hon. T.G. ROBERTS: It's about time you got your eyes out of the gutter and put them on the Notice Paper, too, Mr Lucas.

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: In regard to legislation relating to fibreglass being introduced into the Californian Legislature, the insulation material that is named is becoming an increasing risk to workers' health in the industry, and there is now quite a volume of material linking fibreglass to cancer.

The *Metal Worker* of March 1992 notes that in Europe studies are now starting to show that cancer is becoming a major cause of concern to workers within the industry. In the United States workers are being exposed to fibreglass and it is becoming a major problem and a health risk, and in Australia the figures are starting to show the same results. Details on asbestos and the problems associated with that fibre have been known since 1928, but it has not been until recent years—the 1960s—that legislation has been introduced to try to come to terms with the problem. Many people moved into mineral fibres as an alternative solution to some of the programs for which asbestos was being used. Mineral fibres are now being shown to cause the same problems as asbestos, and mesothelioma is one of the problems with which workers come into contact in the industry.

With the increased volume of information now available on the dangers associated with mineral fibres, does the Minister believe that more could be done to educate workers in the industry and the general public to the dangers associated with the hazards of using these fibres?

The Hon. C.J. SUMNER: I will refer that question to my colleague in another place and bring back a reply.

HEALTH EDUCATION FUNDING

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about health education funding cuts.

Leave granted.

The Hon. M.J. ELLIOTT: Following some debates in this place the Government set up the Health Sciences Education Review, which sometimes goes by the name of the Whyte/Blackburn review. I have received a letter from the Department of Community Medicine at the University of Adelaide, which states:

> The review examined the current arrangements for teaching in health sciences in South Australia, and made a number of recommendations for improvement. Of particular interest to us in the Department of Community Medicine are recommendations 7, 8 and 9. Recommendation 7 was that 'All institutions engaged in health-related education should give high priority to continuing, expanding and funding multiprofessional education activities within and across institutions'. Recommendation 8 is that 'Primary health care should be given greater prominence in the education of health professionals' and recommendation 9 is that 'Opportunities should be actively sought and exploited for combining courses within and across institutions.'
>
> We are not aware of any action that is being taken to follow through with this review. Worse still, the actions of the Health Commission appear to totally disregard the review. This department runs two undergraduate programs involving more than 800 students from six separate educational institutions and 14 different health professions. These programs have in the past been supported by a grant from the Health Commission for multiprofessional education. However the Health Commission has announced that this grant will be totally withdrawn over the next five years. This reduction in funding is not based on any educational argument, but appears to be a short-term economic move.

The people in that department are totally mystified that a review should be held. The review had obvious costs and it came out with recommendations. Yet the Government does the exact opposite of the recommendations: it undermines some programs which were already in place.

My question is: was the Minister of Health unaware of the results of the review which was run by the Minister of Employment and Further Education; if so, why; and, if not, why did the Minister act in a way totally contrary to that recommended by the review?

The Hon. BARBARA WIESE: I will refer the honourable member's question to my colleague in another place and bring back a reply.

GOOLWA-HINDMARSH ISLAND BRIDGE

The Hon. DIANA LAIDLAW: My questions to the Minister of Tourism relate to the Government's commitment to build a bridge linking Goolwa and Hindmarsh Island. First, does the Minister endorse a statement by the Premier during a radio interview with Mr Keith Conlon on 4 March this year that the proposed bridge is 'a tourist related project', or does she agree with the assessment by Tourism South Australia in response to the draft EIS that 'the immediate benefit opportunities from the proposed development would be at the expense of long-term tourism opportunities that would be compromised as a result of the bridge'?

Secondly, will she confirm why the Government, in its zeal to spend at least $6 million of taxpayers' money to build the bridge, has ignored the considered assessment of TSA that the bridge will have an adverse impact on the long-term tourism prospects of Hindmarsh Island?

The Hon. BARBARA WIESE: I think that the honourable member is probably misrepresenting the views of Tourism South Australia to some extent, because she has quoted a statement somewhat out of context. It is true that the statement she quoted was contained in advice given by Tourism SA on the proposed Hindmarsh Island bridge. However, it is fair to indicate that Tourism SA also stated during the course of the submission it made on this matter that there would be some tourism benefit from such a bridge being built. The point being made by Tourism South Australia in its submission was that the tourism benefit of the bridge would most likely be a local benefit. It was indicating that the local government authorities and the local community may very well see this as a desirable development from their perspective, because it would encourage more activity and, probably, further development on Hindmarsh Island. Some of the development that could occur on Hindmarsh Island would be of a tourism and recreational nature.

However, the point being made in judging the tourism merits of it was that it was unlikely that the proposed development on Hindmarsh Island would attract significant interstate or overseas tourists. Those likely to be attracted would be Adelaide-based people. Therefore, the value of the tourism attracted to that area would be less significant. So, the merits were being discussed from a range of perspectives. Comments made about the overall tourism merits took, I suppose, a stronger view of the State tourism merits as opposed to the local significance that such a development would have. However, it was acknowledged by Tourism SA

in at least one submission that it may very well be that broader considerations than the tourism considerations would lead to the Government's reaching a decision that a bridge was a desirable development.

REGIONAL ARTS REVIEW

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Minister for the Arts and Cultural Heritage a question about the regional arts review.

Leave granted.

The Hon. CAROLYN PICKLES: As members are probably aware, the review was set up by the Minister for the Arts and Cultural Heritage as part of the 1991-92 budget process. In establishing the review, the Minister stressed that as its primary goal the review should endeavour to develop options that ensured the maintenance and, if possible, enhancement of regional arts program delivery, while at the same time providing cost effective management of the Government's funding. Membership of the review committee comprised Mr Ken Lloyd, Assistant Director, Arts Division, Department for the Arts and Cultural Heritage, who was the Chair; Ms Alma Gallagher, former President of the Arts Council of South Australia; Mr Michael Fitzgerald, member of the Arts Finance Advisory Committee; and Mr Gordon Johnson, Chair of the Local Government Grants Commission. The Executive Officer was Mr Ray Wright, Chief Project Officer, Development Project Arts Division, Department for the Arts and Cultural Heritage.

The review committee first met in July 1991 and its terms of reference were to examine, report and, where appropriate, make recommendations on the following matters:

> The current range of regional arts activities and related programs supported by the South Australian Government, including their cost and cultural implications.
>
> The role of local government in regional arts development and its relationship with the organisations responsible for these programs. The effectiveness of the structural and management arrangements of the organisations responsible for regional arts activities.
>
> Improving the cost effectiveness of regional arts activities, in particular, options for rationalising the structure, management and staffing of the organisations concerned to achieve a more efficient service delivery.
>
> The most appropriate time frame for the implementation of any recommended options.

The organisations referred to in the terms of reference were the Eyre Peninsula Cultural Trust, the Northern Cultural Trust, the Riverland Cultural Trust, the South-East Cultural Trust, the Central Region Cultural Authority and the Regional Cultural Council, including the Harvest Theatre Company. I understand there are 34 recommendations from the review committee. Since the report has been released, has the Minister received any response to the recommendations of this review?

The Hon. ANNE LEVY: I thank the honourable member for her question. It is in fact remarkable that, having raised a great deal of fuss and criticism in various fora, the shadow Minister for the Arts has been conspicuously silent on this matter since the review was made public.

The Hon. Carolyn Pickles: Probably too busy digging up dirt to read it.

The Hon. ANNE LEVY: I certainly hope he has read it. The final report of the regional arts review was released a couple of weeks ago and I can assure members that it has received very widespread support. The General Manager of the Riverland Cultural Trust, for example, and the Chair of the trust have been very complimentary about the review. They even put out their own media release to commend the review. That release states that they 'see the review as being clear and positive and offering more support and arts dollars to the region'.

I have also received letters from the Chair of the South-East Cultural Trust, Mr Andrew Eastick, who said that he accepted the broad thrust of the review. In correspondence I have received from him he states:

> I have no desire to cross swords over the broad thrust of the proposed changes which are accepted.

Furthermore, in another letter, he states:

> As stated in my letter to you on Friday, we accept the broad thrust of the review recommendations and stand prepared to work with the department on their implementation . . . The benefits, particularly in the area of arts development activity, have been acknowledged and supported.

From what I have seen in the media generally, particularly in the country media, the reaction to the regional arts review has been positive indeed. In particular, the regional cultural trusts are very happy that, following the implementation, there will be more money for arts activities in their regions—not less. They will be able to make more decisions on local programming at a local level.

There will be no central role in these local decisions at all in the future. This is very far indeed from the so-called 'centralisation', as the Hon. Mr Davis chose to call it, both when we first announced the review and as recorded by the ABC when the report was released. He tried to raise strife and stir trouble, but was wise enough to let such activities lapse when he could find nobody anywhere to support his remarks.

Again, I quote from the Riverland Cultural Trust's media release, which states that there will:

> . . . now be a clearer and simplified approach to processing grants and policy decisions and a much stronger voice in Adelaide for regional issues.

The Regional Arts Review, I remind members, is the first of a series of reviews that will be coming out in the next few months. This review and its subsequent acceptance by regional arts bodies throughout South Australia is a perfect example of how we can cut expenditure at an administrative and bureaucratic level with minimum repercussions and, at the same time, give more resources to the actual arts product. For example, the regional arts development officers throughout the State will now be allocated $20 000 each, instead of the $5 000 for arts programs which they previously had. Over the State this is an increase of over $230 000 per year; hardly anything insignificant.

I also believe that once all the recommendations of the Regional Arts Review have been implemented, the public will see the increase in artistic product that will result in every region of the State. Also as a result of the review, there will be a far more coordinated approach to touring of arts activities throughout the State. This will be coordinated centrally, being the most effective means of undertaking this activity, and will, we are sure, result in an improvement in the quality and quantity of the visiting arts programs going to the regions.

I should add that the recommendations from the Regional Arts Review, while they have been accepted both by the Government and by the cultural trusts, will require legislation to implement them fully, and I expect that the matter will be debated in this Chamber later in the year so that the new structure for regional arts can become operative as recommended in the review on 1 January next year. I trust that the Hon. Mr Davis will be able to bring himself to recognise the value of this review and its very constructive and desirable approach when the matter is debated in this Chamber, and will cease the negative carping to which he is so prone.

THEBARTON COUNCIL

The Hon. J.C. IRWIN: I seek leave to make an explanation before asking the Minister for Local Government Relations a question relating to conflict of interest.

Leave granted.

The Hon. J.C. IRWIN: There is controversy in the Thebarton council about a matter of conflict of interest, and the facts as I understand them are that on 21 May 1991 the council adopted a policy that no council staff member or employee shall operate any council vehicle while under the influence of alcohol, drugs or any other substance; any damage occurring to a council vehicle while the operator is in breach of the aforementioned policy would result in that employee's being liable for such damage and any staff member or employee found in breach of the aforementioned policy shall have their employment terminated forthwith. On 9 September 1991 the Town Clerk presented to the council his advice on that newly adopted policy, as he was absent from the 21 May meeting. His recommendations were that the council should:

1. Withdraw the policy which relates to general principles relating to conduct of officers and employees; and

2. As a matter of principle, all matters of policy be referred to the strategy, resource and policy committee of council prior to consideration by the council.

Only the latter was adopted by the council. The council obviously supported and endorsed again its 21 May policy, despite the Clerk's advice. On 25 July 1991 the Town Clerk had been apprehended by the police and breath tested above the prescribed alcohol limit. He was fined and disqualified on 1 September 1991. On 17 September the council discussed a motion to rescind the policy made on 21 May. This was seven weeks after the Clerk had been breath tested.

The Clerk did not declare an interest at any time during discussions on the motion to rescind the policy made on 21 May and this is despite knowing that he had breached the policy, as I have already indicated. The Mayor used a casting vote in order to achieve the rescinding of the 21 May policy. Councillors Wood and MacKellar wrote to the Attorney-General regarding the Clerk, alleging that he had not declared an interest and had not left the chamber while debate was proceeding on the rescinding motion. The letter was referred to the Minister for Local Government Relations by the Attorney-General and she replied to Councillors Wood and MacKellar on 19 March, following a report to her from the Local Government Services Bureau. Councillors Wood and MacKellar indicated to the bureau that they would like to provide further information; they were never called to do so. The Minister's letter states, in part:

> I have obtained reports on your allegation from the Local Government Services Bureau and the Mayor of Thebarton. In particular, I note that the Mayor has received legal advice on the specific allegation from council's own legal advisers. This and other advice indicates that it is unlikely that there has been a breach of section 80 of the Local Government Act.

Further on it states:

> It is, however, a matter of judgment as to whether the Chief Executive Officer would have been better advised to indicate to the council that he had been reported for an offence, in the interests of good communication.

My questions to the Minister are as follow. What other advice was used to indicate that it is unlikely that there had been a breach of section 80 of the Local Government Act, as referred to in her letter? Was Crown Law consulted and, if not, why not? Why was the offer from Councillors Wood and MacKellar ignored? If it is a matter of judgment that the Clerk was present in a debate on a motion where his previous apprehension was clearly in conflict with the intention of the council policy, why would he have been better advised to indicate to the council that he had been reported for an offence, in the interests of good communication? Finally, is section 80 about good communication or is it about the legal requirements of officers of the council?

The Hon. ANNE LEVY: I do think that when the honourable member is about to ask five very detailed questions it would be of assistance to provide me with a copy of them. It is very difficult to take them all down and reply in detail to such a large number of detailed questions. I will do what I can.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: I am not often asked so many questions, all supposedly part of the same question. This matter certainly was drawn to my attention and advice was taken. The Local Government Services Bureau provided advice to me. As to whether it consulted with Crown Law before providing the advice I do not know, but I shall inquire from that body. However, the advice that they provided coincides exactly with the advice that the council's own legal advisers supplied to the council and that was to the effect that there was no breach of the conflict of interest rules. I think the honourable member is ignoring the sequence of events that occurred.

Council originally moved, debated and passed this motion, I think, on 21 May. The Chief Executive Officer, as is perfectly proper for him to do, then made inquiries as to the implications of this motion and its effect or otherwise on award provisions for employees, which are, of course, legally binding and which the council as employer must observe, and provided his written advice to the council on this matter early in July. I think it was 7 July, but I am not sure of the actual date. Certainly, the Chief Executive Officer's advice was prepared and presented to the council before the incident to which the honourable member referred, when he was detected driving with a blood alcohol concentration beyond the prescribed limit.

The fact that the council did not consider his advice and act on it until September does not in any way alter the fact that his advice was prepared before the incident to which the honourable member referred took place. Consequently, my advice and that of the solicitors from whom the council sought advice concur in the fact that there was no conflict of interest as defined under section 80. Certainly, in my response to Councillors Wood and MacKellar I expressed the opinion that the Chief Executive Officer would have been better advised in the interests of good communication to indicate the facts that were known to him but not perhaps to some members of the council at the time the rescission motion was discussed.

This is a question of judgment—and I certainly agree that it would have been better had he done so—but not a question of conflict of interest as defined by the Act, and there is no question of action being taken against the Chief Executive Officer for having breached section 80, because at least two sources of advice so far indicate that section 80 of the Act was not breached. I also pointed out in my correspondence to Councillors Wood and MacKellar that, if they wished to take their own legal advice or institute proceedings themselves, they were free to do so, but I saw and currently see no reason for any further action to be taken by me in this matter.

The Hon. J.C. IRWIN: I ask a supplementary question. Why is the Minister ignoring the sequence of events? The Clerk was apprehended on 25 July. I was referring to the rescinding motion as the crux of my question. The Clerk did not declare an interest and did not leave the room but took part in the debate in October, after he had been appre-

hended and after the policy had been reaffirmed on 9 September 1991.

The Hon. ANNE LEVY: I am informed that the advice by the Chief Executive Officer on which the council acted was prepared by, I think, 7 July—I would need to check the actual date. However, it was certainly before the incident occurred.

MINISTERIAL STATEMENT: DEFAMATION LAW

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: At the meeting of the Standing Committee of Attorneys-General in March 1990 it was agreed that the question of uniform defamation law should be reopened for substantive discussion by the standing committee. The New South Wales, Queensland and Victorian Attorneys-General subsequently prepared two joint discussion papers which were presented to the standing committee, as was a Bill agreed to by the three Attorneys-General based on the discussion papers and comments received. The three Attorneys-General have now introduced substantially similar Bills into their respective Parliaments. A New South Wales parliamentary committee is currently examining the Bill before it. Debate on the Queensland and Victorian Bills will not proceed until the fate of the New South Wales Bill is known.

The Bills provide that the law relating to defamation (for matter published in the future) is as provided at common law, as modified by the Bills and other legislation. The principal changes which the Bills make to the law of defamation include the following. The defence of justification is created in civil proceedings based on truth alone. There is imposed, however, a requirement that when an imputation concerns a person's private affairs (which are defined to include a person's health, private behaviour, home life and personal or family relationships), the defence of truth is available only if the defendant also establishes that the publication of the matter is warranted in the public interest or is subject to qualified privilege. (Examples are given in the explanatory documents of circumstances in which publication of matter concerning a person's private affairs is warranted in the public interest). Similarly, the defence of contextual truth is not available if the matter concerns the plaintiff's private affairs unless the matter concerns the public interest or is subject to qualified privilege.

A defence of qualified privilege is available for publication of matter if the defendant can establish that the publication related to a matter of public interest, was made in good faith and was made after appropriate inquiries. If the court determines that the matter is false, it may order that the defendant publish an approved reply. A system of court-recommended correction statements is established. A party to defamation proceedings which have been threatened or recently commenced may apply to the court for an order recommending that another party publish an approved correction statement.

Provision is made for the appointment of mediators to advise on correction statements or replies. In assessing damages the court is to take into account whether or not a correction statement was applied for and, if such a statement was published, factors including the contents, timing and prominence of the statement. Provision is made to enable defamation proceedings to be struck out if the plaintiff fails to prosecute the proceedings or to comply with any interlocutory order made in relation to the proceedings.

The Bills also provide that an action in relation to the publication of defamatory matter must be brought within six months of the date on which the plaintiff first learns of the publication. This period may be extended by court order, subject to an absolute limitation period of three years from the date of publication.

I support the initiative in principle, but no final decision will be made by the Government on whether to proceed with the uniform Bill until the outcome in the Eastern States is clearer. However, I believe that the Bill has many desirable features and, if enacted in the three Eastern States, should be given serious consideration by this Parliament so as to achieve the long sought-after aim of uniformity of defamation laws throughout Australia. I invite interested persons to provide comments on the Bills which can be considered in the meantime. I seek leave to table the New South Wales Bill, the explanatory notice and the Attorney-General's second reading explanation.

Leave granted.

MINISTERIAL STATEMENT: TOURISM MINISTER

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: As I have not been the flavour of the week this week, and as I had anticipated that members opposite might ask me at least one question in relation to the issues that have been raised concerning the Minister of Tourism but in fact have not done so, I consider it opportune to outline what I intend to do in relation to that matter following its referral to me yesterday by the honourable Minister of Tourism.

Yesterday, the Hon. Ms Wiese asked me whether I would review the documents and financial records in relation to the matters that have been raised over the past few parliamentary days. I was not asked to conduct a formal inquiry, but I do think, as members have not seen fit to ask me what I intended to do, that I should outline to the Council the procedure that I intend to undertake.

First, I will collect the documents from Ms Wiese. She has indicated that she will refer them to me, and that will proceed. The second request I will make is a formal request to other parties, in particular the ABC, Mr Chris Nicholls, the Opposition in this Council and in another place, who have indicated that they have some information about the matter, including documents and, of course, the request will be made to the Australian Democrats as well. Thirdly, I will consider whether anything further needs to be done about this matter.

I regard the second point as quite important, because one of the quite extraordinary things about this matter is that the allegations have been made—in so far as they are allegations (certain issues have been raised based upon documents which have been referred to by parliamentarians and, indeed, by the journalists and media concerned)—but at no stage have those documents been provided to the Government or to the Minister of Tourism.

There is a principle in law which I put to the Council and which is worthy of consideration, that is, that people against whom accusations are made are entitled to natural justice. The Hon. Mr Burdett and the Hon. Mr Griffin would be fully aware of those principles. So, whether we are dealing with questions of administrative law, whether we are in the courts or whether we are in the Parliament in the public arena, I believe that the South Australian public would expect that natural justice be accorded to the Minister

of Tourism and that, if accusations of this kind are to be made by the Opposition or the media, it surely ought to be the situation that the documents which form the basis of those accusations are made available to the Government or to the person about whom the accusations are made.

It is regrettable that all members in the Parliament, the Opposition, the Democrats and certain sections of the media—certainly the ABC and the *Advertiser*—have the documents that have formed the basis for these accusations but have not made them available to the Government, to the Minister or to me. That does not accord with the principles of natural justice and, accordingly, I certainly intend to make a request for those documents to enable me to consider the matter further.

The Premier has indicated that he does not feel that an independent inquiry is necessary on the information provided which, of course, is another reason why I believe the documents should be made available to the Government and to me. As part of the process I have outlined, I shall make a formal request for those documents, and I would, in all sincerity, ask all members of the Parliament, that is, the Opposition, the Democrats and the media, to provide me with those documents.

The Hon. K.T. Griffin: What does that last point mean? You said that the Premier says he doesn't have enough.

The Hon. C.J. SUMNER: He hasn't done anything. I therefore repeat my sincere request, which I believe should be given serious consideration, because members opposite have made the accusations, and they have also gone to the point of suggesting that the Minister should stand aside. That is a very serious step to take, and I therefore ask them to accord to the Minister the principles of natural justice by making the documents available to me, at least, now that the Minister has referred her material to me for my consideration.

The Hon. R.I. Lucas: You're her close colleague.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Whether or not I am an independent inquiry in relation to this matter is irrelevant to the point I am making, the point being that in the interests of fairness the documents should be made available to me. I make the point that I intend to take those three steps. I point out again—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: —that I have not at this point—

The Hon. L.H. Davis interjecting:

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

The Hon. C.J. SUMNER: I repeat: I have not been asked at this point to conduct a formal inquiry. The Australian Democrats have indicated publicly that they believe that some form of independent inquiry or independent element of an inquiry is desirable to clear the air on this matter.

As part of what the Hon. Ms Wiese has referred to me, I am prepared to consider that request. I cannot give a commitment, because I have obviously not at this point in time considered all the issues, and it may be that, after consideration of all issues, I do not believe that a formal inquiry is necessary. However, the request has been made, and I believe that it is only reasonable, in the light of the referral of the documents to me, for that request to be considered. I am certainly prepared to do that.

I believe that it was important to outline what I intend to do in relation to this matter. I repeat my call to Opposition members, members of Parliament and the media to cooperate, at least in providing me with the information that I believe is necessary to enable me to consider this matter.

PAROLE BOARD

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Minister representing the Minister of Correctional Services a question relating to meeting facilities for the Parole Board.

Leave granted.

The Hon. I. GILFILLAN: I was stunned to be informed that the Government is contemplating spending, or has virtually decided to spend, $2 million in providing meeting facilities for the Parole Board. I am informed that the Parole Board has been meeting in the Remand Centre, which certainly has not been entirely satisfactory, and there have, therefore, been grounds to consider alternative relocation for it. The Department of Correctional Services has the responsibility for housing the board, and I am advised that it has been told by the Minister to 'fix it'.

One problem of location for the Parole Board is providing safe holding cells at the location, so they cannot just meet at any space where there is space and rooms. The Department of Correctional Services went to the Court Services Department, and the then head, Mr Gary Byron, was happy to assist. He said that the board could use a court; for example, there is suitable accommodation at Sturt Street court which was previously put aside for the Aboriginal Deaths in Custody Royal Commission and which is now generally available. The Court Services Department has recently purchased or acquired the Unley courthouse, which is practically unused.

The Hon. C.J. Sumner: When was this?

The Hon. I. GILFILLAN: I do not know the exact date, but I have been informed by people who should know what they are talking about. However, the Chief Justice (Hon. Len King), has made quite plain that he does not want the Parole Board to use any court, wherever it happens to be.

There are, however, suitable accommodation facilities at Yatala, but the Parole Board head, Frances Nelson, does not want to go to Yatala, I am advised, because of parolees having to go back into the prison precincts—a delicacy which one must balance against the fact that these people have transgressed against their parole before they would be asked to go back in to present themselves before the Parole Board in any case.

I am advised that the proposal is to buy a separate property at the end of Currie Street, costing approximately $2 million to refurbish for holding cells for the bottom floor and a sally port for the safe arrival and departure of vehicles containing people to attend before the board. Government officers will have to be present in the building, so there will be increased running costs. Incidentally, the Parole Board meets approximately three times a month. It is put to me, I think with some justification, that it is an extraordinary expense to be considering in any circumstances for this use at this time.

I ask the Attorney, representing the Minister: will the Minister explain why any expenditure is justified on new accommodation for the Parole Board when suitable accommodation is available at Yatala, Sturt Street court and the Unley court?

The Hon. C.J. SUMNER: I can only assume, as I am not responsible for the Parole Board, that the reason it is not considered appropriate for it to sit in one of the courts is that the courts would take the view that the Parole Board is an instrument of Executive administration and not part

of the independent judiciary. I am not sure whether that is the real reason. Nevertheless, I assume that to be the case. The honourable member has already outlined reasons why it may not be appropriate to go to Yatala.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: I know. The honourable member has already outlined, through the head of the Parole Board, the reasons why it may not be appropriate to go to Yatala. I am only speculating on those reasons. However, I will refer the question to my colleague to see whether he has anything to add to the matter.

SOUTHERN CROSS AIRLINES

The Hon. J.F. STEFANI: I understand that the Attorney-General has an answer to the question which I asked on 19 February. I have no objection to his incorporating the answer in *Hansard* without reading it.

The Hon. C.J. SUMNER: I seek leave to have the answer inserted in *Hansard* without my reading it.

Leave granted.

The Premier has provided the following response:

The dealings of this Government with Southern Cross Airlines are commercial-in-confidence. An incentive was developed last year to support the headquartering of Southern Cross operations in Adelaide. This package was considered and recommended by the Industries Development Committee of this Parliament.

VICTIMS OF CRIME

The Hon. C.J. SUMNER: Yesterday the Hon. Mr Griffin asked me a question about victims of crime. I seek leave to have the answer incorporated in *Hansard* without my reading it.

Leave granted.

In relation to issues raised by the honourable member the Minister of Emergency Services has advised as follows:

Whilst in custody at the Adelaide Remand Centre, Robert Wayne Clarke applied to the Supreme Court, Adelaide, on 12 September 1991, for a bail review. This was heard on 16 September 1991 where the Crown Prosecutor appeared for the State. Justice Millhouse granted bail on special conditions including daily reporting, a residential clause and not to contact the victim.

Police were not aware of this application and, as indicated in the *Hansard* report, the first advice was by a telephone call on 17 September 1991.

There is no indication that this breakdown in communications is a common occurrence.

The Commissioner of Police has directed that in cases where police bail authorities or bail authorities other than police impose conditions which are designed to protect the victim, either the senior investigating member or the police member prosecuting, is required to ensure that the victim is aware of the conditions and what he or she should do in the event of the conditions being breached.

Arrangements have been made for representatives from the Victims of Crime Liaison Committee to further address this issue.

In addition, the Minister of Correctional Services has advised that:

At the time an offence is reported information in the form of a 'Victims of Crime' pamphlet is given to the victim by the police. This pamphlet contains a section outlining how a victim may apply to either the police or the department for advice on the outcome of bail or sentence details or an offender's custody release date.

When a victim approaches the department seeking information, officers are to refer the matter to the Manager, Operations Support, who will confirm the authorisation to release any information.

In this particular case, as the inquiry was after hours, the uniformed officers responded in the most considerate and helpful way that was possible. It is conceded that there was poor coordination between the police, Crown and correctional services in disclosing such information. Oversight of the departmental requirements as to the acceptable avenue to be used in inquiries will be re-emphasised to all staff.

Where the police assess a victim of alleged violence to be at risk of intimidation by the accused, the police undertake to keep the victim informed of any vital changes in bail conditions.

In other matters the onus is on the victim to apply to the department for information concerning matters related to bail outcomes and bail conditions and sentence details. This practice is established primarily because some victims have no desire to have any further knowledge about the offender and if notifications were to be distributed automatically, it could raise unwarranted traumatic memories for those victims. In addition, if victims were notified without their request it could be detrimental to the offender in some circumstances should a victim be convinced of the need for revenge. On another level, notification may not reach victims if their residential address has changed.

When the victim seeks information from the department, the matter is referred to the (Victims' Information Officer) Manager, Operations Support, who is a professional social worker. The *bona fide* of the (telephone) request is confirmed and the information is extracted and passed on to the victim. Because the nature of most bail hearings is immediate, the departmental officer's response to the victim's inquiry is dealt with compassionately and with the minimum of delay. Any extreme distress that is ascertained by the Victims' Information Officer is responded to in professional and pragmatic ways.

This type of case is not a common occurrence. Nevertheless this case prompted the Victims of Crime Liaison Committee to urgently review the policy and procedures of each agency and to make alterations so as to ensure victims are informed of any changes in bail or releases from custody.

INFORMATION UTILITY

The Hon. M.J. ELLIOTT: I understand that the Attorney-General has an answer to a question that I asked on 28 November 1991 about information utility.

The Hon. C.J. SUMNER: I have that answer, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

The Premier has provided the following response:

1. In addition to public announcements there has been substantial information sharing both with the communications and information technology industry and within the public sector and much valuable feedback has been received. Further opportunities are proposed.

2. Proposals were invited and received from three consortia containing a range of forms with high standing in the aspects of communication and information technology that will form the areas of business of the information utility. Assessment of the proposals resulted in acceptance of two of these consortia, with which negotiations are continuing. The process adopted has therefore been closely akin to a tender call from short listed proponents.

The process has permitted a wide range of technological and service offerings to be proposed, wider than will ordinarily be obtained in a process in which a tight specification is written and public tenders called, it has also reduced the aggregate losses of unsuccessful tenderers, given that the proposals and subsequent negotiations require a large investment in time and effort by the proponent.

3. For each separate service to be provided by the information utility, the Government required the proponents to demonstrate net benefit to the Government in terms of cost and service provision and the contracts to be entered into are to be such as to ensure that the net benefits are in fact achieved.

4. Neither the form of the information utility nor the disposition of existing assets have been decided.

5. A number of the processing facilities are likely to be operated by the information utility, but key application systems and particularly strategic Government data bases such as those contained in JIS and the Motor Vehicles Department will be controlled by the Government such that security and privacy are fully maintained. The contractual arrangements to be made for service provision to client agencies will pay careful attention to service standards, to the security and integrity of application systems and data bases, and to privacy.

TOURISM MINISTER

The Hon. R.I. LUCAS (Leader of the Opposition): I move:

That Standing Orders be so far suspended as to enable me to move a motion without notice regarding the Minister of Tourism.

The substantive motion that I want to move—I understand that I have only five minutes to speak to the suspension motion—in essence is that the Legislative Council pass a motion urging the Premier to appoint an independent inquiry to ensure that the Minister of Tourism stands aside from her ministerial position during the duration of that inquiry, and it sets out a series of terms of reference for such an independent inquiry.

This is an extraordinarily important motion and issue, and it is important that the Legislative Council debate it today. We have heard from the Attorney-General this afternoon a very hurriedly prepared ministerial statement which says only that in response to the pressure that the Liberal Party, assisted by the Australian Democrats and pursued by various elements of the media, has been applying to the Minister of Tourism and the Government that the Government has now moved, in effect, to position No. 3 in about 24 hours in relation to the extraordinary allegations and claims that have been made in relation to the Minister of Tourism.

The Hon. L.H. Davis: More positions than the *Karma Sutra.*

The Hon. R.I. LUCAS: My colleague makes a comment that I will not pursue. The pressure that the community, the Opposition and the Democrats have applied to the Government has forced the Government and the Attorney-General into a position where the Attorney is saying, to try to buy some time, that he is now prepared to consider an independent inquiry into the allegations surrounding the Minister or an independent element into an inquiry, whatever that means, into the allegations surrounding the Minister. The Attorney-General is clearly desperate to ensure that today there is not a motion and a vote in the Legislative Council supported by a majority of members in this Chamber that urges the Premier to establish an independent inquiry.

It is as a result of that concern about having the one House of Parliament urging the Premier to establish such an independent inquiry that we saw that hurriedly crafted ministerial statement at the end of Question Time. Whilst the Attorney says at the end of all that that there may not be an independent inquiry, I guess the Attorney, if we twist his arm, may well say that perhaps there may well be an independent inquiry at the end of his consideration of this matter. But the Government is trying to buy time.

The Hon. ANNE LEVY: On a point of order, Mr President, is the honourable member seeking a suspension of Standing Orders or is he moving a motion?

The PRESIDENT: The honourable member should be giving the reasons for it.

The Hon. R.I. LUCAS: I am giving the reasons, Mr President.

The Hon. ANNE LEVY: I should have thought that the indication of the reason was the text of the motion that he was moving; he should not be debating the motion. That comes later.

The PRESIDENT: That is right.

The Hon. R.I. LUCAS: I hope I get added time for the delay. We must debate the motion today because the Government is trying to buy time on this issue. The Government hopes that this issue will go away. It believes that the public and the media have short attention spans and that perhaps, through delaying consideration of this independent inquiry, by delaying a vote on a motion such as the one that I intend to move this afternoon, all the issues surrounding the allegations concerning the Minister will go away and will not be an issue of public and media focus.

There is a danger that in delaying this motion to another time the issue and the independent inquiry may not be resolved in sufficient time to enable appropriate consideration of the gaming machines legislation through both Houses of Parliament. I have indicated my conscience approach on this issue. I will not consider supporting the legislation until we have an independent inquiry and until it is resolved. It can be resolved in the next few weeks. We have five or six weeks left in this parliamentary session, so there is time for the Parliament to give consideration to it. I warn the Government that further consideration of delaying tactics like this will serve only to place in jeopardy that which the Government and the Minister indicate they want resolved at some time during this parliamentary session. I therefore urge members to support the suspension of Standing Orders so that we can have a vote on this motion this afternoon.

The Hon. C.J. SUMNER (Attorney-General): Normally I would move to oppose the suspension of Standing Orders in these circumstances because I think it is quite unreasonable and contrary to good parliamentary practice for an Opposition to seek to suspend Standing Orders giving the Government notice at only one o'clock of that motion for suspension and then delivering a motion which has suggested terms of reference in nine paragraphs, quite detailed. It is quite unreasonable to expect—

Members interjecting:

The Hon. C.J. SUMNER: I have only five minutes. It is quite unreasonable for the Opposition to come to the Government and say that it wants this matter debated, voted on and passed today. If the only reason were the fact that the Government was given notice of it at one o'clock, which I consider to be a discourtesy in any event, it is not good parliamentary practice to expect the Parliament to debate and vote on an issue as complex as this, with such terms of reference when notice has been given only an hour before the Parliament started sitting.

I make clear that I have no concern about having this issue debated in the Parliament—none whatsoever. If members opposite, the Australian Democrats and Government members want to debate it, that is fine by me. However, I object to a procedure whereby the Government is given such a motion only an hour before the Parliament sits; the Opposition wants a suspension of Standing Orders, debate on the issue and passage of the motion this afternoon. That is not an acceptable situation.

However, I know what the Opposition tactic is in relation to this matter. If we refuse the suspension of Standing Orders, it will then go out to the media and say, 'Government gags debate.' So, I will not refuse the suspension and the Hon. Mr Gilfillan has yet to put his point of view. However, I indicate quite clearly that, while the Opposition may speak on the motion, the Government intends to move to adjourn it to the next private members' day. I think that on the basis of what I said in relation to good parliamentary practice and of appropriate courtesy to members of Parliament, including Government members, that is a reasonable course of action to adopt. In other words, members opposite, if they wish, will get their chance to put their point of view on the motion, the Government will adjourn it, and we will consider the issues raised in the light of what I have already indicated to the Council I intend to do as far as the procedure is concerned with the Hon. Ms Wiese's having

referred certain matters to me. So, I support the motion, but with the caveat that we will be moving that the debate be adjourned at the appropriate time. We expect the courtesies of the Council to be such to give us that adjournment.

The Hon. I. GILFILLAN: I am happy to support the motion for suspension of Standing Orders on the basis that it serves notice on the Government that this is a very serious and important demand by this Chamber—by the Australian Democrats and the Liberals—for an independent assessment of the matters raised. I have today written to the Attorney-General in the following terms:

The Democrats in the Legislative Council formally request you to refer the matters arising from the Hon. Barbara Wiese's request to you for an investigation into her financial affairs to an independent authority for assessment. We believe the questions to be addressed should include:

Was/is there a conflict of interest in the Minister's role and the lobbying activities of her partner Mr Jim Stitt, in particular in regard to the poker and gaming machine legislation? Is there any evidence that she has benefited directly or indirectly from commission payments received by her partner Mr Jim Stitt in his promotion and lobbying role? Are the formal financial arrangements of the Minister and Mr Jim Stitt, such as the shared directorships of Nadine Pty Ltd, such as to compromise the Minister in the event that Mr Stitt is involved in matters relating to her tourism portfolio?

We believe that the Parliament and public need to be assured that the matters raised are assessed and reported on by an independent person from Government, such as a retired and/or senior legal person. This is not a reflection on the office of Attorney-General, but a necessary step to give public credence to the findings.

I believe that it is a reasonable course of action that we allow the motion to come forward, to be introduced and that debate be held over until we see the Attorney's response to this request. In a ministerial statement he indicated that he is treating the request seriously and I, for one, intend to give him an opportunity to deliberate on that. I believe and hope that he also will come to the opinion that the State deserves an independent assessment of these matters. Therefore, I intend to support the suspension of Standing Orders and then, in due course, to support a motion for the adjournment after the motion is moved.

The Hon. K.T. GRIFFIN: I am pleased that both the Government and the Australian Democrats will support the suspension of Standing Orders, because this is an important issue. I note—

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: It is not nine pages; there are nine paragraphs. I note the Attorney's point of view on that, but I think he ought to recognise that this motion could have been moved without any notice at all having been given to the Government. It was quite appropriate in my view that there be—

The Hon. C.J. Sumner interjecting:

The Hon. K.T. GRIFFIN: The suspension could have been moved without notice of any aspect of it at all. It could have been.

Members interjecting:

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

The Hon. K.T. GRIFFIN: My time is running out; it looks like everyone is having a go. However, it is an important issue and Standing Orders are to be suspended when there is a matter of urgent necessity. I suggest to members that this is a matter of significant importance to the public of South Australia as well as to members—whether they be members on the Government side, in the Opposition or on the cross benches—because it relates to the standards that should be set and complied with, and the way in which those standards ought to be monitored. What we have been saying all along is that there ought to be some form of independent inquiry. I am pleased to note that the Attorney-General, as part of a gradual strategy, is moving from a position of total opposition—such as the Premier has to an independent inquiry—to at least an accommodation of that point of view. This motion gives us an opportunity to debate that issue. I am sure that when the suspension does occur my colleague the Hon. Mr Lucas will be able to put forcefully and reasonably the issues that relate to the matter of substance for which the suspension is sought.

The Hon. BARBARA WIESE (Minister of Tourism): I would simply like to place on the record my support for the suspension of Standing Orders. I have indicated from the outset, since these allegations were made about me, that there has been no impropriety on my part. I have absolutely nothing to hide. I am very happy for my financial records to be scrutinised. That was why I voluntarily referred the matter to the Attorney-General. I urge members opposite to quit playing politics on this issue, and to provide the documents they have in their possession so that the Attorney-General can review the matter and make some judgments about it and that the matter can be dealt with as quickly as possible. I think it is also quite appropriate that the Attorney be given the opportunity to undertake that initial assessment of the matter once he has the documents in his possession before he determines the next course of action. Therefore, it is appropriate that this motion should be adjourned to allow that to occur.

Motion carried.

The Hon. R.I. LUCAS (Leader of Opposition): I move:

That this Council urges the Premier to:

(1) appoint an independent inquiry to determine whether the Minister of Tourism has, or had, a conflict of interest in relation to the introduction of gaming machines into clubs and hotels in South Australia;

(2) ensure the Minister of Tourism stands aside from her ministerial position for the duration of the inquiry.

An independent inquiry should inquire into the following:

(i) The role of the Minister of Tourism, Ms Wiese, in supporting the introduction of gaming machines in South Australia, including any discussions she has had with Government agencies and officials about the preparation of the Gaming Machines Bill 1992.

(ii) The role of Mr J. Stitt in supporting the introduction of gaming machines in South Australia.

(iii) The role of International Business Development Pty Ltd and International Casino Services Pty Ltd in supporting the introduction of gaming machines in South Australia and whether the published offer of these companies, in association, to 'assist with the preparation of the enabling legislation' and give 'political assistance where necessary', was used in any way in the drawing up of the Gaming Machines Bill 1992.

(iv) The role of IBD Public Relations Pty Ltd in supporting the introduction of gaming machines in South Australia.

(v) Whether Mr J. Stitt, and/or any company in which he has a direct or indirect interest, stand to make any financial gain from the introduction of gaming machines in South Australia.

(vi) The sources of income of the company, Nadine Pty Ltd.

(vii) Whether Nadine Pty Ltd has at any time invoiced International Business Development Pty Ltd for professional services and, if so, the nature of those services.

(viii) The knowledge of Cabinet Ministers other than the Minister of Tourism about the role of Mr J. Stitt in supporting the introduction of gaming machines in South Australia and the financial relationship between companies involved in gaming matters in which Mr Stitt has an interest, and Nadine Pty Ltd.

(ix) The practices of Cabinet with respect to the declaration of private interests of Ministers which may give rise

> to a conflict in matters before the Cabinet or in the exercise of ministerial responsibility and whether, in her role in moves for the introduction of gaming machines in hotels and clubs, the Minister of Tourism has at all times followed appropriate practices for declaring an interest.

For many years the Premier and the Attorney-General have loudly trumpeted and proclaimed the importance of members of Parliament and Ministers declaring their personal interests. On 16 June 1982, Mr Bannon said:

> A rule of public probity should be that if you have some direct influence in some cause you are advocating you should declare it; it should be made patently clear and you should not shelter under neutrality or a professional calling that disguises the fact that you also have a direct interest. In this sense I believe that members of Parliament should take the lead.

On 30 March 1983 the Attorney-General said:

> The Labor Party believes that members of Parliament as trustees of the public confidence ought to disclose their financial and other interests [and I stress that] in order to demonstrate both to their colleagues and to the electorate at large that they have not been or will not be influenced in the execution of their duties by consideration of private personal gain. It is based on the Labor Party's belief that in the exercise of their duties legislators should place their public responsibilities before their private responsibilities.

Again on 24 March 1988, after the Mayes conflict of interest controversy, Mr Bannon made a ministerial statement to Parliament in relation to the question of conflicts of interest.

In that statement, he said:

> It is normal practice that a Minister will declare his or her private interests on any item under Cabinet discussion. It is also a decision for Cabinet as to whether this precludes the Minister from taking further part in the discussion.

What hyprocrisy from the Premier and the Attorney-General, when we consider their actions in recent days in relation to the allegations surrounding the Minister of Tourism. They, together with the Minister of Tourism, stand condemned for their failure to uphold the proper standards of ministerial accountability and propriety in this State. A week after serious concerns were raised publicly about an apparent conflict of interest by the Minister of Tourism, she still holds her ministerial responsibilities. She does so under the quite specific patronage and protection of the Premier. She does so despite a belated and grudging admission that she now realises she should have partly declared her conflict of interest. The Premier now agrees that there was conflict. He agrees that the Minister should have declared that conflict of interest, yet he still refuses to stand down the Minister while a full and impartial inquiry is held to evaluate the extent of that conflict.

We are not discussing a technicality here; we are dealing with controversial legislation that will put enormous profits into the hands of interested parties. The introduction of poker machines is expected to bring huge sums of money into hotels and clubs. The manufacturers and distributors of these poker machines can expect to receive a continuing stream of money once the legislation is in force. There is nothing wrong with this; hotels, clubs and poker machine distributors have a legitimate right to make profits out of legal enterprises. We are not suggesting anything different, but we have a legitimate right to know how decisions were made on who will receive benefits from the legislation. We also have a legitimate right to know how decisions were made on which is the appropriate authority to control the purchase, installation and maintenance of poker machine operations. We would be derelict in our duty as responsible members in this Chamber if we did not do so. When we hear that a key Minister's partner in life has a vested interest in the promotion of poker machines and in the establishment of a key agency identified in the Bill, we are bound to ask questions.

For a week we have had a very simple *prima facie* case of conflict of interest by the Minister of Tourism. I want to summarise the essential ingredients of that *prima facie* case of conflict of interest as follows:

1. The Minister is the financial and domestic partner in life of Mr Jim Stitt.

2. The Minister is a Minister in Cabinet, which discussed and determined the contents of a Bill to legalise poker machines in hotels and clubs and to supervise their operations.

3. Mr Jim Stitt was hired by the Hotel and Hospitality Industry Association to lobby for the introduction of poker machines in hotels and clubs.

4. The same association for which Mr Stitt works announced the formation of the Independent Gaming Corporation responsible for purchasing, installing and maintaining poker machines.

5. The legislation now introduced by the Minister of Finance with input and advice from the Minister of Tourism adopts the Independent Gaming Coporation model, rather than the Lotteries Commission model. I am sure that all members would be aware of the extremely strong, powerful vested interests within and associated with the Labor Party and the Government at the moment, arguing the pros and cons of the two alternative models for the control of the gaming machines legislation.

6. The Minister publicly discloses her support for poker machines and the Independent Gaming Corporation.

On these facts alone there is obvious room for conflict of interest. Any responsible Opposition obviously should examine how those interests were expressed and whether they were disclosed. Surely, any responsible Premier would recognise the undeclared conflicts and at the very least suspend the Minister while an inquiry was held.

All we asked for last week was a suspension and an independent inquiry. On the facts that I have just given, this was justified. But there was more: there was evidence that the Minister could have received a direct financial benefit from Mr Stitt's lobbying activities. The Minister is a half partner in a company called Nadine Pty Ltd which received transfers of money from companies involved in gaming matters and in which Mr Stitt has a financial interest. Even the most naive of people would recognise the danger; even the most gullible of people would see the necessity to avoid the potential conflict or to declare it to her colleagues, but the Minister did neither. She claimed that she had no financial interest, that she played only a peripheral part in the framing of the legislation, that her Cabinet colleagues were aware at all relevant times of her association with Mr Stitt and that it was not a Government Bill anyway and that, therefore, any part she had to play was irrelevant.

It is not as though this potential conflict that we are discussing today is the first occasion on which the Minister has been embroiled in controversy on matters of conflict of interest with Mr Stitt. The Minister well knows that three or four years ago in this Chamber and in the public arena there was controversy about a potential conflict of interest in relation to the Tandanya development on Kangaroo Island, an issue that has been referred to by a number of members recently. The Minister has been on public notice that there was a potential problem in the way she conducted herself three or four years ago, and she was on public notice

to be extraordinarily sensitive about her business, professional and personal associations in relation to matters that come before the Parliament and the Cabinet. It is the Minister's own decisions that have led her to become embroiled in this controversy.

I now want to detail some of the many half truths and significant discrepancies in the Minister's story thus far since these issues were first raised on ABC radio last Thursday morning. As I have done publicly on a number of occasions, I indicate that it was the responsibility of any Opposition to pursue those issues assiduously in the Parliament once they had been raised in the public arena by a significant section of the media, in this case the ABC.

The Hon. Anne Levy interjecting:

The Hon. R.I. LUCAS: I do not know whether the Minister would like that remark on the record.

The Hon. Diana Laidlaw: I didn't know that she spoke like the Prime Minister.

The Hon. R.I. LUCAS: I think that was an extraordinary statement.

The Hon. Anne Levy: What did I say?

The Hon. Diana Laidlaw: Can't you remember?

The Hon. Anne Levy: I don't know what you heard.

The Hon. R.I. LUCAS: I know what I heard and so do you. I now want to turn to the issue of the conflict of interest.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Last Thursday in her statement to the Parliament the Minister said:

> My relationship with Mr Stitt and his involvement with the HHIA in this State is no secret either to my colleagues and many others in the South Australian community.

The Minister was obviously attempting to indicate by way of that statement that in no way could there have been a conflict of interest because all her Cabinet colleagues were aware that Mr Stitt had been employed by the Hotels and Hospitality Industry Assocation and that therefore it was not a matter that she needed to declare.

Yesterday, of course, the Minister, again as a result of public and parliamentary pressure, had to change that story. The Minister knew that the Opposition knew that a number of her ministerial colleagues were saying openly to fellow Caucus members in this Council and in the other House that they did not know anything of the sort. If the Minister was saying that all her colleagues knew, then—and I cannot use the phrase in Parliament—she was not telling the truth. The Minister of Tourism knew that that issue would be raised either yesterday or in the very near future because, as I said, her ministerial colleagues were openly within the Caucus rebutting and refuting that part of the ministerial statement that the Minister made last Thursday.

The Hon. L.H. Davis: And she has the gall to say that it is not serious.

The Hon. R.I. LUCAS: The Minister has a lot of gall in relation to this issue, but we will address that later. It was only as a result of that pressure—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: I did not say in the Caucus meeting; I said 'members of Caucus'. There were ministerial colleagues saying that they did not know, and what the Minister was saying was incorrect.

The Hon. Anne Levy: You've never asked me.

The Hon. R.I. LUCAS: Frankly, no-one would ask you anything, Minister. We spend half our life asking the Minister questions in the Council but do not get anywhere, so I am not surprised that no-one asks her anything. The only reason that this particular story was changed was because the Minister knew that it was going to get out that her story in her statement of last week was palpably wrong. That is the only reason we saw the backdown, the changed stance and the plea of ignorance yesterday in relation to the ministerial statement.

In relation to conflict of interest, the Minister has continually evaded a number of most important questions which any independent inquiry would have to consider closely. All the Minister has referred to thus far, under pressure, has been the knowledge of Cabinet Ministers of the fact that Mr Stitt worked for the Hotels and Hospitality Industry Association. We have asked the Minister a series of questions to which she has offered no response other than evasive techniques. Those questions are: first, did the Minister's Cabinet colleagues know that she was a co-director and equal shareholder in the company Nadine Pty Ltd with Mr Stitt; and, secondly, did her Cabinet colleagues know that there was a financial relationship between Mr Stitt's other companies that were involved in the gaming machine lobbying matter and the Minister's private company, Nadine Pty Ltd?

The reason we have asked those questions of the Minister and the reason the Minister is evading answering those questions is that we know that there are Ministers in the Bannon Cabinet who have indicated to Caucus colleagues that not only were they not aware that Mr Stitt worked for the Hotels and Hospitality Industry Association but they were not aware that the Minister was co-director, an equal partner and a shareholder in Nadine Pty Ltd or that there was a financial relationship between Mr Stitt's companies that were involved in lobbying and the Minister's private company, Nadine Pty Ltd.

It is on the public record: there are Ministers in this Cabinet who were not aware of any of those areas of conflict to which I have just referred. In her statement yesterday and in her responses to questions the Minister has only given any sort of a response to the first issue of conflict of interest, that is, Mr Stitt's working for the Hotels and Hospitality Industry Association.

The second area to which I refer concerns the company known as International Business Development (IBD) Pty Ltd. Last Thursday in this Chamber, the Minister of Tourism indicated, in response to questions, that IBD Pty Ltd was primarily involved in foreign investment. She also stated explicitly on a number of occasions that it had no involvement in the lobbying process for gaming machines. The Minister said:

> Therefore, the suggestion that the honourable member has made that International Business Development Pty Ltd was a company that was or has been involved in lobbying members of Parliament on the question of gaming machines in South Australia is not correct, as I understand it. That company has had no involvement or interest in the matter.

That was the position of the Minister last Thursday. However, as I referred to yesterday by way of a question, there is a document—I am not sure whether the Minister is familiar with this, because it is not the same document to which I referred last Thursday—headed, 'The Company' and in the top righthand corner it has a heading, 'International Business Development.' Basically, it is a summary of what the company does. The services provided by the company cover Government relations, corporate strategies, media management and a whole variety of other related issues. It could simply be described as a company involved in corporate strategies, public affairs, Government and business

liaison and marketing. Under the heading 'The Skills' and under 'Government Business Relations' it says:

IBD has extensive contacts in Government and business and can provide:

- Counselling through State and Federal Government departments to ensure a strong working and personal relationship which allows your interests to be represented and held in high regard.
- Personal introductions between you and the right people in government and business.
- Compilation of documentation required for Government perusal decisions.

The Hon. C.J. SUMNER: Mr President, pursuant to Standing Order 452, I call for the document from which the honourable member is quoting.

The Hon. R.I. LUCAS: Mr President, I am happy to table this document once I have finished reading from it.

The PRESIDENT: That should be sufficient.

The Hon. R.I. LUCAS: Is that satisfactory to the Attorney?

The Hon. C.J. SUMNER: Yes.

The Hon. R.I. LUCAS: The second section of the document to which I want to refer is under the heading 'The People' and it refers to Mr Jim Stitt, Director of IBD Pty Ltd, as follows:

Jim's background, with an extensive list of State and national Government contacts, has enabled him to establish a successful consultancy advising on corporate strategy, public policy and government/business relations.

This background also provides clients of IBD with negotiating strengths 'in house'.

A number of other people are associated with that company, with which I am sure the honourable member and the Attorney-General would be familiar—in particular, Mr Kevin Tinson and a Mr Brian McMahon, and a number of other persons as well. I seek leave to table this document.

Leave granted.

The Hon. R.I. LUCAS: Last week, and again yesterday, the Minister claimed that Mr Stitt had no financial interest in International Casino Services Pty Ltd. The Minister also stated last week that International Casino Services had been employed by the Hotels and Hospitality Industry Association and the Licensed Clubs Association in relation to the issue of gaming machines. The Liberal Party has indicated, as indeed have others, that there is considerable evidence of an association between International Business Development Pty Ltd and International Casino Services. *Hansard* of Thursday last week states:

International Business Development Pty Ltd has been advertised as having an association with casino and gaming consultants International Casino Services Pty Ltd. Promotional material states that this association can provide 'assistance with the preparation of the enabling legislation and political assistance where necessary'.

As I indicated again in the Council yesterday, those two companies have the same address and the same Melbourne telephone number. They also share common people who are listed as being associated with both companies, and I indicated one in particular, Mr Brian McMahon. From discussions in the media and in another place, it is also known that there has been the transfer of money from International Business Development Pty Ltd to the Minister's company, Nadine Pty Ltd. It is also known that financial transactions have occurred between Mr Stitt's other company, International Business Development Public Relations Pty Ltd and International Casino Services Pty Ltd.

In relation to this section, that is, the relationship between International Business Development Pty Ltd and International Casino Services Pty Ltd, there is quite clearly a close association between those two companies in personnel and in the work they do. When one bears in mind that the Minister has indicated that International Casino Services was being employed by the Hotels and Hospitality Industry Association and the Licensed Clubs Association in relation to the Gaming Machines Bill, quite clearly there are many unanswered questions in relation to this association and the flow-on effect of a financial nature from those companies to the Minister's own company that must be investigated and reported upon by some independent inquiry.

We cannot get a response from the Minister in this Chamber. We have tried now for two or three days in Question Time, and there is public pressure as well, but the Minister steadfastly refuses to answer those questions. She will not provide answers to those questions and those other questions about the knowledge of Cabinet Ministers of the association of Nadine Pty Ltd and some of Mr Stitt's other companies. I now turn to the question of loans. Last Thursday in the Parliament, the Minister claimed—

The Hon. T.G. Roberts: That pause is the most sincere part of your speech.

The Hon. R.I. LUCAS: We are always sincere on this side of the House, Terry, as you know. Last Thursday the Minister claimed in relation to the loans that had been moved from Mr Stitt's company, International Business Development Public Relations Pty Ltd, to the Minister's and Mr Stitt's company, Nadine Pty Ltd, that the money transactions were, in fact, loans from Mr Stitt's other companies to Nadine Pty Ltd. Further in her statement, she indicated that those loans were to cover costs in relation to maintenance, mortgage and other related expenses like that. In response to questions today, the Minister indicated for the first time that those loans had not been repaid and, indeed, she had no idea when they might be repaid.

Again, in relation to the issue of non-repayable loans (I understand that these things do exist in industry and in companies), whilst they might be called loans by accountants, perhaps they are non-repayable loans and the intention is that they are not repaid. Again, an inquiry ought to establish the true nature of these supposed loans that the Minister has indicated in her ministerial statements last week and again yesterday had been made from Mr Stitt's companies which have received money in relation to lobbying for gaming machines. As I said, I refer to these, perhaps, non-repayable loans which have been moved from those companies to the Minister's own company, Nadine Pty Ltd.

Another thing that an inquiry would need to establish is the Minister's claim, which she says is backed by her accountants, although again we have not seen any evidence from the Minister in relation to these claims about her accountants. Perhaps if the Attorney is seeking the tabling of information he may like to ask the Minister to table for the public to see the advice from her accountants so that we can all see the advice. The Minister claims that her accountants have said that there is no financial benefit involved for the Minister in relation to these loans—perhaps, as I said, non-repayable loans—from other companies to her. We would like to see the justification for that, particularly if they are non-repayable loans. We would like to see the justification for that, particularly if, as the Minister says, these loans were being used to meet shortfalls in mortgage and maintenance repayments.

If the loans were not made from Mr Stitt's other companies to the Minister's company, one could presume that perhaps the Minister might have to dig into her pocket or to meet the shortfall in some other way. If a shortfall exists in maintenance and mortgage repayments in the Minister's company in relation to the house that she shares with her

life partner and that shortfall has to be met by way of a loan from another of Mr Stitt's companies, if it is not to be met by a loan, I presume that in some way the Minister would have to meet that shortfall. Again, we will be intrigued, if and when we see an independent inquiry, how the statement from the Minister and her accountants can be justified, namely, that no financial benefit is enjoyed by the Minister in relation to that.

Obviously, not having full knowledge of all the private affairs of Nadine Pty Ltd, we are not in a position to make a final judgment on that. However, we can say, due to the evasive nature of the answers thus far from the Minister, that there are many unanswered questions to which the Minister ought to respond and, if she does not, an independent inquiry should establish one way or another what has happened. Equally, there needs to be an explanation by the inquiry as to the authenticity of the document, because the Minister has cast doubt on the authenticity of the document which purports to be an invoice from Nadine Pty Ltd to IBD Pty Ltd—

The Hon. C.J. Sumner: Have you got that?

The Hon. R.I. LUCAS: No, I haven't got that. I understand that the Minister has seen it. That document purports to be an invoice from Nadine Pty Ltd to IBD Pty Ltd.

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: I believe the Minister has seen it from Chris Nicholls. It is not Question Time. If you want Question Time, you can put me into Government and I will answer your questions.

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: I haven't got the document. You asked if I had the document. I do not have the document. Read my lips.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas.

The Hon. R.I. LUCAS: I do not have the document.

The Hon. Anne Levy: Has the Opposition?

The Hon. R.I. LUCAS: I do not have the document.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas has the floor.

The Hon. R.I. LUCAS: Thank you, Mr President.

The Hon. Anne Levy: He won't answer whether the Opposition has it, will he?

The Hon. R.I. LUCAS: I said that I do not have the document. You ask the Opposition. If I asked you a question about another Minister, you would say, 'How would I know?'

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lucas will address the Chair.

An honourable member interjecting:

The Hon. R.I. LUCAS: You ask the Opposition.

The PRESIDENT: Order! The Hon. Mr Lucas will address the Chair.

The Hon. R.I. LUCAS: I will be delighted to, Mr President. There is squawking from the front bench over there. The inquiry would need to establish, first, the authenticity of that document. It must also establish, if it is an authentic document, what were the $5 000 worth of professional services that Nadine Pty Ltd was offering to IBD Pty Ltd—another of Mr Stitt's companies.

The fourth and final area of conflict that I believe the inquiry should consider relates to the statements that the Minister has made about Mr Stitt. In the ministerial statement, the Minister said:

> Mr Stitt was not involved in the preparation of legislation on gaming machines, and he was never present at any meetings with Government Ministers or officers who had responsibility in this area.

Yesterday I asked:

> In her extraordinary ministerial statement today, the Minister indicated that Mr Stitt was not involved in the preparation of legislation on gaming machines and that he was never present at any meetings with Government Ministers or officers who had responsibility in this area. Does the Minister claim that Mr Stitt at no stage discussed the issue of the form of the poker machine legislation with her or with any other Government Minister or adviser, in particular, an adviser such as Mr Nick Alexandrides from the Premier's office?

The Minister's response was, 'Not that I am aware of.' Frankly, that is unbelievable. I do not believe that any member in this Council, on either side of the Chamber or in the community, would believe that the Minister of Tourism did not at any stage discuss the form of the poker machine legislation with Mr Stitt. That is what this Minister wants this Council to believe: that she had never discussed the issue of the form of the poker machine legislation with Mr Stitt.

The Hon. Barbara Wiese interjecting:

The Hon. R.I. LUCAS: What absolute garbage; what nonsense. It is an indication of the half truths and discrepancies in the Minister's story since last Thursday in relation to this issue which has prompted further questioning by the Liberal Party, by the Democrats and by the media. What we want from the Minister are some truthful answers to these questions that we have been raising in this place. When we have garbage like that being trotted out in this Chamber—that she has never discussed with Mr Stitt, her life partner, the subject of the form of the gaming machines legislation—nobody, not even her colleagues, will believe that sort of suggestion from the Minister. Clearly that sort of claim by the Minister ought to be investigated by the inquiry.

The last matter to which I want to refer before concluding relates to this laughable exercise of the Attorney-General's inquiry. We now know, as a result of questions today, that for up to an hour yesterday before Question Time the Minister of Tourism was closeted behind doors with the Attorney-General—her defence counsel—seeking legal advice for the defence. That was for up to an hour, because people could not get in to see either of them. We now know that the Attorney-General assisted in the redrafting of the ministerial statement yesterday.

The Hon. L.H. Davis: Which she apparently hadn't even read.

The Hon. R.I. LUCAS: It was quite clear in the Chamber that the Minister had not read it. I guess the Attorney-General was still writing it. Whether it is the fault of the Attorney-General or the Minister of Tourism for the inadequacy of the ministerial statement yesterday is for them to decide. What this Minister, this Attorney-General and this Government want us to accept is that a person acting in the position of defence counsel for the accused can be appointed the independent judge. The Attorney-General—as a result of some bright idea from the Minister of Tourism, who said, 'I know: if we must have an inquiry, why don't we appoint the defence counsel to be the independent judge?'—has been appointed the independent judge. That is why this Minister of Tourism and this Government—

Members interjecting:

The Hon. R.I. LUCAS: It was her idea; it was the Minister's idea.

The Hon. L.H. Davis: It is like the sort of thing that you see in a banana republic.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: What a jolly good idea! They are saying, 'If we are accused of something and we have a defence lawyer trying to defend us, instead of having some independent person judging us, we will appoint the defence counsel to be the independent judge.' That is laughable, and I think that the Attorney-General, in his heart of hearts, knew that it was laughable. That is why we are seeing the first significant crack in the Government's facade of stability and solidity behind the Minister of Tourism. That is why we have seen this first crack this afternoon, in the hurriedly crafted ministerial statement at the end of Question Time, which indicated for the first time that, as a result of the relentless pressure from the Liberal Party, the Democrats and the media, the Government is now prepared to consider an independent inquiry on this issue.

In conclusion, it is clearly in the public interest that there be an independent inquiry into these most serious allegations. It is clearly in the interests of the industry associations themselves that there be an independent inquiry into these allegations, because the very future of the gaming machines legislation and the very future of public confidence in the gaming machine industry—if we are to have one—is dependent upon these allegations being resolved and being resolved satisfactorily. I suggest that it is also in the Minister's own interests that the stench surrounding these allegations that have been raised in the media, first, and in the Parliament, be resolved and resolved satisfactorily. Because, if they are not resolved satisfactorily one way or another, guilty or not guilty, as judged by an independent inquiry, the stench surrounding the Minister of Tourism will remain with her for ever. If her claims of innocence are to be shown to be correct—and, frankly, that is not my judgment—then she, the Attorney-General and the Government need to back down, and back down completely, and order an independent inquiry.

As I indicated before in the motion for the suspension of Standing Orders, if such an inquiry is appointed quickly it can complete its work, possibly before the end of this parliamentary session—in about five or six weeks—and, although we give no commitment, it is possible that the gaming machines legislation can be considered by this Council and by another place without very serious concerns of the allegations surrounding the Minister. I urge members to support the motion for an independent inquiry.

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

PERSONAL EXPLANATION: TRANSPORT DISPUTE

The Hon. DIANA LAIDLAW: I seek leave to make a personal explanation.

Leave granted.

The Hon. DIANA LAIDLAW: I read with mixed feelings the report in today's *News* that I was 'instrumental in the bus drivers' rejection of a union leadership proposal to restore bus services'. That accusation—

Members interjecting:

The Hon. DIANA LAIDLAW: Well, that is an interesting interjection. I had no idea until I read that statement that I commanded such influence or was able to exercise such power.

The PRESIDENT: Order! The honourable member will confine her remarks to the personal explanation.

The Hon. DIANA LAIDLAW: Yes, Sir, I am sorry, I was distracted by interjections opposite. However, the accusation was made by Mr Tom Morgan, Secretary of the Australian Tramways and Motor Omnibus Employees Association, who attributes the following statement to me:

Lowly bus drivers would have to pay.

He then goes on to suggest that this seemingly innocuous statement influenced the decision taken yesterday by some 1 300 bus and tram drivers in this State to reject resoundingly the wages and conditions package worked out between the STA and the union.

I want to make four points in relation to that statement by way of personal explanation. First, I did not make such a statement and, if Mr Morgan had not been so desperate to deflect attention from his own incompetence in negotiating and selling the deal on behalf of his members, he may have cared to quote me accurately. My statement was, 'Poor old bus drivers.' I have never referred to as anyone as 'lowly', and I would not in relation to this matter.

Secondly, unlike Mr Morgan, I have considerable respect for the intelligence and basic commonsense of bus and tram drivers and their families to work out what is in their interests and in the interests of a credible user-friendly public transport system. Thirdly, Mr Morgan's accusation ignores the fact that, prior to my public comments on this issue on Monday, 400 of his own union members had signed a petition rejecting the deal—

The PRESIDENT: Order! The honourable member is straying from the personal explanation.

The Hon. DIANA LAIDLAW: Yes, I am just saying that he has accused me of—

The PRESIDENT: We are not worried about him; we are worried about you.

The Hon. DIANA LAIDLAW: I am just indicating that it was very difficult to accuse me of this when in fact 400 of his own members had signed a petition rejecting the deal that he had negotiated—

The PRESIDENT: Order! I do not think that gets into the field of a personal explanation for yourself. The honourable member is reflecting on someone else. You must confine your remarks to your own personal explanation.

The Hon. DIANA LAIDLAW: I was just explaining that it was very difficult for me to have the influence that he suggested I had, although I do not mind reflecting in the power that has suddenly been provided to me. However, it is a fact that there has been disharmony within the union for some time, and Mr Morgan, in conversation with me at the end of last week, indicated that it was a most divisive issue amongst the members. I indicate that I made my public comment in an endeavour to air the issue, but without seeking to influence it.

PROSTITUTION BILL

Adjourned debate on second reading.

(Continued from 26 February. Page 3039.)

The Hon. R.R. ROBERTS: I oppose the second reading of this Bill, introduced by the Hon. Ian Gilfillan. Early in the debate I intended to oppose this Bill outright on the basis that I saw prostitution as not in the best interests of the community. Since then I have been lobbied by a number of people; I have spoken to all different groups and I have received numerous correspondence, and this has forced me to reassess my position with respect to this matter. I see that there are probably at least three or four stages in the occupation and the practice of prostitution, and I see also

that there is indeed a difference between legalisation and decriminalisation of prostitution.

Having looked at many of the submissions that have been made to me, I have now come to the view that I do not believe that a blanket rejection of the problems that face individuals within the prostitution industry is entirely the proper position to take. However, having looked at the legislation and taken a view on it, I believe that this Bill, although it is listed to be an Act to regulate prostitution and make related amendments, clearly talks about legislation in the operations of conducting prostitution and therefore it is my view that it is a Bill that legalises and regulates the organisation of prostitution.

I make the observation about the legalisation of the organisation of prostitution, because I do differentiate between different people within the industry. In the lobbying, I have received a submission made to the Criminal Justice Commission in Queensland by Professor Eileen M. Byrne, Professor of Education and Policy Studies at the University of Queensland. I find this document to be most helpful in drawing together many of the strands of thought I was having with respect to this Bill. One of the matters that influenced me in trying to come to terms with the different degrees or stages of prostitution was crystallised when I read what was said by Professor Byrne on page 2. It points out what the author sees as the four steps in prostitution: first, the practice of selling sex personally; secondly, the keeping of an organised brothel (whatever cosmetic title we might place on that); thirdly, living off the proceeds; and, fourthly, soliciting and procuring.

It is in the area of the first level that I have reviewed some of my thinking. After being spoken to by numbers of people, and one person in particular, it was pointed out to me that, although in the minds of many prostitution is abhorrent, if it is criminalised on that personal basis, very little can be done to retrieve people who find themselves in these circumstances for whatever reason—whether they have gone into it willingly or whether they have been procured or whatever. Therefore, it is in that area that I say that there are some grounds for looking at a proposition to decriminalise prostitution.

In the areas of the second, third and fourth levels, I have no doubt that I am absolutely and completely opposed to those facets of the industry, because it is those areas where one starts to get third party intervention, which I find most alarming. I see it as alarming because in many instances people are looking to benefit by the activities of others and not be involved themselves, and I have no truck at all with legalising those facets or even decriminalising them.

I did have some concerns in coming to terms with the words 'legalisation' and 'decriminalisation' when on many occasions when people are putting arguments for and against this proposal they say, 'Decriminalise; do not legalise it' or *vice versa*. People used to say, 'You cannot legislate for morality; it is a moral issue.' In that area, I again had to address my mind fairly assiduously to the proposition of morality and the law. I have come to the conclusion, again with the assistance of what I believe to be a most valuable document, in which the author addressed that subject, and again in four parts, as follows:

(a) Criminalisation

This would continue laws which have criminal penalties and seek to prohibit the behaviour.

(b) Legislation

This would involve formal recognition and State sanctioning of the 'trade'.

(c) Decriminalisation

Prostitution would no longer be a crime and prostitutes not subject to any controls or penalties.

I am not in favour of that. The document goes on:

(d) Decriminalisation with controls

This is described as legal recognition with no criminal penalties but with full Governmental controls.

I do not think that that would solve any of our problems, either. On the question of the moral issue, it is quite clear that in every facet of legislation in any Parliament in the world it is accepted that there are different moral standards: there is a personal moral code and a moral code that is adopted by the community. I am committed to the fact that everything we do in a Parliament reflects that moral situation.

In considering this matter, I have been asked many questions, one of which is whether prostitution is a victimless crime. I suggest that that is a fallacy. In my view, prostitution is a crime of some description. It may be that a person has been seconded into prostitution against their natural will. I include in that statement people who have no other means of income. They are seconded into this profession, and people say, they agree willingly to do so. I maintain that they do not do so willingly but because they have no other choice. If it was not for the money involved they would not engage in this practice.

In most cases where a third party is involved—and I refer particularly to married people being involved with prostitutes—there is another victim. Even if they do not know about it, they are victims of this practice.

It has been suggested on a number of occasions that this legislation will help to control the spread of contagious diseases such as in particular the HIV virus. It would be useless to test every employee of a brothel for the HIV virus because the customers would not be tested and, in many cases, it is the customers, not necessarily the prostitute, who transmit the disease.

It has also been suggested to me that this legislation will prevent child prostitution. From my research into this matter, I have discovered that that is not necessarily so. In fact, the reverse is seen to be the trend. At some stage, people employed in the industry manage to get out and they have to be replaced by someone else.

I do not like prostitution because, in my view, many of the people who are dragged into this industry come from areas for which I have spent a lifetime working. I believe that, basically, the people who get involved in prostitution come from the working classes, the disadvantaged or those who are not able to access different methods of earning a living.

The Hon. I. Gilfillan: Why make them criminals if you have been working so hard for them?

The Hon. R.R. ROBERTS: If the honourable member listened he would know that I am not saying that prostitutes are criminals. I am not sanctioning them for being in the industry. However, whilst prostitution may become an offence it would not be an offence that I believe on a one to one personal basis ought to carry forever the stigma of a criminal offence. In respect of many other offences in our community, sanctions are applied and fines are paid, but the offence is not placed on a criminal record.

At the beginning of my contribution, I said that I have been led to the belief that relief is needed in that area. I have made it very clear that the organisation of prostitution by a third party should not occur and that it should be a criminal offence. In my view, the working class people are trapped in this industry. Coming from the country, I am particularly aware of the high level of unemployment during the recession and the lack of job opportunities available to country people. I do not believe that prostitution is an alternative form of employment whether they are aged 16, 17, 18, 19 or 20.

It has been further suggested to me that we ought to allow this practice to occur because some women in particular have no other means of support. That proposition has been put to me by a number of people, including some for whom I have had respect in the past and who have promoted issues in respect of women. I have trouble accommodating the view that, although women are being exploited, it is all right for some women with no means of support to be involved in prostitution but not others. I find that to be a fallacious situation, and I do not believe that we ought to make this industry available to the disadvantaged and to those who have no other means of support. I think we ought to do something about providing the proper infrastructure so that these people can live with dignity without having to resort to prostitution.

When we talk about legalising prostitution, what concerns me is the perception that because prostitution is legal it would be more legitimate for people to become involved in it. A subtle seduction of the community has taken place over the past six or seven months, in particular, in an attempt to legitimise prostitution. For instance, most of the literature in support of prostitution (coming from those people who tend to gain from it) use the term 'sex worker' in substitution for 'prostitute'. It does not really matter what term is used, it is what it is that is important. I am concerned about the fact that if prostitution is legalised it could be felt by some people not to be really bad after all.

I have been asked the following question: if prostitution is legal and if an unemployed person fails to answer an advertisement for people to work in the sex industry but meets all the qualifications, if that person went to the CES and was asked if they had applied for that job and they said, 'No, I have not'—

The Hon. I. Gilfillan: It is illegal to advertise it.

The Hon. R.R. ROBERTS: But if opportunities are available and if those opportunities are referred to people looking for employment, would they be in breach of the rules of the CES and would their social security payments be at risk? According to the relevant sections of the Social Security Act, if a person refuses to take a job that they are qualified to do they are in jeopardy of losing their social security payment.

It has been suggested to me that another reason for legalising prostitution is because the enforcement of prostitution laws in South Australia are impossible. I agree that in the present circumstances in South Australia it has proved very difficult to implement the law, but I do not believe that that is a good reason for changing the law—for making something that is illegal legal. I believe that the sensible way to do that—and it is the wish of the Police Commissioner—is to give the Police Commissioner greater power.

We should make it an offence to advertise prostitution. I agree entirely with the Hon. Mr Gilfillan that it ought to be illegal to advertise for positions in prostitution: but I contend that, if one picks up tonight's *News* or a number of other papers, one sees that there are advertisements clearly advertising what everybody knows is prostitution. I do not know any reason why we have to legalise the industry to stop this practice of advertising these types of activities in the papers. It is quite within our means and our province to pass other legislation in this place, without legalising the whole industry, to overcome some problems in the industry. I believe that is the way we ought to go.

This Bill does not help individuals in the prostitution industry: it protects the position of the organisers. I invite members to look at the submission, which I am sure they have all received, from the Prostitutes' Association. The association wrote to me and provided me with a document which points out, even in its own submission, that wherever prostitution has been legalised, people who worked in the industry previously tend to work outside it. When the prostitutes themselves say that, that is damning evidence, and it does not lead me to support the proposition.

I have some leaning towards decriminalising prostitution when it relates to the person themself, as it provides some ability for retrieval and rehabilitation. This Bill is not about that, and it should be rejected. Not one member of the public has asked me to support the Bill: I have been asked only by those who seek this for their own gain. I have had dozens of personal approaches from all over South Australia who support my views. It has been suggested that I should support greater powers for the police so that they can fight organised prostitution, and I support that. This Bill, though, does not help in that regard and should be rejected.

In his contribution, Mr Burdett suggested that steps can be considered in other Bills, and I would support some of the suggestions he made in his contribution. It has also been suggested that this Bill should be supported to the second reading and then amended, but I am not persuaded to do that, either. I believe the purpose of this Bill clearly is to legalise and decriminalise the organisation of prostitution, and I simply do not support that. Any amendments that could be put which reverse that assumption of the Bill would, I suggest, fail technically under Standing Order 297.

If members do not support the main thrust of the Bill, it should not go to the second reading. In that circumstance no Bill should go to the second reading, especially one of conscience, as there is a distinct possibility of a shambles Bill being created. I would instance the Victorian experiment, which has proved to be an absolute disaster. This Bill does not reflect the will of the community and should be rejected at the second reading. This Bill is doomed to failure, in any event, if not in this House then in the other place. I have addressed a number of forums and have discussed the matter with many people in my endeavours to gauge for myself public opinion, especially in country areas where parents are worried about the future of their families and councils are worried about the zoning and controls of problems that would be created in residential districts in particular.

Who in any Assembly seat would be responsible for a Bill which says to electors, 'I will support a brothel in your street' or 'I will be responsible for a Bill which legitimises your son or daughter becoming a prostitute'? Even those in the community who have been proselytised, by clever and subtle campaigning and by the assertion that, 'You cannot stop it, so you may as well legalise it', into thinking that there is a need for some others in the community, soon change their mind, in my experience, when they are asked a very simple question, 'Is it all right for your wife or your husband to utilise the services of a prostitute?' Their attitude changes completely, and there is a resounding 'No' to that proposition.

The Bill states that persons under 18 years of age should not get involved in prostitution and ought not be able to be approached or proselytised in any way into becoming engaged in the career of prostitution. It is a fact that people are staying in educational institutions longer because of the lack of employment opportunities and many are still in TAFE colleges or at schools doing revival and re-entry education for tertiary study. I do not believe that the people who stand to gain from the prostitution industry would be averse to talking to people over the age of 18 years to try to procure them for the industry.

If we are dinkum about the welfare of our community, about doing something for individuals involved in the pros-

titution industry, to make their lives more bearable and their chances of retrieval a lot better, we ought to make more resources available to Commissioner Hunt in his endeavours to try to enforce the laws that are in place now, and we ought to be providing him with more tools to get on with the job. If somebody is prepared or feels strongly enough to move a Bill to decriminalise prostitution on a personal basis, I am prepared to consider that.

If the community is really interested in decriminalising prostitution or legalising prostitution, I suggest that we do what we did when we were arguing about lotteries, that is, we ought to hold a referendum. I am certain that, if we held a referendum on this matter, there would be an overwhelming rejection of any proposal to legalise prostitution. I say that because not one person other than people who run brothels or who are involved in the industry has come to me in any forum out in the community to ask me to legalise prostitution. Dozens of people have gone out of their way to beg me not to support it. If we are democratic, I suggest we should put the issue to a referendum and accept the result.

One of the propositions put to me, which I find completely outrageous, is that we ought to legalise prostitution in South Australia because overseas tourists will not come here if they cannot have access to this particular thing. The suggestion that we need prostitution for tourists is outrageous. I am not persuaded that we could put it at Mile End, that that would take the problem away, and that we need it because we as a State are going to benefit. If we have to provide a smorgasbord of the youth of South Australia to pimps, perverts and paedophiles to get tourism in South Australia, my view is that the price is too high and it ought to be rejected. Therefore, I urge honourable members not to support the second reading of this Bill.

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

The Hon. C.J. SUMNER (Attorney-General) obtained leave and introduced a Bill for an Act to amend the Criminal Law Consolidation Act 1935, the Evidence Act 1929, the Real Property Act 1886, the Strata Titles Act 1988, and the Summary Procedure Act 1921. Read a first time.

The Hon. C.J. SUMNER: I move:

That this Bill be now read a second time.

This Bill contains a number of amendments to Acts in the Attorney-General's portfolio. The amendments are as follows:

Criminal Law Consolidation Act

The Criminal Law Consolidation Act is amended in two aspects. First, section 32 of the Criminal Law Consolidation Act (possession of a firearm or imitation firearm with intent to commit an offence) provides: that the offence is made out when a firearm or imitation is used or carried when committing an offence punishable by a term of imprisonment of three years or more. Common assault is currently in the ambit of the section, but the Statutes Repeal and Amendment (Courts) Act 1991 reduced the penalty for common assault (section 39 of the Criminal Law Consolidation Act) from three years to two years. This amendment will ensure that possession of a firearm or imitation firearm for the purpose of carrying out an assault will continue to be an offence under section 32.

The Local and District Criminal Courts Act contains a provision (section 330) which provides that the pleading, practice and procedure of District Criminal Courts is the same as in the Supreme Court. In particular, the provisions of Part VIII and sections 273 to 300h of the Criminal Law Consolidation Act are extended and apply to District Criminal Courts.

The Local and District Criminal Courts Act will be repealed when the courts package is proclaimed. The Senior Judge has advised that he considers that as there is no equivalent provision to section 330 of the Local and District Criminal Courts Act, there will be no power for information to be presented in the District Court. This matter must be remedied as a matter of urgency.

Therefore this Bill amends the Criminal Law Consolidation Act, sections 275 and 276, to ensure that information will be able to be presented in the District Court.

Evidence Act

The definition of 'sexual offence' is extended to include any offence involving sexual exploitation or abuse of a child or exploitation of a child as an object of prurient interest. The definition already includes rape, indecent assault, any offence involving unlawful sexual intercourse or an act of gross indecency, incest or any attempt to commit, or assault with intent to commit, any of the foregoing offences.

Section 71a of the Evidence Act restricts the publication of details of a sexual offence before the accused is committed for trial. The intention of this section is to protect the identity of the victim.

Section 58a of the Criminal Law Consolidation Act makes it an offence for a person, for prurient motives, to incite a child to commit an indecent act or to expose any part of his or her body.

In 1990 the details of a charge under section 58a were broadcast on the television on the day that the person accused was initially presented before a magistrate.

The Crown Solicitor has advised that the details of an offence under section 58a should be included in the definition of 'sexual offence' pursuant to the Act, in order that the victim of such an offence may be afforded the same protection as other victims of sexual offences. This amendment achieves that end.

Summary Procedure Act

The new provisions of the Summary Procedure Act require certain material to be forwarded to the Attorney-General following a committal. This reference should be altered to the Director of Public Prosecutions and will come into effect when the DPP Act is proclaimed.

Real Property Act

The Real Property Act section 153 requires that a renewal or extension of a lease be lodged with the Registrar-General within one month after the expiration of the original term of the lease. The Law Society has suggested it is often not possible to prepare a renewal or extension of a lease and have it signed, stamped and lodged within the time allowed, with the consequent need to prepare new documentation for a new lease. The Law Society has suggested a period of two months in which the extension can be lodged would be more appropriate. The Registrar-General has agreed to this change and this Bill amends the Real Property Act accordingly.

Strata Titles Act

This Bill amends the Strata Titles Act insurance provisions to take account of the special position of registered proprietors who are all the units in a scheme.

The problem was raised by the Housing Trust. The Housing Trust carries its own risk with respect to its housing stock. However, under the terms of the Strata Titles Act

strata corporations have a duty to insure their buildings and improvements to their replacement value and must also carry public liability insurance. The Housing Trust owns more than 150 entire strata schemes. The trust must presently take out the prescribed insurance in respect of strata schemes it owns, rather than carry its own risk.

Although the issue has not been raised, the problems of the Housing Trust would be the same for all schemes when the units are all owned by the same registered proprietor. The owner could not, for example, choose not to insure or have the property insured under a global policy covering other properties.

The Strata Titles Act is amended to provide that the Division of the Act relating to insurance does not apply in relation to a strata corporation when all of the units comprised in the relevant scheme are owned by the same registered proprietor.

A further amendment is made to the Strata Titles Act dispute resolution provision. These provisions make reference to the Local and District Criminal Courts Act and small claims. These references can now be updated to take account of the new provisions in the Magistrates Courts Act. Such amendments will be able to be proclaimed to operate from the date the courts package comes into operation.

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

Leave granted.

Clause 1 is formal.

Clause 2 provides for commencement of the measure.

Clause 3 is the usual interpretation provision included in a Statutes Amendment Bill.

Clause 4 amends section 32 of the Criminal Law Consolidation Act which currently provides that it is an indictable offence to use a firearm in the course of committing an offence punishable by a term of imprisonment of three years or more. The amendment reduces the required term to two years to bring the section into line with the division of offences into summary and indictable contained in the recent courts package legislation.

Clause 5 amends section 275 of the Criminal Law Consolidation Act which provides for the presentation of informations to the Supreme Court in the name of the Attorney-General (this will become the Director of Public Prosecutions when the Act relating to the Director comes into operation). The amendment extends the application of that section to the District Court. The amendment is consequential on the repeal of the Local and District Criminal Courts Act under the courts package legislation.

Clause 6 amends section 276 of the Criminal Law Consolidation Act which relates to the Attorney-General (this will become the Director of Public Prosecutions when the Act relating to the Director comes into operation) declining to continue a prosecution before the Supreme Court. The amendment extends the application of that section to the District Court. The amendment is consequential on the repeal of the Local and District Criminal Courts Act under the courts package legislation.

Clause 7 amends section 4 of the Evidence Act by including in the definition of 'sexual offence' any offence involving sexual exploitation or abuse of a child, or exploitation of a child as an object of prurient interest. The effect of this is to extend the application of section 71a, which contains restrictions on the reporting of proceedings relating to sexual offences, to such offences.

Clause 8 amends section 153 of the Real Property Act by increasing the period within which a renewal or extension of a lease must be lodged with the Registrar-General from one month to two months after the expiration of the original term of the lease.

Clause 9 inserts a new section 29a in the Strata Titles Act in order to exclude from the compulsory insurance requirements a strata corporation that is wholly owned by one person.

Clause 10 amends section 41a of the Strata Titles Act to bring it into line with references to the Magistrates Court and minor civil actions (small claims) in the recent courts package legislation.

Clause 11 amends section 113 of the Summary Procedure Act (the Justices Act as amended by the courts package legislation) by requiring the Director of Public Prosecutions rather than the Attorney-General to forward certain material to the Registrar. The amendment is consequential to the Act (not yet in operation) relating to the Director.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

MFP DEVELOPMENT BILL

Second reading.

The Hon. C.J. SUMNER (Attorney-General): I move:

That this Bill be now read a second time.

As this has been dealt with in another place, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Throughout the history of South Australia there have been many occasions on which the Parliament has been asked to provide a legislative framework on which to build projects of vision for the benefit of the State.

In the past decade alone, members of this Parliament have considered legislation which has advanced the Adelaide Station Redevelopment, the Olympic Dam mine, the Technology Development Corporation, and the Golden Grove Urban Development Project.

The MFP project certainly ranks as highly as any of these important developments. It is a project of national and international significance which will focus the attention of our neighbours and our trading partners on our State. It will not only provide a means of enhancing investment in our State but will also serve as a model within Australia for urban and industrial development, and in particular the use of advanced science and technology to serve our community.

This Bill provides the legislative structure to enable the continued development and promotion of the MFP project. It establishes the MFP Corporation and in doing so builds on the structure which has seen the successful development of the Technology Development Corporation.

The Bill provides for the repeal of the Technology Development Corporation Act on a date to be set by proclamation, thus ensuring that the Technology Development Corporation will remain in place until effective integration with the MFP Development Corporation is achieved. The Bill also incorporates many of the objectives, functions, powers and financial provisions of the Technology Development Corporation Act which itself is an extension of legislation passed through the Parliament in 1982 by the previous Tonkin Liberal Government.

Honourable members will recall that in 1988 the Government amended the Technology Park Adelaide Act, thereby establishing the Technology Development Corporation and extending its activities to Science Park Adelaide, established on the Sturt Triangle adjacent to Flinders University. Both of these Bills received bipartisan support.

Technology Park Adelaide and Science Park Adelaide are important foundations for the development of the MFP Project. Their strengths, and the impetus for their development, will be maintained and strengthened by the MFP Development Corporation.

The legislation provides that the membership of the MFP Development Corporation will be drawn from a number of areas which are considered to be important for the ultimate success of the project, and thus ensures that the corporation has access to wide-ranging expertise. It is also the intention of both the State Government and the Commonwealth Government that appointments from outside of Australia be made to the corporation. We believe that this is appropriate given the international significance of the project.

In addition to the normal functions of a statutory body of this kind, the Bill also sets out objectives for the legislation as a whole which are visionary and broad-ranging.

They are:

- to create a national focus for economic, scientific and technological developments of international significance;
- to create leading centres of innovation in science, technology, education and the arts;
- to create a focus for international investment in new and emerging technologies;
- to create a model of interaction between industries, research and development centres, educational institutions and community activities and of the use of advanced information and communication systems for that purpose;

- to create an international centre of innovation and excellence in urban development and in the use of advanced science and technology to serve the community; and
- to create a model of conservation of the natural environment and resource management and equitable social and economic development in an urban context.

While the objectives set out in the Bill are designed to sustain the Development Corporation well into the future, the form of the legislation will, however, be familiar to the House. It is essentially enabling legislation and, as I have indicated, it is based in large part on an existing Act. Furthermore, in relation to the physical development of the site, all of the existing procedures of the Planning Act concerning the Environmental Impact Statement and Supplementary Development Plan will apply.

As members will be aware, the MFP project involves all levels of government in Australia. In particular, it is a joint exercise between the State and Commonwealth Governments. Consequently, the Act includes a definition of the Commonwealth Minister and refers specifically to the role of the Minister in relation to the composition of the corporation. This provision highlights the national significance of the MFP Project.

The Government also recognises that local government in South Australia has a vital role to play in ensuring the successful development of MFP Australia. It is envisaged that local government will carry out its functions in relation to the MFP through the establishment of a Joint Councils Authority as provided for in section 200 of the Local Government Act. The Government believes that this is not only appropriate, but also represents a major step forward in establishing cooperative arrangements between the State Government and a group of local government bodies, which may indeed act as a model for future developments.

The role of the wider community is also of great significance. In recognition of that, the Bill establishes an MFP Community Advisory Committee whose function is to advise the Development Corporation on:

- programs that are being, or should be, undertaken to ensure the appropriate infrastructure for community development in the MFP development centres;
- means of ensuring appropriate levels of community and local government involvement in the development of the MFP development centres;
- social issues raised by the development of the MFP development centres.

The Act provides that membership of the committee must include persons who will provide expertise in local government, education, community services, industry, environmental health, employee bodies, and local communities in the area or adjacent to the core site.

The MFP Project was recently renamed MFP Australia to reflect its national importance. We have a unique opportunity to establish within our State a vehicle for joint international efforts to address the opportunities and challenges of the 21st century in a practical way, with particular focus on the themes of people, technology and the environment. At the same time we can create an urban and community development, a centre for research and education, and a focus for international business investment in new and emerging technologies.

The genesis of this Bill goes back to 1988 when a Joint Steering Committee was established by the Australian and Japanese Governments to oversee a major study investigating the feasibility of the MFP concept. The committee recommended in 1990 that the MFP-Adelaide proposal be further explored, that additional work be undertaken to establish the project's viability, the project's national and international objectives continue to be pursued and that resources be provided for public awareness and discussion of the issues.

The MFP-Adelaide Management Board was established in August 1990 to manage the next stage of the project, involving:

- a detailed assessment of the Gillman/Dry Creek site;
- estimating the infrastructure costs of the project and the method of financing;
- further development of the urban design features of MFP-Adelaide;
- identification of business opportunities;
- assessing the impact of MFP-Adelaide on the social fabric of Adelaide and South Australia; and
- advising on the future management of the project.

The final report of the Management Board was released in May 1991 and was supported by 10 reports prepared on behalf of the Management Board.

The board stated that most of the core site can be made suitable for urban development. It stated that the key ingredients of the May 1990 design concept can be maintained while responding to environmental, engineering and commercial concerns and that the site could be developed on a commercial basis given the assumptions made in the commercial analysis.

The board recognised the need to secure Government commitment and to ensure that the project was structured to attract private investment.

The board concluded that the project had the potential to generate substantial benefits to the South Australian economy.

On 31 July 1991 the Federal and State Governments announced the go-ahead for the MFP as a national and international project based in Adelaide. The announcement cleared the way for the establishment of a Development Corporation to oversee the project and an international and national marketing campaign to attract investment to the MFP.

The report of the MFP Community Consultation Panel released in August 1991 indicated that 'broadly, community views support the national concept of an MFP focused on the enhancement of Australia's international competitiveness and the promotion of an innovative culture appropriate to a "clever country", and the particular concept of MFP-Adelaide as an urban development with vital environmental and social opportunities'.

International awareness of the MFP is being promoted by the International Advisory Board, a committee of outstanding people from business or academic communities of 12 countries. Members come from Sweden, Thailand, Japan, the United States of America, Germany, France, Taiwan, Korea, the United Kingdom and Australia.

An Environmental Impact Assessment is currently being undertaken and a Supplementary Development Plan is being prepared for the MFP core site to meet the requirements of section 41 of the Planning Act.

A new urban development is an important component of MFP Australia. The physical setting for the development will not be a single discrete development site on which all activities will be concentrated. Rather, it will comprise a mosaic of interconnecting villages, set in a landscape of parks, urban forest, lakes and gardens.

Some of these villages will be located on the core site at Gillman; others will be sited on the crescent of land and waterways extending from LeFevre Peninsula through Port Adelaide and Gillman to Technology Park Adelaide at the north-western edge of the metropolitan areas.

The design and operation of the villages is aimed at demonstrating the use of alternative energy, recycling of stormwater and wastewater, and improvement of the management of waste in general.

The villages would demonstrate new design features which could be applied throughout Adelaide.

There will also be significant physical benefits to the site and the surrounding areas.

The design of the villages is also intended to make a positive contribution to the existing natural environment.

The Government's aim is to develop Information Technology and Telecommunications so that the first decade of the 21st century Adelaide will be known world-wide as:

- a city with advanced communication systems and services based on a national telecommunications infrastructure that leads the world in functionality, efficiency and cost effectiveness;
- a key site within Australia for the location of software and services firms that will exploit the national talent base in the information technology and telecommunications industry to serve the fast growing Asia-Pacific markets and the demands of global firms for software products that are compatible with their systems;
- an information engineering centre of Asia-Pacific regional significance that combines advanced technical education, research and competence; firms with advanced design and engineering skills in systems (especially software); and access to leading users in Australia and the region;
- a city that is an important Asia-Pacific centre for the trial of prototype information technology projects, particularly those used by the individual and in the home. One facet of such activities would be research into and development of multi-language, automatic translation projects to help bridge the Asian-English language gap.

An Environmental Management Centre will be established at Gillman and will comprise a cluster of private and public agencies and companies. MFP Australia will provide the focus for national and international activities in this area.

The centre will encourage cooperation between Australian companies seeking to develop export markets and will force a link between environmental strategies and standards set by Governments, and innovation and environmental improvement by the private sector and research agencies.

The R&D component of the Commonwealth Environmental Protection Agency will be co-located with the Environmental Management Centre at Gillman. Discussions are now in progress

regarding the establishment of the National Environmental Agency in South Australia.

Environmental instrumentation has been identified as an area in which Australia can play a major role. The global market is currently $A8-10 billion, and it is estimated that this market will grow to more than $A20 billion by the year 2000. It is proposed that the establishment of a cluster of environmental instrumentation industries be established.

Other aspects of environmental management industries that are currently being assessed include:

- distributed water and wastewater treatment plants;
- a Centre for Environmental Law;
- a Centre for Aquatic Toxicology.

Education is a critical factor in the success of MFP Australia. In the future education will be a key determinant of the quality of personal and social life, the means by which new knowledge is generated and the necessary high levels of skills maintained and a major export industry in its own right.

At the centre of the education function of MFP Australia will be an institution with the current working title of the 'MFP Academy'. This will be a collaborative venture between industry, the South Australian higher education sector, and universities in Australia, the Asia-Pacific region and other parts of the world, focusing on excellence in research and short courses, and using new technologies to distribute educational materials throughout the region.

The MFP Academy will include an Institute for Environmental Management, including a Centre for Research in Urban Environmental Management, which will use the MFP villages as prototypes for urban development. Other institutes may include an International Management Institute, a Learning Systems Institute, including an Advanced Learning Systems Research Centre which will have close links with a Distributed Education Service, an Information Technology and Telecommunications Institute and an Asia-Pacific Institute of Language and Culture.

The Commonwealth Government and this Government are firmly committed to this vital national project.

The foundations are already well entrenched. Adelaide is a university city whose existing institutions have a strong history of innovation and research. Adelaide is already a 'systems city' with the linking of government, business and community through low-cost communications and computing technology. The MFP will expand those links to the rest of the world, and, in particular, the Asian and Pacific regions as Australia enlarges its role as a bridge between western and eastern countries.

At Technology Park Adelaide and the Software Export Centre, South Australians have been working with advanced information and communications technology for many years. The Australian Space Centre for Signal Processing, the only one of its kind in the Australasian region and the largest digital signal processing resource outside the United States and Europe, is now under construction at Technology Park Adelaide.

Science Park Adelaide, which opened this year, will continue its focus on biological sciences and medical technology research in association with Flinders University and the Flinders Medical Centre.

The University of South Australia and the University of Adelaide are two more valuable resources with wide reputations. Another important existing link is the Waite Agricultural Research Park, which incorporates the water and soils division of the CSIRO, the University of Adelaide's Waite Institute and the State Department of Agriculture's research and development facilities.

It is being planned to offer future residents of the urban development at the core site at Gillman advanced communications systems, a high degree of environmental sustainability, access to advanced research and educational institutions and proximity to high technology industries in an environment of marinas and canals, private gardens, parks and public leisure areas.

It is projected that the MFP will create considerable employment over the next 30 years. If building construction, land preparation, housing construction and employment related to activities other than the core MFP industries are included, many thousands more jobs could be generated in association with the MFP as the project comes to maturity.

Clause 1 is formal.

Clause 2 provides for the measure to be brought into operation by proclamation.

Clause 3 sets out definitions of terms used in the measure. For the purposes of conciseness and certainty, 'industry' is defined as including commerce and services. 'MFP development centre' is defined as the urban and industrial development to be established at the MFP core site and any development established at a development area outside the MFP core site, including Science Park Adelaide and Technology Park Adelaide. 'MFP core site' is defined as the areas shown Part A of Schedule 1 within boundaries delineated in bold and more particularly described in Part B of that Schedule, and, where such an area is altered by proclamation, the area as so altered. 'Development area' is defined as the MFP core site, Science Park Adelaide, Technology Park Adelaide or any other area declared by proclamation under subclause (2) to be a development area. Under subclause (2), the Governor is empowered to make proclamations altering a development area or establishing and assigning a name to new development areas. Subclause (3) provides that only land not granted in fee simple by the Crown or land of the MFP Development Corporation may be declared to be or brought within a development area by proclamation under subclause (2).

Clause 4 provides for the repeal of the Technology Development Corporation Act 1982 on a day to be fixed by proclamation. The clause provides for the transfer of all staff, property, rights and liabilities of the Technology Development Corporation to the proposed MFP Development Corporation to coincide with the repeal of the Technology Development Corporation Act.

Part 2 (comprising clause 5) sets out the objects of the measure. These are to secure the creation or establishment of—

(a) a national focus for economic, scientific and technological developments of international significance;

(b) leading centres of innovation in science, technology, education and the arts;

(c) a focus for international investment in new and emerging technologies;

(d) a model of productive interaction between industries and research and development, educational, community and other organisations and of the use of advanced information and communication systems for that purpose;

(e) an international centre of innovation and excellence in urban development and in the use of advanced science and technology to serve the community;

(f) a model of conservation of the natural environment and resource management and equitable social and economic development in an urban context.

Part 3 (comprising clauses 6 to 21) provides for the establishment of the proposed MFP Development Corporation and its functions and powers.

Clause 6 constitutes the proposed new body as a body corporate with perpetual succession and a common seal and the capacity to sue or be sued in its corporate name. Subclause (3) declares that the body is to be an instrumentality of the Crown and is to hold its property on behalf of the Crown.

Clause 7 provides that the Corporation is subject to control and direction by the Minister and requires any such directions to be in writing.

Clause 8 sets out the functions of the MFP Development Corporation. These are—

(a) to plan and develop and manage the MFP development centres in accordance with the objects set out in Part 2;

(b) to attract and encourage international and Australian investment and developments in the MFP development centres and elsewhere in the State, and (in consultation with the relevant Commonwealth authorities) elsewhere in Australia, with particular emphasis on industries and activities involving new or emerging technologies;

(c) to promote and assist scientific and technological research and development;

(d) to promote and facilitate productive interaction between industries and research and development, educational, community and other organisations in the MFP development centres together with industries and organizations elsewhere in Australia or overseas;

(e) to promote and assist in the establishment of advanced information and communication systems linking industries, organisations and persons in the MFP development centres and elsewhere in Australia or overseas;

(f) to promote the MFP development centres and the operations of the Corporation in Australia and internationally;

(g) to encourage community involvement in the development of the MFP development centres;

(h) to promote, assist and co-ordinate economic, social and cultural development of the MFP development centres; and

(i) to carry out any other functions that are necessary or convenient for or incidental to the functions above.

Subclause (2) provides that the Corporation must, in carrying out its operations, consult with and draw on expertise of administrative units and other instrumentalities of the State and local government bodies with responsibilities in areas related to or affected by those operations.

Clause 9 confers on the Corporation all the powers of a natural person at law and lists the following by way of example:

(a) power to acquire, hold, lease and otherwise deal with and dispose of real and personal property;

(b) power to divide and develop land and carry out works;

(c) power to engage agents and employees;

(d) power to enter into partnerships and joint venture arrangements;

(e) power to provide services and make charges for the services;

(f) power to form, or acquire, deal with and dispose of interests in, companies and other entities;

(g) power to enter into any other contract or arrangement or acquire or incur any other rights or liabilities.

Under subclause (2) the Corporation may, with the consent of the State Minister, make use of the services of persons employed by the State.

Subclause (3) provides that the Corporation may, with the consent of the Commonwealth Minister, make use of the services of persons employed by the Commonwealth.

Clause 10 provides for the appointment by the Corporation of a chief executive officer of the Corporation.

Clause 11 provides for the statutory vesting in the Corporation of all land within the MFP core site that has not been granted in fee simple by the Crown or is owned by an instrumentality of the Crown.

Clause 12 empowers the Corporation to acquire land by compulsory process. Subclause (2) provides that where land acquired compulsorily by the Corporation is within the MFP core site or brought within the MFP core site by proclamation, the value of the land must be assessed for the purpose of determining the compensation payable in respect of the acquisition as if the MFP core site were not subject to development under this measure.

Clause 13 confers a power of delegation on the Corporation and prohibits a delegate from acting in a manner in which the delegate has a direct or indirect private interest.

Clause 14 provides for the composition of the Corporation. Under the clause the Corporation is to consist of up to 12 members appointed by the Governor, of whom one is to be the chief executive officer of the Corporation and the remainder are to be persons nominated by the State Minister after consultation with the Commonwealth Minister. Subclause (2) requires that there be persons included in the Corporation's membership who will provide expertise in the following areas:

(a) urban development;

(b) financial management;

(c) the industrial applications of technology;

(d) the management of international projects;

(e) community development
and

(f) environmental management.

One member of the Corporation is to be appointed by the Governor to chair the Corporation. The remaining provisions of the clause fix members' terms of office (not exceeding three years), provide for deputies of members, and provide for removal from, or vacation of, office as a member.

Clause 15 deals with the procedures at meetings of the Corporation. The clause fixes a simple majority as a quorum for meetings of the Corporation, and provides for the chairing of meetings and voting by members. Subclause (5) provides for meetings by telephone or audio-visual hook-up. Subclause (6) provides for roundrobin resolutions. Subclause (8) requires the Commission to provide for the keeping of accurate minutes of its proceedings.

Clause 16 provides that an act of the Corporation is not to be invalid by reason only of a vacancy in its membership or a defect in the appointment of a member.

Clause 17 provides that a member of the Corporation is not to incur any liability for anything done honestly and with reasonable care and diligence in the performance or purported performance of official functions or duties. Any liability that would, but for this provision, attach to a member is to attach instead to the Crown.

Clause 18 provides that a member of the Corporation is to be entitled to such remuneration, allowances and expenses as may be determined by the Governor.

Clause 19 imposes various duties on members of the Corporation. Subclause (1) provides that a member of the Corporation must at all times act honestly in the performance of the functions of his or her office, whether within or outside the State. The subclause fixes either or both division 4 imprisonment and a division 4 fine for any such offence that is committed for a fraudulent purpose and a division 6 fine for any other such offence. Subclause (2) provides that a member of the Corporation must at all times exercise a reasonable degree of care and diligence in the performance of his or her functions whether within or outside the State and fixes a division 6 fine for non-compliance with that requirement. Subclause (3) provides that a member or former member of the Corporation must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as such a member to gain, directly or indirectly, an advantage for himself or herself or for any other person to cause detriment to the Corporation. The subclause fixes either or both division 4 imprisonment and a division 4 fine for such an offence. Subclause (4) provides that a member of the Corporation must not, whether within or outside the State, make improper use of his or her position as a member to gain, directly or indirectly, an advantage for himself or herself or for any other person or to cause detriment to the Corporation. A penalty the same as under subclause (3) is fixed for an offence against this subclause. Subclause (5) makes it clear that the previous provisions of the clause do not affect any rule of law relating to the duties and liabilities of members of the governing body of a corporation and do not prevent the institution of civil proceedings in respect of a breach of such a duty or in respect of such a liability. Subclause (6) makes it clear that non-compliance with subclause (3) or (4) will constitute dishonesty for the purposes of clause 17.

Clause 20 deals with conflicts of interest in relation to members of the Corporation.

Clause 21 provides for the execution of documents by the Corporation by the affixing of the Corporation's common seal or by the signature of a person in accordance with an authority conferred by the Corporation under its common seal.

Clause 22 is designed to protect persons dealing with the Corporation from the consequences of any deficiencies of power or authority or procedural irregularities on the part the Corporation and from the need to make exhaustive inquiries to ensure the validity of transactions with the Corporation. Under the clause, a transaction to which the Corporation is a party or apparently a party (whether made or apparently made under the Corporation's common seal or by a person with authority to bind the Corporation) is not to be invalid because of—

(a) any deficiency of power on the part of the Corporation;

(b) any procedural irregularity on the part of the Corporation or any member, employee or agent of the Corporation or any procedural irregularity affecting the appointment of any member, employee or agent of the Commission.

Subclause (2), however, provides that this is not to validate a transaction in favour of a party who enters into the transaction with the Corporation with actual notice of the deficiency or irregularity or who has a connection or relationship with the Corporation such that the person ought to know of the deficiency or irregularity.

Part 4 (comprising clauses 23 to 27) provides for a Community Advisory Committee, and its functions, composition and procedures.

Clause 23 provides for the establishment of the MFP Community Advisory Committee.

Clause 24 sets out the functions of the Committee. Under the clause, the Committee is to advise the Corporation either on its own initiative or at the request of the Corporation on—

(a) programs that are being, or should be, undertaken to ensure the appropriate infrastructure for community development in the MFP development centres;

(b) means of ensuring appropriate levels of community and local government involvement in the development of the MFP development centres;

(c) social issues raised by the development of the MFP development centres.

Clause 25 provides that the Committee is to consist of up to 12 members appointed by the State Minister.

Under subclause (2), the Committee is to include—

(a) persons who will, in the opinion of the State Minister, provide expertise in matters relating to—

(i) local government;

(ii) education;

(iii) community services;

(iv) environmental health;
and

(v) industry;

and

(b) persons who may, in the opinion of the State Minister, appropriately represent the interests of—

(i) employee bodies; and

(ii) local communities in the area of or adjacent to the MFP core site.

The remaining provisions of the clause provide for the term of office of members and removal from or vacation of office as a member.

Clause 26 provides for the procedures at meetings of the MFP Community Advisory Committee.

Clause 27 provides for the remuneration of members of the Committee.

Part 5 (comprising clauses 28 to 32) deals with financial matters.

Clause 28 empowers the Corporation to establish and operate banking accounts and to invest money not immediately required for its operations in a manner approved by the Treasurer.

Clause 29 provides for borrowing by the Corporation and for an automatic guarantee by the Treasurer.

Clause 30 refers the Corporation's operations and the financing of those operations to the Economic and Finance Committee of the Parliament. Subclause (2) requires the Corporation to report to that Committee on or before the end of February in each year on the Corporation's operations on the MFP core site and the financing of those operations during the first half of the financial year and to make a further such report for the second half of the financial year on or before 31 August. Subclause (3) requires the Economic and Finance Committee to report to the House of Assembly not less frequently than once in every year on the matters referred to it.

Clause 31 provides for the keeping of accounts by the Corporation and the auditing of those accounts.

Clause 32 provides that the Corporation is exempt from rates and taxes under any law of the State. Under the clause, regulations may be made imposing liability for any particular rates or taxes either in the normal way or with modifications.

Part 6 (comprising clauses 33 to 35) deals with miscellaneous matters.

Clause 33 requires the Corporation to present an annual report on its operations to the Minister. The report is to set out all ministerial directions and details of all delegations and must incorporate the audited accounts of the Corporation for the period to which the report relates. The Minister is required to lay a copy of the report before each House of Parliament within 12 sitting days after receipt of the report.

Clause 34 provides that offences under the measure are to be summary offences.

Clause 35 provides for the making of regulations.

Schedules 1 and 2 contain plans of the MFP core site, Science Park Adelaide and Technology Park Adelaide and a more precise description of the boundaries of those areas.

The Hon. K.T. GRIFFIN secured the adjournment of the debate.

LOCAL GOVERNMENT (REFORM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 24 March. Page 3520.)

The Hon. K.T. GRIFFIN: I support my colleague, the Hon. Jamie Irwin, in his proposition that this Bill should be referred to a select committee. I do not wish to canvass at length the provisions in the Bill, but I want to focus on several which specifically refer to the responsibility of the Local Government Association. The Local Government Association is being given additional responsibilities—in some respects, very wide responsibilities—which previously were exercised by a Minister of Government.

It is in that respect that the issue needs to be very carefully examined to identify whether the Local Government Association is the appropriate body to exercise that power and responsibility, having regard to the fact that it is not an agency of the Government but a separately incorporated body corporate.

There are a number of matters that are to be dealt with by proclamation. A council may be constituted by proclamation; two or more councils may be amalgamated by proclamation; the boundaries of the area of a council may be altered by proclamation; a council may be abolished by proclamation; the composition of a council may be altered by proclamation or by notice published by the relevant council in the *Gazette* pursuant to division XI of this Bill; the formation, alteration or abolition of wards may be addressed by proclamation or by notice published by the relevant council in the *Gazette* pursuant to division XI; the status of a council may be changed, that is, to a municipal council from a district council or *vice versa*, by proclamation or by notice published by the council in the *Gazette* pursuant to division XI; and the name of a council or the name of the area of a council or the name of a ward of a council may be changed by proclamation or by notice published by the council in the *Gazette* pursuant to division XI.

The provision relating to proclamations is under division X in proposed new section 15. The Governor may make a proclamation under any of the preceding divisions of this part in pursuance of an address from both Houses of Parliament or in pursuance of a proposal recommended under subdivison 1 of division XI. There is an interesting provision in proposed new section 15 that no proclamation purporting to be made under this part, and within the powers conferred on the Governor under this Act, is invalid on account of any non-compliance with any of the matters required by this Act as preliminary to the proclamation. It is interesting to note that if all the steps have not been carried out, or properly carried out, that will not necessarily invalidate the proclamation.

Division XI sets out the procedure. The initiation of a proposal is dealt with in proposed new section 17. The proposal must set out in general terms its proposed nature and effect, and comply with any guidelines published by the Local Government Association of South Australia in the *Gazette*. The guidelines to be published by the Local Government Association are not subject to any review, and there is no indication as to the way by which those guidelines are to be developed and established or whether or not there is to be any consultation.

Then there is to be the constitution of a special panel under proposed new section 18. A proposal initiated under this subdivision must be referred to the Local Government Association of South Australia for the constitution of a panel of four persons to deal with the proposal in accordance with this section. There is a discretion under subsection (2) of proposed new section 18. So, if the Local Government Association is of the opinion that a previous proposal to the same or similar effect has been reported on by another panel within three years before the date of referral of the proposal to the Local Government Association then the association can determine not to appoint a panel. So, there is a discretion and the judgment has to be made as to whether or not a panel should be established.

The composition of the panel is set out, and the allowances and expenses to be paid to members of a panel are to be determined by the Local Government Association after consultation with the council or councils that might be affected. The allowances and expenses are to be payable by the council or councils according to a determination of the Local Government Association of South Australia. Again, it has significant power to fix the allowances and expenses. Obviously it must consult but, as with all consultation, it is not obliged to comply with the requests made in such consultation.

Representatives of parties are referred to in proposed new section 19. It identifies certain persons entitled to act as representatives of the parties, including a representative of the local government sector nominated by the Local Government Association of South Australia. There is then a provision in proposed new section 20 relating to any cost reasonably incurred in undertaking public consultation and consultations with any employee association. Those costs

are to be paid in accordance with an agreement between the Minister and the Local Government Association of South Australia. Again, it is a matter that is not subject to any independent review and, presumably, is to be established at some time as a formula or according to certain guidelines agreed between the association and the Minister.

The resolution of disputes is dealt with in proposed new section 22. The Local Government Association or the Minister may refer to a panel any dispute that arises in relation to the implementation of a proposal of the panel. One can agree that that is a sensible proposition, because in the implementation of any decision someone has to be able to resolve any uncertainties.

Clause 17 of the Bill enacts a new section 195a, which empowers the Local Government Association to make regulations governing the fees and charges to be imposed by councils. Those regulations may be made only to the extent declared by the Governor by notice in the *Gazette* and, presumably, that will enable limits to be placed on the fees that may be set. However, those regulations, which are subject to review under the Subordinate Legislation Act, do affect all councils. Quite obviously that is to try to establish some uniformity, but it will mean that there will not be an opportunity to bring to bear local requirements and conditions in determining those fees or differential fees.

Those regulations made by the Local Government Association prevail to the extent of any inconsistency over determinations of a council under section 195. That is a very wide-ranging power and it is very wide ranging in circumstances where, although subject to review by the Legislative Review Committee, nevertheless it gives very wide responsibility to that association.

Then there is the power to make model by-laws, somewhat constrained by the requirement that the Local Government Association may adopt as a model by-law any by-law made by a council where the by-law has been through the review process under the Subordinate Legislation Act. However, that model by-law, once enacted by the Local Government Association, by notice in the *Gazette*, has the same force and effect within the area of a council which adopts such model by-law by notice in the *Gazette* as any other by-law until it is repealed. As far as I can see, in those circumstances the adoption of that model by-law is not then subject to review.

The Hon. Anne Levy: It has already been, once.

The Hon. K.T. GRIFFIN: It has already been—I acknowledge that—but the problem as I see it is that, if the model by-law may be suitable for a particular council, it may be appropriate as a guide to other councils and may be adopted in that sense by the Local Government Association as a model by-law which might, broadly speaking, be appropriate. However, when it is applied by specific councils to circumstances in their areas, then it may have some consequences. I cannot draw an example immediately to mind, but it may be that it is adopted by the council and applied to the council area, and it may have some consequences which for local ratepayers may be inappropriate. It may be that the council's circumstances are somewhat different from those of the council in which the by-law was originally passed and for which purpose it was originally put through the review process, and the—

The Hon. Anne Levy: Give an example.

The Hon. K.T. GRIFFIN: It is not possible; we are talking about model by-laws in a general sense.

The Hon. Anne Levy: You can have a model by-law on foreshore control which the City of Mitcham is unlikely to adopt because it has no foreshore but, if it should do so, I don't see that it would matter.

The Hon. K.T. GRIFFIN: But one council may have enacted it and gone through the review process in the context of the requirements of the council which enacted it but, if it is adopted by Port Lincoln, for example, in relation to its foreshore, it may be totally inappropriate to apply it. However, the council can make that decision.

The Hon. Anne Levy: Yes—

The Hon. K.T. GRIFFIN: It may be, but I am just talking to you about the principle of it.

The Hon. Anne Levy interjecting:

The Hon. K.T. GRIFFIN: It doesn't have to, but if the council does—

The PRESIDENT: Order! It would be better if the Hon. Mr Griffin addressed the Chair instead of debating across the Chamber.

The Hon. K.T. GRIFFIN: Yes, Mr President. If the council does adopt it, it may be that no ratepayers of that council will have the opportunity to have it reviewed or to make evidence known.

The Hon. Anne Levy: They still have to give three weeks notice.

The Hon. K.T. GRIFFIN: They have to give notice, but to whom do the ratepayers go? The ratepayers go to the council.

The Hon. Anne Levy: I understood that the councils are particularly susceptible to the wishes of their communities.

The Hon. K.T. GRIFFIN: Three weeks is not a long time when you are dealing with local ratepayers, but the point I am making—and the Minister will have a chance to answer—is that it is a very wide power and does not provide the sort of safeguards that are presently in place in relation to the review of by-laws, even the adoption of model by-laws. This all leads me to share the concern which my colleague, the Hon. Jamie Irwin, has about the powers which are given to the Local Government Association, without some examination of the structure of that association.

The PRESIDENT: Order! There seems to be too much activity going on in the Chamber. If things could settle down a bit, the speaker could have his entitlement in making his speech.

The Hon. K.T. GRIFFIN: So, the concern is that the Local Government Association is being given wide powers of an executive nature or governmental nature, when its own structure has not been the subject of scrutiny. It may not in fact be representative of all councils in what we might regard as the democratic sense and, for that reason, one must determine (and, I think, only by reference to a select committee and enabling some consultation to occur can one determine) whether or not it is the appropriate vehicle for exercising these powers, making regulations, establishing panels and exercising the other powers which are given by this Bill. It may be the only body which can exercise these powers, but it is not accountable. Its affairs do not come up for public scrutiny and its activities are not necessarily on the public record as a local government council, a State Government or an agency.

The Hon. Anne Levy: But these functions are reviewable by Parliament.

The Hon. K.T. GRIFFIN: Not all the functions are: no, they are not. They can be reviewed in the sense that someone can ask a question.

The Hon. Anne Levy: They can be disallowed.

The Hon. K.T. GRIFFIN: I am not just talking about regulations; I am talking about the exercise of all the other powers which the Local Government Association has been given. They are not open to public scrutiny in the sense that the affairs of a Government or Government agency

are open to public scrutiny, and they are not accountable in the democratic sense. That is what concerns me.

The Hon. Anne Levy: They don't make any decisions.

The Hon. K.T. GRIFFIN: They do make decisions.

The Hon. Anne Levy: No, they can make recommendations, but they are always reviewed by a democratically elected body—either this Parliament or a council.

The Hon. K.T. GRIFFIN: I would join issue with the Minister on that, but we can debate that in the Committee stage if this gets through. However, it is my view that we must examine closely what powers the Local Government Association has under this Bill and whether those decisions are reviewable. On my interpretation I do not believe all those decisions are, but if the Minister has a contrary view I would be happy to be persuaded otherwise.

There are some concerns in local government about the involvement of the Local Government Association. My colleague, the Hon. Jamie Irwin, has passed on to me a letter received today from the District Council of Pirie expressing its concern about the abolition of the Local Government Advisory Commission, and that letter contains references by the Corporation of the Town of Hindmarsh where it is critical of the proposition in the Bill to give powers to the Local Government Association.

The Corporation of the Town of Hindmarsh indicates that it does also have concerns about the Bill, because the Bill which is introduced into Parliament is in a significantly different form from the one upon which the consultation occurred. It draws attention to the lack of properly constituted forums for the gathering of opinions and expressing views in relation to activities of local government and the affairs of the Local Government Association.

Other matters in the Bill that are of concern need broader consultation and the opportunity for further input. For that reason, I support my colleague the Hon. Jamie Irwin in seeking to have the matter referred to a select committee.

The Hon. BERNICE PFITZNER secured the adjournment of the debate.

STATUTES REPEAL (EGG INDUSTRY) BILL

Adjourned debate on second reading.

(Continued from 24 March. Page 3513.)

The Hon. M.J. ELLIOTT: I will speak briefly to this Bill. It is part of a process that started in this place some years ago with the Government's first attempt to deregulate the egg industry and it represents the end of the trail where the egg industry will be totally deregulated. I believe that regulated marketing of a number of agricultural products can, in the long term, be in the best interests of both producers and consumers. I am quite aware that that is not the belief, at this stage, of either the Labor Party or the Liberal Party. I am afraid that progressive deregulation of various sectors of our economy has contributed very much to many of our current economic difficulties and that the worst is yet to come.

The difficulties that egg producers currently face in South Australia have a couple of sources. I refer, first, to the legislation that we passed in this place in 1987 when the egg marketing and egg stabilisation legislation was amended. The result of those amendments was to create greater difficulties for the egg industry rather than reducing them. One difficulty that has been inflicted upon us from outside the State concerns the decision of the Greiner Government to deregulate the New South Wales egg industry. One of the consequences of that deregulation was that an enormous cash hand-out was given to the egg producers by way of compensation for loss of value of their hen licence. What that did was to cash up those egg producers, many of whom responded by having many more hens. What exists now in New South Wales is a massive oversupply of eggs. In the short-term, that will be good news for the consumer, although one generally finds that when the return to the producer drops the price of an agricultural product in a shop does not drop very much. Nevertheless, I suppose that some benefit in the short run will accrue to the consumer, but the massive surplus of eggs that has been produced has become a threat to the stability of the egg industry throughout the whole of Australia.

That threat has been hanging over us in South Australia, and the operators of one particular chain store that I do not hold in high regard (Bi-Lo) has played a game with eggs, milk, bread and other products. In striving to achieve deregulation, Bi-Lo has attempted to start a marketing war. This is simply a marketing ploy designed to give the impression that Bi-Lo is out to help the consumer. It uses products such as eggs and milk to get people through its doors. Any loss made on those sorts of products is made up by the sale of other goods, in any case. Nevertheless, the Bi-Lo chain set out to break the orderly marketing of eggs in South Australia and threatened to bring large numbers of eggs from New South Wales. I understand in reality that very few eggs came from New South Wales. In fact, many of the eggs that were sold with the implication that they were from New South Wales were, in fact, South Australian eggs. So, the so-called great deal that was being achieved for the South Australian consumer was actually being achieved with locally sourced eggs. The Bi-Lo chain contrived to set up that threat and that was facilitated by the cash payment and overproduction by egg producers in New South Wales.

There is no doubt that the threat became very serious for South Australian producers and that is what led finally to the Bill before us today. If I gaze into my crystal ball I foresee for South Australia an increasing monopoly of egg production, something that is already starting to happen in New South Wales, where a very small number of producers will have massive numbers of hens. Those producers will dominate the market. Whenever an egg producer threatens their position, they will be in a position to stand losses in the short term in order to maintain their monopoly in the long term. I believe that within a couple of years there will be a small number of very large producers in South Australia. Most of the middle range producers will have been squeezed out, will have gone broke and lost everything. There might be a number of very small producers producing eggs for some niche markets, but I suggest that they will not make a huge living out of that. At the end of the day, I predict that the consumer will not have cheaper eggs.

There is not much point in prolonging this debate. The Government and the Opposition are committed to deregulation. I believe they are wrong and I think in the fullness of time they will be proved to be wrong, but I recognise at this stage that opposition in face of the numbers is futile.

Bill read a second time.

PITJANTJATJARA LAND RIGHTS ACT

Adjourned debate on motion of Hon. C.J. Sumner:

That the following resolution from the House of Assembly be agreed to:

That this House resolves that an address be forwarded to Her Excellency the Governor pursuant to section 42c(11) of

the Pitjantjatjara Land Rights Act 1981 that section 42c of the Act shall continue in operation for a further five years.

(Continued from 19 March. Page 3391.)

The Hon. PETER DUNN: This is a short, mechanical motion. All it does is make sure that the committee, which is comprised of members from both sides of the Parliament, is able to visit the Pitjantjatjara lands, inspect the work that has been done, talk with the Aborigines and come back to the Parliament better informed than they are now, and I applaud that. The reason we have this motion is that my colleague, the Hon. Robert Lucas, when this Bill was drafted, had an amendment drawn up which stated that it had to come back before Parliament in five years, so I am standing here because of my colleague's requirement that it should come back to Parliament. I do not disagree with that. I do not think it has done any harm, because it reminds us why we need these committees. I fully agree with them. If there is anything that will promote the cooperation between this Parliament and the people living in that area, particularly the Aborigines who see little of civilisation (and I must admit there are fewer and fewer in that category)—

The Hon. Anne Levy interjecting:

The Hon. PETER DUNN: The Minister reminds me that it is a jungle in the city. However, those in that area believe that we do not understand them, and there are some good reasons for that. If a group of us were to stay in that area, the people who live there would admire our going and talking with them about their problems at length. Fundamentally, those problems are related to education, health and communication between them and this Parliament. If that helps us understand those people's problems, it must only be to the good of both us and them.

It is interesting to note that in just the past few days a prominent eye specialist, Professor Fred Hollows, said that he perceives that there will be a problem if the HIV virus gets into the Aboriginal community. It is something of which we as a Parliament must be cognisant. I am pleased that he has brought it to the attention of the wider public because, should that virus get into that community, it will be difficult to educate those people to understand what is required to slow down or stop the spread of that disease. By its very nature of going in to the area and talking to those people, the committee must assist in such small matters as that.

We as a Parliament need to educate ourselves more carefully on the issue of housing. That is a role that perhaps one of those committees that have just been set up should do, that is, go to that area and have a closer look at the housing requirements, and the requirement for administration offices, hospitals and schools. There is a requirement that those facilities be a little different from those we have here. We seem to have spent many millions of dollars—particularly the Federal Government—in providing those facilities, yet they seem to have failed in most cases. We as a committee—particularly one comprised of members of both sides of the Parliament—should go into that area, particularly the Environment and Resources Development Committee. I see that committee's role as trying to come up with some new ideas, and perhaps designs that may fit the Aborigines for the future. The motion is a good one. The Liberal Party and I support it, and I commend it to the Council.

The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage): I would like to thank members for their support of this motion. As the honourable member indicated, it does deal with the continuation of the operation of the Pitjantjatjara lands parliamentary committee for a further five years. It does have the full endorsement of all members of the parliamentary committee, which is chaired by the Minister of Aboriginal Affairs and which has two other members from the Government side and two members from the Opposition side in the Assembly. They are unanimous in their support of this motion.

This committee was established after the success of the Maralinga lands parliamentary committee, which we are happy to acknowledge as an initiative of the Liberal Party. The spirit of bipartisanship which is evident has continued throughout the operation of the committee, and it has been a major reason for its success. It is when there is this proper bipartisan approach that select committees and other committees of the Parliament work well. Their role is to oversee the Pitjantjatjara Land Rights Act, taking an interest in all matters that affect the interest of the traditional owners of the lands.

As the Hon. Mr Dunn has indicated, the committee frequently visits the communities and is able to see the problems and opportunities there at first hand. Certainly, this will give the residents of these isolated areas a feeling of direct contact with the Parliament. Late last year—as I am sure all members are aware—a similar committee was established under the Aboriginal Lands Trust Act. This is a further affirmation of the value of the Pitjantjatjara lands parliamentary committee, because when members of communities in the Aboriginal Lands Trust areas see the success of the operation of the Pitjantjatjara and Maralinga parliamentary committees they wish to have similar contact with the South Australian Parliament. The support for these parliamentary committees is not only bipartisan support within the Parliament but also throughout the Aboriginal communities in South Australia. I am glad that there is some bipartisan support for this motion and I trust that the committee will be able to continue its valuable work for many years to come.

Motion carried.

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

A quorum having been formed:

STATUTES REPEAL (EGG INDUSTRY) BILL

Resumed on motion.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Repeal.'

The Hon. J.C. IRWIN: I move:

Page 1—

Line 17—Leave out 'The' and insert 'Subject to subsection (3), the'.

After line 20—Insert subclauses as follows:

(3) The land comprised in Certificate of Title Register Book Volume 4001 Folio 234 is vested in the cooperative if it is incorporated before, or within six months after, the commencement of this Act.

(4) If the cooperative is not incorporated before the commencement of this Act the land vests in the Minister of Agriculture until the cooperative is incorporated.

(5) Where the land has vested in the cooperative under subsection (3), a person who held a licence under the Egg Industry Stabilization Act 1973 immediately before the commencement of this Act may require the cooperative to pay to him or her an amount that bears the same proportion to the value of the land as the hen quota attached to his or her licence bore to the State hen quota immediately before the commencement of this Act.

(6) An amount to be paid under subsection (5) may be recovered as a debt.

(7) The Valuer-General must value the land as soon as practicable after the commencement of this Act and that

value will be taken to be the value of the land for the purposes of subsection (5).

(8) In this section—

'the cooperative' means a body corporate the principal function, or one of the principal functions, of which is to assist egg producers in the marketing of eggs and which includes amongst its members a majority of the persons who held licences under the Egg Industry Stabilization Act 1973 immediately before the commencement of this Act:

'the land' means the land comprised in Certificate of Title Register Book Volume 4001 Folio 234.

I do not think there is any need for a lengthy summary about the amendment. I apologise to honourable members, particularly the Democrats, for not having had much time to consider this amendment. It was moved in the other House and it is not new to most honourable members. I made a quite lengthy reference to it in my second reading speech when I said that I would move an amendment to have the assets of the board passed to the cooperative. By that I mean, as is set out in the amendment, the land and buildings. I have not gone into the other assets of the board about which there has been negotiation with the proposed co-op and the Government as regards taking over those assets. They were paid for by what will be the new cooperative at a value of $200 000.

The Hon. Peter Dunn and I have referred to this question of assets. We strongly believe that they are the assets of the growers. I know that philosophically over a number of years we have differed from the Government on this issue. We have had a number of debates in which this issue has arisen, whether with regard to eggs or whatever. It has been put to us that the people who buy the eggs have contributed to the levy that has been paid to the board and therefore that the people, not the growers, own the assets of the board.

I went to some lengths to outline where I thought that thinking was wrong. For instance, when the price of eggs drops the levy does not drop. Therefore, that puts down the argument of anyone who says that the assets are coming from the people who buy eggs and not directly out of the pockets of the producers. The difference between the cost of production and what people get for eggs comes out of the producers' pockets. Therefore, the Opposition has always believed that the growers clearly own the assets.

I believe it is immoral to expect growers of the cooperative to pay about $100 000 per annum, which I understand is the negotiated amount, to rent back their own assets. I cannot say too often that I believe that to be immoral. I have given the history of how the assets were paid for. It goes back over a number of years. I do not need to go over that again.

It is also nonsense to heap all the liabilities on to the growers. The Minister's argument is, 'We will hand over the assets as long as the growers take the liabilities.' I will not go over that ground again. I have already said that it is wrong to heap all the liabilities on to the growers, because I do not believe they were responsible for the—

The Hon. Diana Laidlaw: They were not responsible for incurring them.

The Hon. J.C. IRWIN: I have been through that and I will not bring it up in detail again, but, yes, I do not believe that they were responsible for incurring those liabilities. I think the liabilities are between $1.3 million and $3.1 million. I am not quite sure, but I would ask how much of that is tied up with the redeployment of staff. I believe that most of it probably is tied up with the redeployment of staff. Again, I say that the growers were and are not responsible for the Government's responsibility for their own staff. If the Government wants to redeploy them and the agreement is that they be re-employed within the Government structure, then the Government should take on that task and not pass it on to the new cooperative.

This industry has been encouraged by legislation. The egg industry has worked under a cover of legislation which was put together by this Parliament. It is no different from some of the other pieces of legislation as regards protection for an industry or what might be called orderly marketing of a primary product. People have designed their businesses with the expectations which are in that legislation. Therefore, again, it is immoral to pull the rug out from under them without some compensation for the damage that is caused.

We all know—the Hon. Mr Elliott and the Hon. Mr Dunn mentioned this—that the industry is going through pretty hard times. Some of those hard times have flown from the buy-out of the hen quotas in New South Wales at $60 million. That left a fair bit of money in the system and some of that has been used irresponsibly. It has probably produced an increased number of hens and eggs which have now flooded on to our market. In the past few months I have no doubt that the influence of New South Wales has had a lot to do with what has happened in South Australia and the fact that individual growers and the board are losing thousands of dollars per week while still paying for hen levies and quotas. In one sense the sooner we get this off the better.

I think that the valuation of the property by the Valuer-General is about $900 000. We are asking that that value be passed on to the growers of the cooperative. It is spelt out in the amendments before the Committee. Subclause (3) spells out the land that we are talking about. Subclause (5) provides:

Where the land has vested in the cooperative under subsection (3), a person who held a licence under the Egg Industry Stabilization Act 1973 immediately before the commencement of this Act may require the cooperative to pay to him or her an amount that bears the same proportion to the value of the land as the hen quota attached to his or her licence bore to the State hen quota immediately before the commencement of this Act.

In other words, if this amendment is successful, those people who do not go into the cooperative will be paid by the cooperative in proportion to the number of hen quotas that they have and the valuation of the property. So, if this is successful, it is proper that those assets do not just stay with the cooperative and that they go to those people who immediately before this legislation had hen quotas and were paying levies.

Subclause 7 provides that the Valuer-General must value the land as soon as practicable after the commencement of this legislation. That will obviously have to happen, but I doubt whether the values will have varied very much from the recent valuations done by the Valuer-General. In subclause (8) the cooperative means a body corporate, one of the principal functions of which is assisting egg producers in the marketing of eggs. Of course, that is the cooperative that will be set up by agreement immediately this legislation is passed.

I have no doubt that if this amendment is passed the Government and the Minister will not be very pleased, nor will those who were involved in the negotiations that have already taken place prior to the setting up of the cooperative. I reiterate the argument I used last night in relation to local government, that the Opposition has never had any part in the negotiations—and neither have the Democrats, I imagine. Therefore, we have reached the point in this Council where we are asked to make a decision and the Government ought to know that our decision, as far as who owns assets is concerned, has been pretty consistent. It should therefore not be a shock to the Government that we have moved this sort of amendment and expect it to be carried, because we very clearly suggest and reinforce the fact that the producers

own the assets. All we are asking is that about $900 000 of those assets be distributed to the cooperative and to those people who have been producing eggs but who have decided not to stay in the cooperative. I ask for the support of members.

The Hon. BARBARA WIESE: The Government opposes this amendment. I think that the Minister in another place quite firmly put on the record the Government's view on this matter and the Minister feels very strongly about it. The plan that is being prepared by the Government involving the eventual sale of the board assets to an industry cooperative means that the assets are likely to be retained by the Minister for some time. Should the Opposition ever gain Government, I guess it might want to hand over the assets to the cooperative free of charge. However, that is a decision for it to make in the future. As far as the Government is concerned, that is not the intention.

The honourable member must be aware that not all producers wish to become members of the cooperative. The only way that non-members can share in the distribution of assets will be to sell the assets and distribute the proceeds, which could seriously threaten the viability of the cooperative. The amendment proposed by the honourable member also ignores the contribution to the board made by producers who have left or will leave the industry prior to the proclamation of this legislation. It will ensure that the assets are distributed to the 268 producers who currently hold quotas and the bulk of the assets will be distributed to the 45 producers with more than 5 000 birds who hold 80 per cent of the quota. The 45 large producers will share about $770 000, while the remaining 223 will share only $150 000. Very probably they will be faced with having to make alternative arrangements to market their eggs.

In summary, the Government feels that it is not appropriate to accept that the assets of the board that have been accumulated as a result of contributions from producers over many years should be given to the small number of producers who currently hold quotas. It might also be argued that consumers have contributed as well, because they have been paying higher prices. The Government has already contributed significantly to the industry. It has provided loans of $2.9 million to the board and there have been concessions in agreements to sell assets to producers regarding the sale of plant, equipment and stocks, and finance of $1.25 million has been provided, $750 000 of which has been provided at concessional interest rates. So, the Government's position is as it stands in the Bill and members on this side of the Council will therefore oppose the amendment.

During his contribution, the honourable member asked a question about how much money has been tied up in redeployment and redundancy costs. I can indicate to him that these costs have not yet been finally determined. However, it is estimated they will be in the region of between $400 000 and $600 000.

The Hon. M.J. ELLIOTT: The Democrats believe that some form of compensation is reasonable. In fact, when one compares the level of compensation being offered here to that being offered in New South Wales, this compensation really is quite trivial. In fact, it is probably about a tenth of the rate of the compensation offered in New South Wales. It is worth noting that the primary producers have been operating under legislation that has been in existence for a long time with quotas and levies, that they have been required to make an investment in those, and that the value of that has been totally struck off. They have lost the value of that investment. For the Minister not to provide any form of compensation for the loss of that investment and to claim all the properties, etc., is really an outrageous act.

It is perhaps not surprising when one considers how much financial trouble the Government is in. It is flogging off schools, shutting down hospitals and pursuing any avenue where it can squeeze 5c out of the community. Fairness really does not seem to have much to do with the decision making. I do not see any problems with the proposals put forward by the Opposition. I think that in the circumstances it is probably the least that this Parliament can do as it deregulates the industry. The Democrats will be supporting the amendments.

The Hon. PETER DUNN: I am delighted to hear that. I wish to make a couple of points. When talking about compensation, we have to remember that in New South Wales producers received about $15 per head. This proposal works out at about one-tenth of that, at $1.50. They have had very little control. The growers themselves contributed up to 23c per dozen. That was the growers, not the purchasers—they did not contribute anything. The growers contributed 23c per dozen for all of this complex and the running of the operation and it was their money that built up the assets of the board. The proportions were the same whether they were big producers or small producers.

So, the Minister's argument is wrong when she says that a few will get a lot. Obviously that is the case, because those people had the most number of chooks and were producing the most eggs. By its very nature, that means they were contributing the most to the fund. So, they can be expected to receive the most back from it, or should do. So, I do not think there is anything wrong in their receiving their due portion of what should be paid to them. As for redundancy payments and redeployment, I do not believe that that is the role of those people anyway. They are Government employees and they ought to be picked up by the Government in the same way as anyone who disappeared out of here would be.

As for the philosophy which the Hon. Jamie Irwin mentioned, namely, that perhaps those people who purchased the eggs were part owners, is a bit like saying beer drinkers own part of the brewery. I do not think that is quite what is intended; all of us would have some fairly big investments, I would suspect. It is a cooperative that is being envisaged. I agree with it; cooperatives do have trouble in running sometimes. In this system, where there is a relatively small number of producers compared with other primary industries, they could make it work and run properly.

However, if they are started off with a huge debt purely because of Government agencies and Government responses to some of their requests—if they do have liabilities—it is because some very high salaries were paid and a heck of a lot of cars were running around with blue numberplates.

I suspect the efficiency was not what it should have been. However, I do not think that liabilities should be set against people, given that we are taking away from them what was their legitimate right to produce eggs. They purchased, and borrowed money in many cases because legislation was set up to give them some stability. We are taking that away now and therefore I believe we should not be putting impediments in their way now that they are on their own by imposing liabilities on them. For those reasons I ask the Council to agree to these amendments, which are very minor.

The Committee divided on the amendments:

Ayes (12)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, J.C. Irwin (teller), Diana Laidlaw, R.I. Lucas, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Noes (9)—The Hons T. Crothers, M.S. Feleppa, Anne Levy, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese (teller).

Majority of 3 for the Ayes.

Amendments thus carried; clause as amended passed.

Title passed.

Bill read a third time and passed.

SUPPLY BILL (No. 1)

Adjourned debate on second reading.

(Continued from 17 March. Page 3203.)

The Hon. DIANA LAIDLAW: I support the second reading of this Bill and in addressing the Bill will focus on Tourism South Australia (TSA) and the tourism industry in general. Tourism has come a long way in the past 10 years. A decade ago there was no Hilton Hotel, no international airport terminal, no Convention Centre and no Casino. Today we enjoy all these facilities and much more, including the Hyatt Terrace, Hindley International, Ramada Grand and West End All Suites Hotels in the city, the Desert Cave Hotel-Motel at Coober Pedy plus an excellent range of more personalised accommodation options across the State.

Today there are 25 international flights arriving in Adelaide each week, and this number will increase by two on 3 October with the commencement of Cathay Pacific services to and from Adelaide and Hong Kong. Package tours are increasing in number and variety, as is the number of operators offering adventure holidays. Also, active new associations have been formed to promote sales and standards of excellence in historic accommodation, bed and breakfast, host farms and houseboats. Meanwhile, TAFE courses have been developed to promote training in all facets of the tourism and hospitality industry, and increasingly these courses are being recognised across Australia and internationally.

Certainly much has been achieved in tourism in this State in the past 10 years and, based on past performance, it is not surprising that the Government has designated tourism as one of the five key areas for future economic growth. At present, however, the industry in this State is treading water, and for the State's sake I can only hope that the other four areas that the Government has designated as future performers are performing strongly. Certainly tourism is not. In key indicators of growth, as determined by the Bureau of Tourism Research, South Australia is only holding its own market share or is falling behind other more active States.

Yet, Tourism South Australia has no current or future marketing plan. There is no leadership within TSA. No-one knows for how much longer TSA will be led by an Acting Managing Director and when and if the *ex officio* Managing Director, Mr Nichols, will return. Staff morale is low. That I can vouch for from various conversations. Staff are scattered across the city following the panicked exodus last December from their former headquarters in 18 King William Street. Budget cuts are hanging over the heads of staff, as are restructuring initiatives stemming from the GARG process. Meanwhile, there is disquiet in the wider tourism industry and anxiety among regional operators about the lack of professionalism and industry experience within TSA.

I suspect that attitudes within the industry at large would be much more positive if the Minister had chosen over the past six weeks to deny press speculation about budget cuts. The industry has been waiting with increasing impatience for an explanation from the Minister that there is no truth in the story by political reporter, Nick Cater, in the *Advertiser* of 8 February last, that:

> It is understood other options being considered to address the [State] budget shortfall include drastic cuts in less essential Government operations such as tourism and the arts.

Members will be aware that the Hon. Legh Davis has raised the question of budget cuts to the arts, and the Minister for the Arts and Cultural Heritage has not denied that there will be cuts in the arts, as in other areas. However, the tourism industry has not been treated with the same respect by the Minister of Tourism.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Yes, you may, but at least you are honest in terms of what may be happening to the industry. While the industry takes exception to the reference 'less essential', it is equally agitated about the fact that the Minister of Tourism has never issued a media statement, has never written to the Editor of the *Advertiser* and has never even delivered a ministerial statement in this place hopefully refuting or at least commenting on Mr Cater's assertions about funding cuts. When speaking on regional radio in the South-East within the past fortnight, she evaded answering specific questions on this subject. Threats of imminent and drastic funding cuts to tourism are demoralising operators, in particular, and their staff. Operators have placed great faith and a great deal of money and time in Government statements that the industry is deemed to be a key contributor to our future economic growth. But, in truth, this Government has never matched its tourism rhetoric with tourism dollars, and the State has never achieved the growth targets necessary to increase our historically low market shares in the highly competitive tourism stakes.

The Minister's submission to the Government Agency Review Group (GARG) in November 1990 confirms the rotten deal tourism in this State has received at the hands of the Bannon Government. Under the heading 'Budget Allocation History', the submission reads:

> In the past three budget cycles, TSA's forward vision has been significantly constrained by the comparatively small financial and staffing resources with which it has had to operate. Recognising the budgetary difficulties of the times, these bids were restrained, relative to what was needed to increase market shares and to meet our competitors' resources. Yet the allocations have still fallen well short of the identified levels needed to achieve the growth targets which only retain our historic market shares.
>
> The budget submissions highlighted a range of strategic issues for the agency and described the minimum resources required to direct the tourism industry towards its growth potential. In essence, these bids sought a three-year marketing expenditure build-up and level of staffing in the agency which could be related to the value of the programs being pursued and the benefits of growth.
>
> Every other State in Australia [according to TSA's GARG submission] moved some years ago to bolster their support for tourism, recognising the key economic role it can play. The issues to be faced in the current economic environment add to this State's immediate funding weakness. The resources which our competitor States are applying to their respective tourist authorities leave South Australia in a category of its own which belies its key industry status.

I totally endorse that statement. I seek leave to insert in *Hansard* without my reading it a statistical table highlight-

ing, for the financial years 1988-89 to 1990-91, the TSA's budget bid and actual budget in respect of new initiatives.

Leave granted.

	Budget Bid	Actual Budget	New Initiatives					
			Bid		Outcome		Shortfall	
			FTEs	$'000	FTEs	$'000	FTEs	$'000
1988-89	12 646	12 476	3	1 725	0	1 555	3	170
1989-90	16 570	15 029	15	3 041	9	1 500	6	1 541
1990-91	21 452	15 802	23	5 650	0	0	23	5 650

The Hon. DIANA LAIDLAW: The Minister's GARG submission highlights a number of strategic issues where South Australia is falling behind in respect of other Australian States, our competitors, because of a lack of commitment by the Bannon Government to tourism. These same issues remain a priority for TSA today. They also remain unfunded by the Bannon Government. Those issues are:

1. Market Activity—Unlike other States which have a well developed network of travel centres across Australia, South Australia is represented only in Sydney, Melbourne and Perth.

2. Information Technology—Unlike TSA, interstate tourism agencies have invested in computer systems to maximise productivity. For example, several States have moved into regionalised tourism information and booking systems plus interactive touch screen video disc technology. TSA has not been able to match these developments because a bid for additional staff requirements in the 1991-92 budget was rejected. This rejection set back TSA's five-year information technology strategy, which was devised in 1990-91.

3. Telephones—TSA's phone system has long been acknowledged as poor. However, the Government has repeatedly refused to address this issue, notwithstanding the fact that last year TSA estimated that some 8.5 per cent of calls were lost because of lengthy delays on the queuing system, resulting in customer dissatisfaction with the service received and a loss of revenue.

4. Travel Centre Staff—I am advised that staff levels have remained fairly static in recent years, increasing by only two to 25.6 since 1985-86, despite considerable increases in work volumes, but again TSA's bid for increased staff has been repeatedly rejected. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

ADJOURNMENT

At 6.29 p.m. the Council adjourned until Tuesday 31 March at 2.15 p.m.