## LEGISLATIVE COUNCIL

Wednesday 8 April 1992

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

### PETITIONS: CITIZEN INITIATED REFERENDA

Petitions signed by 551 residents of South Australia concerning Citizen Initiated Referenda, based on the Swiss system of Citizens Initiative, Referendum and Recall were presented by the Hons. Bernice Pfitzner and J.F. Stefani. The petitioners pray that this Council will call upon the Government to hold a referendum, in conjunction with the next South Australian local government elections, as a means of determining the will of all South Australians in this matter.

Petitions received.

## QUESTIONS

### TOURISM MINISTER

**The Hon. R.I. LUCAS:** I seek leave to make a brief explanation before asking the Minister of Tourism a question on the subject of the Glenelg ferry development.

Leave granted.

**The Hon. R.I. LUCAS:** On 31 March I asked the Minister of Tourism whether Mr Jim Stitt had had any involvement with Glenelg Ferry Terminal Pty Ltd in developing its plans for a ferry service to Kangaroo Island. The Minister's response was unequivocal: 'As to the Glenelg ferry terminal proposal, Mr Stitt has no involvement in that proposal whatsoever.' ABC radio news at noon today carried claims that there was new evidence contradicting those claims by the Tourism Minister to the Parliament that her partner, Mr Jim Stitt—her partner in life, I should say—had no involvement in the Glenelg ferry development project.

**The Hon. Barbara Wiese:** The one I sleep with?

**The Hon. R.I. LUCAS:** I beg your pardon?

**The Hon. Barbara Wiese:** The one I sleep with, according to your colleague.

**The Hon. R.I. LUCAS:** Are you denying it?

**The Hon. Barbara Wiese:** Why should I?

**The Hon. R.I. LUCAS:** I don't know. You deny everything else.

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

**The Hon. R.I. LUCAS:** I am sorry, I was distracted by an interjection from the Minister. The bulletin said that a Mr Paul Watnell, director of a prominent Adelaide firm, Lincolne Scott, consultant engineers, was one of six people who attended a luncheon at Caon's Fish Cafe in the City on 8 August 1989. Also at the lunch, besides Mr Stitt, were two other representatives from Mr Stitt's firm IBD and representatives from the project's potential developers, Nelson Dawson.

Included in the news item was a taped interview with Mr Watnell in which Mr Watnell stated the luncheon was arranged by Mr Stitt, that Mr Stitt had informed him that Nelson Dawson has 'an up and coming architectural practice', and that Mr Stitt 'felt it would be beneficial to us and to them for us to get to know one another so we could work together in the future'. In view of this latest revelation on the Glenelg ferry development, my questions to the Minister are:

1. Does the Minister now concede she misled the House on 31 March when she stated Mr Stitt had no involvement in the Glenelg ferry development project?

2. Will the Minister now stand aside pending an independent inquiry into these and other allegations?

**The Hon. BARBARA WIESE:** The answer to both questions is 'No'. At least on this occasion I have had the opportunity of some advance warning of a question that was to be asked in the Parliament, since there have been news reports today about this matter, unlike every other day when missiles—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** —have been fired across the bow—

*Members interjecting:*

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

**The Hon. BARBARA WIESE:** —about business details of companies in which I have no involvement. Members opposite know full well that I am not in a position to answer detailed questions about other people's businesses.

*The Hon. L.H. Davis interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** So, today there has been some prior information provided about issues that might be raised in the Parliament, and I can provide some information for members. I am sure that the Hon. Mr Gilfillan is a little irritated that the matter is being raised by the Hon. Mr Lucas, since he attempted to gain some political mileage about it himself today by issuing his own press release entitled 'Shock revelations on Wiese/Stitt', and the shock revelations that have been revealed by Chris Nicholls, an ABC journalist who has been reported on matters relating to false pretences, is a story which indicates that Mr Jim Stitt, public relations consultant, organised a business lunch. Well, isn't that interesting, Sir? A business lunch. I think that this is the sort of thing—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** —that everyone would be aware happens in Adelaide every day of the week—business lunches. In fact, our restaurant trade would be much poorer in Adelaide if there was not this very fine tradition in South Australia of business lunches.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** Let me fill in members on the facts of this matter. The Adelaide company known as Lincolne Scott—again, another reputable South Australian company having its name dragged through the Parliament by members opposite who have not bothered to check their facts—was in 1989 a client of Jim's company. He was engaged by Lincolne Scott to provide some public relations and marketing advice. One of the issues that that company wanted to pursue was its general standing within the business community in South Australia; it wanted to find ways of improving its profile in Adelaide in order for it to improve its business attraction opportunities. So, it engaged a public relations consultant, and that was Mr Stitt's company.

As Mr Watnell, who is the principal of Lincolne Scott, apparently said in an interview that he gave earlier today, Mr Stitt suggested that it would be a good thing for him to meet firms, such as architectural firms and others in Adelaide, which may have projects on the go, work coming up or whatever and which would provide useful contacts for his company for the future, with the idea of new work

opportunities that may develop. It is the sort of thing that happens in Adelaide in business circles every day of the week: it is called 'networking'.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** Mr Stitt suggested, among other people, that a company known as—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** —Nelson Dawson, which he knew (and we all know that), would be a company that Mr Watnell might consider meeting. Mr Watnell had never met anyone from Nelson Dawson, so a luncheon was arranged and various people attended that luncheon. There was an opportunity to discuss issues and matters in which Nelson Dawson were taking an interest, and one of the things at which they were looking in 1989 was an idea for a redevelopment at Glenelg. Members opposite and the Democrats seem to think that there is something funny or sinister about this, but there is nothing funny or sinister about it at all, and the interest that was being taken at the time certainly predates any involvement that the Government had with this matter.

It is on the public record, and if members actually did their research on this matter they would find that, back in 1989, Nelson Dawson approached the Glenelg council with an idea for redevelopment at Glenelg. That company did that on its own, off its own bat; it had ideas about things that could happen at Glenelg. It approached the Glenelg council and sought a period of exclusivity in order to work up a proposal. When looking at that proposal, the Glenelg council realised that it did not have control of some of the land in which some of the proposal was involved; it was Government land.

So the council approached the Government and said, 'We have had this idea presented to us and we would like to pursue it'. The Government then became involved and, if members go back through the records, they will find that in January 1990 the Premier and the Mayor of Glenelg announced that jointly the Government and the council would be calling for expressions of interest for the revitalisation of the Glenelg foreshore area. That was done; expressions of interest were called in February 1990, and various companies, as we know from the record, made submissions.

In fact, there were four consortia, amongst which was the Nelson Dawson company, which had had the original idea in the first place. If members go back through the records they will also find that the original proposal was publicised extensively in the local media. Drawings that had been produced in 1989 were published, and this also enabled anybody else who wanted to register an interest in the following year to have access to its intellectual property. So, the process took its road.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** Now, as I have indicated, the business lunch that was held in August 1989 was purely and simply an introductory lunch. It is a matter that I have been able to check for myself; I have checked that matter with all the principal players who took part in that lunch, and they have all indicated that that was all it was—an opportunity for representatives of Lincolne Scott to meet people at Nelson Dawson. As it turns out, no work at the Glenelg ferry terminal proposal has come Lincolne Scott's way, but that is life, and that is the gamble that anyone in business takes whenever they meet or talk with other people who may have the opportunity at some time down the track to be involved in work in this State. So, that lunch was an introductory lunch; there were no deals or agreements; and no work emanated out of that concerning the Glenelg foreshore development or anything associated with it. I think it would be interesting if we looked at who is peddling this story. Mr Chris Nicholls, the ABC journalist—

*Members interjecting:*

**The PRESIDENT:** Order!

*Members interjecting:*

**The Hon. BARBARA WIESE:** Yes, Mr Watnell was on air, and I have spoken personally with Mr Watnell this morning, and he tells me that, in part, information provided to him by a journalist was inaccurate, and that led to at least one of his responses. Also, he made it quite clear what his relationship with Jim Stitt was and, indeed, what his relationship with Nelson Dawson was; also, he could see that there was absolutely nothing to hide and nothing sinister whatsoever in any of the contacts that he might have had. But let us look at the credibility of the people who have been involved in peddling this story. Mr Chris Nicholls is the journalist who contacted this company—

*The Hon. L.H. Davis interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** —and asked these questions which led to the story that he produced on ABC radio today. He is a man who has a very poor reputation amongst his peers in this State. If members ask any of them, they will tell you. He is also a man who has been reported on matters related to obtaining documents in a fraudulent way.

One other person whom I believe is involved in this process and who I believe is also the source of considerable information that has been the subject of questioning in this place was one of the people who attended that lunch. He is one of the people who has been involved in a number of other matters that have been the subject of questioning in this place, a person who is a former and disgruntled business associate of Mr Stitt. I say that his reputation and motivation must be called into question. In looking at these questions, members must look behind the information that they are being given, the stories that have been peddled, and the inferences that are being drawn, because, as I indicated earlier, in these cases that have been brought forward so far, we have a series of unrelated pieces of information which can be explained, which will be explained and which, I hope, in this case, have been explained.

**The Hon. K.T. GRIFFIN:** I seek leave to make an explanation before asking the Attorney-General a question about a review of documents relating to conflict of interest.

Leave granted.

**The Hon. K.T. GRIFFIN:** Yesterday the Minister of Tourism rejected the credibility of all documents supplied as evidence for an independent inquiry into conflict of interest issues. From reading *Hansard*, one could assess the tenor of that rejection as being a rejection out of hand.

**The Hon. C.J. Sumner:** Of what?

**The Hon. K.T. GRIFFIN:** Of those documents.

**The Hon. C.J. Sumner:** She didn't say that.

**The Hon. K.T. GRIFFIN:** Perhaps I should read the *Hansard* quote.

*The Hon. C.J. Sumner interjecting:*

**The Hon. K.T. GRIFFIN:** Not you—I am saying the Minister of Tourism. In answer to a question from the Hon. Mr Davis, the Minister, referring to other documents that subsequently were delivered to the Attorney-General, said:

I will be very interested to see the documents that the honourable member claims to have in his possession, because if they are anything like any of the other documents that have been produced so far by various members we will find that they are either documents which, in this place, are purported to be something

but turn out to be something completely different when the facts are discovered, or they will be documents that have been fabricated by someone for their own purposes.

The proper and fair interpretation of that is that the Minister rejected the credibility of the documents as well as saying that she believed that they had been fabricated by someone for their own purposes. My question to the Attorney-General is: is the view that has been expressed by the Minister of Tourism yesterday also the view of the Attorney-General with respect to the documents and papers presented to him prior to the documents being presented to him yesterday?

**The Hon. C.J. SUMNER:** I am not sure that I understand the question.

*Members interjecting:*

**The Hon. C.J. SUMNER:** First, I think it fair to indicate what I understood the Minister to be saying, which was nothing different from what she had said on previous occasions. She said previously that she had doubts about the authenticity of at least one document. She also maintained in the Council that she believed that documents which have been produced—certainly a number of documents which have been produced so far by the Leader of the Opposition and by the Hon. Mr Gilfillan—have not demonstrated the point that was being made by members opposite and were being used, I suppose, out of context. As I understand it, they are the points that the Minister has made in answer to previous questions. There is nothing new about what she said yesterday. I think she was summarising what she had said previously about some of the documents that have been provided by members opposite and by the Australian Democrats.

I do not think it is my role at this stage to comment beyond saying that, in relation to the matters that have been raised by the honourable member or the statements made by the Minister, I have a task to perform, and I am performing that task. I have already indicated that I believe I will be in a position to make a statement about the matter by Tuesday of next week, and I intend to continue to follow that course of action. In following that course of action, I will take into account what the honourable member has said in his question.

## GAMING MACHINES

**The Hon. L.H. DAVIS:** I seek leave to make an explanation before asking the Minister of Tourism a question about gaming machines.

Leave granted.

**The Hon. L.H. DAVIS:** In a prepared ministerial statement on Thursday 19 March the Minister of Tourism denied point blank any South Australian relationship between Jim Stitt's company International Business Development Pty Ltd and International Casino Services Pty Ltd, casino and gaming consultants, which has been retained by the Hotel and Hospitality Industry Association to assist in its efforts to introduce gaming machines into hotels. The Minister claimed that a document which established a relationship between the two companies had no relevance to South Australia, as it had been used only in a submission to the Victorian Government. This document included reference to a Mr Brian McMahon, who is a principal of International Casino Services. International Casino Services and International Business Development share the same address and phone number in Melbourne.

Yesterday my colleague the Hon. Jamie Irwin advised the Minister that there was a document which confirmed a relationship between International Business Development and International Casino Services in South Australia. The Minister said in reply:

If the Hon. Mr Irwin is now suggesting that there is now another document, then I suggest that he lay that document on the table so that it, too, can be examined.

Presumably from that quote, the Minister was claiming she had not seen the document or was not aware of the document. We are now in day 20 of what is clearly a giant cover up—it is Wiese-gate! I received several phone calls this morning about Wiese-gate. People in South Australia are simply asking, 'What has the Minister been doing for the past 20 days when the Liberal Party keeps producing documents which she claims she knows nothing about?' And these documents are all to do with Mr Jim Stitt and the conflict of duty and interest situation, which the Liberal Party has been pursuing in the Parliament.

Yesterday I gave the Attorney-General a copy of this document, which I am now releasing to the media. The Minister has admitted that she did not reveal her clear interest in gaming machine legislation when it was discussed in Cabinet. Over the past two weeks she has consistently refused to reveal to the Parliament about the special relationship in South Australia which clearly exists between International Business Development and International Casino Services. It is set out in the document. People in South Australia are now entitled to know the real prize for the introduction of gaming machines in South Australia.

Mr Stitt receives a $4 000 monthly consultancy fee from HHIA. But that is not the biggest game in town. The biggest game in town is the opportunity to participate in the financial bonanza which will flow from the introduction of gaming machines in hotels and clubs. The purchase cost of the computer equipment alone to monitor the machines would be in excess of $3 million. The document presented to the Attorney-General promoting the services of International Casino Services states that the company will provide 'gaming equipment supply; computerised management systems; and surveillance systems'. It also states:

International Casino Services is especially interested in projects which require operational management expertise or the involvement of an operating company, as equity or a managerial interest may be negotiated in lieu of fees.

There are other flow-on benefits such as the annual multi-million dollar maintenance of the machines and public relations. I have it on reliable authority that Mr Stitt has openely talked about having his eye on the financial benefits flowing from the introduction of gaming machines.

*Members interjecting:*

**The Hon. L.H. DAVIS:** There is nothing wrong with that.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. L.H. DAVIS:** But my question to the Minister is as follows: is the Minister now in a position to provide information first sought in this Council on 19 March as to whether Mr Stitt or any companies with which he is associated stand to gain financially from the successful introduction of poker machines in South Australia and, in particular, is the Minister aware whether Mr Stitt or any companies with which he is associated will benefit from the ongoing work associated with the purchase, control and maintenance of gaming machines in South Australia?

**The Hon. BARBARA WIESE:** This is another pathetic attempt by a very pathetic member of Parliament to keep this issue rolling. He is having real trouble keeping this issue rolling, as are all other members on the other side. They are having real trouble keeping it going day by day. They are trying to regurgitate the same old information all over again and give it a slightly new angle or a new opportunity and there we go—the same old information.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** This is the same question that was asked yesterday with a slightly different twist. So let us have another go at this one.

**The Hon. L.H. Davis:** You didn't answer it yesterday.

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** Yesterday the Hon. Mr Irwin attempted to confuse the Parliament by suggesting that a document from which he was quoting had something to do with comments that I had made in previous weeks about a document that was presented at that time. What he did not tell us, and what he was hoping he might be able to confuse me with, was the fact that the document from which he was quoting yesterday was not the document that was quoted or referred to in earlier weeks.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** Mr President—

*Members interjecting:*

**The PRESIDENT:** Order! The Council will come to order. The question was asked by Mr Davis in complete silence and I would think that the answer should be heard in the same manner.

**The Hon. BARBARA WIESE:** He suggested therefore that the responses I had given in previous weeks contradicted the things that he was now presenting. I indicated yesterday that I was not familiar with the document from which he was quoting yesterday. That is true. I had never seen that document. The document to which I had referred in previous weeks was a different document, a document that had been prepared by International Casino Services for work that it is now bidding for in Victoria. I had never indicated, as the honourable member said in his question, that there was no association between International Casino Services and IBD in South Australia.

What I was referring to was the document upon which I was asked questions and what I said was that that document was not a document to be used in South Australia. It was a document used for a bid made to the Victorian Government and there is absolutely nothing inconsistent with that whatsoever. Now the honourable member is attempting to introduce the suggestion that Mr Stitt or his company or other companies that are associated with the Hotel and Hospitality Industry Association stand to gain (I am not sure exactly what his words were), I presume from the introduction of poker machines or gaming machines into South Australia, should the Parliament decide that that is an appropriate thing to do.

Well, the honourable member should know, if he has read his mail, because it has come to each and every one of us from the Hotel and Hospitality Industry representatives, that their arrangement with their consultants does not in any way entitle them to a success fee or bonus should—

**The Hon. L.H. Davis:** I did not say that.

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** —gaming machines be introduced in South Australia. Mr Stitt receives a monthly consultancy fee for the work that he does for the Hotel and Hospitality Industry Association. That is it. That is the extent of the situation and, if the honourable member is suggesting something different, then he has information that I do not have access to, but I suggest that the honourable member is on the same sort of fishing trip that he has been on for the past three weeks. He has no information. All he has done in this place, by rumour or innuendo over a period of three weeks, along with his grubby colleagues, is raise a number of inferences—

*The Hon. L.H. Davis interjecting:*

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

**The Hon. BARBARA WIESE:** —about me, about Mr Stitt and about people with whom he is associated. I resent that enormously and it will be shown that what he and his colleagues are saying has no basis at all. One other point I would like to make here is something that is really worth noting: this has been an issue during the past three weeks which has been a three day a week issue. The only time we read or hear about it is on the days when Parliament is sitting. Not one of these members have been prepared to repeat their allegations outside this place. We do not hear about it when Parliament is not sitting.

*Members interjecting:*

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

**The Hon. BARBARA WIESE:** It is appalling and you will be exposed for the appalling role that you have played.

## MEMBER'S STATEMENT

**The Hon. CAROLYN PICKLES:** I seek leave to make a brief explanation before asking the Attorney-General, as Leader in this place, a question about the public propriety of members of Parliament.

Leave granted.

**The Hon. CAROLYN PICKLES:** Yesterday during Question Time in this place, the Hon. Mr Davis referred obliquely to the Minister of Tourism's personal relationship with Mr Stitt by a throwaway line that the Liberal Party seemed to know more about Mr Stitt's business arrangements than she did. I think at that point Mr Davis said 'and she lives with him'. However, later in the day outside Parliament and before the media (and I understand it was relayed on all channels last night, although I did not have the opportunity to see it: it was relayed to me), he said, 'The Liberal Party seems to know more about Mr Stitt's business than the Minister, and she sleeps with him.' I hope that members note the change in the wording. I believe the Hon. Mr Davis has stepped beyond all the bounds of decency. Although the behaviour of Opposition members in this place in the past few weeks and in the past has been grubby in the extreme, I did hope that they made their scurrilous remarks only in the safety of cowards' castle—this place. On this occasion—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. CAROLYN PICKLES:** You are very selective in the remarks that you make outside. On this occasion the honourable member—and I barely think that he deserves that title—has stepped beyond all bounds of decency. I think we have expected a prurient interest in the private lives of members of Parliament in the United States, and I know that the honourable member has very strong links with that country, and maybe he has learnt his tactics from there, but in Australia I do think—

*The Hon. L.H. Davis interjecting:*

**The PRESIDENT:** Order!

**The Hon. CAROLYN PICKLES:** In Australia I do think that we believe that the private lives of public persons are just that—private.

**The PRESIDENT:** Order!

**The Hon. J.C. BURDETT:** On a point of order, this explanation has been full of opinion, and opinions expressed during explanations of questions are quite out of order. Opinions have been continuing from the start to the finish of this explanation.

**The PRESIDENT:** I am not prepared to uphold the point of order at this stage.

**The Hon. CAROLYN PICKLES:** Does the Minister agree that the Hon. Mr Davis has stepped beyond the bounds of propriety in his public statement on 7 April?

**The Hon. C.J. SUMNER:** I do not think there is any doubt about that. It is regrettable that the Hon. Mr Davis made the remarks that he made yesterday. Since this debate began, undoubtedly there have been sexist undertones to it. That has been quite clear.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** It is quite clear that, whatever else has been said about it, there have been sexist undertones in this debate.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** If there was need for confirmation of that fact, what the Hon. Mr Davis said yesterday on television is certainly confirmation of it. He has given confirmation of the fact of the sexist undertones—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. C.J. SUMNER:** —that this particular debate has.

*Members interjecting:*

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

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Mr Davis.

**The Hon. C.J. SUMNER:** I am not commenting on the facts at this stage. I am not commenting on the documents.

*The Hon. L.H. Davis interjecting:*

**The PRESIDENT:** Order, the Hon. Mr Davis!

**The Hon. C.J. SUMNER:** I am not commenting on the facts of the matter. I have undertaken to do certain things at the request of certain members of Parliament and at the request of the Minister, and I intend to do that. I intend to report on that at the appropriate time, as I have already indicated to the Council.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. C.J. SUMNER:** I am not commenting on the facts. What I am commenting on at this stage, and in answer to the question asked of me, is the statement of the Hon. Mr Davis yesterday, the smart throwaway line, that the Minister does not know anything, but she sleeps with Mr Stitt, which I find offensive and which confirms without any doubt at all that there are sexist overtones in this issue coming from the Opposition. There is little doubt that, on this issue, the Hon. Mr Davis has gone well beyond the bounds of decency. There is no doubt that people outside in the public, who saw that, would not see it as yet another half-smart quip of the Hon. Mr Davis, but would see it as offensive and as having taken this issue beyond the realms of decency and of having confirmed its sexist undertones.

## NEW ZEALAND TRAVEL AGENCY

**The Hon. DIANA LAIDLAW:** I seek leave to make a brief explanation before asking the Minister of Tourism a question on the subject of a retail and wholesale agency in Auckland.

Leave granted.

**The Hon. DIANA LAIDLAW:** In relation to the decision by Tourism South Australia—

*Members interjecting:*

**The PRESIDENT:** Order! The Council will come to order and members will stop passing remarks across the Chamber.

**The Hon. DIANA LAIDLAW:** —to advertise for a company to operate a retail, wholesale and information centre in Auckland and to allow only two and a half weeks for written applications of interest, I asked the Minister last week if she could guarantee that the Acting Managing Director had not implicitly or explicitly given advantage to any one operator already engaged in similar work with TSA in Australia. The Minister did not provide such a guarantee. But she did say, 'It has been suggested that TSA's current operations in New Zealand be changed to a scheme whereby South Australia might have some involvement in a retail sales operation, in much the same way as we have that sort of activity taking place in various parts of Australia.'

Today, I received an article from the New Zealand publication *Travgram Weekly* dated 6 April entitled 'Disbelief at TSA move'. I quote in part:

> It is believed a decision as to who will run the agency has already been taken. The operator of Proud Mary Cruises in South Australia, Bob Ford, already operates the South Australian Travel Centre in Perth with considerable financial support from Tourism South Australia and sources indicate he is the one who will open the Auckland office.

I ask the Minister:

1. Was it Mr Bob Ford or his representatives who made the suggestion to TSA and/or the Minister that TSA engage and subsidise a company to operate a travel centre in Auckland?

2. What commitments, if any, were made to Mr Ford or his representatives prior to the decision by the Acting Managing Director on 28 March to advertise that TSA seeks a company to operate a travel centre in Auckland, and to seek expressions of interest?

3. If no commitments were made to Mr Ford or his representatives, in the light of this article, what action will the Minister take immediately, in New Zealand and elsewhere in Australia where the advertisement has been placed, to reassure other travel companies that TSA has not already made a deal with Mr Ford, and that the Acting Managing Director is genuinely committed to receiving other expressions of interest that may well prove to be a more financially attractive proposition for South Australia?

**The Hon. BARBARA WIESE:** The line of questioning that the Hon. Ms Laidlaw is following on this matter demonstrates why it is, as we had revealed for us last week, that she was only her Leader's second choice as Liberal Party shadow spokesperson for tourism. This was a matter that was revealed to us last week—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** —by the unkind comments of her colleague the Hon. Mr Davis.

*Members interjecting:*

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

**The Hon. G. WEATHERILL:** On a point of order, the Hon. Mr Davis is shouting across the Chamber. I was under the impression that members occupied their appropriate seats if they wanted to interject.

**The PRESIDENT:** I will not uphold the point of order.

**The Hon. BARBARA WIESE:** As to the questions asked by the honourable member, I can possibly answer them in part, although I am not able to answer them in full. Certainly, as far as I am aware—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** —the idea for examining the services that we provide in New Zealand was one which was generated within Tourism South Australia.

*Members interjecting:*

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

*Members interjecting:*

**The PRESIDENT:** Order! The Hon. Ms Laidlaw. I understood that Question Time was for questions and answers, not discussion.

**The Hon. BARBARA WIESE:** I believe that the idea was generated within Tourism South Australia, indeed, that it was the idea of Mr Phillips himself that it would be a desirable time for TSA to examine the services that it provides in New Zealand. As far as I am aware, no commitments have been made to any company in this matter. Indeed, it would be improper for any such commitments to have been made since advertisements have been placed in newspapers in Australia and New Zealand seeking registrations of interest in this matter. I do not feel that it is necessary for me to take any action to reassure people in Australia and New Zealand about it. Usually, in the real world (unlike the rarefied atmosphere of this place) it is not necessary for people to take too seriously the rumour and innuendo that flies about them. In fact, in New Zealand, the facts of the matter have been made very clear during the past few days.

I have had a brief report from Mr Phillips, who has just returned from New Zealand, having visited there to speak with the various people who are players in the tourism and travel industry in that country and who may be affected by or interested in the possible future activities of Tourism South Australia in that marketplace. Although I have not had much time to discuss it with him, I have been informed by him that the reception he had from people within the industry, be they wholesalers or retailers, has been a positive one. He was able to correct misinformation that has been provided to some people within the industry in Auckland about the possibilities that Tourism South Australia might pursue. In fact, he has been wished great success with the proposal by a number of those people.

Indeed, it has been said by them that it is a very good move on Tourism South Australia's part, should a retail agency be established, because we are much more likely to have our product sold, and sold aggressively, if we have our own representative in the retail area than if we rely on the goodwill of others within the industry.

**The Hon. Diana Laidlaw:** So, a decision has been made.

**The Hon. BARBARA WIESE:** The honourable member says, 'That means a decision has been made.' It does not mean anything of the sort; it means that this is feedback that has been obtained during the past few days by the Acting Managing Director of Tourism South Australia from people within the New Zealand industry. That is all it is: it is information which will be part of the information base upon which a decision will be made at an appropriate time when all matters have been taken into consideration. I can assure the honourable member and anyone else who is concerned about this matter that the issue will be given proper and full consideration before a decision is made as to the future of Tourism South Australia's activities in New Zealand, and it will be my objective, as the South Australian Minister of Tourism, to ensure that whatever avenue we take will be in the best interests of our industry.

## CONFLICT OF INTEREST

**The Hon. M.J. ELLIOTT:** I seek leave to make a brief explanation before asking the Minister of Tourism a question about conflict of interest.

Leave granted.

**The Hon. M.J. ELLIOTT:** The prime issue of concern that people I have spoken with over the past couple of weeks have raised with me has been the question of appropriate distance between the Minister and those who could benefit by her or her department's decisions or recommendations. We know that the Tandanya development involved her partner and a person whom the Minister herself in this place has called a close friend, Mr Dawson, who is an architect and a co-director with her partner in another company, and her business accountant, Mr Lynn Jeffery, who was a part owner of Tandanya and certainly made some form of benefit, perhaps a significant benefit, on the sale of Tandanya to System One. In relation to the Glenelg foreshore development, we know that Mr Dawson was involved, and there seems to be some evidence that Mr Stitt was involved at some sort of level, although that is disputed (but let us not centre on that alone). It is well known that Mr Stitt was involved in the lobbying of poker machines.

The Democrats have made no allegations about the Minister; we have made no allegations that she has taken personal advantage of her position or has made any personal gain from it. However, does the Minister not acknowledge that, whether or not she has taken personal advantage of the situation (and I have already said that I believe she has not), many members of the public might see the conflict of interest—a substantial conflict of interest—she has in not one but a number of projects as being unacceptable and that her position in the Ministry she holds with those sorts of conflicts is one she really should not hold?

**The Hon. BARBARA WIESE:** I imagine that some people would share the view that the honourable member has put; many others would not share that view. There is nothing much more I can add to that, except to say that the issues that have been raised in Parliament during the past few weeks are being reviewed. The allegations, rumours, innuendos and inferences that have been drawn by various people with respect to the issues to which the honourable member refers in this place are being reviewed. I believe that at the end of the day it will be found that I have not behaved in an improper way, and that I have not gained improperly or financially from any of these things. The matter will be, at some stage or other, finally put to bed. I will be very grateful when that moment comes.

If the honourable member is suggesting that, because there are people in the community who have sick, twisted minds or who are concerned for their own vested interests or other reasons, Governments should—

*The Hon. L.H. Davis interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** —take note of that, then I would say that that is not the sort of thing that Governments should take note of.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** Sir, these matters will be studied and attended to, and no doubt appropriate conclusions will be drawn.

**The Hon. M.J. ELLIOTT:** As a supplementary question, the Minister has not addressed the question I asked. It was not about allegations and the investigation of allegations: the question was about whether or not she would concede that a significant section of the community is very concerned about the question of conflict of interest, and about the question of Ministers being at arm's length from the people who are affected by their decisions.

**The Hon. BARBARA WIESE:** Of course people in the community are concerned about these matters, and I am concerned about them. I think it is appropriate that these matters should be treated very seriously, and our Govern-

ment believes that these matters should be treated seriously. Indeed, that is the way this Government tries to work on matters—

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. BARBARA WIESE:** —where there may be a conflict of interest. A number of allegations and other matters have been raised with respect to particular issues. They are being reviewed and no doubt conclusions will be drawn on them.

## WHEAT BREEDING TRIALS

**The Hon. PETER DUNN:** I seek leave to make an explanation before asking the Minister representing the Minister of Agriculture a question about the future of wheat breeding trials in South Australia.

Leave granted.

**The Hon. PETER DUNN:** Other than private wheat breeding trials that are run in this State, for example, by fertiliser companies and individuals, two principal wheat breeding programs are conducted in the State by the Department of Agriculture and the Waite Research Centre/Roseworthy College (which is now combined under the umbrella of the University of Adelaide). Apparently, those organisations conduct two very different types of trials. The Department of Agriculture trial uses wheat crosses which have been bred several times such as F5 and F6 trials and older. They are larger plots but relatively few in number.

The Roseworthy/Waite trials are of an earlier cross, F2 and F3, as I understand it, which are small plots of one square metre. Up to 10 000 of these plots in any one trial are placed at strategic points around the State in areas such as the Mid-North, Palmer, Tuckey, Yorke Peninsula and other sites. Likewise, the Department of Agriculture has a number of plots. There is a requirement for different machinery to sow these plots and there have been indications that the two types of trial plots may be amalgamated. If they are to be amalgamated, I ask the following questions:

1. Will the trials be reduced in either their number or size?

2. Do the Department of Agriculture and the Adelaide University intend to amalgamate their plots?

3. Is it anticipated that Government funding will be reduced?

4. What will be the advantages to South Australian farmers if the two wheat breeding projects are amalgamated?

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

## WORKCOVER

**The Hon. J.F. STEFANI:** I seek leave to make a brief explanation before asking the Minister representing the Minister of Labour a question about WorkCover.

Leave granted.

**The Hon. J.F. STEFANI:** Sections 36 and 37 of the Workers Rehabilitation and Compensation Act 1986 provide for the suspension and discontinuation of weekly payments by the WorkCover Corporation. My questions are: how many workers have been required to meet the provisions of sections 36 and 37 of the Act; and in how many cases have weekly payments to injured workers been discontinued by WorkCover since the system was established?

**The Hon. C.J. SUMNER:** I will refer that to the responsible Minister and bring back a reply.

## YOUTH UNEMPLOYMENT

**The Hon. I. GILFILLAN:** I seek leave to make an explanation before asking the Minister representing the Minister of Employment and Further Education a question relating to youth unemployment.

Leave granted.

**The Hon. I. GILFILLAN:** An article in this morning's *Advertiser* headed 'Public Service levels cut 3.5 per cent' quotes a statement made by the Labour Minister, Mr Gregory. Indicating that 4 000 jobs have been cut in the public sector, the article states:

> He said the 3.5 per cent reduction had been achieved between September 1990 and September 1991, and the public sector now accounted for 17 per cent of the State's work force.
>
> The Government had a policy of no retrenchments or compulsory redundancies and the cuts had been achieved through restructuring and voluntary separation packages, Mr Gregory said.
>
> The largest decreases were in public administration, where 900 jobs had been eliminated, and in finance, property and business services, where 600 had been cut.

At the same time as these cuts have been put into place, we have been hearing in particular from the Minister of Employment and Further Education about the dire situation regarding youth unemployment in this State. The statistics show that South Australia is the worst in relation to unemployment of any mainland State, and we have (I think the word can advisedly be used) horrendous levels of youth unemployment in certain areas, particularly in Adelaide. Those statistics are a crying shame on the conscience of South Australia. It is an uncomfortable anomaly, and I believe it reflects the hypocrisy that this Government can boast of cutting figures in its own employment, at the same time as lamenting the unemployment of young people in this State.

It has been brought to my notice by people who have been involved with youth organisations in South Australia that the Government's Public Service policy at this stage is virtually nil intake of young people into the work force. Through this question I want some exact answers to this allegation so that the Government has a chance to lay to rest the allegation either that it is shedding crocodile tears for youth unemployment and doing nothing to correct it or that it is being falsely charged. So, through the Minister for the Arts and Cultural Heritage, I ask the Minister of Employment and Further Education how he reconciles the clamour to do something about youth unemployment with the Government's apparent policy of virtually nil recruitment of young people into the Public Service. How many people under 20 years of age have been taken into the Public Service in the past 12 months; how does that compare with intakes from the two previous years; and what is the Government's policy on employment of young people in the Public Service?

**The Hon. ANNE LEVY:** Obviously, I will have to refer those questions to my colleague in another place; detailed information such as that will obviously need to be looked for. I would point out to the honourable member that the State Public Service is not permitted to discriminate on the basis of age, any more than any other employer in this

State. I assume that the honourable member is as aware of that law, as is everyone else. There is no growth in the public sector for very obvious reasons: we are in the middle of a recession. I doubt whether that is news to Mr Gilfillan or to anyone else.

**The PRESIDENT:** Order! Time for questions having expired, I call on the business of the day.

## MOUNT LOFTY RANGES

**The Hon. DIANA LAIDLAW:** I move:

That this Council calls on the Environment, Resources and Development Committee, as a matter of urgency, to investigate and report on the number of property owners suffering losses arising from the Mount Lofty Ranges management plan and supplementary development plan; the nature and extent of losses; the options available for redeeming losses; and the alternative technologies available to minimise disruption to land owners resulting from the management plan and the supplementary development plan.

This motion is of critical importance to people living in the wide area covered by the Mount Lofty Ranges—some 4 000 square kilometres. I also believe that the motion is of relevance to many people who live and will continue to live beyond this region, because there is wide speculation stemming from the Department of Agriculture, the E&WS and the like that the Government has thoughts and possibly even plans that this concept of transferable titles should or could be applied to other parts of the State where questions of water quality are an issue. The areas suggested are the Barossa, possibly the length of the Murray River and the South-East.

The future management of the Mount Lofty Ranges is an extremely complex, difficult and sensitive issue, but four years ago the Government launched a major review with the aim of producing for the area a management plan that would protect watershed areas, productive farmland and scenic values. The review involved an enormous number of people with a great amount of money spent—I understand, between $4 million and $6 million—and was conducted over a period of four years. Last December the advisory committee finalised its draft plan—a document which everybody at the time agreed involved considerable compromise by all parties represented on that committee.

I believe the compromise reached on this very vexed issue was a fine achievement for diplomacy, commonsense and consultation by all involved in the negotiating process. It also augured well for the future consultations that were to be conducted following the finalisation of that draft plan. But, on 29 January this year, diplomacy, commonsense, compromise and consultation were tossed aside by the Minister for Environment and Planning when she released her reworked version of the plan involving the imposition of wideranging restrictions on land development and subdivision along with the radical new land titles transfer system. At the same time, the Minister extended a moratorium on the Land Division to prevent speculative activity.

I do not intend to go into all the details of this management plan at this stage because before the other place at this time there are amendments to the Real Property Act which address this issue of transferable titles. Under the plan, the subdivision of rural land within the water supply protection zone of the ranges would have been prohibited and developers wanting to subdivide land and towns would first have to buy transferable title rights. It was also envisaged there would be a ban on additional allotments outside towns, and the subdivision of land within a zone would be restricted by doubling to 4 000 square metres the required minimum allotment size.

Farmers will be given the option of amalgamating their blocks into one larger block to create a number of transferable title rights and, of course, this issue is one that has caused tremendous consternation. A farmer who may have invested in amalgamating blocks over some period of time, often paying a premium price to purchase an adjoining block, if he had earlier amalgamated these titles, would now be severely disadvantaged by pursuing that goal and by pursuing neat management practices, at least in the business sense.

The Liberal Party acknowledges the need to retain prime agricultural land in the Mount Lofty area and, indeed, elsewhere for farming, to slow population growth in the Hills and to reduce rising levels of pollution in the water catchment areas of the Hills. We also recognise the need, as I believe do the majority of Hills residents, for us as a State and particularly as a city to do something about ensuring that Adelaide's water catchment area is protected.

However, as a Party, we were not surprised by the furore that was unleashed following the Minister's sweeping plan in January to address these important issues. Fortunately, the Minister herself has seen the light in this matter. Certainly, she has seen some reason and some sense of natural justice, because on 18 March she announced that she was prepared to fine tune the Government's proposals for the Mount Lofty Ranges area. Now the changes proposed will limit the operation of the transferable title rights scheme to the sensitive water supply protection zone, rather than having it apply throughout the whole management area, and this restricted zone encompasses only about one-third of the Mount Lofty Ranges region.

I point out that the Minister's modified plan of 18 March is in almost exactly the same form as the plan originally drafted by the advisory committee last December, and it seems to me frustrating and exasperating that the Minister ever sought to move away from that draft plan of last December. However, she decided to do so not in wisdom but in folly, and she has now moved back from that. She could well have relieved the people in those areas, their families and other people in the sensitive water catchment areas of the State of considerable anguish and fury if she had not initially moved away from that compromise plan of last December.

Anyway, that is not her style, and it certainly was not her response on this occasion. Notwithstanding the Minister's modification of the plan, in its current form that plan continues to pose enormous difficulties to many people who own land in the Hills. They will suffer not only personal losses and personal freedoms, for instance, but also financial losses and, in many instances, the loss of future security for themselves and their children.

I want briefly to quote a number of passages from various letters that we have received on the matter but by no means from all letters, because we would be here until the end of the session if I were to undertake that task. First, I quote from a letter dated 27 March from a Mr Norm Altmann of Balhannah. His letter reads:

I find it hard to accept that a Government can, through a Minister, put an end to our plans, after we had committed ourselves to a bank loan with the sale of this land, to raise the finance . . . having sold two-thirds of our property. And a great deal of interest in the remaining section had been expressed until the purchaser was told he could not build a house on that remaining block. The remaining piece of land was valued at $180 000 if a house is able to be built on it. If not, the value drops to $25 000, a considerable loss to me, just by the stroke of the Minister's pen.

In fact, it represents a loss of $155 000. Mr Altmann then names an officer in the Department of Environment and Planning, but I do not intend to do so. He says:

I have spoken to [the officer] about some form of appeal on the grounds that we have been trying to sell well before the freeze on sales was implemented, only to be told that individual cases cannot be looked into as it would be too difficult and take too much time.

All nice and easy if you are not one of the individuals involved . . . and as I am committed to repay the money on loan, it is vital to my plans that I am able to sell this block and for my son to have a future in primary industry.

A further letter of 14 February from Valley Nursery and Landscape Suppliers of Mount Barker states that the writer, a Mr McGough, owns two small holdings, one of four hectares and another of 1.1 hectares. That letter reads:

It is quite impractical, in fact ludicrous, to suggest that another house could be built on a title that already has an existing house on it, for the simple reason, where does one get the finance? In our case, the title with our own home on it is already held by a bank as equity for a loan. It is our understanding that no bank will advance money to build a house on a title that already has a house on it. Certainly, a son cannot borrow against his parents' title for housing finance.

That response was provided following Mr McGough's advice from Mr Derek Robertson in the office of the Minister for Environment and Planning that another house could be built on Mr McGough's title, that house being for his son. Mr McGough goes on to say:

With your [Mr Robertson's] scenario, do we have to go through all this rigmarole and expense, pay a probably exorbitant price for a transferable title, if there is one available, to achieve a house for Glen, when the end result is exactly the same as if he builds a house without any change [in the planning laws] at all.

Further correspondence has been received from Mr Colin Vickers of Balhannah, who has also been prominent in expressing his views on this matter in the local paper. He is aged 70 and his wife Evelyn is 68. They have a total of 55 acres of land on three titles. With none of their children interested in taking over the orchard, they divided the land into three. They kept 10 acres for their house block and leased the other two. The plan was to sell the leased allotments, 30 and 15 acres respectively, to provide a retirement income—a most laudable goal. Mr Vickers arranged the titles so as to retain bushland as well as the orchard. Now Mr and Mrs Vickers find that their plans are in utter disarray. Mr Vickers fears that at least one of the blocks will be worthless. He is quoted as saying:

No-one would buy a block without the right to build . . . and no-one would buy a block to increase the size of their orchard. There's no future for apples in this district.

Further correspondence has been received from Mr Gino Basso of Hahndorf, who writes:

I commenced working in the Northern Territory in the opal mines at 21 years of age. For 13 years I slept in tents and dug-outs without any conveniences to save sufficient money to buy a farm. In 1963 I achieved this with a loan from the Commonwealth Bank. I am now 64 years of age and have worked this property for 28 years. During this time, I have never requested or received any help from the Government, past or present. For many years now I have suffered chronic back pain and find it impossible to maintain my property as a viable business. In January 1991, I also lost a number of joints off my left hand fingers in an accident while using farm machinery. This has restricted my ability even further . . . For the past 15 months, a portion of my land holding, which is on a separate land title (consisting of 76 acres and one house), has been for sale with a number of real estate agents . . . With our current economic situation and the uncertainty of the direction that the Government would take for the watershed area, there has been a total lack of interest in the landholding of this size. All agents have expressed that they expect no upturn in this market in the near future. They feel that smaller sections of land (15 to 20 acre allotments) would be more saleable.

Of course, Mr Basso cannot now subdivide that block of 76 acres into 20 or 15 acre allotments, which would be more saleable. He continues:

We have no desire to subdivide this land in order to achieve greater financial gain, but because we derive no income from the properties at all, we do need to sell this particular property in order to continue living in our home. Our situation is such that we cannot work the land (which is on two separate titles). We are unable to sell the smaller of the two properties in its current size, and we cannot survive without its sale.

Mr Basso, who worked enormously hard to purchase his farm, now finds that the Government's changes to the management review are making life, particularly the future, difficult and possibly depressing. I quote from a letter from Beryl Osterman of Ashbourne:

It is evident that living in close proximity to the enterprise is essential. Many horticultural enterprises are family partnerships with sons/daughters gradually taking over the more arduous duties whilst still relying on the older members of the family for lighter duties. It is therefore essential as sons/daughters mature and take greater responsibility for the enterprise, that they are able to live independently from the family but in close proximity to the enterprise . . . It seems incongruous that detatched dwellings can be erected on allotments of 4ha or less where there is no existing dwelling when genuine productive acreage is penalised under the existing proposal . . . The aim of discouraging housing development in the Adelaide Hills/Fleurieu Peninsula is, as I read the document, a concern for the purity of the Adelaide water supply. It appears that many landholders are to experience a great amount of pain in having their plans and dreams of living on their rural allotments shattered. With advances in modern technology which now has perfected a septic system which purifies waste to a state greater than that of the current natural run off, it seems that enforcement of upgrading of current household systems and a more rigorous supervision of systems for new houses would alleviate the problem and avoid the stress now being experienced.

To that final comment I can but agree with the sentiments expressed. There are a number of features about this plan which require further assessment, and the Liberal Party believes that that assessment should be undertaken by the Environment, Resources and Development Committee. One of the matters concerns the fact that the plan does not address the problems of primary treated effluent that is entering creeks and the Adelaide water supply at Hahndorf and Gumeracha, and that it does not take into account advanced technology such as the enviro-cycle system for treating sewage.

The examples that I have quoted from that small selection of letters are hardship cases. The trouble with this whole matter is that nobody has any idea of the extent of this hardship problem, and I believe that most members in this place and the Parliament as a whole are fair-minded, reasonable people who, in assessing this management plan and the SDP, would wish to know about not only those who will benefit from the plan—and they are people in the Adelaide community who will receive clean water—but also would be keen to learn about those who will lose in respect of this plan.

There will be losers, and I believe that we in this Parliament should be well aware of who will be the losers, the nature of that loss, the extent of the loss and what options may be available to help people redeem those losses. I do not accept that, in any other circumstances should we be looking at this plan without knowing where are the profits—like any business operation I suppose, where there is a profit and loss sheet—and there will be considerable profits for the people on the Adelaide plains in terms of cleaner water but there will be losses for many in the Hills and we should be equally versed in those matters.

In terms of this plan, the Government is proposing a transfer of the allotments system, and that is an option that we are to debate in another place today and shortly in this place, as part of the amendments to the Real Property Act.

There is no doubt that this transfer of allotments system, albeit untested and an unknown quantity, is one alternative that may be appropriate for consideration to provide some form of recompense to families and others who will be severely disadvantaged by this system. There may well be other alternatives to help people in these circumstances. Members will recall that when we discussed the issue of the retention of native vegetation some years ago in this place, we moved for a select committee, which was established to look at that issue, which in terms of future management plans was just as vexed, controversial and complex as the issue of the Mount Lofty Ranges area. But the select committee of this Council on native vegetation clearance reported on page 4, under the heading 'Cost of conserving native vegetation', as follows:

> The Select Committee believes that the community should compensate landholders on the purely practical grounds that without some compensation the remaining areas of native vegetation will not be conserved whatever the legislative controls that might be applied . . . The select committee believes that the remaining areas of native vegetation will only be conserved with the co-operation of the landowners and that this will only be achieved if the costs are shared between the community and the landowner.

Under the heading 'Basis for Assistance', the report stated:

> . . . when the area of land that a landowner is required to conserve as native vegetation is greater than 12.5 per cent of the total holding the owner should be paid compensation on the basis of the difference between the value of the land as native vegetation but with the potential to be cleared and used for agriculture and the value of the land as a native vegetation conservation area . . . The payment of compensation to the owner would be conditional on the owner agreeing to a heritage agreement, similar to those used under the existing scheme, over the whole of the native vegetation conservation area. The agreement would require the owner to retain and manage the vegetation. Compensation would apply to people who owned land before 12 May 1983.

The committee reported on 15 August 1985, so there was a considerable period between the date when the committee reported and the date when compensation would apply, and that was only in respect of those people who owned land before 12 May 1983.

If the matter of loss in terms of the Mount Lofty management plan and the SDP is referred to the Environment, Resources and Development Committee, it may determine that a number of options could be looked at by this Parliament, as recompense and, of course, those options may well have a number of conditions attached to them as was proposed by the Legislative Council's Select Committee on Native Vegetation Clearance some years ago.

The committee's recommendations were adopted in the Native Vegetation Act 1991, Part 4, headed 'Heritage agreements and financial and other assistance'. Section 24 of that Act provided that an owner of land that is subject to a heritage agreement may apply to the council for financial or other assistance in the four circumstances that are noted in the Act. I believe that the precedent set in this issue of native vegetation may be a most appropriate precedent for this Parliament to consider in terms of the complex issues and certainly in instances where losses are being experienced because of the management plan that is being introduced and supported generally as a matter that is to the wider community benefit.

I indicate that, while the Government has endorsed and Parliament has yet to consider the transferable titles rights scheme (TTR), it may well be that that is only one of a number of measures that could be considered for recompense for families who have suffered loss as landowners. I also indicate that the TTR system, as we have now come to know it, is not appropriate in all circumstances. A whole range of farmers have highlighted their circumstances to me where they do not hold a number of titles in respect to one block but they have amalgamated those titles over time, and in their circumstances the TTR system is absolutely irrelevant in terms of compensation having regard to the fact that they live in a sensitive watershed region.

I am keen to think that this Parliament, and particularly this Council, as a House of Review, will be prepared to pass this motion and have this important issue referred to the Environment, Resources and Development Committee. If recompense is to be in a financial form, no-one on this side of the Parliament would be advocating an open cheque book, because certainly the State has no such funds available for even the most basic of services, whether it be transport, hospitals or schools, but we believe that there may be a number of options from overseas and interstate that we as a House of Review should be suggesting that the committee consider, and the committee itself may be keen to research and consider such matters in looking at this issue of loss arising from the management plan and the SDP.

The final point in the motion is that alternative technologies available to minimise disruption to landowners resulting from the management plan and the supplementary development plan also be investigated and reported upon in terms of these property owners who are suffering loss. It may be that property owners now are involved in horticulture and other open land farming. They may be intensively spraying and doing a number of other things such as growing certain crops where it might be advisable that different crops be planted where there are sensitive water catchment areas and where other crops or animals can be raised. It would be far more appropriate that these people be given assistance to get into that crop and make the adjustments to a new flock or herd.

I am aware that my colleague in another place the member for Murray-Mallee has shown a keen interest in emu farming and that the Minister for Environment and Planning has indicated that the Government is looking at this issue. In South Africa, which I visited 24 years ago, ostrich farming was a most lucrative business and also an excellent tourist attraction generating thousands and thousands of dollars for farmers. It may well be that emu farming in the Adelaide Hills could be one issue looked at by the Environment, Resources and Development Committee if this Council refers this motion to that committee.

In the longer term, the committee may well want to look at the issue of water resources in the Adelaide Hills, including the pumping of water from the Murray River, and the times and seasons that it is pumped. It may be that, as my colleague the member for Chaffey often advocates, we should be pumping that water not during summer but during winter when the river is flowing much more swiftly, when it carries fewer deposits, when it would be cheaper to pump because of the cooler weather, when there would be less evaporation and when there would be a reduced requirement on our power generating system, which operates at its peak during the summer period when high tariffs apply.

There are a number of longer term and shorter-term options that must be looked in terms of the Mount Lofty region, the management plan, the SDP and water conservation practices in general but, as a matter of urgency, my Party and I believe strongly that at this time the issue at hand is to look at and report on the number of property owners suffering loss arising from the management of the Mount Lofty Ranges management plan and the supplementary development plan.

In terms of undertaking that investigation and report, my Party believes, and I hope the majority of members in this place believe, that the Environment, Resources and Development Committee of this Parliament is the most appropriate forum for such an investigation.

**The Hon. R.J. RITSON** secured the adjournment of the debate.

## SHEEPMEAT

**The Hon. G. WEATHERILL:** I move:

That this Council notes that a Voluntary Restraint Agreement (VRA) on the export of sheepmeat to the European Community (EC), entered into in 1980 and codified under the Australia/EC Agreement on Trade in Mutton, Lamb and Goatmeat which restricts Australian exports to the EC at only 17 500 tonnes per annum, is due for renegotiation in 1992 and strongly urges the Federal Government to press for the abolition of the VRA to allow free access to the EC for Australian sheepmeat.

It should be of concern to all members a restrictive trade device (such as the Voluntary Restraint Agreement) was entered into, and its continuation is inappropriate in the context of the General Agreement on Tariffs (GATT). In my view, notwithstanding the outcome of the current round of GATT, the VRA is a harshly restrictive impediment on Australia's legitimate trade development activities, and the Federal Government must strongly negotiate for its abolition.

The limit of 17 500 tonnes was agreed to over a decade ago and was based on an average of Australia's exports of sheepmeat to the European Economic Community over a period of years. New Zealand was subject to a similar VRA but its quota was set at 245 000 tonnes. The VRA was renegotiated in 1989 when the EC agreed to reduce the import tariff for the quota from 10 per cent to zero. However, above quota duties were maintained.

New Zealand had its VRA quota reduced to 205 000 tonnes, still substantially above our quota. In effect, New Zealand can still export 187 500 tonnes more than Australia. Any continuation of a VRA would be inappropriately outdated and grossly restrictive to the aspirations of the rural community and Australian exporters. Since 1980, the EC has expanded to include Greece, Spain and Portugal, so that the basis on which the VRA was determined is no longer valid—if, indeed, it was ever valid.

This is at a time when Australian rural products are facing increasing, rather than decreasing, competition on international markets. From the trade distorting activities of many countries, and in particular the European community, it is time that the Federal Government took a strong stand on matters such as the VRA on sheepmeats. We do not have to agree to a continuation of the VRA and we should vigorously resist its extension beyond 1992.

Recent inquiries from the EC, including an inquiry for 100 000 tonnes of sheepmeat from Spain, suggest that European consumers want our meat and, given a lifting of the restrictions and subject to the right price, we could probably supply them. The motion urges the Federal Government to 'level the playing field' so that our exporters are given the opportunity to compete fairly on commercial terms. I seek bipartisan support for this motion in the interests of the rural community and for the well-being of the economy as a whole.

**The Hon. DIANA LAIDLAW** secured the adjournment of the debate.

## SELECT COMMITTEE ON THE REDEVELOPMENT OF THE MARINELAND COMPLEX AND RELATED MATTERS

The Hon. Carolyn Pickles, for the **Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage):** I move:

That the select committee have leave to sit during the recess and report on the first day of next session.

Motion carried.

## SELECT COMMITTEE ON THE CIRCUMSTANCES RELATED TO THE STIRLING COUNCIL PERTAINING TO AND ARISING FROM THE ASH WEDNESDAY 1980 BUSHFIRES AND RELATED MATTERS

The Hon. Carolyn Pickles, for the **Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage):** I move:

That the select committee have leave to sit during the recess and report on the first day of next session.

Motion carried.

## SELECT COMMITTEE ON THE PENAL SYSTEM IN SOUTH AUSTRALIA

**The Hon. I. GILFILLAN:** I move:

That the select committee have leave to sit during the recess and report on the first day of next session.

Motion carried.

## SELECT COMMITTEE ON COUNTRY RAIL SERVICES IN SOUTH AUSTRALIA

**The Hon. G. WEATHERILL:** I move:

That the select committee have leave to sit during the recess and report on the first day of next session.

Motion carried.

## SELECT COMMITTEE ON THE CONTROL AND ILLEGAL USE OF DRUGS OF DEPENDENCE

**The Hon. CAROLYN PICKLES:** I move:

That the select committee have leave to sit during the recess and report on the first day of next session.

Motion carried.

## HIV/AIDS

Adjourned debate on motion of Hon. Bernice Pfitzner:

That:

1. A select committee of the Legislative Council be established to inquire into and report on HIV and AIDS in relation to—
   - *(a)* its pathology and epidemiology;
   - *(b)* existing legislation for its control;
   - *(c)* the relevance and implications for South Australia of AIDS and HIV data analysis obtained nationally and internationally;
   - *(d)* the degree of risk of infection from health workers to patients/clients;
   - *(e)* the degree of risk of infection from patients/clients to health workers;
   - *(f)* the rights of infected persons;
   - *(g)* the rights of non-infected persons especially in the context of health care, contact sport and pre-school and primary school settings;
   - *(h)* the philosophy and practice of 'universal precautions' by health workers in hospitals.

2. Standing Order 389 be so far suspended as to enable the Chairperson of the committee to have a deliberative vote only.

3. This Council permits the select committee to authorise the disclosure or publication, as it thinks fit, of any evidence presented to the committee prior to such evidence being reported to the Council.

(Continued from 19 February. Page 2919.)

**The Hon. CAROLYN PICKLES:** I oppose the motion to send these matters to a select committee. It seems to me that all the issues referred to have been and continue to be the subject of extensive debates. In most cases there is current documentation freely available to the public on these issues. Of course, there is a national HIV/AIDS strategy which addresses all the issues raised by the Hon. Dr Pfitzner, and that strategy is being reviewed this year. South Australia is fortunate in having several nationally recognised experts in the field of cummunicable disease control, in particular, HIV/AIDS, who not only closely monitor current literature but make substantial contributions to it.

National bodies, such as the Inter-Government Committee on AIDS (IGCA) and the Australian National Council on AIDS (ANCA), upon which South Australia is well represented, have published extensively. I am sure that the Hon. Dr Pfitzner is well aware of the publications on these issues and can have access to them. In defining the terms of reference, the motion requires the select committee to report on some very broad matters which are not limited, particularly paragraphs *(a)*, *(b)* and *(c)*.

It does seem to me to be inappropriate for a parliamentary select committee to look at the technical issues of epidemiology, pathology and the degree of risk of infection. This does leave, essentially, the social rights and responsibilities of persons giving or receiving health care as the major issues left in the motion.

The Hon. Dr Pfitzner would be aware, from conversations I have had with her, that the Social Development Committee of the Parliament has in fact listed this issue as one of the matters to which it will turn its attention in due course.

*The Hon. Bernice Pfitzner interjecting:*

**The Hon. CAROLYN PICKLES:** It is not for me to report to this Parliament at this stage on the priorities of that committee. In due course the committee will bring down a report to the Parliament, and I am not permitted to report and discuss further details of that committee's deliberations until that time. I am sure that the honourable member would respect that confidentiality at this stage. However, that is not to say that I do not consider the question of AIDS to be a very pressing matter in our society, and I think—

**The Hon. Bernice Pfitzner:** You do not?

**The Hon. CAROLYN PICKLES:** I do not consider that it is not a pressing matter in our society.

**The Hon. Bernice Pfitzner:** Then you must be living in a world of your own.

**The Hon. CAROLYN PICKLES:** I said that I do not consider that it is not a pressing matter.

**The Hon. Bernice Pfitzner:** I am sorry.

**The Hon. CAROLYN PICKLES:** Thank you. I note that the honourable member misheard what I said, that I do in fact consider that it is a pressing matter. It is better not to have two negatives.

I would now like to refer in some detail to the policies and strategies that have been adopted nationally in relation to HIV and AIDS. HIV/AIDS policy and strategy in South Australia has been greatly influenced by the national HIV/AIDS strategy adopted in 1989. The strategy was developed following wide consultation and discussion on a green paper issued the previous year entitled 'AIDS: A Time to Care: A Time to Act'.

The strategy is a comprehensive, consensus document which discusses the epidemiology of the disease in this country within the global context, establishes a framework and guiding principles for implementation of the strategy, and sets out specific education, prevention, treatment, support, research and international cooperation programs. The strategy commits the Commonwealth to funding national programs and cooperating with the States in matched funding programs to 1992-93. It provides for an evaluation of the national strategy, and this evaluation is currently being carried out with the aim of producing a final report by the end of 1992.

The national strategy was developed on a bipartisan basis and establishes mechanisms for cooperation and consultation. For example, the Australian National Council on AIDS (ANCA) comprises expert and community representatives to advise on HIV policy. Professor Peter McDonald of Flinders University is Deputy Chair of ANCA. The Inter-Government Committee on AIDS (IGCA) provides a regular forum for liaison and cooperation between the Commonwealth and States on policy and funding issues. Dr Scott Cameron is this State's policy representative on IGCA. ANCA regularly issues technical bulletins on HIV issues such as infection control guidelines. I will refer to the current ANCA bulletins later.

The IGCA has established a legal working party which is reviewing AIDS-related legal issues to provide the basis of review and reform of current public health and other legislation. Discussion papers have been issued on the following: legislative approaches to public health control of HIV infection (to which the Hon. Dr Pfitzner has referred); HIV/AIDS prevention, homosexuality and the law; HIV/AIDS and anti-discrimination legislation; legal issues relating to AIDS and intravenous drug use; legal issues relating to HIV/AIDS, sex workers and their clients; and employment laws and HIV/AIDS.

Further discussion papers on civil liability, therapeutic goods (for example, condoms, test kits) and broadcasting and censorship are about to be released. These discussion papers include preferred options for legislative reform. A final report, taking into account comment on the preferred options, will be prepared for the IGCA later this year for transmission to Health Ministers and Attorneys-General for consideration. This process seeks to promote legal reform to complement medical, scientific, education and prevention measures being undertaken in Australia and to encourage greater uniformity between the States and Territories. The Commonwealth Government funds national centres in HIV epidemiology and clinical research; HIV virology, and HIV social research.

The National Centre in HIV Epidemiology and Clinical Research regularly publishes the Australian HIV Surveillance Report which reviews AIDS and HIV data by State and Territory, age, exposure category, AIDS-defining condition and survival since diagnosis. This report also includes data from sentinel surveillance of HIV infection in STD clinics, including Clinic 275 in Adelaide, as clients of such clinics generally are persons at high risk of HIV infection.

Australia's system for surveillance of HIV/AIDS is seen as one of the best in the world, certainly more advanced that in the United States. The epidemiological evidence indicates that the progression of HIV infection has not followed that in the United States and Europe. As with most developed countries, HIV/AIDS has predominantly affected homosexual and bisexual men, but the 'second wave' of the epidemic of increased HIV infection amongst drug users and heterosexuals has not occurred in Australia. The rate of new infections is slowing.

It is argued that this experience is the outcome of Australia's strong commitment early in the epidemic and the development of a consensual approach through the national

strategy. I must say that I, for one, am very pleased about that consensus approach on this particularly difficult and sensitive issue. Nationally, the percentage of the Australian AIDS case load related to men who have sex with men has remained constant at about 87 per cent over the period 1986-90 and they continue to comprise the large majority of new HIV infections (for 1991 about 82 per cent of those for which an exposure category was identified). Of course this experience should not lead to complacency.

In South Australia, the 1987 AIDS strategy approved by Cabinet provides the basis for combating AIDS. The strategy has been influenced by subsequent events, in particular the Commonwealth funding priorities coming out of the national strategy and the development of needle exchange programs. But that State strategy has provided the framework and resources to respond to those influences while maintaining the key elements of the original strategy. For example, the State strategy gave high priority to AIDS education in schools and this State has been a national leader in developing appropriate curriculum, training teachers and implementing AIDS education.

When the Public and Environmental Health Act was debated in 1987, it was labelled by the media as the AIDS Bill and its provisions reflect the concerns to ensure adequate checks and balances on the traditional public health powers of requiring persons to be examined, limiting their activities, etc. The Act provides for review by a magistrate of such orders, with an appeal to the Supreme Court. It also has specific confidentiality protections.

The Cabinet decision to make HIV infection a controlled notifiable disease in September 1991 was subject to there being adequate protections in relation to confidentiality and to protect against discrimination. Other legislative developments in relation to HIV have been the amendments to regulations under the Controlled Substances Act relating to the provision and possession of needles and syringes. These facilitate the operation of needle and syringe exchange programs. South Australia has significant HIV/AIDS expertise in the public health and medical and scientific areas. These experts closely monitor the current literature and epidemiological information on HIV/AIDS and also contribute to it.

The information proposed to be sought by the select committee is generally freely available and the issues raised have been subject to continuing extensive public debate. As I previously indicated, the national strategy is subject to a major evaluation during 1992, and the results will be available towards the end of this year. Also, a major report on legislative reform will be available about the same time.

At the time that the Hon. Dr Pfitzner raised this issue, the AIDS Council issued a press release in which it states in part:

AIDS COUNCIL CRITICISES PFITZNER AND HOLLOWS PROPOSALS

The AIDS Council today criticised two recent proposals as socially unjust, ill-considered and irresponsible. These are a select committee into HIV/AIDS (Dr Pfitzner) and the management of HIV/AIDS among Aborigines (Professor Hollows). Dr Bernice Pfitzner and Professor Fred Hollows are making grand public gestures based on what appears to be personal prejudice said Andi Sebastian, General Manager.

I do not agree with those comments made about the Hon. Dr Pfitzner. I believe that her proposal to set up a select committee is brought about by a genuine concern in this issue. The Government does not support the setting up of a select committee because it believes that the issues are freely available and have been nationally debated, as I indicated specifically.

However, I also understand that the Hon. Dr Pfitnzer is concerned about the degree of infection from health workers to patients and clients; the degree of risk of infection from patients and clients to health workers; the rights of infected persons; the rights of non-infected persons, especially in the context of health care; contact sport in preschool and primary school settings; and the philosophy and practice of universal precautions by health workers in hospitals.

As I indicated previously, the Social Development Committee has listed the issue of HIV/AIDS as one of those matters that it will look at. At this stage I cannot indicate on behalf of the committee when that is proposed to be looked at, and it would be inappropriate for me to do so, because that has not yet been decided. However, that is not to say that we will put this off forevermore. I believe that, if this Council insists that the matter be sent to the Social Development Committee, that committee would give it its due attention and consideration and would do a good job with it. If that is the case (and I understand that the Hon. Mr Elliott may indicate that he will move in that direction), I hope that the Hon. Dr Pfitzner will take the opportunity to give some evidence to that committee and, if that happens, I will personally welcome that.

I believe that the issue of AIDS is a matter about which some people have become complacent. However, I am not one of those people; I think it is an ongoing problem in our society, but it is one that must be dealt with very carefully and selectively. I think that a lot of information is available about it, and that the information that is readily available nationally should be accessed by all members and read carefully, and I include members of the Social Development Committee in that.

We are currently compiling a library of documents which we think will be appropriate to our needs and certainly we will assess that kind of information. I indicate, possibly preempting what the Hon. Mr Elliott may move (I understand that he will move in some form that this matter, if not in its entirety, be referred to the Social Development Committee), that the Government would have to look at the wording of the motion. However, I believe that Government members would support that in principle.

**The Hon. M.J. ELLIOTT:** At this stage I will make my contribution brief. The matters that the Hon. Ms Pfitzner wishes a select committee to address are matters of significance and are among the more important questions in the area of health. The question I must ask myself is whether or not it is appropriate at this time for a select committee of this Council to be established to examine those matters. Probably, in short, it is an appropriate matter in itself, but then, I could probably come up with a list of about 100 matters of equal significance, if I go across all the areas and portfolios that we must cover.

The question I must ask relates to the use of resources of this Council and the capacity of members of this Council to service them. I know that I for one am not in a position to be able to serve on any more committees than those on which I am already serving, and I am also mindful of the fact that we have a number of other motions before this Council to set up a number of other select committees. However, it comes down not to whether or not it is important but to the application of our human resources in this Council.

I do not believe that this Council can place this at such a high priority at this stage as to demand that a select committee be set up now. However, I do think that the matter is of significance. It is my intention to seek leave to conclude in a short while and, presuming that I am granted that leave, next week I will move an amending motion that will make most of these terms of reference a term of ref-

erence for the already existing standing committee. I understand that we have already decided to look at some questions in relation to HIV and AIDS in any case.

Looking at the terms of reference themselves, I rather suspect that it might be something of a wasted exercise, requiring a standing committee to inquire into and report on epidemiology and pathology of HIV and AIDS, because very few members of either House of Parliament would be in a position to make a report in that area. It is an area on which I would not expect they would pretend to be able to produce a report.

Other matters, such as the question of degree of risk of infection from or to health workers and patients are being raised by society generally and do deserve some attention. My personal position is that we must be very careful not to be involved in paranoia about this, although there is no doubt that the disease has increased markedly, affecting a significant number of people. However, as the Hon. Ms Pickles has already pointed out, by world standards Australia has done remarkably well with this disease. I think it has done remarkably well in comparative terms, because we have not made the mistakes of the United States and other countries that do not want to talk about it or that want to blame the victim; they do not want to admit that people are involved in casual sex, that people may be involved in homosexual sex, and that people's children will be involved; and they do not want to admit that their society is using drugs, etc. The fact is that our society has been very calm and rational about this matter, and I think that its calmness and rationality, without treating it lightly, has been the major reason why Australia has done so well.

So, when I move an amendment next week, referring the matter to a standing committee, I make plain that I will not be doing so on the basis of any paranoid fears about HIV and AIDS and being involved in those sorts of things. Rather, I think it is a matter that is important in its own right, and it appears to be something that the standing committee has already recognised. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

## BOATING ACT REGULATIONS

Adjourned debate on motion of Hon. R.J. Ritson:

That the regulations made under the Boating Act 1974 concerning hire and drive, made on 26 September 1991 and laid on the table of this Council on 8 Ocotober 1991, be disallowed.

(Continued from 26 November. Page 2279.)

**The Hon. R.J. RITSON:** When I last sought leave to conclude my remarks I informed the Council that a dispute had arisen in the case of Bare Boat Charter over the regulations and certain standards applied by the Department of Marine and Harbors. The disputes were basically in two areas. The first was the question of the standards of survey, that is, the standards applying to the construction of the vessel, its soundness, its stability and such matters. At that time the Department of Marine and Harbors took the view that its standards were the only standards and refused to recognise boats built to survey under different internationally recognised codes.

The other area of dispute was in terms of safety equipment. The operators of these Bare Boat charters believed that the department was applying standards which were not necessarily higher but which were more appropriate to large ships than the specialised type of craft that is a keel boat. The operators of these boats, essentially, wished the safety codes of the Australian Yachting Federation to apply. Indeed, the Australian Yachting Federation is the body that lays down the safety rules for clubs and for major ocean races, and the body with the greatest experience in these special aspects of keel boat safety.

There were also some areas of concern about the qualifications of the people who were operating them and the level at which they were crewed. In the face of these disputes, I hoped—and I believe that the Subordinate Legislation Committee members hoped—that the matter could be resolved by discussion instead of disallowance. Indeed, I let my motion lie for so many months without seeking to conclude the matter because the parties to the disputes appeared to have been encouraged to the negotiation table to have discussions with the Minister and with departmental officers.

Regrettably, I must inform the Council that negotiations have broken down and virtually ended in a shouting match. Whilst some concessions in regard to recognition of boats built elsewhere under survey have been gained, I understand that very little ground has been given on the matter of accepting Australian Yachting Federation safety standards. So, the standards are still being set by the department that gave us the *Island Seaway*; the department that gave us the overturned barge in the Port River; the department that gave us the refitted research vessel that sank on coming off the slips; and the department that does not recognise that a body such as the Australian Yachting Federation actually has some wisdom that it might not have.

Regrettably, I must say that now we have an adversary situation that is perhaps even worse than before. There is, therefore, a case for disallowance. I understand that the entire Boating Act is due for revision some time in the intermediate future, and we may find ourselves debating those matters on another occasion after a cooling off period. For now, however, I feel that the matter is so confused that the Parliament ought not to allow these regulations to pass into law. Accordingly, I commend to the Council this motion that the regulations be disallowed.

**The Hon. J.C. BURDETT:** I support the motion for disallowance. My colleague the Hon. Dr Ritson said correctly—and this was confirmed this morning by the departmental officers who attended before the Legislative Review Committee—that the Boating Act and the Marine Act are to be reviewed with a view to putting in place a new single Navigation Act. However, the officers did not agree that that was any reason for disallowing these regulations. These present regulations, which were made in September 1991 but which have not yet come into force, set down standards applying to hire and drive boats only. That is vitally important, irrespective of the nature of the boat—whether it be a houseboat, keel boat or anything else. They apply only if it is a hire and drive boat and not if it is owned, lent or anything else.

Unlike my colleague the Hon. Dr Ritson, I have no knowledge of yachting and was unable to make any assessment on matters of technical detail. A considerable amount of evidence has been tabled and much of it related to the technical detail of matters such as life rafts, horseshoe or ring life belts and similar matters. I was unable to make any assessment of that. The evidence, particularly that taken this morning, indicates a complete stand-off between the department, on the one hand, and the industry, on the other. Because previous evidence indicated that, the then Subordinate Legislation Committee—now the Legislative Review Committee—wrote to the Minister asking him to call meetings between the two parties with a view to arriving at an agreed set of regulations.

The Minister called two meetings on 19 February and 31 March 1992, and he sent to the committee two reports which covered the whole meeting procedure. Those reports are in different terms and are not entirely consistent. They each indicated that agreement had been reached on all matters except survey fees and the use of private surveyors. The owners had indicated by telephone that agreement had not been reached, and the committee therefore requested that representatives of the department and the owners appear before it this morning, and that happened. Three representatives attended from each party. The owners disputed the Minister's report of the meeting. It was abundantly clear that agreement had not been reached, and the meeting was quite heated, as the tabled evidence shows.

There was a complete stand-off. The owners had objected to the regulations. The opportunity to disallow the regulations is running out with the drawing to a close of this session of Parliament, and it is very clear that the department will not vary the regulations in that time. The department says that it will make changes later. So far no change has been made, and the regulations are still in the form in which they were first tabled, first made and first came to this Council. No change has been made nor a specific undertaking given. An undertaking was given to make changes in accordance with the meetings, but nothing specific. The owners said that the department had previously indicated that it would allow these regulations to be disallowed and would negotiate new ones. On the contrary, the department has now clearly dug in its toes and, in my view, at this stage the only solution is to disallow the regulations and make the intransigent department start again.

Prior to these regulations being made on 26 September 1991, safety regulations already applied to all boats, whether or not they were hire and drive boats. If the present regulations are disallowed, those previous regulations will remain. There will not be a complete vacuum, and we will be back in the situation which we were in before 26 September 1991. I concede, as I am sure would the owners, that those regulations leave something to be desired and ought to be tightened. They want them to be tightened along the lines mentioned by my colleague the Hon. Dr Ritson and the Australian Yachting Federation. I support the owners in their maintaining that there is no warrant for having safety regulations apply only to boats used in the hire and drive business. They claim that a yacht is a yacht is a yacht, and the standards ought to be the same, whether or not the yacht is a hire and drive yacht. In relation to a motor car or an aeroplane, the licensing and safety standards are the same, whether the car or aeroplane is owned, hired, begged, borrowed or stolen.

This morning the member for Eyre, who is a member of the committee, made it clear—and it appears in the transcript—that he hires and flies aircraft from Parafield Airport. He also made clear that he is very safety conscious and that, whether the aircraft is hired, owned or anything else, the standards are the same. In my view, that ought to be so, and it should be the same in relation to boats. When I put this to the department some time ago, it said that if a car broke down you could get out and walk, but if a yacht broke down you could not do that. I pointed out that if an aircraft broke down you could not get out and walk, either; it is a long way down.

The owners maintained that the department ought to adopt the high standards of the Australian Yachting Federation which, admittedly, were developed with a view to racing, and the federation could only enforce the standards in regard to their own members and during races. But they recommended that these rules apply in all situations and be adopted by the department as applicable. These standards conform to international standards.

One major hirer of keel boats operating at Port Lincoln indicated that he would leave the industry in South Australia if the regulations remained. He stated that this was not a threat but a statement of fact. Another witness who appeared for the owners at this morning's committee indicated that about a quarter of houseboat operators would leave the industry. Obviously both of these actions would have an extremely detrimental effect on the tourist industry in South Australia.

It seems that we have reached the point where there is no agreement, and obviously there are two options: first, to do nothing and allow the regulations to remain, but while there is to be a review and while something may happen in the future, there is no guarantee that this situation—which at present is completely unacceptable to the industry—will not continue; and, secondly, for the Parliament to disallow the regulations. In my view, that is the only viable option, and therefore I support the motion moved by the Hon. Dr Ritson.

**The Hon. G. WEATHERILL** secured the adjournment of the debate.

## HIRE AND DRIVE BOATS

Orders of the Day, Private Business No. 13: The Hon. M.S. Feleppa to move:

That the regulations made under the Boating Act 1974, concerning hire and drive made on 26 September 1991 and laid on the table of this Council on 8 October 1991, be disallowed.

**The Hon. M.S. FELEPPA:** I move:

That this Order of the Day be discharged.

Order of the Day discharged.

## ACTS INTERPRETATION (COMMENCEMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 1 April. Page 3754.)

**The Hon. C.J. SUMNER (Attorney-General):** The Government supports this measure, which was introduced in another place by the member for Elizabeth (Mr Martyn Evans) and, after its introduction, I had discussions with him about it. As a result of those discussions amendment was made to his original proposition which was for a 12-month period but in the end and after discussions it was agreed that two years should be the period after which Acts not proclaimed should come into effect.

As I said, as a result of the discussions I had with Mr Martyn Evans the time was extended from one year to two years and accordingly the Government agreed with the Bill in the Lower House. Consequently, as it was agreed to in the Lower House by the Government, by the Independent Labor members and also, I understand, the Liberal Party. I cannot see any need for the Bill to be referred to the Legislative Review Committee. I am not sure what matters that committee could consider. I suppose the Hon. Mr Burdett might argue that the change that could be made to it would be to provide that the Act is repealed at the second anniversary of its passage if not proclaimed before, but I do not think there is much in it and I am not sure, beyond that inquiry, what the committee could do in relation to the Bill.

No doubt the Hon. Mr Burdett will move his motion after the second reading has been agreed to and we can further debate it at that time if it is necessary. The Government supports the measure and does not believe that there is any case, subject to what the Hon. Mr Burdett says, for it to be referred to the Legislative Review Committee.

Bill read a second time.

**The Hon. J.C. BURDETT:** I move:

That Standing Order 288 be suspended to enable this Bill to be referred to the Legislative Review Committee.

I covered these matters fully last Wednesday in my second reading speech and I do not want to spend too long now. However, I did commend the member for Elizabeth in another place for introducing the Bill because it is one way of trying to cover what I feel is a real problem at present, that is, that often Bills are passed by Parliament and become Acts and in their turn they come into operation on a date to be proclaimed and they are not proclaimed.

Sometimes they are never proclaimed. Of course, a recent case in point is the Firearms Act Amendment Bill which was introduced in another place and which is still there. It declared that it was to come into operation on the day when the Firearms Act Amendment Act 1988 comes into operation. That shows the stupidity of it, that we have an Act which now is to come into operation when an Act passed in 1988 is proclaimed.

Last year, as some members might remember, day after day and week after week rather boringly I asked questions why particular Acts had not been proclaimed, and some of them involved a long period. This Bill, in the form in which it was originally introduced, sets out to say that if an Act after it became an Act was not proclaimed within 12 months, it should come into operation forthwith, and that was obviously an incentive to the Government to do something about it, to get its regulations and any administrative matters in place.

That was amended in the other place, at the Government's initiative, to two years in lieu of 12 months. That took some of the teeth out of the Bill. Whilst that would cure the gross cases, such as the Firearms Act and the others to which I have referred, it seems to me that two years is too long, and there would be many cases when the Bill ought to come into operation before that. This is not the only solution to the problem. It certainly is an attempt to address the problem, but it is not the only solution.

The Attorney-General suggested what I might say was another solution, and I did say it last Wednesday: instead of coming into force immediately, 12 months or two years after the Bill was passed, it should expire or come to an end at that time. That is a much greater incentive for a Government to make sure that it does get things in place and does proclaim the Act.

Because this matter falls fairly and squarely within the ambit of the Legislative Review Committee (the former Joint Committee on Subordinate Legislation), and as the object of the new Parliamentary Committees Act is, among others, to refer matters to the appropriate committees set up by that Act, it seems that this contingent motion is very appropriate because it does refer to that committee exactly the kind of thing that the committee is established to deal with, namely, subordinate legislation, with the coming into operation of Acts, the expiry of Acts and things of that kind. There does not seem to me to be any rush about this, as long as we get it right because, after all, as I have pointed out, there are Acts that have not been proclaimed for four years or even more.

If this Bill is deferred until it can be discussed by that committee, which doubtless would have research undertaken on the matter, including the kinds of things done in other States and other jurisdictions in this respect—and I know that various provisions do apply in those places—it would seem appropriate for the committee to look at the two options that have been mentioned (there may be others) and to see what options are adopted in other States, and to report to this Council.

*The Hon. C.J. Sumner interjecting:*

**The Hon. J.C. BURDETT:** I said there are two options and there may be more. I said that we ought to look at what is done in the other States.

**The Hon. C.J. Sumner:** Don't get upset.

**The Hon. J.C. BURDETT:** I'm not getting upset.

**The Hon. C.J. Sumner:** One option is to make it repeal. What is the other option?

**The Hon. J.C. BURDETT:** For the third time, because I said this last Wednesday, I said it just now, and I will say it again: there are two obvious and clear options, without discussing the matter. One is that, at the expiry of whatever is the relevant period of time, it comes into force forthwith. Another obvious option is that it expires forthwith. There may be other options, and research could be undertaken into those matters, including research into what happens in the other States, the Commonwealth and other jurisdictions. For those reasons, I have moved this motion and ask for support. There can be no harm, and every good, and it is in the spirit of the Parliamentary Committees Act that this Bill be referred to the Legislative Review Committee.

**The Hon. M.J. ELLIOTT:** I oppose the motion for two reasons. First, the matter is a relatively simple one, quite open to amendment here. Also, the issues are straightforward enough and we really do not need a committee to consider it. I am quite satisfied that the option this Bill presents is satisfactory. I have no problems with it. For that reason, I do not see any need for it to go to a committee. In the longer run, as our committee structures evolve, in general terms I would like to see more Bills go to some of these standing committees. I was most interested in discussions I had last week with members of the German delegation who were in Adelaide on a brief visit. Every piece of legislation that goes into the Bundestag is taken to a committee before it goes to the Parliament for consideration. As I understand it, it enters the Parliament in the form it leaves the committee, not the form in which it is taken to the committee.

*The Hon. Anne Levy interjecting:*

**The Hon. M.J. ELLIOTT:** Well, the debate occurs more in the committee than it does in the Parliament, although the Parliament still has the ultimate say. That approach in more general terms is a rather attractive one. It suggests a rather radical change to the way Parliament currently functions. We are not quite in that position yet. The general proposition is very attractive but, in the circumstances of what is a relatively simple matter, I do not see it as being necessary.

**The Hon. C.J. SUMNER:** I was going to say that I concur with the Hon. Mr Elliott's remarks, but then he went on too long and spoiled my line. One of the problems with having visiting parliamentary delegations to South Australia is that members get to talk to them and—

**The Hon. M.J. Elliott:** They get ideas.

**The Hon. C.J. SUMNER:** Yes, they get ideas which may be all right in a 500 member Bundestag of the Federal Republic of Germany but which really may not be applicable to the South Australian Parliament.

*The Hon. M.J. Elliott interjecting:*

**The Hon. C.J. SUMNER:** I know, but it may not be applicable to a South Australian Parliament of 69 members.

I certainly do not agree that we should, as a matter of course, adopt proposals to send Bills to the committee. I think the committee will have enough work to do with general inquiries. Certainly it will be appropriate to send some Bills to committees for discussion. It will be appropriate for committees to raise issues, debate them and carry out inquiries into particular aspects of Government activity and other issues in the community. As I said, certainly some Bills will be referred to the committees at the appropriate time.

Instead of having select committees as we have on some Bills, it will be appropriate to refer Bills to the standing committees. However, I do not think we should adopt that practice as a matter of course. Many Bills that come before the Parliament are relatively simple. They can be resolved without the necessity of formally referring them to the committee. I believe that this is one such Bill. It is simple. It has been agreed to in the Lower House. It seems to have been agreed to by most members of the Parliament. Accordingly, I oppose the motion.

Motion negatived.

In Committee.

Clause 1 passed.

Clause 2—'Commencement of Acts.'

**The Hon. J.C. BURDETT:** As I said just now and have said before—and I asked a number of questions about this last year—a large number of Acts have not been proclaimed for a considerable period of time. Last year I asked questions of the individual Ministers responsible for the Acts and in most cases have not received replies; although in one or two cases I did receive replies, in the great majority of cases I did not. Therefore, I ask the Attorney whether he can inform the Committee how many Acts have been on the statute—

*The Hon. C.J. Sumner interjecting:*

**The Hon. J.C. BURDETT:** All right, but I would still ask the Attorney, because I think it is appropriate, whether he can inform the Committee how many Acts are on the statute book which have not been proclaimed for more than two years.

**The Hon. C.J. SUMNER:** Obviously at this stage I do not know the answer to that.

**The Hon. J.C. Burdett:** But you could find out.

**The Hon. C.J. SUMNER:** Yes, I am happy to try to find out. I understand that the Hon. Mr Burdett has done the research on this. In one of his speeches he produced an analysis of Bills or parts of Bills that were unproclaimed.

**The Hon. J.C. Burdett:** But I have asked the Ministers and they haven't told me.

**The Hon. C.J. SUMNER:** I do not recollect the honourable member asking individual Ministers in the Council, as part of the debate.

**The Hon. J.C. Burdett:** No, by way of questions. From time to time I have asked the Ministers about it.

**The Hon. C.J. SUMNER:** You haven't put questions on notice though, have you?

**The Hon. J.C. Burdett:** No.

**The Hon. C.J. SUMNER:** Just to show that we do not totally ignore what members say, I did—

*Members interjecting:*

**The Hon. C.J. SUMNER:** —write to my ministerial colleagues and drew their attention to this situation.

**The Hon. M.J. Elliott:** And they ignored you.

**The Hon. C.J. SUMNER:** Yes, and they ignored me.

*The Hon. K.T. Griffin interjecting:*

**The Hon. C.J. SUMNER:** No, following the Hon. Mr Burdett's dissertation on this topic I wrote to my ministerial colleagues and drew their attention to the unproclaimed Bills. In principle I would agree with the honourable member, that it is an unsatisfactory situation to have unproclaimed Bills. Regrettably, from time to time, circumstances change. Sometimes it is anticipated that it will be possible to proclaim unproclaimed sections—that is, sections that have been left unproclaimed for certain reasons—but, because work that is needed to be done is not done or because it may be dependent on action in other States or at the Federal level and that is not complete, it does not occur.

It is not a desirable practice; I agree with that. This Bill, when passed, will ensure that it does not happen in the future beyond the two year period. I will undertake to re-examine the Hon. Mr Burdett's original contribution on this topic and see what action has been taken since then on the proclamation of unproclaimed Bills or parts of Bills, and I will also look to see which Acts have not been proclaimed in the past two years.

**The Hon. K.T. GRIFFIN:** I make one observation and ask whether the Attorney-General is comfortable with it. This Bill, when passed, comes into operation when it is assented to. It is not deferred until a subsequent proclamation. So, when it comes into operation, it seems to me that those Acts which were assented to more than two years ago but have not yet been proclaimed will automatically come into operation. Is that what the Attorney-General understands and expects?

**The Hon. C.J. Sumner:** No.

**The Hon. K.T. GRIFFIN:** I misunderstood; I thought that it had some retrospective effect on those Bills that are still in limbo, but I was mistaken.

**The Hon. C.J. SUMNER:** Certainly, in my discussions with Mr Martyn Evans, I understood that the Bill was not designed to have any retrospective effect. As I read the Bill, it has no retrospective effect and applies to any Act passed after this Bill is assented to.

Clause passed.

Title passed.

Bill read a third time and passed.

## TOURISM MINISTER

Adjourned debate on motion of Hon. R.I. Lucas:

1. That this Council urges the Premier to—
   - *(a)* 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.
   - *(b)* Ensure the Minister of Tourism stands aside from her ministerial position for the duration of the inquiry.
2. An independent inquiry should inquire into the following—
   - *(a)* The role of the Minister of Tourism, Ms Wiese, 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.
   - *(b)* The role of Mr J. Stitt in supporting the introduction of gaming machines in South Australia.
   - *(c)* 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.
   - *(d)* The role of IBD Public Relations Pty Ltd in supporting the introduction of gaming machines in South Australia.
   - *(e)* 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.

*(f)* The sources of income of the company, Nadine Pty Ltd.
*(g)* 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.
*(h)* 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.
*(i)* The practices of Cabinet with respect to the declaration of private interest 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.

(Continued from 1 April. Page 3752.)

**The Hon. M.J. ELLIOTT:** I sought leave to conclude my remarks when I last spoke on this matter, and at that time indicated that I would be moving amendments to this motion. As I indicated during Question Time today, the major concern that I have in relation to various matters that have been raised in this Council in the past three weeks in relation to the Hon. Ms Wiese is the question of conflict of interest and whether or not the Minister was too often finding herself in a position where the effects of her decisions were too close to people whom she knew. In the question I asked in Question Time today, I indicated my concern that Mr Stitt was involved with Tandanya, as was Mr Dawson, a close friend of the Hon. Ms Wiese, as also was her own business accountant as a part owner of the land that was eventually sold to System One. So, on an ongoing basis, a number of people who were involved in that development could stand to gain by decisions that were taken. That does not mean they did make any gain or that the Minister made decisions just to help them. Nevertheless, the Minister in her capacity as Minister of Tourism and her department were in a position of great influence, and it is my view that that level of influence is unacceptable, whether or not it was exercised in favour of those persons.

Questions of a similar nature have also been raised in relation to both the Glenelg development and poker machines. So, my primary concern from the beginning of this is not who has made money out of what and whether anybody has made money that they should not otherwise have made; it would worry me that this has happened. However, that is not my major concern, which is that we do not get ourselves in the sort of situation in which Western Australia has found itself, where business has become a little too cosy with Ministers. I am sure that corruption can sneak in by degree if we are willing to accept Ministers in positions where their decisions can favour people with whom they are closely associated.

I believe that these things happen by degree and, once we accept as an ongoing thing this closeness between Ministers and business associates and friends, eventually Ministers will make decisions that they should not make. That is my primary concern, and in our system of government we should decide that there will always be an arm's length between a Minister and people who may benefit from her decisions. That arm's length can, I believe, be created only by the person holding such a ministry.

Nevertheless, we have had various allegations and, I think we must say, insinuations, and there is no way known that realistically we cannot address all of them. The matters raised have been of great concern. The motion as currently moved by the Hon. Mr Lucas is relatively narrow in that it concentrates on the issue of poker machines. I believe we need to look at other matters, in particular in relation to Tandanya and Glenelg, and the question needs to be asked whether or not there are other projects where similar things may have occurred. There is also the question whether or not appropriate distance has been maintained. I therefore move to amend the motion as follows:

After paragraph 2 *(h)*, insert the following:

*(ha)* Details of all individuals and companies involved in projects instigated, supported or supervised by Tourism South Australia since the Minister of Tourism had her appointment in that position;
*(hb)* The relationships, either personal or professional, between those individuals and companies with the Minister of Tourism;
*(hc)* Whether Ms Wiese or Mr Stitt derived any benefit from decisions made in relation to the abovementioned projects;
*(hd)* What benefit the associates have made or stand to make by such decisions;
*(he)* The role played by Tourism South Australia in relation to the abovementioned projects;
*(hf)* Whether Cabinet was fully informed of possible conflicts of interest of the Minister.

After paragraph 2 (i) insert the following:

*(ia)* Whether the Minister transgressed generally recognised standards of ministerial propriety in continuing in the tourism portfolio while Mr Stitt, friends and associates were engated in lobbying and business arrangements with Tourism South Australia and connected projects.
*(ib)* Whether it is appropriate for a Cabinet Minister to hold a portfolio which has direct authority and decision making powers over an area in which the Minister's close associates have business and financial interests.

As this amendment does not actually involve the setting up of an inquiry but makes recommendations in relation to general terms of reference, there could be some nitpicking over the exact words. However, I hope that, at least by the amendments that I am moving, there is an indication as to the sorts of terms of reference that we feel an independent inquiry should have.

**The Hon. L.H. DAVIS:** Since my colleague the Hon. Robert Lucas moved this motion two weeks ago, a lot of water has run under the bridge, and the bridge is certainly wide and the water is flowing very rapidly indeed. I do not intend to canvass many remarks because obviously the events of the past two weeks have demonstrated that the Liberal Party has grave reservations about the conflict of duty and interest situation that has arisen with respect to the Minister of Tourism, (Hon. Barbara Wiese), and the relationship she has with Mr Stitt, who is actively engaged in dealings with several projects that have government involvement.

The matters have been well canvassed in this Council. The Attorney-General has been provided with certain information of a written nature, and he is currently considering those matters and whether he will establish an independent inquiry. The Hon. Mr Lucas moved this motion recommending an independent inquiry and that the Minister of Tourism should stand aside from her ministerial position only a short time after the news broke on the serious allegations relating to the Minister of Tourism.

Those allegations were first made by an ABC journalist. Since that time, further evidence has only strengthened the force of the argument that was put by Mr Lucas on 25 March. Yesterday I provided the Attorney-General with certain documentation, and one of those documents I have released to the media today, because it was a document of a public nature. It involved the relationship of International Casino Services Pty Ltd with International Business Development Pty Ltd, a company of which Mr Jim Stitt is a key person.

The document clearly established a strong relationship between the two and the fact that they were working together

in assisting the hotel industry in South Australia in its efforts to introduce gaming machines in South Australian hotels. That was a statement of fact in this document. The document directly contradicts the strenuous denials over a period of time by the Minister, and that in itself must clearly be a matter of concern.

One other document that I gave to the Minister contained information relating to IBD's program in February 1989 under the heading 'Proposed client list'. That is a document of a sensitive nature, and I do not intend to canvass the information on it in any depth, except to say that there were people who were consultants for Mr Stitt and included Kevin Tinson.

Kevin Tinson, I understand, has held senior positions at a Federal and a State level in the Labor Party. Certainly, he is prominent in the Australian Workers Union and has considerable contacts in the union movement in South Australia and elsewhere. He appears as a consultant with IBD, and under Mr Tinson's name appears the heading 'IGT', which, of course, is involved in the gaming industry. That fact is important in that it establishes quite clearly that IBD was involved with gaming matters well before the period of time mentioned by the Minister of Tourism.

She claimed that Mr Stitt and IBD did not become involved with the hotel industry until Mr Stitt was appointed to assist them in 1990. So, here we have in early 1989 clear and indisputable evidence that IBD was involved with gaming matters through Kevin Tinson, a Labor Party member and AWU operative. I do not have any objection to people in that area of lobbying. There is, of course, a separate argument as to whether lobbyists should be registered in South Australia, but I do not want to buy into that debate today.

The fact that Mr Tinson was involved with IGT under the umbrella of International Business Development blows the Minister of Tourism out of the water—no ifs and buts about it. Other matters that were addressed in the documents handed to the Attorney-General also clearly establish that a consultant with Tourism South Australia, a person who obviously had a relationship with Tourism South Australia, was paid on a contract basis and had been with Tourism South Australia for some years, was employed on the Glenelg project. That, again, directly contradicts the Minister's assertions in this Chamber over a period of time.

**The Hon. C.J. Sumner:** What are you saying is the evidence for that?

**The Hon. L.H. DAVIS:** The document that I gave you yesterday.

**The Hon. C.J. Sumner:** Which aspect of it?

**The Hon. L.H. DAVIS:** In respect of the consultant employed by Tourism South Australia working on the Glenelg project on behalf of IBD.

**The Hon. C.J. Sumner:** I think it is a bit of an overstatement to say that it 'conclusively proves' it, in the absence of any—

**The Hon. L.H. DAVIS:** Certainly, it provides strong evidence, if the Attorney-General wants to be pedantic about it. Taken with the fact that we had evidence from another source that the same person employed with Tourism South Australia actually appeared at a confidential meeting of the Glenelg council to discuss the Glenelg ferry project, it adds extraordinary weight—

**The Hon. C.J. Sumner:** To be fair, I think they are overstatements.

**The Hon. L.H. DAVIS:** Right—to all the documentary evidence that has been supplied to the Attorney-General. The other matter I want to canvass is the distinction between two documents setting out the details of the range of services of International Casino Services Pty Ltd. One document, which was produced earlier to the Parliament, establishes a relationship between International Casino Services and International Business Development. The Minister rejected that proposition on the ground that this document had been prepared exclusively for a submission to the Victorian Government.

That document included reference to a Mr Brian McMahon, who also has strong links with the Labor Party, having stood for Federal preselection and acted as a Government consultant. International Casino Services, of which he is a principal, shares an office in Melbourne with International Business Development. He is in that prospectus, if you like, which we can call the Victorian edition, of International Casino Services. Of course, what we uncovered yesterday, tabled in this Council and made available to the Attorney-General was the Adelaide prospectus for International Casino Services, which establishes a link between International Business Development and International Casino Services. It describes Mr Stitt in the following terms:

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

That relationship with International Casino Services is all important, because it contradicts what the Minister says and underlines the very close involvement of Mr Stitt's company IBD with International Casino Services, which is lobbying on behalf of the hotel industry for gaming machines. I want to make quite clear that the Liberal Party has no objection to consultants being appointed by industry groups, and no objection to consultants being retained and paid by industry groups. That is not an unusual procedure in business circles.

What we do object to is the nature of the matters for which they are lobbying. The fact is that gaming machine legislation is a sensitive matter, and a Government matter. The legislation has been debated in the Cabinet room—where the Minister failed to declare her interest—and we currently have before the Parliament legislation seeking to introduce poker machines into South Australia. It is a multi-million dollar industry with a high potential in this case for serious conflict of duty and interest. So, I support the Hon. Mr Lucas's proposition that an independent inquiry should be established to examine the role of the Minister of Tourism in respect of gaming machine legislation; the role of Mr Stitt in the introduction of gaming machines; the role of the two companies involved (IBD and International Casino Services); and the direct and indirect interest that Mr Stitt may seek to gain from the introduction of gaming machines in South Australia. Of course, the matter of Nadine Pty Ltd, which has apparently derived income from International Business Development over the years, is something that should also be investigated.

It is a serious matter that cannot be swept under the carpet. As we enter day 20 of what is developing as a significant cover-up by this Government, the Liberal Party remains concerned on behalf of the people of South Australia that the Government has been so tardy in addressing this most serious matter. Day after day the Liberal Party has made allegations and produced evidence that the Minister seems unable to rebut or does not know anything about.

If I put this proposition to the Attorney as follows, he will better understand the thinking of the average South Australian; when the allegations were first made by an ABC journalist and followed through by the Liberal Party in the Parliament, what would the Minister have normally done? What would the Premier and the Attorney-General of the

Government have normally done when a Minister is under attack? What would the position have been? Surely the Premier and the Attorney-General would have said to the Minister, 'Let us gather the information together.

We want everything that is relevant to Mr Stitt's involvement in gaming machines, Tandanya and the Glenelg project. We want all the cards on the table, so that we can make an assessment.' Twenty days later the Attorney-General is still thinking about the matter. He has assured us that we will have a decision next Tuesday. But when one looks at Mr Mick Young and his Paddington Bear and at Mr Michael MacKellar and his colour television set, they suddenly look pretty good, and they were dealt with in pretty peremptory fashion; judgment was very swift and speedy. There were no ifs or buts about it: they breached the standards set down by the Governments of the day, one a Liberal Government and the other a Labor Government.

**The Hon. C.J. Sumner:** Hang on! You're wrong. Mick Young was exonerated.

**The Hon. L.H. DAVIS:** But he was stood down, wasn't he?

**The Hon. C.J. Sumner:** There was an inquiry.

**The Hon. L.H. DAVIS:** I know, but it happened more quickly than in 20 days. That is the point I am making. In the case of Mr Mick Young, there certainly was an inquiry. The point I am making is that the Paddington Bear affair is quite trivial in comparison with the matters that are now before us.

**The Hon. J.C. Burdett:** But there was still an inquiry.

**The Hon. L.H. DAVIS:** Indeed, there was an inquiry into the Paddington Bear affair (that is the point I am making) about a matter that cannot be compared in any way, I would have thought, with the seriousness of the allegations that are now before us. What continues to astound the Liberal Party—and it certainly continues to astound me—is the fact that, as late as yesterday, the Minister of Tourism expressed surprise at the fact that we were introducing a prospectus on International Casino Services Pty Ltd. She went through the motions of saying that she had never seen it. That was the clear impression that one gained from her reaction and from what she said in response to a question about the prospectus from my colleague the Hon. Jamie Irwin. Now, what is going on? The people of South Australia are entitled to know. Surely, after 19 days the Minister could have spoken to Mr Stitt, with whom she lives, with whom she eats and with whom she shares a house and said, 'Where are the documents which are relevant to this matter that is being pursued by the Liberal Party?'

Surely the Attorney-General has said to his Minister, 'You should be producing the documents for us to examine.' The remarkable situation we have in this Council is that the Attorney-General and the Minister are saying, 'Well, you bring forward the documents that you have, and we will have a look at them.' What an extraordinary and bizarre affair when the Government says, 'You trot out documents. We'll have a look at them, and we'll determine whether or not there is an independent inquiry.' We are producing documents and evidence which the Minister seems to know nothing about. They are documents that she has not seen and facts she does not know anything about. They are questions which she cannot answer nearly three weeks into this Wiese-gate affair.

*The Hon. Anne Levy interjecting:*

**The PRESIDENT:** Order!

**The Hon. L.H. DAVIS:** I find that extraordinary. In the face of very serious allegations, the Minister is still unable to satisfactorily answer any questions, and how ironic that today in this place, in response to a question about a radio news report of someone who confirmed that he had had discussions with Mr Stitt on the Glenelg project (someone from the private sector), the Minister gave the most detailed and factual answer that we have had in almost three weeks. How extraordinary that, in what was just a sideshow to the main event, the Minister spoke chapter and verse about it, when she has been unable to answer nearly any of the other questions satisfactorily: questions of weight, of moment and of gravity.

The Liberal Party is pursuing this matter, because it is of public interest and grave importance. Day after day we have produced new evidence for the Attorney-General and, quite frankly, I think it is unsatisfactory that it has taken so long to reach this conclusion, because after 20 days one would have thought that the Minister, with her links with Mr Stitt, would be able to put together the facts to produce answers for the Liberal Party in Parliament and certainly for the Attorney-General.

The proposition put by Mr Lucas that an independent inquiry be established and, at the same time, that the Minister stand aside from her ministerial position for the duration of the inquiry, has merit, substance, argument, logic and facts, which have not in any way been satisfactorily rebutted in this place in the past three weeks. I support the motion.

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

## LEGAL PRACTITIONERS (LITIGATION ASSISTANCE FUND) AMENDMENT BILL

**The Hon. C.J. SUMNER (Attorney-General)** obtained leave and introduced a Bill for an Act to amend the Legal Practitioners Act 1987. Read a first time.

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

*That this Bill be now read a second time.*

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

Leave granted.

### Explanation of Bill

This Bill seeks to make a couple of amendments to the Legal Practitioners Act 1981 ('the Act').

The first amendment concerns the Litigation Assistance Fund ('the Fund') which is to be administered by the Law Society of South Australia by way of a trust constituted by a deed of trust dated 2 April 1992.

In 1990 the Legal Practitioners Guarantee Fund showed a surplus of just under $2 million. During discussions between the Law Society and myself, it was agreed to allocate various sums from this surplus to a number of different areas including the Legal Services Commission, community legal services and a proposed legal insurance scheme.

At that time Western Australia had under consideration a scheme for funding certain legal matters.

The Law Society of Western Australia launched its Litigation Assistance Fund on 5 June 1991. To date it has received 105 applications and assistance has been granted in 21 matters.

The Government believes that a contingency legal aid scheme will open up the legal system to certain litigants. As the Government has a continuing commitment to increasing access to justice it was decided to allocate $1 million in seed funding to a Litigation Assistance Fund in South Australia.

The fund is available to any person who believes he or she is likely to achieve a remunerative result, including a defendant who may have a cross-claim.

In each instance the applicant will have his or her means to pay and the merits of the case carefully considered. Applications will be received from legal practitioners and will be examined, first, by an assessment panel, comprised of one member of the advisory board and two experienced legal practitioners. This decision will then be taken to the Manager of the fund. A final review

may be undertaken by the advisory board. Where a case is considered to have merit, and strong chances of success, and where the applicant for assistance satisfies a means test, assistance will be granted.

Where an action is successful, a percentage of the judgment sum will be contributed to the fund, together with any costs recovered from the unsuccessful party. Western Australia has fixed the required percentage at 15 per cent and it is likely that our fund will follow this lead. Western Australia has also set a scale of fees which has been approved as the basis upon which fees will be paid by the fund to the solicitor. As yet, the advisory board here is yet to examine this matter. When it does a decision will be made by the Law Society, upon recommendation from the advisory board.

It is expected that there will be a dip in funds for the first few years of operation but the expectation is that, before long, the fund will be self-funding.

The second amendment concerns the Legal Practitioners Complaints Committee ('the committee'). A complaint has recently been received by the committee which resulted in three of the four legal practitioners and one lay member having to disqualify themselves, for legitimate reasons, from consideration of the complaint. As a result, the committee cannot raise a quorum to give this matter due consideration.

The Act confers powers of delegation on the committee pursuant to section 75 but the power to admonish and lay charges cannot be delegated. Accordingly, an amendment has been made to the Act which will allow the Governor to appoint a person to be the deputy of a member of the committee.

Therefore, if a member of the committee is absent or unable, for any reason, to consider a matter, the deputy may act in his or her place.

The provisions of the Bill are as follows:

Clauses 1, 2 and 3 are formal.

Clause 4 provides for the administration of the Litigation Assistance Fund in accordance with the trust deed and enables the society to charge assisted persons on a contingency fee basis.

Clause 5 provides for the appointment of deputies of members of the Legal Practitioners Complaints Committee. The deputies may act when members are unable to act because of conflict of interest or for any other reason.

**The Hon. J.C. BURDETT** secured the adjournment of the debate.

## GAMING MACHINES BILL

Adjourned debate on second reading.

(Continued from 2 April. Page 3850.)

**The Hon. J.C. BURDETT:** I do not support the Bill, as I believe that there are already more than enough outlets for legal gambling in this State. I should state my own attitude to gambling. I do not believe that gambling is in itself morally wrong. I believe that, if one pays one's bills, provides for one's family and above all pays one's taxes, then what we do with the rest is up to us. Whether we spend it on gambling, travel, going out to dinner, give it to charity or some mix of these and all sorts of other items of expenditure, is up to us. However, gambling, like many other pursuits which are not in themselves immoral, can be socially harmful.

There is ample evidence that irresponsible addictive gambling can do a great deal of harm and can damage family life and the career of the gambler. I believe that to extend legal gambling to coin operated gaming machines in licensed premises would produce a great deal of social harm and would be more likely to cause social damage than the very extensive avenues of legal gambling that we have already. If people go to the Casino or a racing event of any code, the TAB or a lottery outlet, in most cases before they leave home they have made a conscious, deliberate decision to gamble. From among my friends, most people who go to the Casino decide before they leave home how much they will wager, and they usually stick to their decision.

People who go to a club or hotel usually do not go there with the previously taken decision to gamble. They go there to have a few drinks and to talk to their friends. If coin operated gaming machines are installed in a prominent place in licensed premises—and if the Bill passes they will be in a prominent place—the decision to use the machines may and often will be taken after the user has had a few drinks and in the midst of light-hearted banter with his or her friends. The decision will be taken in a situation and in circumstances which are not conducive to making a responsible decision about gambling.

In a conversation I had recently with the General Manager of the Casino, he disclosed the figures for bar trade in the Casino that indicated the amount of alcoholic liquor consumed per head of patron is small indeed. Members would have received many representations by letter, in person and by telephone. I am sure that the experience of other members has been the same as my own, in that almost all the contacts have been opposed to the Bill and its running mate, the Casino (Gaming Machines) Amendment Bill. Among the many letters, two in particular impressed me. One was from a medical practitioner with an inner city practice. He said:

As a medical practitioner working in the inner city, I have daily dealings with many people whose lives have been ruined by pathological gambling. The introduction of gambling machines into this State's hotels and clubs is certain to lead to an increase in the number of people similarly affected. There will follow an increase in the number of families broken up and suffering because of increased gambling.

The proposal to introduce these machines appears to be a cynical exercise in revenue raising which has its own economic cost to the community not as yet taken into account. I have yet to hear any proponent of the Bill consider the long term cost to the State in terms of social welfare spending on the victims of these machines and their families.

It is difficult to imagine a piece of legislation more likely to create social disintegration. This piece of legislation has been widely condemned as socially dangerous, morally bankrupt and as an open invitation to organised crime. Furthermore, opinion polls show clearly that the vast majority of South Australians are against the introduction of gambling machines, whatever controls are put in place. Please act in a responsible manner. Vote against this woeful proposal.

Another letter was from a community health worker, who said:

... one cannot help see the destruction caused by gambling, so what right have any of us to make the temptation even greater.

My work is in health care for the homeless and being in this line of work one sees very clearly that a decision to have poker machines is not only going to cause more problems for those who cannot resist the temptation but will cause an eruption of unseen problems, an increase in crime and associated problems that occur with people on welfare. And when this happens it will not be the Government who will take the blame but the victims of this selfish decision which is only a revenue-maker for a Government that has misused the State's money. It will be the poor and welfare recipients who will be blamed for not being able to handle their money, being careless about their responsibilities. I ask you, who is being irresponsible?

I urge you as a person who takes the responsibilities to heart for the sake of a just, honest and compassionate society. I urge you to reconsider your decision and consider those affected by such a Bill and vote against poker machines in South Australia.

We would all have received a letter from the South Australian Financial Counsellors Association Inc. which stated, in part:

The potential increase in clientele with which this legislation threatens our members would require almost doubling this State's financial commitment to financial counselling alone.

A point raised by these correspondents is the money-raising aspects of the Bill. This is very clear. The Minister of Finance is clearly under pressure to raise revenue because of the disastrous condition of the State's finances brought about by the present Government's grossly incompetent

handling of such finances—State Bank, SGIC, Scrimber, SAFA. What a saga of incompetence!

The Minister of Finance is a fixer of some repute. He is trying to fix the situation by wringing every last cent out of the public. In regard to these Bills, this is a cynical exercise which pays no regard to the citizens who will have their lives ruined by the introduction of these machines. Many of the people who will have their lives ruined by these two Bills will not be the users themselves and therefore will have no say or control over the destruction of their lives. I have also been impressed by the fact that SACOTA and the Australian Retired Persons Association are opposed to the Bill. It has been widely spread about that ageing people are heavy users of pokies, and we have been told about the money which flows out of the State because aged people go on pokies trips. The numbers of these people are quite impressive but SACOTA informs me that the pokies trips represent a very small proportion of ageing people.

**The Hon. T.G. Roberts:** There will be more if Victoria gets them.

**The Hon. J.C. BURDETT:** Okay. We would all have received a letter from the South Australian Heads of Christian Churches representing 11 denominations unanimously expressing their deep concern at the proposal to permit the introduction of poker machines to clubs and hotels in this State. The letter stated:

> We plead with members of Parliament to heed the 1991 call from the first South Australian Conference on Gambling for the South Australian Government to abandon legislation permitting the introduction of gaming machines into hotels and clubs. The association of gaming machines with alcohol consumption is a very grave concern for us. Our concerns come from welfare bodies well placed to observe at first hand the serious impact of excessive gambling.

The letter also contained a request for a select committee. I add that for completeness, because that is not before this Chamber at this time. A special point about this letter is that it is unanimous. The Christian churches are not usually unanimous in opposition to social legislation. An example is the prostitution Bill introduced by the Hon. Mr Gilfillan. While there is substantial opposition from the Christian churches, it was not unanimous. In fact I cannot remember a previous occasion when there was unanimous opposition from the heads of Christian churches to a Bill. I believe that we should heed our Christian leaders. In addition to that, we should remember that the collective wisdom of the Christian churches on social issues long predates our existing political institutions.

We might also remember that the heads of the 11 denominations collectively represent a majority of the voters. I suspect that most, if not all, of the denominations not represented by the Heads of Churches are also opposed to the Bill. In addition to this letter several of the individual churches have made statements in one form or another opposing the Bill.

I next refer to the provisions in the Bill about minors. Clause 49 provides:

> A minor must not enter or remain in a gaming area or operate a gaming machine on licensed premises.

Clause 50 provides:

> The holder of a gaming machine licence must cause a notice in the prescribed form to be erected in a prominent position at each entrance to each gaming area . . .

It has been suggested that some large clubs will set aside large gaming areas with up to 300 pokies. These will become mini-casinos, and there will be no way (under the Bill) that this can be prevented. The member for Hartley very properly introduced an amendment in the other place which was carried, providing that the size of the proposed gaming operations on the premises would not be such that they would predominate over the undertaking directly carried out on the premises.

This practice of very large gaming areas is, in my view, undesirable, but at least the gaming area will be fairly clearly defined. I am concerned about small clubs and taverns, often with a rectangular bar room, where minors are entitled to be on the premises and to purchase food and non-alcoholic drinks. The gaming area in such premises must be delineated in the licence, but on-the-spot it will be difficult to define where the entrance to the gaming area is? There is to be a penalty for minors entering or remaining in a gaming area and a penalty for the licensee who commits an offence, but there is a defence if he or she can prove that reasonable steps were taken. Apart from the question of offences, in many small taverns the gaming activities will be in full and close view of minors and minors will be exposed to the attraction that this activity will have to some people.

Gaming machine licences may, under the Bill, be issued to the holder of a hotel licence, club licence or general facility licence. A considerable number of general facility licences have been issued, and I think it is fair to say that such licences that are now issued, in a great number of cases, were not contemplated by the licensing authorities at the time such licences were first created and written into the then licensing legislation. In fact, I was the Minister who introduced the amending Bill which, *inter alia*, created that class of licence. Specific instances were brought to my notice which I thought justified the creation of that class of licence, and it was necessary to allow a degree of flexibility.

However, such licences are now certainly granted in cases which I never contemplated. I am not certain but I understand that the Festival Theatre operates its theatre door bars under a general facility licence. I am not criticising that, but this Bill would enable the holders of this diverse class of licence (including the Festival Theatre) to obtain a gaming machine licence (if they wished), and I am not sure that all members realise that and I am not sure that I think it desirable. I would ask the Minister, in reply, to indicate why it was thought necessary to enable the holders of general facility licences to hold a licence under this Bill.

Another aspect of the Bill which has been widely canvassed in the media and in the Parliament is the question of who exercises the monitoring role over the poker machines in licensed premises. I do not intend to debate this issue in detail now because I hope that the Bill will not pass the second reading, but if it does I do not see any problem with the Independent Gaming Corporation having that monitoring role—and I say that despite the Police Commissioner's report. Some of the discussion on this subject seems to me to be ill-informed and overlooks the very limited (although important) role of the monitoring organisation. Under the Bill, control rests not with that organisation but squarely with the Liquor Licensing Commissioner and the Casino Supervisory Authority.

The conditions to which the gaming machine monitoring licence will be subject are set out in schedule 2, which makes clear the limited and controlled nature of the monitoring operation. I am satisfied that the Independent Gaming Corporation could effectively carry out this operation and I would not like to see this operation fall into the already greedy maw of the Lotteries Commission. However, if the Bill passes, this matter can be further debated in Committee. I refer to the article in the *News* of 24 March 1992, which reports:

> Hospitality industry representatives say they are appalled at the current debate of the proposed gaming machine legislation. The Hotel and Hospitality Industry Association said it questioned the motivation of some MPs who had 'eagerly grabbed on to any

rumour or innuendo in their attempt to score perceived political points'. Association Executive Director, Mr Ian Horne, said the role of the Legislative Council was to review legislation. 'Should the Bill pass the Assembly there is an expectation that members of the Council will exercise their conscience on the Bill before them,' he said. 'At the very least, the club and hospitality industry deserves that.' If MPs were unsure, they should educate themselves, but they should not use what had been an honest and thorough proposal by the industry as a political football.

In view of the time, I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

[*Sitting suspended from 5.58 to 7.45 p.m.*]

## STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 7 April. Page 3906.)

**The Hon. C.J. SUMNER (Attorney-General):** I thank the Hon. Mr Griffin for his contributions to the Bill and for his support. He indicated support for most aspects of the Bill but he raised several areas of concern in relation to proposed amendments to the Strata Titles Act, and I will now respond to them. On the matter of insurance, the Bill proposes that the provisions requiring the strata corporation to insure will not apply where all the units of a scheme are held by one registered proprietor. The honourable member points out that the risk passes to a prospective purchaser when the cooling off period expires, but at this stage and until settlement, legal title is still held by the original registered proprietor. The honourable member contends that it would therefore be appropriate for the requirement to insure pursuant to the Act to arise at the point of contract. The Government has considered the honourable member's arguments on this matter, and an amendment will be prepared.

Secondly, in relation to the dispute resolution provisions, the Government does not see any need to amend their substance. The basic premise is that an application can be made to have certain disputes determined as a small claim or, as it will be on the proclamation of the courts package, a minor civil action. The current provision states that an application should be made to a local court and the proposed provision states that it must be made to the Magistrates Court. Both words are mandatory and there is no difference in their effect. I note that the Hon. Mr Griffin also indicated that I have foreshadowed to him certain amendments to the Evidence Act and that I have provided him with copies of the amendments and the reasons for them. I will detail the reasons to the Council and move that amendment at an appropriate stage of the Committee proceedings.

Bill read a second time.

## GAMING MACHINES BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3897.)

**The Hon. J.C. BURDETT:** When I sought leave to conclude my remarks I had referred to the article in the *News* of 24 March 1992 and I had completed reading that quotation, to the effect that hospitality industry representatives said that they were appalled at the current debate over the proposed gaming machine legislation. I find it patronising and offensive for Mr Horne to be telling us our job, particularly when he does not know what he is talking about. I have been a member of this Chamber for 18 years and I think I appreciate its role and function. Mr Horne is reported to have said that the role of the Legislative Council was to review legislation. The Constitution Act certainly does not support him. The Constitution Act creates the two Houses as powerful Houses with equal powers except in money matters, and it is not really very unequal, even then.

The House of Review role of the Legislative Council is often talked about. That is one of the roles. It is also a House of initiation. During one period which I researched some time ago, approximately one-third of the legislation that went through Parliament originated in the Legislative Council.

**The Hon. C.J. Sumner:** That was because of me.

**The Hon. J.C. BURDETT:** Yes, but it was because of us, even before that. So, to restrict its role to a reviewing role is ridiculous. It is also a House of representation. It is elected by proportional representation which from the point of view of electoral justice is the most democratic form of election. I also happen to think that, from the point of view of serving the electors, single member electorates are necessary. But this is not an electorate by electorate issue; it concerns the whole State. Therefore, members of the Legislative Council are entitled to take any view they individually wish on the subject.

Mr Horne says, 'If an MP did not like the Bill it could be amended.' He did not add that if an MP did not like the Bill he or she could vote against it and would be quite entitled to vote against it, as I have always intended to do and will do. From the point of view of representation, the great majority of people who have contacted us oppose the Bill. Last year, I spoke to the President of the Hotel and Hospitality Industry Association and told him that I intended to vote against the Bill for the reasons which I have outlined in this speech. He fully and graciously accepted my right to take this view. Since then some of my colleagues have publicly indicated that while otherwise they may have been favourably disposed to the Bill, they might not be disposed to support it while there was a doubt about the role of the Minister of Tourism in the formulation of the Bill and a conflict of interest and the effect which that may have had on the Bill. While I personally oppose the Bill for the reasons which I have given, I strongly support the right of my colleagues to canvass the point of view which they have canvassed.

Mr Horne said 'there is an expectation that members of the Council will exercise their conscience'. I am quite certain that is exactly what they have done and will continue to do. I am disappointed at the stance which the Hotel and Hospitality Industry has taken in this matter, because of my very kind memories of that organisation in the past. I knew it better as the Australian Hotels Association. It was one of the organisations with which I have had to deal and which I most respected. It was vigorous in support of its industry, and that of course is its primary role.

But what I most appreciated both as a Minister and shadow Minister was its previous even-handed dealing with both Government and Opposition. It always communicated. It was one of the best communicators in the lobbying business. The press release to which I have referred and other public statements indicate to me that it has fallen from grace and lost its way. I hope that that will be remedied by the association. There has been considerable coverage in the press about the plight of the hotel and club industry. I certainly regret that this is the case, because I have sympathy for both industries, which I think have been good honest

industries which have a very strong record of service to the public.

The problems to which I have referred in those industries predate the question of pokies. The problems have mainly been caused by two things which I acknowledge are beyond their control, namely, the recession and the .05 legislation; and I was opposed to that. The problems of the hotel and club industry will not be cured by this legislation. In the issue of the *Hotel Gazette of South Australia* of February 1986 (true, some time ago) entitled 'Pokies would hit hotel turnovers, jobs', Mr Bill Spurr, the then AHA Chief Executive Officer said:

> If poker machines were allowed in hotels and clubs we would have enormous social problems on our hands. Poker machines exist on fast impulse gambling, which results in people gambling beyond their financial capacity. This form of gambling is a disease, which causes untold heartbreak and financial loss to people and their families and has no place in the general South Australian community.

Mr Spurr said the prime reason for people attending hotels and clubs was social drinking or entertainment. It had been estimated that hotels would suffer a 30 per cent reduction in their turnover should poker machines go into the general community. This would have a catastrophic effect on many hotels, including family run concerns. The loss of trade would result in a reduction of almost 58 per cent in the net profit of the average hotel and a reduction of almost 23 per cent in the hours that staff would be required to work. He said:

> At present there are more than 13 600 people working in the hotel industry in South Australia. If poker machines were introduced, 823 full-time jobs and just under 2 000 regular part-time and casual jobs would be lost. As well, family run hotels would also be hard hit.

Mr Spurr said that many people working as regular part-timers or as casuals within the industry were women supplementing their husband's income or breadwinners working at a second job to offset rising mortgage interest payments. His statement was made before the more recent downturn in trade and before the introduction of video poker machines in the Casino. But the social problems have not changed and have even got worse because of the recession that we had to have. I am not prepared to vote in favour of the Bill on account of my sympathy for the industry and contrary to my view that this Bill would be disastrous socially for South Australia. I oppose the second reading.

**The Hon. R.J. RITSON:** I will speak quite briefly to this Bill, because it has been debated for hours and the fine detail of many aspects of it have occupied much time in another place and will do here. But I want to address a few matters of principle, although principle is not the principal part of this legislation. There is a small amount of principle and a large amount of vested interest, but where there is principle the first thing to say is that a number of people do have strong moral objections to gambling. I hear what they say and I respect what they say.

I do not personally have any strong moral conviction that gambling is intrinsically wrong, but I believe that there are a number of important factors apart from such an absolute view which I do respect. Members may recall that I opposed the legislation setting up the Casino, not, as I say, because I have any fundamental moral objection to the Casino or to gambling. I have been there myself. Indeed, I have used the video gaming machines, and the best thing that can be said for them is that they are rather mesmeric, they are bright and they move, which makes them marginally more interesting than daytime television.

*The Hon. T.G. Roberts interjecting:*

**The Hon. R.J. RITSON:** Indeed they are designed to take your money. They inevitably take your money. They give periodic small rewards to encourage you to keep spending money on them. In some people's view, it can be money well spent if it is budgeted for, controlled and disciplined, and if one really values the intellectual exercise of watching this bright movement that is marginally better than daytime TV. But there are other more difficult problems, because not everyone is controlled and not everyone budgets for the expenditure as if they were budgeting for going to the movies.

With the machines in casinos, at least people must make a conscious effort to go and play them. I and many other people—the social, caring professions—are concerned that, with the widespread dissipation of these machines in clubs and pubs, there will be much more encouragement for people to gamble incidental to a purpose other than that for which they went to the pub or the club, that the number of people recruited to this form of gambling who cannot budget in a disciplined way for that form of entertainment will increase and that the difficulties expressed by financial counsellors will increase. I tend to agree with those concerns.

So, apart from opposition from some churches on moral grounds, there is opposition from some churches on the ground that a social ill will follow. I opposed the Casino because I felt that it represented a monument to fruitless investment. I have felt for a long time that we are in a society that is devolving towards a marginal economy, and that building ourselves Taj Mahals of pleasure instead of building the Darwin to Alice Springs railway line is a form of denial of our economic status in this world, almost like Nero fiddling while Rome burned.

I took the opportunity at the time the Casino legislation passed to express that somewhat philosophical view of how we ought to be investing our money, and I opposed the legislation. However, that legislation passed and not only has the Casino come about but also it has video gaming machines, having been given them on the understanding that they would be confined to the Casino—in other words that the Casino would be given this monopoly. Now, of course, this Bill proposes to doublecross the Casino.

So, here we have the principle of a Government introducing legislation in disguise, saying that of course it will not become general; that they will be confined to the Casino. The Casino then makes an investment in the machines and, next minute, the Government policy disguised as a private member's Bill doublecrosses it and devalues its investment.

There may be a matter of principle in that, or there may just be a matter of vested interest—the vested interest of the Government in collecting more tax to fill the black hole created by the State Bank. However, that vested interest overrides that of the Casino, because the Government is boss. I suspect that that is the sort of brutal exercise of power behind this Bill.

There are a number of other aspects such as the question of control. We hear of the Police Commissioner's anxieties about the control of what is potentially a corrupt industry with opportunities for fairly large-scale, wrongful practices. I recall when this matter was debated before this House in 1982, and the very Minister who has introduced the Bill in another place was against it here, because by way of interjection—and I distinctly remember this, even though I do not think *Hansard* picked it up at the time, and we did not have microphones then—he called out, 'They are a tax on the working class,' and indeed they were. In 1982 Minister Blevins was protecting his working class from the revenue effects of this legislation. But now he has changed his mind. For some reason the Government seems to be frantic to get

this control into the hands of the Independent Gaming Commission.

The methods of lobbying have disturbed me. I expect that the Hon. John Burdett has referred to this, but I have perused a letter that one of my colleagues received and, frankly, it is a bullying letter. But the letter also says in part, 'You are playing, Sir, into the hands of sinister forces.' The writer then referred to the sinister forces in the industry in other States, whom he described as 'expatriating a third of the money'. This worries me. Obviously, the Police Commissioner also suspects some sinister forces. I am not a detective or an investigator; I am not in touch with the underworld; but these references to sinister forces worry me. Who are they? What are their sinister activities? And how can we be assured that, if we pass this Bill, these so-called sinister forces will not touch the industry here?

I am also a little concerned about the potential for disunity between the hotels and the clubs, which are presently unified. I see the potential for a different set of vested interests to arise. It is possible that a small pub that is very keen on having a couple of machines will get them, and then down the road a small club will suddenly enlarge, or a big club will be formed with hundreds of machines and will, in effect, attract the liquor and food trade away from the small club. We cannot know what will happen in the future, but I would say to the apparently unified industry of hotels and clubs that their vested interests will not always remain the same. There is a danger there.

If it is the duty of a member of Parliament to listen to the electorate, I can only say that when I listen I hear the voices of the moralists whose absolute moral judgments I do not share but which I respect, I hear the voices of the churches speaking at the sociological and practical level, and they oppose it; I hear the poll results which show that the average person in the street opposes it; I hear the caring, social work agencies and financial counsellors, and they oppose it; I hear the charities oppose it, because the community dollar which they get either by donations or by running raffles will be competed with on a large, multi-mega-dollar scale, and they oppose it; I hear the hotelier with his bullying letter that refers to sinister forces, and just the reference to 'sinister forces' hardens me in my opposition to it; I hear the Casino, which will be doublecrossed, and naturally it opposes it; I hear the other gambling—racing—codes being very anxious about the competition and they oppose it; and it leaves me wondering whether the only people who are for it are the so-called sinister forces. I do not know but, when I listen to what I hear, there is no alternative but for me to oppose it as well. I therefore oppose the second reading of the Bill.

**The Hon. R.R. ROBERTS** secured the adjournment of the debate.

## UNIVERSITY OF SOUTH AUSTRALIA (COUNCIL MEMBERSHIP) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 2 April. Page 3832.)

**The Hon. R.I. LUCAS (Leader of the Opposition):** I rise on behalf of the Liberal members in this Chamber to support the second reading of this Bill. When last we debated this legislation, this Council engaged in long and productive debate on the form of legislation for the University of South Australia. Indeed, at the same time we discussed amending pieces of legislation for the University of Adelaide and Flinders University. I am pleased to say that this evening we will not need to be as long or productive, because there has been a considerable amount of agreement between the Government and the alternative Government in debate in another place. A series of amendments that was moved by the shadow Minister of Employment and Further Education (Hon. Jennifer Cashmore) were accepted by the Minister and a majority in the House of Assembly, and they now form part of the amended Bill that the Legislative Council now debates.

There are two significant aspects of the legislation to which I want to address some comments, first, in relation to the composition of the council, and secondly, that very important area of the notion of the office of a visitor to the University of South Australia, a subject that I am sure the Minister in charge of the Bill in this Chamber will well remember from the last debate we had here.

**The Hon. Anne Levy:** Have you sorted out Alexander the Great?

**The Hon. R.I. LUCAS:** I don't know. There seem to be conflicting views in the other House. In relation to the composition of the council, I must refer to the position of the Liberal Party after what I must say was a vigorous debate (it was one of those occasions when members were a trifle surprised at the interest shown in our joint Party room in the nature of the University of South Australia Bill), almost one-third of the joint Party room having been or currently being a member of a university council. It was not therefore surprising to know that there was much interest in the form of the legislation for the new university council.

A wide variety of views was expressed. Considerable concern was expressed about the nature of the Bill as it was first introduced with a provision allowing the Minister of Employment and Further Education, currently the Hon. Mike Rann, to appoint six persons to the university council, admittedly after consultation with the Leader of the Opposition. The result of the amendment and debate in another place was that the Minister will still appoint those six members but only after agreement with the Leader of the Opposition in the State Parliament.

As I have indicated on a number of previous occasions, I have a personal preference for the view that the notion of a convocation of electors and of persons being elected to a university council is the best and most efficient way of electing members. Parties are not run in this way but, if I had a personal view, that would be the proposition that I believe we ought to be supporting. The university has considered the form of the legislation it wants. It considered the notion of a convocation of electors and it has rejected that notion, and that view of the university has to be given some weight.

In the end in the debate in the Liberal Party a majority of people supported the view that, with the amendment moved in another place, it ought to be a nomination by the Minister of Employment and Further Education with the agreement of the Leader of the Opposition that results in the nomination of those six members.

Although there is not much hope, perhaps in the long term the University of South Australia, after it has bedded down its own legislation, established its university and is further down the track in establishing its role as an important element of our higher education institutions in South Australia, might be prepared to look at the notion of a convocation of electors and the notion of an election from the convocation to the university council.

A range of concerns has been expressed about the cost, the practicality of establishing a convocation of electors and

whether or not that is the best way of finding people for a university council and I respect the views of the university and others who support such views in relation to those concerns but, as I have said, I hope that perhaps in the longer term we might see the university itself considering the possibility of a convocation and perhaps approaching the State Parliament for amendment to its own legislation.

The only other matter I want to address briefly is the notion of a visitor to the University of South Australia. The Minister in this Chamber will know that that was an amendment the Liberal Party moved in this Council previously which in the end was accepted and supported by the Government and the Democrats in this Chamber as being an eminently sensible amendment to the University of South Australia Act. As I indicated previously, there are similar provisions in the University of Adelaide and the Flinders University Acts and it would seem appropriate that, if we are arguing that the University of South Australia ought to be playing an equal role in higher education in this State, if the Governor of South Australia is the visitor to the University of Adelaide and Flinders University, the Governor ought to be the visitor to the University of South Australia.

Whilst as we have argued previously the office tends to be largely traditional and symbolic, it is true to say that on a number of isolated occasions throughout Australia the office of visitor has been used and has been an important element in resolving conflict within universities. Those persons who have conflicts that need to be resolved also generally have recourse to our courts but, if these matters can be resolved on occasions through the office of visitor at the various universities, that would appear to be a sensible move and even a cost-effective way of resolving potential conflict or conflict that exists at universities.

I am pleased to say that when the Liberal Party in another place indicated that it intended to move for the retention of the office of visitor, the Government was prepared to support the amendment and, as a result, the office of visitor to the University of South Australia is part of the University of South Australia legislation.

With those few words I indicate the support of the Liberal Party for the second reading of the Bill and I wish the new Vice Chancellor, Professor Robinson, the staff and the new members of the university council every best wish for a productive future and I hope that, with the passage of time, all people in South Australia will look to the university as an excellent university in educational terms and an excellent university in relation to providing equity for all South Australians and access to higher education throughout South Australia.

**The Hon. ANNE LEVY (Minister for the Arts and Cultural Heritage):** I thank the honourable member for his comments and support of the legislation. I am sure that he and all members join with me in wishing the University of South Australia well in its future with the amended form of council which it has decided is best suited to its needs and which this Parliament agrees will serve the university well in the years to come.

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

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

*A quorum having been formed:*

## LOCAL GOVERNMENT (REFORM) AMENDMENT BILL

In Committee.

(Continued from 7 April. Page 3937.)

Clause 4—'Substitution of divisions.'

**The Hon. ANNE LEVY:** I move:

Page 12, line 44—Leave out 'may' and substitute 'must'.

This amendment is to tidy up the wording. When all the requirements of preceding provisions have been followed, it provides that a panel may forward its report to the Minister. It would be better for it to state that the panel 'must' forward its report, so any further process that is required can proceed. It should not be discretionary on the panel as to whether or not the final report is forwarded.

Amendment carried.

**The Hon. J.C. IRWIN:** I understand by some sort of remote control, and on advice from the Hon. Mr Gilfillan, that it may be advisable not to move my amendment to line 45. I am not sure whether we will need to look at it later but, bearing in mind what we have done already, I am prepared to withdraw the amendment.

**The Hon. I. GILFILLAN:** I cannot claim to fully understand the implications of it, but I was advised by Parliamentary Counsel that it would be convenient for the Hon. Jamie Irwin and me not to move an amendment to line 45, foreshadowing an amendment that the Minister has on file for the resubmitted previous part of the clause dealing with the poll. I am prepared to accept that advice. Therefore, I do not intend to move my amendment. I am sure it will become clear in the fullness of time why we received this advice.

**The Hon. ANNE LEVY:** After the passing of the amendment to section 19 last night, it was realised by Parliamentary Counsel—and I tried to point this out last night—that both the amendment moved by the Hon. Mr Irwin and the amendment moved by the Hon. Mr Gilfillan did not cover all possible eventualities and that a further change to the provision was necessary for consistency. Therefore, I have an amendment on file (which we will come back to) which does not change the principle of what the Hon. Mr Gilfillan was doing but makes it more consistent. I think that consideration of line 45 should await the outcome of the reconsideration of section 19 because, depending on how section 19 emerges after it has been reconsidered, it may or may not require an amendment to line 45.

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

Page 12, after line 45—Insert:

(2) If the Minister does not refer any such proposal to the Governor within two months of the receipt of the report under subsection (1), the Minister must, by notice in the *Gazette*, specify his or her reasons for not doing so.

Section 21 provides, '. . . may then be referred to the Governor'. I want the provision more definite: if it is not referred to the Governor we need to know the reasons why.

**The Hon. ANNE LEVY:** The Government opposes this amendment because, first, it seems to imply that the ministerial decision plays some part in this process. The whole process has been designed to be one of cooperation and consensus by local government. The role of the Minister and the Governor is purely formal, to implement any decision that has been agreed by the parties concerned.

The whole idea of the panel process is to eliminate the kinds of problems that have occurred in the past where there may be what are called 'hostile takeovers'. I stress that any recommendation that reaches the Minister will have been agreed by the parties. If it was evident in some way that the process had badly miscarried, the obvious action for the Minister would be to refer the report back to the

panel since the section provides that the report can be forwarded to the Minister only after the requirements of the preceding provisions have been complied with.

Should it come to the Minister without all the preceding requirements having been complied with, it would be referred back so that the proper procedures could be complied with. But, if all the procedures have been complied with, it will obviously be referred to the Governor for the making of a proclamation. I feel that the amendment implies that the Minister has power and some role in this process, but that is certainly not the case. A report should have been agreed to completely by everybody before it reaches the Minister and, if it reaches the Minister without that having occurred, it must be referred back so that it can be agreed. Obviously, the role of the Minister is a post-box to refer it to the Governor for proclamation.

**The Hon. I. GILFILLAN:** Does the amendment just passed to change 'may' to 'must' in line 44 also apply to line 45, so that section 21 would read, '... any proposal for the making of a proclamation under this Part must then be referred to the Governor'?

**The Hon. ANNE LEVY:** It has been pointed out to me that that may prove difficult if the Minister suspects that the proper procedures have not been complied with. By using the word 'may', if the Minister feels that the procedures have not been properly followed, he or she would have the flexibility to refer it back to the panel to check that all the proper procedures had been gone through.

**The Hon. I. GILFILLAN:** What about making it, 'If the Minister is satisfied that all procedures have been properly complied with, ... any proposal ... must'?

**The Hon. ANNE LEVY:** I am sure that that would express the sentiments. I feel it is important to keep some flexibility in case there is a suspicion that the proper procedures have not been followed.

**The Hon. I. GILFILLAN:** I think we all intend the same thing. Because we are to reconsider some sections, perhaps there will be time to reconsider the wording of this provision. To really optimise the purpose of section 21, having put the obligation on the panel to forward the report to the Minister, the Minister, having satisfied himself or herself that all proper procedures have been fulfilled, will refer the proclamation on. I think that that re-emphasises what the Minister has been saying, that in future the Minister will have no arbitrary role, that it more or less will be a formal role having satisfied herself or himself that the proper procedures have been followed. I invite the Minister to either later consider words for an amendment or suggest some now.

**The Hon. ANNE LEVY:** It is a little difficult to design words on the run. Would the honourable member be content for me to consult Parliamentary Counsel and have an amendment prepared which could be considered when section 19 is reconsidered or, if not ready at that time, which could be introduced by the Minister in the other place as an amendment?

**The Hon. I. GILFILLAN:** Yes.

**The Hon. J.C. IRWIN:** I cannot see what is wrong with my amendment. It fits everything that has been said by the Minister which, quite frankly, was double-dutch to me, and the word 'must—

**The Hon. R.R. Roberts:** How do you know it fits if it is all double-dutch?

**The Hon. J.C. IRWIN:** Well, this is the Minister's Bill. It is not our Bill and we and the Minister are having a go at amending some of it. Why would the Minister provide that the matter 'may' be referred to the Governor if it might sit on the Minister's desk for two or three months? That is why my amendment provides that, if it does sit on the Minister's desk, the Minister can let the people interested in it know why it is sitting there by way of the *Gazette*, which is not an extremely expensive exercise. While the Minister is fixing up some of the procedures that were incorrect, the Governor can proclaim the legislation according to what the Minister said earlier, because we have all these catch-all clauses that provide that, if anything is found, we can fix it up. I cannot understand why, if the Minister does not refer any proposal to the Governor within two months of receipt of the report under subsection (1), the Minister must, by notice in the *Gazette*, specify his or her reasons for not doing so. That is all I am asking; it is only a reason. We can go on bouncing reasons back and forth as long as we like. We have just taken out 'may' and put in 'must', yet, in the very next line the measure provides that '... this Part may then be referred to the Governor'. All I am saying is, sure, but if it will take more than two months, tell someone about it. I do not know why we need to consider any other amendments.

**The Hon. ANNE LEVY:** I indicate to the Hon. Mr Irwin that I have already given an undertaking that that 'may' will be changed to 'must', but the provision will include the words, 'if the Minister is satisfied with the procedures', or words to that effect, without saying exactly what the words will be. If there is a suspicion that something has gone wrong with the procedure, the obvious thing is for the Minister to refer it back to the panel to check the procedures. It may or may not take two months for that checking to occur. I really do not see why it should be published in the *Gazette* for everyone to read.

A particular proposal is presumably of interest only to the people in that area or those areas; they will be informed what has happened and it will probably be in their local press. There will be discussions with their councils, so they will have plenty ways of finding out what is happening. It is unnecessary to clog up the *Gazette* with something that is of interest to perhaps one small group of people in the State and has no relevance to anyone else. As I say, I feel the Hon. Mr Irwin's concern is that the 'may' should be 'must', and I have agreed that the 'may' will be 'must'.

**The Hon. J.C. IRWIN:** 'Must' is already in my amendment. We could change *'Gazette'* to 'local paper circulating in the area'. What will the Minister's resources be to look through all these proposals before they either go back through the system or proceed on? What are those resources likely to be?

**The Hon. ANNE LEVY:** It will not be the Minister or people using the Minister's resources who will check and do such matters: the Minister for Local Government Relations has very few resources. One can imagine a situation where a recommendation has gone from a panel to some councils, they have agreed, a poll may or may not have been called but, in any case, if one is held, the poll agrees with what the councils want, and then the recommendation is sent to the Minister. Someone may suggest that there has been an improper procedure somewhere and contacts the Minister. In such circumstances the Minister certainly will not check whether or not the procedures followed have been correct; obviously, the Minister would refer the proposal back to the panel and so that it can check whether the proper procedures have been followed.

That is its responsibility—to see that proper procedures are followed, as set out earlier in the Bill. It is its responsibility, but the Minister may refer it back to the panel so that it can check that the proper procedures have been followed. If it finds they have, it informs the Minister of this and the Minister then proceeds with the formalities of

ensuring that the proclamation is made. I do not think there is any danger that the Minister will have other than this formal role, and of ensuring there is a final check of the procedures if there is any question that they have not been followed correctly. I see no reason why the *Gazette* should be brought in.

**The Hon. J.C. IRWIN:** I have never heard so much nonsense in my life. I understand that this will be looked at later on. All I wanted to do was to ensure that a proposition did not sit on the Minister's desk for six or nine months. If that is not a help to local government and people who want change in local government, I do not know what is. I have never heard so much gobbledegook in my life about one tiny amendment. Having said that, I make it clear that I want to help local government and the people associated with it, so a proposal does not sit vegetating on someone's desk forever.

**The Hon. Anne Levy:** It never has.

**The Hon. J.C. IRWIN:** 'May be referred to the Governor'; if you do not like it or someone does not like it, it just sits there.

**The Hon. Anne Levy:** I said it will be 'must'.

**The Hon. J.C. IRWIN:** It is a lot of nonsense to me.

Amendment negatived.

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

Page 13, lines 2 to 4—Leave out subsection (1) and substitute—

(1) The Local Government Association of South Australia or the Minister may refer any dispute that arises in relation to the implementation of a proposal under this subdivision to the panel that formulated the proposal or, if that is not reasonably practicable, to another panel constituted by the Local Government Association of South Australia (which other panel may, but need not, include one or more persons who were members of the first panel).

This amendment arises from my reading of new section 22, which is headed, 'Resolution of certain disputes'. New section 22 (1) provides that the Local Government Association of South Australia or the Minister may refer to a panel any dispute that arises in relation to the implementation of a proposal of the panel under this subdivision. To what that refers is very unclear to me, so I have moved an amendment. Again, I do not see that amendment as being aggressive, but one that seeks to clarify that there is manoeuvability for certain things to occur. As I read it, if we refer a matter to a panel, it could be any other panel; do we have to set up another panel to do this? 'The panel' obviously refers to the one that made the decision. I hope that that adds some clarification to what is proposed in new section 22.

**The Hon. ANNE LEVY:** The Government supports the amendment.

Amendment carried.

**The Hon. I. GILFILLAN:** I move:

Page 13, line 33—Leave out 'seven' and substitute 'five'.

This amends new section 24 (2), which provides:

A review may relate to a specific aspect of the composition of the council, or of the wards of the council, or may relate to those matters generally, subject to the qualification that a council must ensure that all aspects of the composition of the council, and the formation, alteration or abolition of wards of the council, are the subject of a review under this subdivision at least once in every seven years.

This is quite a significant task for a council and one that impinges very closely on the democratic value of the votes involved and the balance of the wards. I believe that once every seven years is too long for that to be an obligation on the council, so I have moved that the time be shortened from seven years to five years. Bearing in mind that we now have a review in the State situation after every election, it seems to me that it is appropriate for us to look at a shorter period of time than the seven years drafted in the Bill.

**The Hon. ANNE LEVY:** I do not have any particularly strong views as to whether the review should be conducted every seven years or every five years. True, there has been a certain amount of stress in some councils resulting from the reviews, but these reviews were undefeated for the first time after the change in legislation. Indeed, for many councils, it was the first time in many years that any such review had occurred. Once reviews occur regularly, be it every seven years or every five years, the change at each review is likely to be much less, so it is likely to be a much easier process than applied the first time round.

It is true that in councils where the population is fairly settled—where it is not a developing area and there is not much change in the population—the reviews are likely to result in no change at all and, in consequence, many councils will find that this review leads to no change. They may object to the expense of it, because the work obviously will need to be done, even if it results in no change, and feel that it should be conducted every seven years rather than every five years.

On the other hand, councils in areas where there is rapid development are likely to feel that five years is quite appropriate because of changing population distribution within the council. With wards being very much smaller than State electorates, shifts in population that are negligible when considered in terms of a State electorate can be quite large in terms of ward boundaries. So, more frequent ward boundary changes or examinations could be desirable.

I point out that the current Act does not provide that reviews must occur every seven years: it says that reviews must occur at least every seven years. There is nothing to stop a council from having reviews every year if it feels that its population changes are such that this is desirable. I am exaggerating, of course, but where there are rapidly developing areas there is currently nothing to stop a council having a review far more frequently.

I point out also that there is one respect in which the principle to be followed in consideration of ward boundaries differs from that which applies in State electorates. For State electorates, the electorate boundaries must be drawn so that they all contain the same number of electors, with a 10 per cent tolerance either way. In this Act, we have put forward that where fairly rapid demographic changes are occurring it is permissible at the time of the redistribution for the number of electors per ward to exceed the 10 per cent tolerance limit either way, provides that the demographic projections indicate that they will be within the 10 per cent tolerance level at the time of next election.

So, if a redistribution is conducted just after a local government election, the 10 per cent tolerance will be reached at the time of the next local government election and, in consequence, the difference in time between redistributions for State and local government is much less significant because of this section of the legislation, which permits the 10 per cent tolerance to be exceeded at the time of the redistribution although not at the time of the election.

I think that many in local government would prefer to have the seven-year review because of the expense required when there is very little population change and the review is likely to result in no change of wards at all. Certainly, I do not have any strong views whether it should be five years or seven years.

**The Hon. J.C. IRWIN:** I do not accept five years, although I did look at this. I believe the Minister has covered most of the points that I would have made. I agree that the second time round, now that every council has been through it, the seven year cycle—

**The Hon. Anne Levy:** No, one more council to go.

**The Hon. J.C. IRWIN.** But everyone will have been through it hopefully by the end of June. To all intents and purposes, they have all been through, and that has probably been a difficult time for some councils. I think I left my council about the time it started that process, and it took a couple of years to do it, and it made some reasonably major changes. I do not expect that sort of thing to happen the second time round, although there may be more moves towards councils without wards and more moves to take away the aldermen, etc.

No doubt, other painful decisions will need to be made. I agree with the Minister: I hope that local government and local councils individually will be responsible enough to approach the Electoral Commission themselves if they can see that there is an explosion in a particular ward or some part of the demographic arrangement is getting out of kilter. I imagine that they would then approach the commission themselves to undertake that review.

I do not have a great problem with the seven years. I agree with the Minister that there certainly will be a cost factor, and that is of some consideration. However, that may be overridden by the commitment that everyone has to try to stay within that tolerance, and that is the most important factor. I believe that will be overcome, and it will not be a problem to stay at the seven years, so I do not support the amendment.

**The Hon. I. GILFILLAN:** I think we are living in what could only be described as turbulent times—and probably constructively turbulent times—in local government. Although it may add marginally to the burden of the cost and procedure of going through this review, the fact is that the review implants more firmly in the electors' and the residents' minds that local government is on a fair electorate franchise. So, I think it is good tactics to put into the statute this requirement that the review be done at least every five years. It provides the safeguard against the council which may be dragging its heels, has had some demographic changes and should, under most criteria, be looking for a review and a reassessment of ward boundaries and of the way in which their automatic structures are set up. I think five years is the right signal to put in this piece of legislation, and I would urge the Minister to support my amendment.

**The Hon. ANNE LEVY:** After listening to the various arguments, I will indicate that at the moment I will not support the amendment, because as far as I am aware there has been no consultation with local government, either at the council or LGA level, regarding this amendment. I would be quite happy to take on board that this is one of the matters that will be discussed with local government, so that further consideration can be given to the matter when the next piece of legislation arrives before us, with full knowledge of the views of local government on this matter.

Therefore, I do not oppose the amendment on any great grounds of principle; I merely feel that it should be discussed with local government. While the Parliament is not bound blindly to follow local government's opinion, we should at least be aware of its opinion on this matter before we make a decision. I also point out that it is open to any council to get rid of wards altogether and have a proportional representation system if they do not like the cost of ward boundary redistributions.

Amendment negatived.

**The Hon. J.C. IRWIN:** New section 24(18) follows directly from the discussions that the Committee has just had. It provides that the Electoral Commissioner may recover from councils any cost reasonably incurred by the Electoral Commissioner in performing his or her functions under the section. In my second reading speech I asked the Minister exactly what that means. I noted, as it was explained to me earlier (and I would like the Minister to put the answer on record), that something like 5c will be collected from each council per elector and that will be paid to the commission. Even though, for example, my council at Tatiara was not being reviewed, the 5c would still be collected on a twice-yearly or annual basis, and that would eventually pay for the review for that council area in two or three years. Is that correct? Will it be 5c from the start? Do we know what it will be? How much will the whole system cost on the estimates that may be known to the Minister?

**The Hon. ANNE LEVY:** The scheme to which the honourable member has referred is certainly being considered, although no final decisions on this have yet been made. Discussions are continuing. To some extent it is difficult to conclude such discussions until we know the outcome of the legislation with regard to ward boundaries and that depends on the process in this Parliament. The actual method of determining costs and how it will be allocated will form part of the agreement which will be signed between the Government and the LGA following the passage of this Bill.

Discussions with the Electoral Commissioner have indicated that 5c per elector would be very much an upper limit that would be charged if such a procedure was adopted, although I could indicate that it seems to me that the charge per elector would not apply across all councils, but only to those which have wards. This is because councils which have abolished wards and only have elections at large will obviously never come up for ward redistributions, because they do not have them. It would seem that they should not contribute to the ward redistributions of councils that do have wards. But, I am only indicating matters that are still under discussion, and there could be changes before the agreement is finally signed.

**The Hon. J.C. IRWIN:** I must say that I think it is almost totally unsatisfactory that we are passing legislation with no idea at all of what a council will be expected to pay for this so-called service. I think the Minister's first words were that this would be considered later. What has been the consultation process with individual councils and the LGA about this? How many other options are there to consider? What options do they have to consider? Once this is passed, can the Electoral Commissioner then collect this from local governments? As my colleague the Hon. Mr Stefani wants to know, I must ask how and where this will be collected. Will it be on a twice-yearly or an annual basis? We have the differentials between those councils which have wards and those which do not, and we also have the differentials between those with huge populations in one area and small populations in the other. I have some feeling for individual councils, and I would like to know what the Minister's understanding is of what they know about what they are in for. I have certainly not heard it before.

**The Hon. ANNE LEVY:** Discussions have certainly been held, and the Electoral Commissioner has been involved in them. The principle is a user-pays one. There is no suggestion that the Electoral Commissioner will make a profit out of this; nor is there any suggestion that he will make a loss. It is a question of covering the cost. One suggestion which certainly has been made is that an additional charge be added to the cost of the rolls which the Electoral Commissioner already sends periodically to every council in the State. This happens at regular intervals. A roll is sent and the charge of producing it is invoiced to the council. One suggestion is that this charge be raised slightly by a maximum of 5c per elector.

I refer to figures that have been prepared by the Electoral Commissioner. Currently 94 councils have wards and for 31 of those councils, the extra cost would be less than $100, and for 36 councils it would be over $100 but less than $500. We have already covered more than two-thirds of councils. For three very large councils the cost could be about $3 000, but I stress from what the Electoral Commissioner has said so far that that is very much an upper limit and a lesser figure could apply.

This matter could not be decided before the final form of the Bill was passed because, until Parliament had agreed that the Electoral Commissioner was going to be involved in this checking, there was no point in having a formal agreement about how he was going to be involved. One cannot put the cart before the horse, but there has certainly been discussion and thought given as to the most efficient method of ensuring that it is a user-pays system that is as cheap and efficient as possible. There will be further discussion on the matter.

**The Hon. J.C. IRWIN:** I am still astounded by the comments that I am hearing. I am sure that there have been discussions, but they all seem to have been with the Electoral Commissioner. Although it might be important to establish the cost from that point of view, I am somewhat fearful for those people who have to pay for it. The Minister should not forget that many, mostly rural, councils are still sore from what was perpetrated on them by the Government through the Valuer-General by not only increasing charges for services under legislation, but also imposing a minimum rate, a $2 000 minimum fee.

I do not have the figures with me, but some councils pay double, triple and quadruple what they were paying before, and that is under a Government that says it does not agree with minimum rates, and then it proposes them through the Valuer-General. What assurance can the Minister give that such a situation will not happen with charges going through the roof involving an open cheque book for local councils?

**The Hon. ANNE LEVY:** Perhaps I can remind the Committee what has not been stated in this Chamber but has been communicated to the Hon. Mr Irwin and the Hon. Mr Gilfillan. Although this matter has been discussed with the LGA, agreement on all the details has not been reached because the LGA did not agree with this part of the Bill. It is obvious that all members of Parliament agree with the involvement of the Electoral Commissioner in the process but, as I have indicated, the LGA did not support that part of the legislation and was perhaps hoping that an amendment would be moved to change it. If it were changed, it would be pointless to discuss what it would cost, because it would not operate, but no member of Parliament has suggested any amendment to this provision.

It is obvious that there is support across all Parties that the checking of ward boundaries by the Electoral Commissioner is the best possible procedure not only to ensure that ward boundaries are fair but also that they can be seen to be fair. Once the legislation has passed the Parliament—and on this point I have no doubt that it will pass—it will be possible to have meaningful negotiations about the method of payment and about how the charge can be raised. I assure the Committee that it will be user-pays only, without any profit margin, and the cheapest possible and most efficient method administratively will be found.

**The Hon. J.F. STEFANI:** The Minister said that the process of the levy for elections will be based on user-pays and based on electors. People could reside in a council area but may not be eligible to vote; they are therefore not electors on the roll as such, yet they are residents in a council area. Salisbury council has 96 618 residents (and I quote from a demographic table prepared by Dr Hugo), but obviously not all those residents would be on the electoral roll. How will that be handled?

**The Hon. ANNE LEVY:** Under existing legislation the Electoral Commissioner provides to each council the House of Assembly roll for that council area. For people who are entitled to vote in a local government election but who are not citizen residents within that local government area the maintenance of that section of the roll is the responsibility of the council.

*The Hon. J.F. Stefani interjecting:*

**The Hon. ANNE LEVY:** Yes, it is applied throughout. The Commissioner has done this for many years and charges councils for receiving the roll because obviously it costs the Commissioner some of his resources to produce the roll. He charges merely to recover the cost and equally obviously the cost of producing the roll depends on how many names there are on it. Councils with large numbers of residents obviously get a bigger bill than do councils with a small number of residents. If 5c was taken as the extra charge per name on the roll, over two-thirds of councils would be paying less than $500.

**The Hon. J.C. IRWIN:** I am unaware of any alternative proposal for this clause. I seek a commitment that this clause be recommitted, along with the others that seem to be queuing up (and I do not like that), and I would be prepared to try to find an amendment that the LGA might support, but I am unaware of any alternatives as I stand here.

**The Hon. ANNE LEVY:** Obviously the Hon. Mr Irwin can speak to the LGA whenever he wishes or whenever the LGA wishes to speak to him. I know it has spoken to him on numerous occasions regarding this Bill. However, the Government is not prepared to move from the situation of ward boundary changes being checked by the Electoral Commissioner. We feel that is the best possible way to ensure that they are fair boundaries and that they are seen to be fair boundaries. We trust the Electoral Commissioner to provide fair boundaries for State electorates. I see no reason why local government should not trust the same individual to ensure there are fair boundaries for local government wards.

The Electoral Commissioner is highly regarded. No-one has ever suggested bias, skulduggery or improper procedures on his part with regard to State Government boundaries. I am sure that no-one would ever suggest that that would apply for local government ward boundaries, either. This is not to say—and I make quite clear—that other alternatives which the LGA proposed would necessarily be open to bias, poor practice or anything which could smack of being not fair. A process must not only be fair but it must be seen to be fair. The Electoral Commissioner has the complete trust of everyone in this community, and his involvement will ensure that the boundaries are accepted as fair by everyone in the community. No arguments will arise as to fairness of boundaries. The Government is not prepared to change its view in this matter.

**The Hon. J.C. IRWIN:** As this discussion has unfolded tonight, and much of it is news to me, it is quite clear that, if I had known more about the difference of opinion on clause 18, I might have looked at trying to include amendments that may or may not have left the Electoral Commissioner in place, but would have attempted to put some constraints, within our ability to do so, on the way the Electoral Commissioner would be able to charge for his or her function as Commissioner. It is so patently obvious that the consultation process has not concluded, and there is a

void out there waiting for this to be passed so things can be agreed or signed. The Opposition and I will certainly look at it as it goes to the other place to see if we can come up with something to satisfy what I have just said.

**The Hon. I. GILFILLAN:** It is probably helpful for me to make it plain that I do not regard an alternative to the Electoral Commissioner as feasible or acceptable at this stage. Later legislation may look afresh at other proposals, but I do not want to raise false hopes. I would not support a recommitment of this clause. I have considered the fact that there were other opinions and that the LGA did not support this procedure as its preferred position. I believe in the integrity of the Electoral Commissioner in this job. I still regard this as a very testing time for local government to reassure the electors that its structures are impeccably fair, and I believe at this stage of the evolution of local government it is important that the Electoral Commissioner be given this job. I will not support any variation on that aspect of it.

**The Hon. J.C. IRWIN:** Prior to voting on clause 4, I want to make an explanation to members. This clause includes two major areas of change—the panel system for amalgamation proposals which we dealt with last night, and the ward restructuring provisions to be dealt with by the Electoral Commissioner, which we have just debated—and we have seen conclusively that the consultation process has not been concluded in this area. The Opposition opposes this clause. My two other speeches on this Bill have indicated as clearly as possible the Opposition's position.

Our discussion on clause 4 in the Committee stage, the questions and debates on the amendments, have not changed my mind. There is still too much unknown; too many questions that remain unanswered. We have been unsuccessful in having the Bill split to isolate our problem areas for investigation by a select committee. Our first intention was for the whole Bill to be referred to a select committee, but I have indicated how difficult it would be to split it. In my speech yesterday, I indicated that we would certainly be happy to look at only the panel system, if one wanted to isolate one area, going to a select committee for consideration. I accept the will of the Committee on that matter. I fall back to our principle which has been previously enunciated.

The matters addressed in clause 4, particularly the panel system, clause 17 (fees and charges), clause 22 (principles to be observed in relation to by-laws), and clause 25 (powers to make by-laws) will be opposed until the Local Government (Constitution) Act has been passed after a full and comprehensive consultation period, which may or may not need a select committee process in it. That will only be decided when we have considered the consultation process. All our reasoning for this, and questions asked, have been put down at length. Having said that, and for what it is worth, I indicate that my Party supports the matters in the Bill that relate to the ward restructuring, fees and charges and by-law making, but will only support them here when the proper framework is in place.

We are not into taking punts and remain unconvinced that the panel system embodied in clause 4 is supported by the local government sector on the whole or the community. Despite this Bill and its draft being available for a month or more, I have been given no official information whatsoever about its acceptance or otherwise. Frankly, that is an unusual position, going on past consultation procedures. I am bewildered by the strange quiet that is around. There has been not been even one comment to me by the LGA on the amendments to the Bill sent to that association in two lots, many days ago (and I did not check how many days ago but, as members know, my amendments were circulated in two different lots). I have not had one single comment from the association on the acceptance or otherwise of those amendments. I find that strange because it has not happened before. I have referred previously to the Hindmarsh council, and certainly it has been up front in its views. However, I will put on the record some of the comments which are relevant. I quote from page 3 of a letter dated 2 March sent to me by Mayor Pens which states:

> The manner in which the matter has been handled by the Local Government Association is also a matter of concern. The Local Government Association says that adequate consultation on the question of doing away with the LGAC took place at its early reform agenda seminars. As a consequence, it is surmised that the negotiating team's proposal came out of the Local Government Association's perspective of these earlier rounds of consultation. Their proposal was then handed out to those councils who attended the next round of reform agenda seminars in the latter part of 1991.
>
> However, not all councils were able to attend those seminars, and as a result were unaware of the proposal. It was only when councils seriously questioned this process that the Local Government Association sent to all councils a copy of the proposal (amended) and the LGAC response, and a carefully worded survey seeking their council's views on internal and external boundary change.
>
> This action, we believe, was a serious departure from normal local government practice and raises the question of why it was handled in this manner. As soon as the negotiating team had completed the first draft of the proposal it should have been sent out to all councils for their consideration and comment, as is the norm on all matters of importance requiring the consent of member councils before changes can be made.
>
> However, based on the results of the survey in which only 58 (or 48 per cent) of the 119 member councils responded with 31 councils (or 53 per cent) against and 23 councils (or 39 per cent) for the retention of the LGAC, the Local Government Association voted to do away with the commission and have draft legislation for their proposal prepared immediately.
>
> My council cannot reconcile how the Local Government Association can, on such an important matter as this, when the industry is in vital need of fundamental structural reform, accept a vote of only 26 per cent (31 of 119 councils) as being a sufficient mandate to recommend dissolving the LGAC.
>
> We believe that external boundary change in South Australia is critical. The State can no longer afford the luxury of 119 councils. While many councils will be opposed to these somewhat radical thoughts, the fact of life is that external boundary changes have to take place if effective, structural reform is actually going to happen. We believe that the LGAC is the most effective method to achieve this change.

That council is part of the LGAC process with the Woodville and Port Adelaide councils. It also wants change very much, and has made its views known. Following that letter from the Hindmarsh council, the Local Government Association (through its President) responded on 13 March (and I will quote sufficient from page 2 so as not to be accused of selectively quoting) as follows:

> Your interpretation of consultation with member councils on this matter concerns me. While there were some early teething problems with consultation following the signing of the Memorandum of Understanding, all councils have had adequate opportunity to comment on the proposed changes. Consultation has occurred in four stages:
>
> Stage 1—views of council representatives gained from first round of regional consultative meetings associated with the local/State review;
>
> Stage 2—proposal, based on views expressed at Stage 1, tabled at third round of regional consultative meetings;
>
> Stage 3—refined proposal forwarded to councils with a questionnaire; and
>
> Stage 4—provisions for inclusion in Bill sent to all councils.
>
> The results of the survey showed that a majority of respondents were in favour of the changes proposed. Those councils that did not respond can be considered to be satisfied with the proposed changes. Informal discussions with councils before and since the survey have confirmed that this is the case.

If that is the way in which the Local Government Association represents the results of its consultation, is there any

wonder we are raising questions about the LGA process? I do not need to cite, over and over again, the number of councillors and senior local government people who are unaware of what the Bill contains. Even tonight I asked a chairman of a council, 'Do you know what is in the Bill before us?' and that person did not have a clue. Maybe that is that persons' problem, but I am hearing that from so many people, as are my colleagues in both Houses, that one has to wonder. The Hindmarsh council's reply, dated 30 March, states on page 2:

Consultation has occurred in four stages:

Among other things, basic consultation consists of:

- The provision of adequate, timely information including the facts for and against the issue being discussed, to all those involved.
- The encouragement and the time for those wishing to comment to give feedback on the issues involved.
- The consideration of the views of those involved and alteration of the proposal to reflect those views.

At no time has the association provided factual information to councils about boundary change and the benefits or otherwise of the work of the Local Government Advisory Commission.

At no time has the association provided factual information to the community about boundary change and the benefits or otherwise of the Local Government Advisory Commission. Again highlighting the association's dismissal of the community as a valid part of the boundary change process and another reason for the belief of those who read the Bill that the views of the community are not important.

I have outlined these matters previously, and I am sorry that I have had to go over them again. However, I think that it is important to indicate the Opposition's position before the Committee votes on clause 4. I have already said that to my knowledge the draft Bill did not go to councils until a some few days before it was introduced with minor amendments into this Council. At the briefing held here, my assistant in my absence indicated that my office had sent out the explanation of clauses, because that is all we could afford to do in the time available for our consultation, which started from when we knew of the legislation (and I had no knowledge of it before). I do not wish to take up the time of the Committee in reading the consultation I have had on this Bill on behalf of the Opposition. I think that some people in local government think that the Opposition is up to date with everything that it is doing, but I can assure them that we are not.

I know that the draft Bill went out to councils just prior to our discussing it here, but how could they consult with the LGA in that time period? Admittedly, each council could have called a special council meeting to discuss it. I understand that many Chief Executive Officers have received the Bill and might have commented on it, but their councillors have not got the Bill. They ought to have it by now. Why am I still hearing that they do not know what is in the Bill—and it is their future. As I have indicated, the Opposition will not blindly go along with it.

I know that it has been said that the Leader of the Opposition supported the memorandum process, and I have memos here that I wrote to the Leader of the Opposition. I put out a press release as soon as the memorandum was signed. I spoke to the President (Alderman Plumridge) and Deputy President (Mayor John Dyer) of the Local Government Association at a local government meeting at Naracoorte, and they said it would help if the Leader were to put on paper that he accepted the process on behalf of the Opposition. I did that. I know of the letter which was sent by Dale Baker to the Local Government Association and which supported the memorandum process. For anyone outside the process to think that everyone knows what is in it, they are wrong, because we do not. In fact, part of the Leader's letter states:

We look forward to being kept informed of progress made in the negotiation process outlined in the memorandum.

However, we were not and have not been so informed. There is also nothing in the letter which says that the Opposition automatically will accept everything that results from the end of the consultation process, because members of Parliament, from whatever side, know that one does not give a commitment to support legislation until one sees it.

That is the unfortunate position in which I have been in my years in Opposition. I do not know what it is like to be in Government—probably very nice—but in Opposition, handling legislation for the Party and for members who have given me that responsibility, I do not know what is in it until it hits the Council. The Minister was kind enough to give me the draft Bill a little earlier so that we could get on with getting it through. I wondered why there was a hurry and why it was given to me after the two week break we had for the Festival.

**The Hon. Anne Levy:** I gave it to you half way through it.

**The Hon. J.C. IRWIN:** Well, half way through it, but my consultation period could have been at least those two weeks, but it was not, and I hope the LGA understands that my consultation started from when I had something to go on. That is why I was rather shocked when we were talking about the Electoral Commission. I thought the consultation on all this had finished and was all agreed to. I thought that everyone or the majority in local government had agreed to it.

**The Hon. Anne Levy:** There was one thing we did not agree on.

**The Hon. J.C. IRWIN:** I missed that. I have said enough, but I reiterate that the Opposition does not give, and no Opposition that I know of around the world would give, a guarantee that every bit of legislation agreed to by the Government and someone else will be agreed to without question, because that is almost saying that we should not even amend it and that we are meddling in the affairs of someone else. I put to the Committee that that is absolute and utter nonsense and the sooner we learn here that we are trying to run in the same direction and support local government, the better it will be for everybody. The Opposition opposes clause 4.

The Committee divided on the clause as amended:

Ayes (9)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts and G. Weatherill.

Noes (8)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, J.C. Irwin (teller), Diana Laidlaw, R.I. Lucas, Bernice Pfitzner and R.J. Ritson.

Pairs—Ayes—The Hons C.J. Sumner and Barbara Wiese. Noes—The Hons K.T. Griffin and J.F. Stefani.

Majority of 1 for the Ayes.

Clause as amended thus passed.

Clauses 5 and 6 passed.

New clause 6a—'Registration of interests.'

**The Hon. I. GILFILLAN:** I move:

Page 17, after line 8—Insert new clause as follows:

Insertion of s. 70b

6a. The following section is inserted after section 70a of the principal Act:

Register of interests

70b. (1) Each council must establish a Register of Interests relating to prescribed classes of officers and employees of the council.

(2) The Register must be maintained in accordance with the regulations.

(3) The regulations may make any provision in relation to—

*(a)* the provision of information for the purposes of the Register;

*(b)* the disclosure of information contained on the Register;

*(c)* such other matters as may be necessary or expedient for the purposes of this provision.

This measure requires senior officers of councils to have their pecuniary interests tabulated on a register, similar to the requirement that is imposed on the elected members and similar to a requirement that is imposed on members in this place. It is important that we realise how significant a role senior officers play—

**The CHAIRMAN:** Order! There is too much conversation in the Chamber.

**The Hon. I. GILFILLAN:** Thank you, Mr Chairman. There is a difference between the way local government operates and the way this place operates in the degree to which the senior officers of the council play a very intimate and influential role in the debate and decision making of a council. I am not denigrating that; I think that that enhances the work of the councils, which benefit from the value of highly skilled, expert input—people who are trained and experienced in contributing to discussion and, to be fair, they are probably somewhat more experienced than many of the elected members in getting their way. Once again, that is not a denigrating remark but just an observation of the influence and calibre of the people who hold many of the leading positions in the councils.

I notice that in this Bill we have recognised that there is a problem where people who are involved in discussions in which they have a vested interest do not, or are not obliged to, declare that interest. It is always prone to criticism, particularly if one has some suspicion that an advantage has been gained or given because of that interest. So, I feel that, to reassure the electors, the councillors and us as members of this Parliament establishing this piece of legislation, we need to make it an obligation on senior officers and employees of the council—those who are intimately involved in the decision-making process or advising those who are making the decisions—to have an established register of interest.

This measure is set up with that intention. Members may note that it allows for a little more regulating powers than I am prone to feel relaxed about in legislation. The reason for that is that I do not want to specify precisely the actual officers or employees who, through this amendment, will be required in the first instance to have their interests established on a register. I think that needs to be the subject of further discussion and, when that has been done, a regulation can be promulgated which identifies those people.

I urge the Committee to pass this amendment, recognising that it goes very little, if any, further than the Bill itself in recognising that there is an obligation on the senior staff to announce their interests in matters before council. In some ways, this obviates that. The list will be established, so it will come as no surprise to people that certain senior officers do have vested interests, and that may well be common knowledge before matters are raised.

**The Hon. ANNE LEVY:** I oppose this section at the moment, but I should not like it to be thought that I oppose it in principle. I do so for a couple of reasons. First, as the honourable member indicates, a great deal is left to regulation under his proposal. Even those to whom it will apply is left to regulation; what will be on the register and what each individual will have to declare also will be left to regulation. The proposal is as yet unformed, and we really need to firm it up before giving it statutory authority.

I also think that the whole question of conflict of interest in local government needs to be looked at very closely, and I hope that it will form part of the next piece of legislation, which we expect to be introduced later this year. As members probably realise, there has been discussion with regard to conflict of interest provisions, particularly for elected members, and a report containing a number of recommendations has been prepared on conflict of interest. These relate only to conflict of interest provisions for elected members, but it seems to me that it would be best to treat conflict of interest in its entirety, for both elected members and council officers at the same time, and as a result to have a coherent picture as a whole.

There has not been the detailed consideration that I think is necessary before a coherent whole can be prepared, both for elected members and for officers, and the next Bill will be the time to do that. For that reason, I oppose the amendment, but I make it clear that this is not because I do not support the sentiments that the honourable member is expressing. On that basis, I would be happy to join him in opposing clause 10 of the Bill, which seeks to remove a requirement for approval from a Minister to be given in a conflict of interest situation. Again, I do this not with the idea that I think the Minister should retain that power but simply because it is part of the whole story of conflict of interest, which I think is better looked at as a whole, and it would be better not to disturb the existing provisions at the moment. Certainly, they will form part of the next piece of legislation.

**The Hon. J.C. IRWIN:** Perhaps the Hon. Mr Gilfillan can explain what his instructions were for the drafting of this. My inclination is to support the amendment. It is no good my reminding the Minister that the conflict of interest discussion, debate and interminable committees have, no doubt, been going on for a number of years—too long.

**The Hon. Anne Levy:** Only with regard to elected members.

**The Hon. J.C. IRWIN:** I am just looking at the whole matter of conflict of interest. I do not care whom it involves—whether elected members or professional members of the local government body within a council; the whole matter of conflict is becoming more important and is not being sorted out. It is going on and on, and I do not think I can wait forever for it. We had this discussion earlier in the miscellaneous Bill, relating to some matters that we included.

I was advised that that was a bit of adhockery and that other moves would be made later. However, I am not waiting any longer and commend the Hon. Mr Gilfillan on this move. I do not know why the Minister now offers to oppose clause 10 of her own Bill.

**The Hon. Anne Levy:** Because it deals with conflict of interest.

**The Hon. J.C. IRWIN:** I know it is a conflict of interest, but I am going from what the Minister put in her Bill, and now she is opposing it.

**The Hon. Anne Levy:** I just told you why.

**The Hon. J.C. IRWIN:** I cannot understand why.

**The Hon. Anne Levy:** Because it involves conflict of interest, and the whole question of conflict of interest should be looked at as a whole.

**The Hon. J.C. IRWIN:** Why did the Minister not make that statement before she put the clause in the Bill or leave it out in the first place? It just shows how the Bill was put together. I do not think that we can go on forever waiting for the Minister to sort out the conflict of interest aspect. It has been promised for a long time but has not come yet. This may need tidying up; that is why I asked the Hon. Mr Gilfillan for some idea of what his instructions were. I thought it covered it pretty well from the way it has been drafted, but, if it needs tidying up to get us through to the time when it will be possible to put it together with a

package some time in the future, I am sure that, one way or another, that can if necessary happen in the other place.

**The Hon. I. GILFILLAN:** I am encouraged by the contribution of the Minister and that of the shadow Minister. It looks as though, as with many matters, we are unanimous in our intention but may be at variance in relation to the peripheral issues and the timing. To be honest, the area where I feel most uncertain is how one draws the line and says that above that line council officers will be required to enter their affairs in a register and below that line they will not.

My inclination is actually to follow the pattern. I was going to indicate, if it looked as though I was getting support for it, that if we can arrive at a reasonably satisfactory prescription of the classifications of officers and employees who would be bound by this clause, it could be introduced in the other place or, as we have already done, by recommitting certain clauses. However, with the indicated support of the Hon. Mr Irwin, I will not argue the case any further.

I do not feel any anxiety about introducing this perhaps a little ahead of the major reform legislation that we hope will be introduced later this year. It may not, but we hope it will. I welcome the support and indicate that it may well be worth approaching Parliamentary Counsel if this amendment is successful, and looking at more specific wording for identifying the prescribed classes. There may also be other matters that we can attempt to address in that case.

**The Hon. ANNE LEVY:** The Hon. Mr Gilfillan is free to approach Parliamentary Counsel to draft amendments for him whenever he wishes. I can assure him that I will not be doing so. In the few remaining hours of the day in which I am not in this place or otherwise engaged on ministerial duties, I intend to sleep, and I would expect Parliamentary Counsel to be asleep at those times also.

**The Hon. J.C. Irwin:** They could be nocturnal.

**The Hon. ANNE LEVY:** Yes, without applying the Hon. Mr Davis's euphemisms. I cannot be but amused. The Hon. Mr Irwin complained loud and long a few minutes ago that he has had only a month in which to consult with local government on this matter, and that this is not long enough; that local government itself has not had sufficient consultation; and so the whole thing is to be deplored. Yet here he is supporting something on which there has been no consultation with local government by anyone. Certainly there has been no consultation with the Local Government Association. Most definitely the Hon. Mr Irwin has not consulted with the 119 councils. There would not be one councillor in this State who knows that this proposal is being considered by Parliament. I think we can be quite sure about that.

**The Hon. J.C. Irwin:** The new arrangements for the panels are in your name. Where has that been consulted?

**The Hon. ANNE LEVY:** I beg your pardon?

**The Hon. J.C. Irwin:** Oh, we will get to it later.

**The Hon. ANNE LEVY:** I am quoting what the Hon. Mr Irwin has just been telling us: that there has not been consultation, that there are councillors who do not know what is in the Bill and that, in consequence, he will not support it. We now have something on which we are 100 per cent sure that there has not been consultation with councils. We are 100 per cent sure that not one councillor in this State knows that this is being considered by Parliament, yet—

**The Hon. J.C. Irwin:** Right, well adjourn the Committee.

**The Hon. ANNE LEVY:** No, Mr Chair. Despite what the Hon. Mr Irwin said a few minutes ago, he is happy to support this. Even though nobody knows about it and there has been no consultation, he is very happy to support it.

**The Hon. J.C. Irwin:** Adjourn the Committee so that we can consult on your amendment which has been nowhere, either, and which is much more far reaching than this.

**The CHAIRMAN:** Order!

**The Hon. ANNE LEVY:** Mr Chair, I have not the faintest idea what that interjection is referring to. I was quoting the Hon. Mr Irwin and pointing out that his current support of this clause is quite hypocritical, given his arguments a few minutes ago. What is sauce for the goose is sauce for the gander.

*The Hon. J.C. Burdett interjecting:*

**The Hon. ANNE LEVY:** I don't think it is. I am using both sexes in that remark. It is certainly not a sexist remark.

*The Hon. I. Gilfillan interjecting:*

**The CHAIRMAN:** Order!

**The Hon. ANNE LEVY:** We have exactly the same situation about which the Hon. Mr Irwin was complaining so bitterly just a few minutes ago. He cannot support this amendment and stick by his previous discussion about consultation. Either consultation is all important, as he said it was, or it is not. It cannot be both. The fact that the honourable member approves of the principles in this amendment, as I do, is not germane to the question whether there has been consultation about which we had a 20 minutes lecture from him just 10 minutes ago.

**The Hon. J.C. Irwin:** How long have you been in here?

**An honourable member:** Too long!

**The Hon. ANNE LEVY:** Since a quarter to eight, and I have not had a break.

New clause inserted.

Clauses 7 to 9 passed.

Clause 10—'Disclosure of private interest.'

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

Page 17, line 39—After 'has' insert ', by a resolution supported unanimously by all members of the council,'.

We have had some discussion on the conflict of interest matter, so I do not need to go over that again. My amendment signals that we believe this is a sufficiently important matter (and it was so even before the Hon. Mr Gilfillan's amendments were made known to us) that every member of a council should be present to make that decision.

**The Hon. ANNE LEVY:** The Government opposes this amendment. Unanimous resolutions of all members of a council are extremely rare in the Local Government Act. In fact, there is only one in the whole of the rest of the Act, and that relates to the question of municipal councils wishing to hold a council meeting before 5 p.m. It is quite understandable in that situation that it should be unanimous, because if one person was unable to attend they would, in effect, be barred from ever attending council meetings. That is the only other place in the whole of the Local Government Act where a unanimous decision is required.

I would not have thought that this matter was so momentous that it required complete unanimity of all members of a council. There are cases in the Local Government Act where it must be a majority, not just of those who vote but of all members of the council. The other case in the Act where more than a simple majority of those voting is required is whenever a by-law is being established by a council: two-thirds of council members must be present at a meeting before a by-law can be made. It would seem to me that such a matter as making a by-law is surely of as much importance as the matter now under consideration. I feel that a unanimous resolution by all members of a council is out of all proportion to the importance of the matter that we are considering. It will make it the most important possible resolution that a council can make.

Nowhere else in the whole of the Local Government Act, with the one exception that can readily be explained, is a unanimous resolution of all members of a council required. It is losing all sense of perspective if it is felt that it should be more than a simple majority of those voting. One could perhaps put it on a par with passing a by-law, which involves a majority of two-thirds.

My reasoning is valid and logical and I hope it will be persuasive in terms of the overkill that the Hon. Mr Irwin is suggesting. It is important for members to realise what is in the Act. I do not suppose that everyone in this Chamber is familiar with all 600 sections, but it is relevant to indicate that it is overkill to suggest that there must be unanimity of all members of councils on this matter, because that will make it the most important resolution that a council can consider because nowhere else in all 600 sections of the Act does anything else require the complete unanimity of every member of a council. It is overkill.

**The Hon. J.C. IRWIN:** I have said before that it indicates the scale of importance that we put on the matter. I admit to being uncomfortable that I did not find a way to qualify the 100 per cent rule in the amendment with a provision relating to illness, leave of absence or the like. I have not done that and I stand by what I have said and I will not try further amendment, but I take the point that finding 100 per cent will be difficult as it does not leave room for those councillors who may be too ill to attend for a month or two, who have leave of absence or who are on long service leave or whatever. That should apply and I am not sure whether the Minister would support it if it was back to a two-thirds majority, but that would still indicate that it is an important decision.

**The Hon. Anne Levy:** I would be happy to support a two-thirds majority if the honourable member would like to amend his amendment.

**The Hon. J.C. IRWIN:** I seek leave to move my amendment in an amended form.

Leave granted.

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

Page 17, line 39—After 'has' insert ', by a resolution supported at a meeting of the council where at least two-thirds of the members of the council are present'.

**The Hon. ANNE LEVY:** I am happy to support the amendment in that form.

**The Hon. I. GILFILLAN:** It is probably reasonable to make an observation about the clause. If it is to stay in (and it looks to me as if there has been some heavyweight power broking going on), it is marginally more tolerable in the amended form than in its original form. I intend to oppose the clause, and I will speak to it after the Committee has dealt with the amendment.

Amendment carried.

**The Hon. I. GILFILLAN:** I oppose the clause, which continues to carry an exemption for a senior officer of a council to disclose an interest in a matter. I would have thought that this Chamber would be extremely sensitive to anything that allows the non-disclosure of an interest whilst a matter is being debated frequently in a local council or on more than one occasion. The actual exemption, as I understand it, has never been used. I understand the correct information is that the exemption has never been granted, that it has been applied for once but never granted. I assume that that is correct.

**The Hon. Anne Levy:** Yes.

**The Hon. I. GILFILLAN:** It seems an odd power to have continued in the legislation. Perhaps members are unclear about what we are discussing, and I will explain briefly for *Hansard* and for members that the exemption would apply where an officer of a council has declared an interest in a matter and is then given an exemption to remind the council on subsequent occasions that he or she has that vested interest. It seems to be a bizarre exemption to grant, with little purpose being served, and it would be much better to have this measure totally deleted from the legislation. That is why I oppose this clause and urge other members to do likewise.

**The Hon. ANNE LEVY:** I wish to indicate why I do not support what the Hon. Mr Gilfillan has said. It is true that no exemption has ever been granted by a Minister and that only one has ever been applied for, and it was obviously not granted. As I understand it, the purpose of the clause is that, if an officer has a conflict of interest which is well known to every member of the council, having been declared, it is tedious for that officer to have to keep making that declaration of interest on every occasion, as it is something which is well known.

To some extent, by having inserted that there has to be a register of interests of officers, the Hon. Mr Gilfillan has certainly made clear that an officer's interests will always be available to everyone, and this will become a well known fact, as it is for every member of Parliament. I understand that the register of interests of certain members of Parliament has been shown on television this evening.

**The Hon. I. Gilfillan:** I missed it!

**The Hon. ANNE LEVY:** Yes, I missed it, too. As it is currently in the Bill, the clause requires ministerial approval, and it just seems totally incongruous that such a matter should require ministerial approval. The one occasion on which an application was made, so I am told (it was prior to my becoming a Minister) concerned an officer who did not wish to disclose to his council his conflict of interest, and that application was promptly refused. The Minister of the day indicated that, if his council applied for the exemption, the Minister would be prepared to consider it because, in applying for the exemption for its officer, obviously the council would be well aware of the conflict of interest and wished to avoid the tedium of recording it each time.

So, if a council made an application, it would be logical for the Minister to grant it, but the particular situation was not that, and obviously it was turned down. It seems to me that, provided there is a two-thirds consideration, a council will be able to say to one of its officers, 'Yes, we know you have a conflict of interest on matter X, but we do not want to have to record it each time. We know it so we will take it as known, and you do not have to mention it each time it comes up.' It is appropriate that a council itself should make that decision, rather than go to the Minister who will not grant it anyway unless the council agrees with it. It is just superfluous to have such ministerial approvals required. It is not the work involved that I am objecting to, obviously.

Clause as amended passed.

Clause 11—'Date of elections.'

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

Page 18—

Lines 7 and 8—Leave out 'subsections (1) and (1a) and substituting the following subsections' and substitute 'subsection (1a) and substituting the following subsection'.

Lines 9 to 11—Leave out subsection (1).

I understand that the Hon. Mr Gilfillan's amendments are similar. The effect is to retain the *status quo* for council elections and periods of office—that is, two year terms, all in, all out. I believe that I covered this at some length in my second reading speech. I know that the Local Government Association policy is four year terms, half in, half out. I know also that the 1991 LGA AGM supported three year terms. As I understand it, the Local Government Association is not saying yet that three years all in, all out terms is its policy. It seems to me fundamental, because this

indicates there is still a local government process to go through to formally change its policy from the four years half in, half out to three years all in, all out.

I wonder how many important matters in this Bill have not been through the formal policy making process of the association and its consultation with councils. It is all very well that executive decisions can make progress if they are needed in a hurry, but they are fraught with some sort of danger if it involves new policy directions and areas, but that is not for me to worry about other than just to comment on. It may have been acceptable and, indeed, necessary in the negotiating process where some decisions were needed to be made on the run. The matters addressed in this Bill surely are not ones where the executive process alone locks in the whole of the LGA membership. The Opposition is simply not prepared to move from the present position of two years all in, all out terms until many of the other matters I have discussed previously that are in the Bill or are to come in, including the local government constitution Bill, have been well and truly sorted out. That is the consolidated view of the Opposition. I indicate that any other amendments we have considered as a Party have been based on the local government policy of four year half in, half out terms, but certainly not four year all in, all out terms. I seek support for my amendments.

**The Hon. I. GILFILLAN:** As the Hon. Jamie Irwin indicated, I have the same amendments on file. Obviously I support his amendments. The effect of the amendments will be to reduce the intention of the Bill from three years back to the current two year term. I must say quite clearly that I hope in the fullness of time the term of local government councillors will be longer than two years, and preferably four years. Concomitant with that, I hope also that we have councils in which there is something much more approaching one vote one person value structure, and other reforms will have come into local government, the major ones of which I outlined in my second reading speech.

Whether or not we can achieve that in the next series of legislation, including the removal of the business franchise and the obligatory voting pattern, with great confidence most people will be looking for their councillors to be elected for considerably more than two years. I hope they will accept four years. I do not believe that that step must be taken at this stage in this Bill. It is wiser to stay with the current terms until this level of intermediary adjustment, which I consider it mainly to be, is in place and we are addressing the overall major reforms of local government.

I make it plain that my amendment (which I have indicated I will not move) and my support for the Hon. Jamie Irwin's amendment is not support for short terms or the enduring retention of two year terms, but is an indication that, before fixing an extended term, we have to have widespread consultation on the overall texture of local government, the debate of all-in all-out and the franchise, and that brackets together with the extent of the term. That is why I am supporting this amendment.

**The Hon. ANNE LEVY:** I place on the record a few corrections to what the Hon. Mr Irwin has said. This approval of a three year term was not taken by the executive of the LGA but resulted from a motion that was moved at the AGM of the LGA requesting a three year term. There certainly has been widespread consultation with local government on this matter through the LGA, and there is knowledge on the part of many councillors throughout this State that this measure is contained in the Bill. I have had councillors from all areas of South Australia—metropolitan and regional—saying that they are eagerly awaiting the passage of this new section.

I also point out to members that South Australia is the one place in Austalia that still has two year terms of office. We badly lag behind all other States; everywhere else in Australia has either three year or four year terms. In most places it is three year terms, but there are two places where it is four year terms. Likewise, in most areas it is all-in all-out. There are still remnants of the half-in half-out system in some parts of Australia but, in all those places revision is occurring, and I understand the result of that revision will be an all-in all-out system with either three or four year terms. I think that to reject the change in this legislation is to indicate a backwardness or slowness to change. It would be an unfortunate reflection on local government in South Australia if it remained with two year terms and did not keep up with local government everywhere else in this country.

Amendments carried; clause as amended passed.

Clause 12 passed.

Clause 13—'Basis of differential rates.'

**The Hon. J.C. IRWIN:** My question concerns new section 176 (2) *(b)* which relates to the five year period in which councils which have amalgamated can bring themselves into line with the common rating. Can the Minister outline what has occurred when amalgamated councils have needed a number of years to bring themselves into line? Alternatively is this provision designed more for the inevitable problem that will occur with the Hindmarsh/Woodville/Port Adelaide amalgamation where there are vast differences in rates and where I guess it would be a great advantage in selling the proposal to state that the rates will not be brought into line in a hurry and that it will take up to five years for that to occur.

**The Hon. ANNE LEVY:** In assessing amalgamation proposals, the Local Government Advisory Commission has always taken the attitude that economies can be achieved but without massive disruptions or disadvantage to staff, residents and ratepayers. For example, when the District Council of Clinton amalgamated with the District Council of Central Yorke Peninsula in 1988, the rating policies of the two councils were very different with regard to land used for primary production in particular. At the time the difference in the rate in the dollar amounted to 54 per cent. Using differential rating, as permitted with ministerial approval, this difference was reduced from 54 per cent to 12 per cent in three financial years, and the differential rates were again applied in the 1991-92 financial year. After five financial years the differential rate will have disappeared.

If the primary producers affected had had to deal with increases of over 50 per cent in their rates in one year, they would have suffered considerable hardship. Having a provision like this enabled it to be brought in gently, and this considerably reduced the hardship and difficulties that would have resulted.

**The Hon. J.C. IRWIN:** In the rural council in which I was involved there were four towns, and parochialism played a large part. One town's community wanted to do things differently from another. We devised a method which I think was called ward accounting. The ward in the town I helped represent wanted a different way of paying for its road construction. In fact, it did not want to borrow and just wanted to use its allocation. However, the town at the other end of the district wanted to use the funds that were available for its ward to borrow additional moneys so it would have a larger amount of money. All its borrowing had to be paid for by its allocation. I understand that that practice was very heavily frowned on, and in my council

area it was discouraged. To use the hypothetical case of Hindmarsh/Woodville/Port Adelaide, where there are very different outstanding loan and borrowing practices and historically different rates, what will happen under the amalgamation proposal?

Does it mean that once those councils amalgamated (if they do) different accounts will be kept? For instance, if the Port Adelaide council goes out of existence but its ratepayers go on paying higher rates to pay off its debt (and achieve that by the end of the five years, which will mean raising the rates even higher) presumably, they will all be on the same rate after five years. However, it seems that what was once frowned upon needs to be practised now to allow someone to calculate how these rates will be different in each old council area.

**The Hon. ANNE LEVY:** I am afraid I do not have detailed information on this matter. I cannot predict for an amalgamation that is still being investigated, but we can look to past situations. I know there were questions relating to different proportionate debts in the amalgamation of Ridley and Truro, which occurred not long ago, and I am sure it has arisen in other situations. Provisions were made such that that portion of the debt which was greater did not fall on the ratepayers of the other area with which amalgamation was occurring, I presume using a differential rate structure, but I am not fully familiar with all the details. I can make inquiries of the Local Government Advisory Commission as to what specific proposals it has put into place in these situations in the past and, obviously, the principles on which it has been built can serve as guides for the future.

Clause passed.

Clauses 14 to 16 passed.

Clause 17—'Fees and charges set by the LGA.'

**The Hon. J.C. IRWIN:** This is one of those clauses that I indicated earlier the Opposition would oppose, again, not on the principle that is spelt out, but because we want to see more framework put in place before we are prepared to support such a proposal relating to fees and charges to be set by the LGA.

**The Hon. ANNE LEVY:** Obviously, the Government supports the measure; it has put it forward. To us, this is part of the implementation of the principles established in the Memorandum of Understanding that local government should have more control over its own affairs, and this is one step along that way. It can be judged on its own merits and it is dealing with fees that are set and collected by local government for work that local government has done. It seems entirely appropriate that it should also have the ability to set those fees, given that it is for work it is doing and money it is collecting. If it is a responsible body it can set its fees, and the procedures set out in the Bill are designed to enable this to occur.

Clause passed.

Clauses 18 to 20 passed.

Clause 21—'Power of council to allow persons to fence in and use roads on certain conditions.'

**The Hon. ANNE LEVY:** I move:

Page 20, line 25—After 'licence' insert 'for cultivation purposes'.

I will explain this briefly. Section 375 of the principal Act allows councils to grant leases or licences over public roads so that adjoining landowners can fence off the road and use the land for grazing or cultivation. That is so that a public road that is not being used as a public road can be fenced off and used for cultivation or grazing. The licensees or lessors have to include a gate in the fence, and members of the public are allowed to use this track even though the licensee has a licence for grazing. However, the gate can be locked to prevent the public's using the track, even though it is a surveyed road if there is a licence for cultivation. Grazing does not prevent the public's using the surveyed road; cultivation does. I would point out that a licence for cultivation is only valid for the year in which it is granted, given that crops are over and done with in less than a year.

Currently, councils can grant licences for the fencing of a public or surveyed road if it is to be used for grazing. However, if it is to be used for cultivation, and fenced off, which means that the public is not able to use the road for the period of 12 months, ministerial approval and public notice is required. That is the existing legal situation. Clause 21 removes the requirement for ministerial approval to be given and makes improved public notice necessary for all leases or licences under the provision. My amendment makes the public notice requirements applicable for leases for cultivation purposes only, so there would be no change to the situation where a licence could be granted for use of the public road for grazing. There would be no change to the existing situation, where councils can make these decisions and do not have to give public notice.

What we want is that public notice must be given when a council is considering a lease for cultivation, because this implies that, for the time that the crop grows, the gate may be locked and the public will not have the right to use that surveyed road.

It is felt that public notice should be genuinely given before any decision is made, so that people have the opportunity to object to the licence for cultivation being given. It will also mean that consultation will be required with the Department of Recreation and Sport in relation to the granting of cultivation leases. I stress that this applies to cultivation leases only. The vast majority of the leases that are given over unused public roads are for grazing, although the occasional one is given for cultivation.

Consultation with the Department of Recreation and Sport will ensure that a licence will not be granted for cultivation on part of the Heysen Trail, for instance, at a time when the Heysen Trail would otherwise be used for walking, which often occurs in winter. Many parts of the Heysen Trail cannot be used in summer because of the fire danger, but one would not want part of the Heysen Trail removed for the purposes of cultivation, hence the requirement to consult with the Department of Recreation and Sport in relation to the granting of these cultivation leases. This will ensure that leases are not granted over recreational walking trails such as the Heysen Trail, which the department has been promoting very successfully through large parts of the State.

While I am on my feet I will comment on the amendment the Hon. Mr Irwin has on file relating to the same matter. The honourable member is suggesting that there be a system of public input only into renewal of cultivation leases and suggests that these be handled by a system of listing at the council office the licences that are to be renewed and advising by notice in a newspaper that the list is available for inspection. I am not arguing whether they are published in the newspaper or by a list that is made available, but the honourable member is dealing only with renewal of cultivation leases.

I am not quite sure whether he realises that this amendment applies only to cultivation leases and not to the grazing leases, which are very common. There are a very large number of licences and leases for grazing purposes. As one example the District Council of Saddleworth and Auburn, which does not cover a huge area, has nevertheless granted 146 such leases. However, they are for grazing purposes and

we are talking here only about those for cultivation, which are very rare. In fact, in my three years as Minister I have not received any such applications.

**The Hon. I. GILFILLAN:** I have received a letter dated 30 March from the District Council of Clare which may be of interest to the Committee. The letter reads:

> Re: Local Government (Reform) Amendment Bill. Thank you for the opportunity to comment on the abovementioned. Council has concern with the Bill and, in particular, to amendment of section 375. The proposed amendment will place in doubt the historical arrangement of leasing unused road reserves to adjoining owners on an annual basis. Previously, this council leased some 150 kilometres of unused road reserves to adjoining rural landowners who maintained the areas.
>
> Pursuant to the proposed amendment, council would need to annually advertise its intention to lease individual reserves to various persons. This is perceived to be onerous and in opposition to the intent to provide maintenance of road reserves (primarily unused and unmade) and fire control measures over land which is unlikely to be developed for road purposes. As the proposed legislation reads, each piece of road reserve would have to be treated individually. Council would agree to the striking out of subsection (1a) as proposed only. We look forward to your assistance.

The letter is signed by I.L. Burfitt, Chief Executive Officer.

**The Hon. Anne Levy:** He is confusing cultivation with grazing.

**The Hon. I. GILFILLAN:** He probably did not know the amendment the Minister was going to move, so it is understandable that he thought it applied to all road leases, as I did. I welcome the Minister's amendment. That simplifies and makes more realistic the intention of this amending Bill. On Kangaroo Island there are many kilometres of leased unmade roads, and they have been unmade since their survey in the middle and late nineteenth century for plans that were never realised of townships and of stock routes, and it is quite pointless not to realise that those areas could be made available to adjoining landowners as a most appropriate way of dealing with them. This does not expose the native vegetation to risk, because the same controls apply over the native vegetation in those roadways as apply elsewhere—as does the hazard to it, of course. Where grazing is not controlled there is some damage to native vegetation.

Although I have not yet determined the full implications of the Hon. Mr Irwin's amendment, it seems to me that we are of a mind; that any permit for cultivation will require an annual permit and annual publication. So, I indicate that I believe that the amendments that are moved will substantially relieve the onerous burden that was complained of by the Clare council and other councils in the mid-north region but will still allow responsible access by the public for complaints or objections to roads that individuals may believe are being improperly used. At the moment I am undecided as to which of the two amendments is preferable, but I recognise that this has dramatically changed the original impact of the Bill.

**The Hon. ANNE LEVY:** The Hon. Mr Irwin's amendment applies only to renewal, not to the original. Mine is for any cultivation, original and renewal.

**The Hon. I. Gilfillan:** Does his require more onerous publication and scrutiny than the Minister's?

**The Hon. ANNE LEVY:** The difference is that both require public notice for an original granting of a lease for cultivation. The Hon. Mr Irwin's is making very short notice required for a renewal, which is to go for a second year, whereas the effect of my amendment will be that the same period of 21 days will be required before a renewal, as applied to the original; that the renewal cannot be rushed through in a matter of a few days.

**The Hon. I. GILFILLAN:** Certainly, the areas with which I am familiar should not be cultivated every year, anyway; that is an unhealthy agricultural practice. It would appear to me that, unless the application for cultivation is granted on a sort of prospective every-second-year basis, it would apply to the one year in which the cultivation was to be part of that year's agricultural program. In my opinion, except in horticultural areas and in matters with which I am not familiar, there should be a dwelling period of two or three years at least. Therefore, the extra, onerous nature of the Minister's requirements do not appear to me to be a particular bother. However I will listen with respect to the opinion of a superior agriculturalist who sits just before me in this Chamber and who may have a different opinion.

**The Hon. J.C. IRWIN:** After that accolade, I think I will stay seated. First, I declare an interest, because I have a number of roads like this on my property. I am surprised that Mr Gilfillan does not have them on Kangaroo Island.

**The Hon. I. Gilfillan:** I do.

**The Hon. J.C. IRWIN:** Well, you should declare an interest in this, because you might or might not be a beneficiary. Anyway, it is not my business to tell anyone how to do that.

**The Hon. Anne Levy:** Do you cultivate yours?

**The Hon. J.C. IRWIN:** I have a number of different roads. Some are just public roads that go through the property which I graze, and some are cultivated. But the point I wanted to make to the Hon. Mr Gilfillan—

**The Hon. G. Weatherill:** It's a long paddock.

**The Hon. J.C. IRWIN:** Yes, it is. I make the point that I do not think the council will make the decision based on an agricultural history of that strip of road because, if I remember correctly, all these approvals come through perhaps in bulk on a double-sided piece of paper every now and again, and approval is given. I do not think that anyone will say that, because it was not cultivated last year, I can cultivate it this year, or that because one area grew a barley crop last year, it must go to clover next year. I do not think councils would presume to make that decision. So, the Hon. Mr Gilfillan is not on the right track in relation to the right agricultural practice for that bit of long paddock.

**The Hon. I. Gilfillan:** You think it is a sort of generic thing.

**The Hon. J.C. IRWIN:** Yes, I do. I thought that the Hon. Mr Gilfillan was going to upstage me, but my letter is from the District Council of Riverton. The honourable member and I were both at the meeting at Mallala when this matter was raised by a number of councils, and I indicated that I would come back and have a look at that point. Their point was about cost. If I remember rightly, one council had something like 4 000 kilometres of road, and it asked how it would pay the cost of advertising this every year. That is why after receiving advice through Parliamentary Counsel, I came up with my amendment to try to cut down that cost.

I am not worried much about the 21 days. I am quite ambivalent about whether it is 21 or 41 days. That is not important to me. From what I have set out, once the annual list is prepared, the council does not have to advertise every single folio number and denomination number of that road. The council would look at it at a certain time, and the lists would be available in the council office. That is where I thought it would become cheaper and still be an effective process, without councils having to advertise every time there is a renewal of a lease. That is why I arrived at my amendment. Subsection (3) *(a)* does not apply to the renewal in a particular financial year of a lease or a licence for cultivation purposes, but refers to a period of at least 21 days before the commencement of the financial year. That is how I arrived at my amendment.

**The Hon. ANNE LEVY:** I appreciate the comments that the honourable members are making, but I stress that the confusion arises because it was not made clear originally that it applies to cultivation leases only. The councils which the honourable member has mentioned are doubtless similar to those of Saddleworth and Auburn, not being too far away, which certainly has hundreds of grazing leases, and this will not apply to grazing. It is to make it clear that it applies only to cultivation leases, which are very much rarer. Because of this, the expense of advertising, and so on, will not be a large sum.

While I am not necessarily too fussed about this, it is important in relation to the differences in time during which people can object. I also think it is extremely important that under my amendment, which stipulation is not in the Hon. Mr Irwin's amendment, there must be consultation with the Department of Recreation and Sport. Many people in this community gain an enormous amount of pleasure from walking. They walk on the recreation trails that are being set up throughout South Australia. Some trails are classified as part of the Heysen Trail, although that is not the only walking trail in the State. The Heysen Trail and many of those walking trails use these survey roads which are not main roads. A very large part of the recreation trails are those roads.

A grazing lease makes no difference. It can be fenced so that the property owner can keep in his cattle or sheep in, but people who use that recreation trail have the right to walk it. However, obviously if a cultivation lease is granted over this unused road, a locked gate can be put there, and that will prevent people from using that part of the Heysen Trail or any other trail, using survey roads, that has been set up by the Department of Recreation and Sport.

That is a very important part of my amendment: there must be consultation with the Department of Recreation and Sport so that it can be ascertained whether this will interfere with the recreation trail network which has been set up around South Australia. Obviously, grazing leases have no effect. It is the cultivation leases which have effect. Although they are rare, they could, without this cultivation, interfere with people's use of the Heysen Trail. I would have thought that most people here would feel that that was most undesirable.

**The Hon. I. GILFILLAN:** Section 375 of the Act gives a council power to allow a person to fence in used roads on certain conditions, and it introduces in subsection (1) what a council can do, and we all understand that I refer to subsection (1) *(a)* which is to be deleted and which provides:

> No such road may be let by the council for cultivation purposes unless the Minister, after application in writing by the council, consents in writing to the letting and approves in writing of the terms of the letting and unless the council at least 14 days before making application to the Minister for the consent gives public notice in a newspaper circulating in the area of the intention of the council to make the application.

We are moving to delete that, but I think all honourable members would realise that that is a pretty specific and quite onerous obligation. Subsection (2) provides:

> No such letting or licence to use or occupy a public road may be for a loner period than 12 months at any one time except that in the case of a letting for cultivation purposes the letting may be for a period of three years at any one time.

Apparently that subsection is staying, and subsection (3) provides:

> Any such letting or licence may be renewed for the same or a lesser period as often as the council thinks fit, and may be determined at any time by giving to the owner or occupier three months' previous notice in writing of the said determination (but that in the case of a letting for cultivation purposes the agreement under which the road is let may provide for a longer period of notice).

That is the end of subsection (3) and subsection (4) talks about the erection of fences and gates. The issue of people having access to the Heysen Trail has probably been discussed extensively previously in this place. However, I am baffled as I do not understand what we are going to finish up with under these amendments. What will happen by deleting subsection (1) *(a)*? It looks as though the grazing, which is the more innocuous of the activities on leased roads, has to be renewed every 12 months, yet cultivation, which I regard as being a much more incursive and substantial use of a leased road, can be allowed for up to three years. I am concerned that I do not understand it and that we are doing the right thing with our amendments.

**The Hon. ANNE LEVY:** This arises from the question of ministerial approval, and the aim is to make it a council decision but an informed one on which people can make submissions. Recreation and Sport can put in its submission.

**The Hon. I. Gilfillan:** I have no problem with Recreation and Sport.

**The Hon. ANNE LEVY:** The honourable member has no problem with that part of my amendment. Because grazing may be only for 12 months permission can be readily and easily renewed and is of little effect on walkers and people who may want to use the surveyed road, which is being used for grazing. They have the right to do so even if the road is being used for grazing but, because cultivation is so much more restrictive on the rights of people to use a public road—a surveyed road—that extensive time with wide notification is being proposed so that there will be the opportunity for people to object. There will be the opportunity for the Department of Recreation and Sport to stick its bib in and there will be proper knowledge by everyone of this greater restriction of people's rights to use a surveyed road. For that reason, we have the longer periods, the consultation and Recreation and Sport being brought in.

**The Hon. I. GILFILLAN:** The letter I read from the District Council of Clare bemoans the fact that:

> Pursuant to the proposed amendment, council would need to annually advertise its intention to lease individual reserves to individual persons.

The council must be ignorant of its obligations currently.

**The Hon. Anne Levy:** Most of them are for grazing.

**The Hon. I. GILFILLAN:** If I understand the Act correctly, grazing needs to be applied for every 12 months—

**The Hon. Anne Levy:** But not advertised.

**The Hon. I. GILFILLAN:** Subsection (1) *(a)*—

**The Hon. Anne Levy:** That relates only to cultivation.

**The Hon. I. GILFILLAN:** The Minister makes the point that a council would have to renew a grazing licence every 12 months but is not obliged to publish—

**The Hon. Anne Levy:** It does not have to advertise it: it just does it. It makes a decision and does it and no-one has to be notified. No-one has any chance to make any submissions about it and it does not matter because it does not stop people's rights of walking there.

**The Hon. I. GILFILLAN:** I understand the subject of access for walking and so on, but there is more than just that issue. I have a vested interest as I lease roads and graze them. I am conscious that a lessee who does not care for the maintenance of natural vegetation or even the fabric of the soil or whatever else of that road could abuse it in 12 months of overstocking, which is a remark that the Hon. Mr Irwin made earlier. Much damage could be done and I am uneasy about that. The Clare council has written to me along the lines that it did not want to have this onerous annual advertising which was to apply in the original Bill. We have now amendments to restrict that to cultivation.

I am generally supportive that the power and decision-making does devolve to councils. With some justification the Conservation Council is nervous of environmental awareness in certain councils and in certain decisions and I respect that. I am aware from my own experience and observations that leased roads can be and probably are prone to abuse by people who lease them because they do not have any proprietorial pride in them and they say, 'Right, I will get what I can out of it and I will put so many head of cattle and so many hundred head of sheep here and just eat it out.'

**The Hon. Anne Levy:** Don't such roads usually cross their paddocks?

**The Hon. I. GILFILLAN:** The Minister says that roads usually cross a paddock, but that is not a hard and fast rule. The leasing of a road can encompass an area that is part of an adjoining paddock or it may be a dedicated road separated by a fence and stock is moved in. It is definitely a risk and it has been a risk, so we are not creating a new risk by this legislation. I suppose I am taking up the time of the Committee to ponder this, but the answer may be that there is an obligation for some conservation analysis of the treatment of these leased roads that the council is obliged to take.

I cannot see the formula, so my remarks at this stage are best terminated by saying that the amendments which restrict it to the cultivation are advantageous from the general onerous obligation on the councils. I must emphasise again that I am uneasy about the environmental damage caused by abuse of a leased road for grazing, and I will be looking for a way that we could keep vigilant and keep controls on that.

**The Hon. J.C. IRWIN:** I am really not aware of any major (or minor) long-term damage being done by the grazing or cultivation of these roads. Certainly I was never made aware of that in my own district, and I guess generally there is no reason why I should be aware of it. It was never made a major or minor point that people were out there doing extensive damage to the soil because, in some cases, quite narrow stretches were fenced on either side, either for cultivation or grazing purposes. In a sense, I suppose some farmers would probably tend to use this as a fire break. If it were not being used for agricultural purposes, and was needed for a road, either a bitumen or dirt road would go through the middle of it. It would probably be two chains wide, and there would not be much virgin land on either side before you reached the fence that would be very useful, anyway. That area may be grazed. I cannot really see why the Hon. Mr Gilfillan finds a problem with our amendment. It is an attempt to address the problems raised by a number of councils in the mid-north. There may be others, but I have only heard from those in the mid-north, where the process for renewal, for cultivation purposes, has a certain sequence of events which is not expensive.

If more time needs to be given for people to object or to look at the way the road under lease is being used—whether it is a council officer or an interested ratepayer—I say give more time. However, we are trying to make sure there are adequate safeguards for the leasing of cultivated or non-cultivated land, and perhaps the more important is cultivated. Yet intense grazing in a confined area over an extensive period can be far more damaging than over-cropping. There may be a combination of the two in some instances, where the cultivated area is then grazed. So, there is potential for damage: I understand that. I think that is covered in my amendment. Certainly the cheapness is addressed: it is not an expensive exercise. There is no excuse why people who have an interest in wanting to lease a road or in taking a lease away from someone else cannot be made aware by a newspaper circulated in an area that certain leases are up for renewal. A list could be displayed in the council chambers for the whole year, if you like. When my amendment is eventually put, I urge the Hon. Mr Gilfillan to support it.

**The Hon. ANNE LEVY:** I would certainly urge the Hon. Mr Gilfillan to support my amendment in preference. To a large extent, both amendments will satisfy the concerns of a number of councils that have written to him. They are mainly concerned with grazing leases. The amendments make it very clear that the situation with regard to grazing leases has not been changed from that which applies currently, and this is only a change with regard to cultivation leases, and they are rare. So, the discussion about vast expense and great difficulties will not apply once it is made clear that it is only for cultivation leases and not grazing leases.

The question of whether grazing leases does or does not have an effect on land is not being looked at in this Bill. We are not changing the situation in that regard. Perhaps it is something that should be looked at, but it is not on our agenda today. One of the big differences between the two amendments is the fact that my amendment requires consultation with the Department of Recreation and Sport to ensure that, either intentionally or unintentionally, part of the Heysen Trail or some recreation or walking trail does not get blocked off from use by the public.

**The Hon. I. GILFILLAN:** On balance, I will stay with the Bill and the Minister's amendment. Realising that the cultivation licences are for three years, that they will not need to be published with the accompanying costs every year and that there are relatively few of them, I feel reasonably at ease with that procedure. I return to the issue that really did concern me, which is the maintenance of vegetation and soil. On reflection, that should be addressed by urging all councils—and I assume that they are the ones who determine the conditions of the lease—to supervise and control the leasing of roads by way of penalties for overstocking or analysis of the use of land so that it is not just an automatic renewal without any inspection of how the land is being used. Obviously that is a matter that I would hope anyone in the local government area who reads *Hansard* will pick up and cogitate on.

It is a matter which I will personally present to the LGA and the councils involved because, in the long run, probably more importantly than consulting with the Department of Recreation and Sport, the maintenance of the environmental integrity and the quality of the road surfaces are more important than whether or not people can walk on them. The Hon. Jamie Irwin may not be familiar with the nature of the leased roads on Kangaroo Island, but I can assure him that none of them are or are ever likely to be bituminised. Most of them will never be used as roads; they may have been used as stock routes and many of them consist of native vegetation. I support the Minister's amendment and the substance of the Bill and oppose the Hon. Jamie Irwin's amendment.

Amendment carried.

**The Hon. ANNE LEVY:** I move:

Page 20, lines 27 to 35—Leave out all words in these lines after 'licence' in line 27 and substitute:

—

*(a)* by notice in a newspaper circulating in the area of the council—

(i) inform the public of the proposed lease or licence (describing the extent to which the road would be enclosed under the lease or licence); and

(ii) invite interested persons to make written submissions to the council on the proposal within 21 days of the date of the notice or such longer period as may be allowed by the notice;

and

*(b)* consult with the Department of Recreation and Sport in relation to the matter.

This relates to what we have been talking about.

Amendment carried; clause as amended passed.

Clause 22—'Resolution of certain disputes.'

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

Page 21, line 35—Leave out 'passed' and substitute 'made'.

This is a technical amendment.

Amendment carried.

**The Hon. ANNE LEVY:** I move:

Page 22, after line 9—Insert:

(3) The council must keep a copy of any document, code, standard or rule applied, adopted or incorporated by a by-law under this section available for public inspection, without charge and during ordinary office hours, at the principal office of the council.

This is merely to ensure that material that is incorporated in by-laws is available for public inspection. There is not much point in having by-laws if people cannot get at them to see what they are.

**The Hon. J.C. IRWIN:** The Opposition supports the amendment.

Amendment carried.

**The Hon. ANNE LEVY:** I move:

Page 22, line 33—

After 'by-law' insert '(and any document, code, standard or rule proposed to be applied, adopted or incorporated by the by-law)'.

After 'inspection' insert ', without charge and during ordinary office hours,'.

This amendment is consequential.

**The Hon. J.C. IRWIN:** The Opposition supports the amendment.

Amendment carried.

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

Page 23, after line 2—Insert:

(2a) A council must not make a by-law unless or until the council has obtained a certificate, in the prescribed form, signed by a legal practitioner certifying that, in the opinion of the legal practitioner—

*(a)* the council has power to make the by-law by virtue of a statutory power specified in the certificate;

and

*(b)* the by-law is not in conflict with this Act.

This, I believe, is a safeguard and it is similar to a provision contained in section 669 (2) which is to be repealed.

**The Hon. ANNE LEVY:** I do not oppose the amendment. The new procedure will be that by-laws will still be required to be laid before Parliament and will go to the Legislative Review Committee and, of course, can be disallowed. In practice, councils will obviously be forwarding their by-laws to the Legislative Review Committee within 14 days of their gazettal, together with any supporting information that the committee may require. I would have expected the committee to require a certificate from a legal practitioner, and I would have thought that this would happen anyway. However, if the honourable member prefers to see it in the Act rather than a requirement put on by the Legislative Review Committee, I do not mind. I am sure, though, that it would have happened, anyway.

Amendment carried.

**The Hon. J.C. IRWIN:** New section 671 (2) provides that two-thirds of the members of the council are to be present in order to pass matters that are before the council, and there are numerous other by-laws throughout the legislation. Any motion that is passed or rejected by at least two-thirds of the members of a council usually is of a serious nature, and we have already discussed that at some length.

**The Hon. Anne Levy:** It is a bigger quorum.

**The Hon. J.C. IRWIN:** Yes, it is a bigger quorum, perhaps considering slightly more serious matters than usual. Therefore, we must sort out the requirement in relation to a two-thirds majority of the council (and the Minister can use as an example either a district council or municipality with a mayor).

**The Hon. ANNE LEVY:** I presume the honourable member is referring to the question of whether a mayor is counted when determining a quorum. I would agree that this matter does need resolution, seeing there is conflicting legal advice on what the current law states. However, at the request of the Local Government Association this matter is not being considered in the Bill that is presently before us as it wishes to have more time to discuss and consider it. New section 671 (2) provides that a by-law cannot be made unless at least two-thirds of the members of the council are present.

Obviously, the mayor and chair would be counted as being members of the council. This provision does not talk about voting, only about being present, and the mayor and the chair are members of the council. I do not think that there are any problems in that regard. I presume that the honourable member is talking about the matter of voting.

**The Hon. J.C. Irwin:** I asked the Minister about the shift to the two-thirds requirement.

**The Hon. ANNE LEVY:** The two-thirds requirement is that two-thirds of the members of the council be present. We are not talking about voting.

**The Hon. J.C. IRWIN:** The Minister has again recognised the importance of this provision. Two-thirds of the members being present is one factor, but within that two-thirds requirement there is still the problem of sorting out the majority, and we both recognise that. Previously, the Local Government Association asked me to insert in the legislation a provision outlining exactly what it wanted, and I asked it to draft such a provision through Brian Hayes or whoever and give it to me.

**The Hon. Anne Levy:** It is having further discussions. The legal eagles are having great fun.

**The Hon. J.C. IRWIN:** We know where the former mayor of St Peters stands on this. I am not sure whether his book has yet been published, but I know that this matter is contained in it. He represents probably one of the very few councils in South Australia that actually follow Crown Law opinion, and that is what bothers me. The 90 per cent (or may be less) of councils in South Australia that take the simple majority line may be illegal. If we are to give by-law making powers of any sort and in any degree (and I will not go into the argument about degree), and any responsibility to councils, they must be shielded by an explicit provision that makes clear what a majority is.

I will go through it. As an example, I will cite a council with a mayor and eight others. If six turn up at the meeting (which is two-thirds), five vote and the mayor abstains, it becomes a three/two vote—a simple majority. Under Crown Law that is not acceptable: it is not a big enough majority because, if six are present and able to vote, four is the required majority. It is too important to let it go through. It is another area that drags on and on. I do not mind which way it comes down as long as it is as clear as it can be with lawyers and the legal system, so there is no doubt about what is a majority and so we do not put electors and councils to great expense in defending decisions that they may have made in good faith.

Someone may take umbrage at the council and challenge the voting system. Maybe there are catch-all clauses in the Bill which save this, but I plead with the Minister to sort it out so that challenges are not made around the State on this voting procedure. It is archaic that we are taking so long to have it enacted in legislation. The Opposition opposes the clause.

**The Hon. ANNE LEVY:** With regard to this vexed question, there is no change under this Bill to making by-laws. It does not alter the situation. If there is a problem now, it will continue to exist. If there is not a problem, we are not creating one. With respect to by-law making, we are not changing the situation in this legislation.

Clause as amended passed.

Clauses 23 and 24 passed.

Clause 25—'Power to make model by-laws.'

**The Hon. J.C. IRWIN:** The Opposition opposes the clause. With reference to section 682 (1), will the Minister give an indication of how we will go about the process of adopting a model by-law? Does she know the LGA method of operation? Will it satisfy her as Minister that that has been adopted properly by the Local Government Association in representing 119 councils?

**The Hon. ANNE LEVY:** I cannot speak for the LGA and I do not have a detailed knowledge of the workings of the LGA. I presume that establishing an existing by-law as a model by-law is not likely to be desperately urgent and could well wait to be considered at an AGM of the LGA. It may feel that the executive could make such a decision. I stress that, before a by-law can be picked as a model by-law, it must be a by-law that has been made by a democratically elected council, it must run the parliamentary gauntlet and it must not be disallowed.

Only such a by-law which has had this double scrutiny by two elected bodies can be picked to be a model by-law and there is no obligation on any council to follow a model by-law if it does not wish to. It is merely a suggestion, a guideline and an assistance to councils that they do not all have to reinvent the wheel, and that here is a by-law which is judged to be good by the Parliament, by its counsel and by the LGA, which may recommend it as a good one to follow with respect to fencing on corners.

This proposal is being put forward to assist councils for efficiency; it is like sharing resources within local government so that they do not all have to reinvent their own by-laws or reinvent the wheel. It will be more economical and time saving, and it will certainly reduce the workload for the Legislative Review Committee because it will have only to consider the by-law once, not 119 different times on the same topic. There is certainly nothing sinister about this proposal at all; it is to assist local government.

Clause passed.

Clause 26 passed.

New clause 26a—'Certified copies of by-laws.'

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

Page 24, after line 9—Insert new clause as follows:

26a. Section 874 of the principal Act is amended by striking out from subsection (3) '679' twice occurring and substituting, in each case, '670 (3)'.

This is of a technical nature. Section 679, which is being replaced by new section 670 (3), provides that a by-law may apply within a portion of a council area. New section 670 (3) embodies a provision for a by-law to apply to a portion of the area. This amendment was brought to my attention by Mr Gordon Howie, a bush lawyer who has been involved as well.

New clause inserted.

Clause 27—'Transitional provisions.'

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

Page 25, after line 35—Insert—

(4a) Subsection (4) *(b)* (ii) is subject to the qualification that if the commission recommends on or after 1 July 1992—

*(a)* that the boundaries of a council be altered;

or

*(b)* that two or more councils be amalgamated,

the Minister must, by public notice—

*(a)* inform the public of the effect of the recommendation; and

*(b)* specify a day (being at least eight weeks after publication of the notice in the *Gazette*) before which electors may, if they think fit, demand a poll in relation to the recommendation.

(4b) If during the period referred to in subsection (4a) *(d)*, 10 per cent or more of the electors for an area affected by the recommendation, by petition presented to the Minister, demand that a poll be held in relation to the matter—

*(a)* the Minister must arrange for the poll to be conducted;

*(b)* the poll will be held in the areas of the council affected by the recommendation (on a day fixed by the Minister in consultation with the councils);

*(c)* any question as to the manner in which the poll is to be conducted will be determined by the Minister;

*(d)* the Minister may, or the commission must at the request of the Minister, prepare a summary of the arguments for and against implementation of the recommendation;

*(e)* if a summary of arguments is prepared, copies of the summary must be made available for public inspection at the principal office of any council affected by the recommendation;

*(f)* subject to paragraph *(g)*, the councils for the relevant areas must conduct the poll;

*(g)* the council may arrange for the Electoral Commissioner to conduct the poll within its area;

and

*(h)* if a majority of electors voting at the poll (irrespective of the areas in which they are voting) vote against the recommendation, the recommendation cannot proceed.

This relates to the polling provisions for proposals which continue before the Local Government Advisory Commission after the 30 June deadline. Provision is made for councils that are in the middle of a procedure to go to the panel system or to go on with the LGAC on a user-pays basis, and I am seeking with this amendment to bring the LGAC position after 30 June into line with the local government panel system as far as polling is concerned.

Progress reported; Committee to sit again.

## INDUSTRIAL RELATIONS (DECLARED ORGANISATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 7 April. Page 3928.)

**The Hon. L.H. DAVIS:** The Liberal Party supports this Bill. In a welcome change, the Government has fully consulted with the relevant parties. As a result, special provisions have been made in this Bill for disabled workers in supported employment. I am talking about disabled workers making light of their disabilities and working in sheltered workshops such as those provided by the Phoenix Society, Bedford Industries and, to some extent, Minda.

I have spoken to representatives of each of those organisations, and they have supported and contributed to the Bill we are now considering. Disabled workers in sheltered workshops are paid other than award wages. I am aware that there has been some trade union pressure in past years to pay award wages to disabled workers. Whilst that may seem to be equitable and just, the fact is that, because of their disabilities, they may not necessarily be as productive as people who do not suffer from disability; therefore a compromise has been reached and set down in legislation.

That recognises the valuable contribution made to the economy by disabled workers; their right to fair and equitable treatment on industrial matters; and their right to good working conditions. It also recognises that their best interests are served by their having a wage structure that recognises the pressures of the real world. Of course, in many cases they are producing goods and providing services in direct competition with the private sector and, if full wages were paid, they may not be able to compete.

Whilst recognising the need for equitable treatment on industrial matters for disabled workers in places such as Bedford Industries, the Bill provides for the Minister to declare by regulation which sheltered workshops should come under the aegis of this legislation. It also provides that, in any awards, award wages are not necessarily provided. The legislation will tighten the definition of 'disabled worker' to ensure that only those who genuinely cannot achieve award wages and who require substantial support are exempt.

This Bill is not being introduced in isolation. The Federal Government currently is developing a nationally supported wage system that will take into account the abilities and needs of disabled workers, and the South Australian Government is cooperating in this very worthy endeavour. We in the Liberal Party recognise that this is a progressive step. It includes the development of a code of practice setting down, as I have said, a minimum of working conditions, but it specifically excludes matters of remuneration. The Minister of Labour in another place (Hon. R.J. Gregory) has consulted with those organisations and with the umbrella organisation, ACROD.

I see no difficulties whatsoever with the legislation. It is consistent with Commonwealth strategy, which has bipartisan support. I believe that it recognises the realities of the workplace, provides minimum working conditions for disabled workers and not only ensures that disabled workers obtain maximum benefits but also provides some certainty for their employers.

**The Hon. T.G. ROBERTS** secured the adjournment of the debate.

## WORKERS REHABILITATION AND COMPENSATION (MISCELLANEOUS) AMENDMENT BILL

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

## ADJOURNMENT

At 12.6 a.m. the Council adjourned until Thursday 9 April at 2.15 p.m.