LEGISLATIVE COUNCIL

Thursday 9 April 1992

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

AUDITOR-GENERAL'S REPORT

The PRESIDENT laid on the table the supplementary annual report of the Auditor-General for the year ended 30 June 1991.

QUESTIONS

CLUB KENO

The Hon. R.I. LUCAS: I seek leave to make an explanation before asking the Attorney-General representing the Premier a question about the Lotteries Commission and Club Keno.

Leave granted.

The Hon. R.I. LUCAS: On 12 February I asked the Premier a series of questions about fraud in the operation of Lotteries Commission controlled games such as Club Keno. In particular I asked about fraudulent or unauthorised playing of the game, whether winners at all times received prizes to which they were entitled and how many cases of fraudulent activity or misappropriation had been reported to the Lotteries Commission.

Two months later I have still not received a reply from the Premier although I know that answers were supplied by the Lotteries Commission to the Government more than six weeks ago. It is on the record that the Premier is a strong supporter of the Lotteries Commission in the current gaming machines debate, and I am most concerned that these replies are being deliberately delayed.

I have now received further information about abuse and fraud of the Club Keno system. For example, an Agent Bulletin of 25 September 1991 from Mr Laurie Fioravanti, General Manager of the commission, notes:

> The commission has received reports that some agents (in particular hotels and clubs) are defrauding their customers of Club Keno prizes . . . it has been reported that some prize winners are being short changed and this, too, is totally unacceptable, and both forms of behaviour amount to serious criminal offences.

The commission has subsequently advised me that it intends to introduce about 100 terminals with customer display to offset the problem of short changing. Another Agent Bulletin of 26 November 1990 (again from Mr Laurie Fioravanti, General Manager of the commission) highlighted the major problem of Club Keno fraud as follows:

> It has come to my attention that some agents have placed Club Keno wagers without paying for these wagers in anticipation that winnings would cover the cost of those wagers. This practice is tantamount to fraud.

There have been a number of prominent examples of this type of fraud. I am advised that a manager of a prominent sporting club defrauded $40 000 from the Lotteries Commission in this way.

Senior Government sources have now confirmed with me that the Lotteries Commission cannot prevent this sort of fraud from continuing in Club Keno and that they cannot absolutely determine the extent of the fraud in Club Keno. Agents are still able to place Club Keno wagers on credit through the week and, as long as they balance the books by the Tuesday rationalisation check-date of the Lotteries Commission, they can generally get away with it. While some amendments to the legislation are to be debated by Parliament soon, they will not be able to prevent all these types of abuse. My questions to the Attorney-General are:

1. Why is the Premier delaying his response to the questions asked by me on 12 February on Club Keno fraud, and does he agree it relates to the attitude he is supporting on the Gaming Machines Bill?

2. What procedures are being proposed by the Lotteries Commission to reduce this level of fraud, and are they considering the use of player activated machines?

The Hon. C.J. SUMNER: I will refer the questions to my colleague and bring back a reply.

DRUGS BOOKLET

The Hon. K.T. GRIFFIN: My question is addressed to the Attorney-General on the subject of a booklet on drug-taking, and I seek leave to make an explanation prior to directing that question to him.

Leave granted.

The Hon. K.T. GRIFFIN: According to a recent report, a booklet recommending that students try drugs is to be sent by the Sydney University of Technology Student Association to Australia's 36 universities. I understand that the booklet has already been banned in New South Wales but, despite the ban, the National Union of Students executive has voted to send it to all Australian universities, urging them to print and distribute it. According to the report, the booklet contains information describing the levels of satisfaction of various illicit drugs and suggests that students should try everything once.

In New South Wales and at the Federal level the booklet has already come under criticism. The New South Wales Premier, Nick Greiner, has condemned the booklet, in addition to the booklet's having been banned in New South Wales. The Federal Government has said the move to circulate it throughout Australia was highly irresponsible, and Mr Staples, the Federal Health Services Minister, has confirmed that view. In the report referring to his view, his spokesperson said that it probably promotes drug use. My questions to the Attorney-General are: after such criticism of the publication, but in view of its pending Australia-wide circulation, will the Attorney-General refer the matter to the Classification of Publications Board for investigation and, in view of the New South Wales decision to ban it, will he request the board to give serious consideration to refusing it classification in South Australia?

The Hon. C.J. SUMNER: It does not really matter whether or not it is refused classification by the Classification of Publications Board. If it does not get a classification from that board but is a publication that comes within the prohibitions of section 33 of the Summary Offences Act, its sale and distribution can be the subject of prosecution. So, if the sellers or distributors of the book do not get a classification, the normal law would apply and, as the honourable member knows, the law in section 33 of the Summary Offences Act now does not refer just to books that involve indecency or obscenity, but the criteria for prosecution have been expanded. I do not have the exact wording in front of me, but they have been expanded to include other categories, one of which is the promotion of drugs. So, if the book does that, and if it does not have a classification, it may be the subject of prosecution.

I do not know that the Classification of Publications Board has looked at it, but whether or not it has is not relevant unless it was to give it a classification, in which

case it would have the normal protection that books or pamphlets have. If it is not classified by the Classification of Publications Board, then it has no protection, and the normal law would apply. The distributors of it could therefore be subject to prosecution if the publication falls within the criteria set out in section 33.

I will check whether the Classification of Publications Board has seen this publication and, if so, what action it has taken with respect to it, and bring back a reply. However, I repeat that the only problem from the honourable member's point of view would be if a classification was given to it. While it does not have a classification, the book could be the subject of prosecution if it fits within the criteria in section 33 of the Summary Offences Act.

ISLAND SEAWAY

The Hon. DIANA LAIDLAW: I seek leave to make an explanation before asking the Minister representing the Minister of Marine a question on the subject of the future of the *Island Seaway.*

Leave granted.

The Hon. DIANA LAIDLAW: Transport operators on Kangaroo Island have contacted me, as have representatives of the Kingscote council, and I am aware that other user groups are anxious about the future of the *Island Seaway.* They want the service between Kingscote and Port Adelaide and, when necessary, Port Lincoln continued, so that they are not left at the mercy of a single operator working from Penneshaw. They fear the consequences, in terms of increased costs, if a monopoly service is allowed to eventuate, and they question how the *Island Seaway* can ever operate without a subsidy. Last financial year the *Island Seaway* cost taxpayers $6.351 million, made up of a $5 million subsidy from the Department of Road Transport to cover the net cost of the service and a further $1.351 million operating loss incurred by the Department of Marine and Harbors. In 1990-91 the *Island Seaway* carried 60 000 tonnes of cargo, down from 110 000 tonnes the previous year. Meanwhile the subsidy per tonne carried last financial year was $54.70, compared with $41.50 in 1989-90 and $33 in 1987 when the vessel commenced operations.

The Hon. Peter Dunn interjecting:

The Hon. DIANA LAIDLAW: It is a very expensive operation. In early March the Minister visited Kangaroo Island and assured residents and traders that a service—not 'the' service—between the island and the mainland will continue to be provided. However, he gave no assurances that the *Island Seaway* will continue or that a replacement vessel will operate on the same route. The islanders' misgivings were reinforced when the Minister placed advertisements in papers across Australia on 12 March inviting expressions of interest from companies interested in modifying the existing *Island Seaway* service; in replacing the existing service with a substantially subsidised free service; or in acquiring the vessel for alternative purposes.

Recognising that registrations of interest closed on 3 April (last Friday), I ask the Attorney, representing the Minister, whether he is now in a position—

1. to confirm that a cargo and passenger service will continue to operate between Kingscote and the mainland and, if so, for what period;

2. that the Government will not leave the island at the mercy of a single operator;

3. that a future operator will make the vessel available for a service to Port Lincoln, where needed?

I should hardly need to add that the answers to these questions are considered critical to the economic future of Kangaroo Island.

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

MINISTER OF TOURISM

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

Leave granted.

The Hon. M.J. ELLIOTT: This morning at 11.15 I attended a meeting, along with my colleague Ian Gilfillan and a member of our research staff, with the Associate Director and State Manager of Lincolne Scott Australia Pty Ltd, Mr Paul Watnell, at 28 Greenhill Road. At the meeting we discussed, in a very open and frank manner, the relationship of Lincolne Scott as an engineering consultant with Architects Nelson Dawson and their involvement with Mr Jim Stitt and his company IBD Public Relations Pty Ltd in the Tandanya tourist development on Kangaroo Island and the proposed Glenelg foreshore redevelopment. Mr Watnell told us at the meeting that he took over the South Australian branch of Lincolne Scott in November 1988 and decided to interview public relations firms with a view to raising the profile of Lincolne Scott in South Australia.

In June 1989, Mr Watnell chose Mr Stitt's firm IBD Public Relations and put it on a three month contract for an agreed amount. Part of Mr Stitt's duties on behalf of Lincolne Scott was to introduce the company to useful, top level contacts, that could prove to be useful for the company in securing future contracts.

Mr Watnell detailed some of the people he was introduced to by Mr Stitt, such as Mr Don Williams, Deputy Premier Don Hopgood and Mines and Energy Minister John Klunder. According to Mr Watnell, these were people his company had previously been denied access to, a situation that changed after he employed the services of Mr Stitt. On 8 August 1989, Mr Stitt organised a meeting between Lincolne Scott and architect firm Nelson Dawson where preliminary plans for the Glenelg foreshore redevelopment project were examined and discussed.

Mr Watnell's recollection of the meeting was that it was hoped that the two companies would eventually work together on the project some time in the future, especially after Mr Stitt had told Mr Watnell that Nelson Dawson was on its way up in the world.

Mr Watnell decided to terminate the services of Mr Stitt's IBD public relations firm in December 1989 after a disagreement had arisen between the two firms over services provided. According to Mr Watnell, from that point on his company was no longer able to communicate with Nelson Dawson. A period of approximately 18 months passed during which time Nelson Dawson became involved in the Tandanya project. Again Lincolne Scott attempted to contact Nelson Dawson without success despite many repeated attempts by Lincolne Scott executives to make direct telephone contact with Nelson Dawson.

Mr Stitt did not make direct contact with Lincolne Scott over their unresolved financial dispute again, but in April 1991 Lincolne Scott was approached by a former employee of Mr Stitt's IBD public relations, who suggested that it would be in Lincolne Scott's interest if the dispute with IBD was settled for which, in exchange, IBD would help them in their dealings with procuring work with the Tandanya and Glenelg projects. Mr Watnell agreed he would

settle the dispute with IBD and suggested that a figure of $1 600 would be paid to Mr Stitt's IBD to settle the outstanding account.

Within 30 minutes of agreeing to settle with IBD public relations, Nelson Dawson telephoned Mr Watnell and offered to brief the company on work that would be forthcoming in relation to the Tandanya project. It is worth noting that in December 1989 Mr Dawson became a company director with Mr Stitt's IBD public relations firm.

Mr President, I have also been provided with two pages of Mr Watnell's personal telephone message journal, provided by Mr Whatnell himself, which relate to this matter. One entry, dated 11 April 1991, and written in Mr Watnell's own hand records the telephone conversation with Mr Stitt's former employee and notes, 'KI and Glenelg' and the need to 'pay to Bill and he will assist'. The other entry in the journal comes from 16 April 1991 and, again written in Mr Watnell's own hand, is the confirmation that Jim Stitt agreed to accept $1 600 in settlement of the outstanding account and that he would, 'help us procure Glenelg and Kangaroo Island'.

I will provide copies of these documents to the Attorney-General, as the Democrats have done with all documents and information relating to this matter so far. The Minister of Tourism has consistently stated in this place that Mr Stitt's involvement with the Tandanya project finished in January 1990. She said in a ministerial statement on 24 March this year:

> Mr Stitt's involvement with this project ceased in January 1990, more than 12 months before the original proponents sold the development . . .

The Minister has also consistently maintained that Mr Stitt had no involvement in the Glenelg project. In fact, the Minister stated that position in this place on 31 March this year when she said:

> As to the Glenelg ferry terminal proposal, Mr Stitt has no involvement in that proposal whatsoever.

Again, it is clear from the journal entries of Mr Watnell that, as late as April 1991, Mr Stitt was still conveying to Linconle Scott that he would expedite matters on their behalf in relation to both projects. My question to the Minister is: in the light of information given today, does the Minister agree that she has misled the Council and/or been misled herself?

The Hon. BARBARA WIESE: I have not misled the Council. I have indicated to the Council the information which I have before me and which I have collected from numerous sources in the course of the line of questioning that has been undertaken by various people during the past few weeks. The information that the honourable member provides about Lincolne Scott is interesting to me and certainly aspects of what he says are news to me. What is more, I might say that some of the information that he has provided today directly contradicts what representatives of Lincolne Scott told me personally over the telephone yesterday about the matter that was raised yesterday in questions.

For example, one of the representatives of Lincolne Scott that I spoke to yesterday told me that their company had obtained worked from Nelson Dawson at some time—in fact, he did not mention the time and I am not sure when it was—concerning the Tandanya project. He indicated specifically to me that that was work that had come to them from Nelson Dawson and it had no connection whatsoever with Jim Stitt. I did not ask that question. That was information that he volunteered to me when he was telling me about the work that he had been engaged to do for Nelson Dawson on Kangaroo Island.

I was informed also that the reason for his employment on this work was that he had an extensive personal knowledge of Kangaroo Island and of many people on Kangaroo Island. Therefore, Nelson Dawson considered that that firm would be an appropriate firm to undertake certain technical investigations for them on the Tandanya project.

I am not in a position to comment on any other matters except that I am aware there was a dispute about a particular invoice between IBD Public Relations and Lincolne Scott for work that was undertaken in, I understand, about 1989. Mr Watnell of Lincolne Scott informed me yesterday when I spoke with him that it took a couple of years for that dispute to be resolved eventually but, in his view, it was resolved satisfactorily. Any other information that the honourable member has gleaned is news to me. I would be surprised if some of the information that he has provided is accurate in its construction. It seems to me that—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —the honourable member may be interpreting information in such a way to put a particular slant on that information which he is presenting to the Parliament. I am sure that these matters can be resolved and, if the honourable member wishes to provide the information that he has, I am sure that appropriate inquiries will be made. Whatever the circumstance, it seems to me that this has very little to do with the substance of the line of questioning that has been undertaken in this place during the past three weeks.

The Hon. M.J. ELLIOTT: As a supplementary question, does the Minister agree—and I note that she has not seen the diary entries—that if the statements made in that diary which I quoted to her are accurate—in particular, 'help us procure Glenelg and KI' (which was apparently said by Mr Stitt, according to the diary entry), 'need to pay the bill' and 'he will assist' (which is also another diary entry)—they disprove the Minister's claims in recent days that Mr Stitt had no involvement whatsoever with Glenelg and that he had not been involved with Tandanya since January 1990?

The Hon. BARBARA WIESE: I am not prepared to concede anything until I have checked the facts, and I suggest that the honourable member should also check the facts. It seems to me that—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE:—to take entries from somebody's diary and to extrapolate in the way he has may be totally inappropriate.

INTERNATIONAL BUSINESS DEVELOPMENT

The Hon. L.H. DAVIS: I seek leave to make an explanation before asking the Minister of Tourism a question on the subject of International Business Development.

Leave granted.

The Hon. L.H. DAVIS: Over three years ago, on 9 March 1989, my colleague the Hon. Robert Lucas asked the Minister of Tourism a question on International Business Development and the role of Ms Jennifer Richardson who at that time was the Labor Party candidate for the seat of Bragg for the 1989 State election. Mr Lucas referred to an article in the magazine *Business to Business* dated 6 March 1989, which stated:

> Ms Jennifer Richardson has joined Mr Jim Stitt and Mr Kevin Tinson as co-directors of International Business Development.

The article went on to say:

> Ms Richardson is specialising in public relations. Mr Stitt concentrates on business development and political lobbying.

The Hon. R.I. Lucas: What was that?

The Hon. L.H. DAVIS: 'Political lobbying'. The article went on to say, 'and Mr Tinson consults in industrial relations'.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: In her reply the Minister said:

> Much of that article is inaccurate . . . I know . . . that she is not a director of IBD.

That is, that Ms Richardson is not a director of IBD. On 14 March 1989, five days after this question was asked, the Minister of Tourism made a ministerial statement about International Business Development. She said:

> On Thursday the Hon. Mr Lucas alleged that Ms Jennifer Richardson was a director of International Business Development. I said then and I confirm now that Ms Richardson is not and has never been a director of International Business Development.

I have in my possession a letter dated 24 January 1989 on International Business Development letterhead, personally signed by Jennifer Richardson. Underneath the signature is typed, 'Jennifer Richardson, Partner'. I understand that Ms Richardson still had an association with IBD on 14 March 1989, the day on which the Minister made her ministerial statement. As the Minister should know, a partner has a financial interest or share in the business whereas a director may not. A partner often has a stronger involvement and financial stake in the business than a director. Ms Richardson would have been known to the Minister, given her position in the Labor Party, and the Minister had five days to check her facts with Mr Stitt and/or Ms Richardson before making her prepared ministerial statement. My question is: why did the Minister of Tourism mislead Parliament in a prepared statement made over three years ago regarding International Business Development?

The Hon. BARBARA WIESE: I did not mislead the Parliament three years ago when I made a ministerial statement. Ms Richardson has never been a director of International Business Development and, if he cares to consult the Australian Securities Commission Register on this matter, as have many members in relation to many other matters and individuals who may have been associated with International Business Development, he will find that she has never been a director of that company.

At that time, as I understand it, Ms Richardson worked through her own company, however it was styled, and she and other consultants had a fairly loose arrangement with International Business Development on particular projects. A group of consultants joined forces at that time to provide particular skills, where required, for particular projects. Ms Richardson had her own client base and serviced those clients and, on occasions, when it was possible, there was the opportunity for her to collaborate with Mr Stitt and other people who were associated at that time.

If Ms Richardson described herself as a partner in International Business Development, I have no idea why that should have been so because, as far as I am aware, she never was. She certainly was never a director, and the Hon. Mr Davis could check that if he wanted to, rather than raising it here.

The Hon. L.H. DAVIS: On a supplementary question, in view of the fact that I have this letter which is signed by 'Jennifer Richardson, Partner', and which I am prepared to hand over to the Attorney-General as part of his ongoing investigation three weeks after this matter was first raised, will the Minister seek an answer as to why Ms Richardson held herself out as a partner?

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: I am not sure that I have actually been asked a question, but I would like to table some telephone directories. I would like to table the telephone directory for Adelaide and also the telephone directory for Perth, because it seems to me that, before this matter is over, there are likely to be many more questions about individuals and companies that perhaps—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: I have not yet mentioned myself or about whom questions have not yet been asked. So, just to cover the record, Sir, I table these documents, so that, in case anyone has been missed out, they can be included.

The PRESIDENT: Is leave granted?

Honourable members: No.

The PRESIDENT: Leave is not granted.

AUSTRALIAN TRAMWAY AND MOTOR OMNIBUS EMPLOYEES ASSOCIATION

The Hon. T. CROTHERS: I seek leave to make a brief statement before asking the Leader of the Government some questions about the Australian Tramway and Motor Omnibus Employees Association and the belittlement of that organisation's membership.

Leave granted.

The Hon. T. CROTHERS: I have in my possession a letter from Mr Tom Morgan, the Secretary of that union, which states:

> Dear Trevor, I refer to a comment made by Diana Laidlaw MLC in the *Hansard* dated the 24 and 25 March 1992, folio number 3595. Diana Laidlaw makes a statement under the guise of a personal explanation over a *News* headline dated 25 March 1992—'Laidlaw plays role in bus drivers vote'.
>
> The *News* article stated that 'Opposition MLC Ms Diana Laidlaw was instrumental in the bus drivers rejection of a union leadership proposal to restore bus services.' Ms Laidlaw goes on to state that she was misquoted by Mr Tom Morgan, Secretary of the AT & MOEA who attributes the following statement 'lowly bus drivers would have to pay'. Ms Laidlaw's statement, as she clarifies in the further paragraph, that it was in fact 'poor old bus drivers'; she states she has never referred to anyone as 'lowly' and would not in relation to this matter.

Mr Morgan is a fairly thorough gent, so he consulted the dictionary in relation to this matter. The letter continues:

> On referring to a dictionary 'lowly' is 'humble in station, condition or nature'. However, 'poor old bus drivers' on looking at the dictionary on 'poor' and 'old' is described as having 'little or nothing in the way of wealth, goods or means of subsistence; of an inferior, inadequate or unsatisfactory kind and not good'. 'Old' is described as 'far advanced in years or belonging to a past time'.
>
> I suggest therefore that Ms Laidlaw's statement 'poor old bus drivers', was not complimentary. Ms Laidlaw goes on to state that a petition signed by 400 members rejecting the deal was presented to the Secretary, Mr Tom Morgan. This is totally false and can only be described as a deliberate lie to the House for political reasons. I ask that you address this matter by whatever means you deem fit and I thank you in anticipation of your assistance.

As a consequence of that plea for help—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. T. CROTHERS: —and knowing that Ms Laidlaw used the protection of the Council to make the statement, I direct the following questions to the Leader of the Government in this place:

1. Does Ms Laidlaw's use of the term 'poor old bus drivers' show a distinct lack of understanding of the trade union movement and the English language?

2. Does the Leader of the Government think that Ms Laidlaw's erroneous statement about the supposed 400

member petition was designed to mislead the Council or was done as a result of wrong information being given to Ms Laidlaw, albeit that she could and should have checked it out?

3. If the latter part of my second question is correct, would it be in the best interests of both Ms Laidlaw and this Council for her to give the Council a personal explanation on the subject of the so-called petition in order to reflect accurately what really happened?

The Hon. C.J. SUMNER: I think the answer to the first question is 'Yes'.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The answer to the second question is that, on the information provided by Mr Morgan in his letter to the Hon. Mr Crothers, the Hon. Ms Laidlaw should have been more diligent in examining the issues that she raised in the Council before she raised them and should have checked her facts. However, I am not in a position to verify the situation myself. Nevertheless, a constituent has come to the Hon. Mr Crothers and has given him a detailed explanation of the issues that were raised by the Hon. Ms Laidlaw, and I think it is very appropriate for the Hon. Mr Crothers to bring that statement to the Council and attempt to correct the apparent misunderstandings that the Hon. Ms Laidlaw had about the matter. Whether the Hon. Ms Laidlaw should again give a personal explanation about anything is entirely a matter for her, but she has heard the statement of the Hon. Mr Crothers disputing issues that she raised previously in the Council on this matter. If she chooses to respond to them, that is a matter for her.

COUNCIL ROAD TOLLS

The Hon. J.C. IRWIN: I seek leave to make an explanation before asking the Minister for Local Government Relations a question about proposed council road tolls.

Leave granted.

The Hon. J.C. IRWIN: I read with interest comments from the Federal Minister for Land Transport, Mr Brown, published in the *Australian* yesterday concerning tolls on local roads. In this article Mr Brown is reported as saying that councils should be free to impose tolls on local roads as part of a national user-pays system for motorists. Mr Brown said the user pays road funding system, which is being introduced for heavy vehicles under a Federal-State agreement, should be extended to cover all classes of vehicles and involve local councils, which will extend much further what is to be introduced.

Mr Brown went on to say that another option for local road funding would be to give councils full responsibility to raise their own revenue, with Federal or State subsidies paid to councils with low rating bases. He said, 'It did not matter very much' which option was adopted. The Australian Local Government Association's roads and transport spokesman councillor Bruce Donaldson said councils which spend about $2 billion a year to maintain 82 per cent of the nation's road network needed subsidies from the Federal Government which collects vast fuel taxes. Driving around the State could be like competing in an Olympic Games cross-country event under this concept. Every time you enter a new council area you will be confronted with a hurdle. To continue in the race you have to throw your coins in the toll bin. I ask the Minister:

1. Does the Minister personally support the comments by her Federal colleague, Mr Brown, that councils should be free to impose tolls on roads?

2. Is this concept Federal or State Labor Party policy?

3. No matter whether it is or is not, does the Minister agree with comments made in the article in the *Australian* that the Keating Government is 'flirting with disaster', and what steps will she take to lobby the Minister against this proposal?

The Hon. ANNE LEVY: These are matters concerning transport, and I will be happy to refer them to my colleague the Minister of Transport in another place.

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: The honourable member knows quite well that there are Federal grants for roads, and in South Australia their distribution has been made on the basis of a formula by a group that is chaired by Councillor Malcolm Germein who was previously the President of the Local Government Association. The honourable member would also know that Federal grants for roads have now been untied but are still allocated to the different councils in the State on the same basis as they were previously, but that councils now have the freedom to use them for any purpose they think fit.

Any comments by the Federal Transport Minister regarding transport arrangements and matters between Transport Ministers at State and Federal levels are obviously matters for my colleague in another place, and I will refer the question to him.

The Hon. J.C. IRWIN: As a supplementary question, is the Minister aware whether it is State or Federal Labor Party policy to impose tolls on the use of roads?

The Hon. ANNE LEVY: I am sure that the Parliamentary Library would have a copy of the policies of the Australian Labor Party, and the honourable member—

Members interjecting:

The PRESIDENT: Order!.

The Hon. ANNE LEVY: As I say, I am sure that the Parliamentary Library has copies of the policies of the Australian Labor Party, the Liberal Party and the Democrat Party, as well as any other political manifestos that may have been put out. If not, I suggest it is a matter for the Library or the Joint Parliamentary Service Committee to look at. I am not personally aware of any such content in Federal or State Labor Party platforms, but I reiterate that I am not the Transport Minister. I am flattered that the honourable member would consider that I am the Minister of Transport, but I have no wish—

Members interjecting:

The PRESIDENT: Order!

The Hon. ANNE LEVY: —to interfere in any way with the very competent handling of his portfolio by my colleague in another place.

MINISTER OF TOURISM

The Hon. I. GILFILLAN: I seek leave to make an explanation before asking the Minister of Tourism a question relating to misleading the Council regarding potential conflict of interest.

Leave granted.

The Hon. I. GILFILLAN: I did take the Minister's advice and used the telephone directory and rang the person who was referred to in the explanation given by my colleague as ringing Lincolne Scott on behalf of Mr Jim Stitt, to provide certain information. That person confirmed for me that on that date of 11 April 1991 she had been instructed by Mr Stitt to ring Mr Watnell of Lincolne Scott to tell him that if Mr Watnell settled the bill he (Mr Stitt) would put in a

good word with Mr Dawson of Nelson Dawson, for Lincolne Scott on the Glenelg project.

It is quite clear to us on our investigations that there is supporting evidence for facts which certainly point to the Minister's having given wrong information to the Council. The question whether it was misleading or in fact whether it was wrong information because of ignorance was not answered, and I think it is important in the explanation to indicate that the people to whom I have spoken and who have given the information have said that in their opinion they do not see any wrongdoing or improper doing by Mr Stitt. So, they are not people who have a vendetta against Mr Stitt, nor do they have a vendetta against the Minister.

We have presented facts, and facts that have been verified. I ask the Minister the question in these terms: if the information that was contained in the explanation given by my colleague to this question earlier, and the information that was confirmed by me in my explanation from the person directly involved and employed by Mr Stitt is correct, does she agree that she either misled the Council or had insufficient information on the matter herself?

The Hon. BARBARA WIESE: I have already answered this question. I am not conceding anything until I have had the opportunity to check—

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: —some of these facts myself. I have indicated that I have checked the facts on some of the issues that have been referred to by the Hon. Mr Gilfillan and his colleague, and information that was supplied to me by principals in this issue in some respects has been different from the information that was supplied to the honourable member, according to what he has said in this place. Therefore, I am only able to go on what I know: what I know is what I have said, and that is as much as I am able to say at this time.

The Hon. I. GILFILLAN: As a supplementary question, in the light of that uncertainty, does the Minister agree that this matter should be assessed by an independent inquiry?

The Hon. BARBARA WIESE: The honourable member's colleague has indicated that he has documents relating to this matter. I am sure that if those documents are made available information can be checked on that matter, just as other information that has been tabled in this place or provided to the Attorney-General can be checked.

ALP MEMBERSHIP

The Hon. DIANA LAIDLAW: My questions are to the Attorney-General as Leader of the Government in this place, and they relate to the Secretary of the AT & MOEA. Can the Minister confirm that Mr Tom Morgan, Secretary of the Australian Tramways and Motor Omnibus Employees Association, is a member of the Labor Party, that he nominated as an ALP candidate for the seat of Mitchell for the last round of preselection and that his nomination was withdrawn when he was not able to gain sufficient support from any Labor Party faction? If the Attorney is not able to provide answers to those questions, I would be prepared for him to bring back a reply.

The Hon. C.J. SUMNER: I am not sure that it is really my role in life to confirm whether or not people are members of the Labor Party. I suggest that if the honourable member wants to asertain that information she write to the appropriate person, who is the Secretary of the Labor Party, and no doubt he will reply as he sees fit.

LIGHTING SPILLS

The Hon. BERNICE PFITZNER: I seek leave to make a brief explanation before asking the Minister representing the Minister for Environment and Planning a question relating to lighting spills affecting the community.

Leave granted.

The Hon. BERNICE PFITZNER: It has come to my attention that an aviary business of 20 years standing located at Holbrooks Road, Flinders Park, has had its business disrupted by lights installed over the tennis courts opposite the business on land used by the University of South Australia's Underdale campus. I understand that the proposal for the lights was submitted by the University of South Australia and that the proposal had to be consented to under section 7 of the Planning Act by the Department of Environment and Planning. The lights are now operating with significant light spills onto the aviary, causing the birds' pattern of living to be disrupted and potential damage to the birds and therefore to the business. Also, residents around the area are greatly inconvenienced and irritated by the lights. My questions are:

1. Was ETSA consulted regarding this proposal? If not, why not?

The Hon. Anne Levy: ETSA?

The Hon. BERNICE PFITZNER: Yes; I understand that it needed to be consulted.

2. Did the Planning Commission raise the issue of 'light spills' being a possible nuisance?

3. Will the Government convert the present lighting arrangement by shielding with guards or replacing it with environmental-type lighting to solve this problem?

The Hon. ANNE LEVY: I will certainly refer that question to my colleague the Minister for Environment and Planning in another place, although, of course, she has no jurisdiction whatsoever over ETSA, for which the responsible Minister is the Minister of Mines and Energy. However, I will refer that question to the Minister for Environment and Planning, and she may feel it desirable to consult with the Minister of Mines and Energy.

SOCIAL WORKER

The Hon. PETER DUNN: Has the Minister of Tourism a reply to a question I asked on 1 April concerning a social worker?

The Hon. BARBARA WIESE: The answer from my colleague, the Minister of Family and Community Services, regarding Ms Geraldine Boylan is as follows: My colleague is at a loss to understand much of what the honourable member has put before the House, and would normally not discuss matters related to management difficulties with individual staff. However, the honourable member's statement contains a number of distortions which require comment. Ms Boylan has not been accused by her department of receiving $3 000 from the Department of Agriculture, so there is no implication that the money has been misspent. Ms Boylan has been asked by the Chief Executive Officer, Department for Family and Community Services, to explain an apparent discrepancy in the records regarding a sitting fee of $121 from the Department of Agriculture. Ms Boyland has not been told to resign.

My colleague notes that the honourable member has presented no details to support his claim of 'peer group pressure and jealousy'. He wants to take the opportunity, however, in the face of this unsupported generalisation, to state clearly that he has full confidence in the professional behaviour

and competence of the staff at the Port Lincoln office. The accusation that the department has failed to offer services to the Eyre Peninsula has no basis; in fact, demand has increased and members of the social work and financial support team continue to provide a confidential service through the 008 number and are responding to self and other agency referrals throughout the Eyre Peninsula. The Minister is aware of the particular difficulties faced by rural families and the need for appropriate responses to be developed. He made an announcement in another place regarding this matter on 7 April 1992.

WORKCOVER

The Hon. J.C. BURDETT: 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.C. BURDETT: I have received a letter from a constituent who is a medical practitioner, saying:

> When prostitution is legalised in our State, will that mean that all sexually transmitted diseases occurring in the prostitutes are covered by WorkCover? If so, would this include AIDS? Prostitution is a very stressful job: will WorkCover be willing to make payouts for our prostitutes when they make claims for stress leave, and pay them 85 per cent of their previous wage forever?

The letter should state 'if' and not 'when' because, of course, the Bill has not passed. Will the Minister address those questions? As this Bill has been around for a long time, has this possibility been budgeted for by WorkCover?

The Hon. C.J. SUMNER: I think that is a hypothetical question. The Bill to reform prostitution laws has not passed the Parliament, and I do not really see that there is any point in—

The Hon. J.C. Burdett: There is a possibility.

The Hon. C.J. SUMNER: It is a fairly remote possibility, as I understand the situation. If the honourable member wants me to check what the position would be if prostitution were legalised and prostitutes were employed by someone, I will do so. I assume that, if they were employed in the normal employer-employee relationship, they would be covered for workers compensation. But as I said, that is a purely hypothetical situation, because the Bill relating to prostitution has not passed the Parliament. Accordingly, I do not see any point in pursuing the matter, although if the honourable member wants me to—

The Hon. J.C. Burdett interjecting:

The Hon. C.J. SUMNER: The honourable member, by interjection, says that he wants me to, so I will refer the matter to my colleague and bring back a reply.

REPLIES TO QUESTIONS

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister representing the Minister of Health a question about answers to questions.

Leave granted.

The Hon. R.J. RITSON: Some time ago—probably two months ago—I asked a question in relation to the non-proclamation of parts of Acts. I observed that portion of the Medical Practitioners Act, the amendment in 1983 that dealt with rendering medical defence or malpractice insurance compulsory, has never been proclaimed. It seems to me that the answer would have been capable of being delivered swiftly, as it required no research. I therefore ask the Minister: why has the question not been answered, and will she ensure that an answer will be brought to this Chamber before the end of this session?

The Hon. BARBARA WIESE: I cannot promise to bring an answer before the end of this session, but I will certainly have the matter raised with the office of the Minister of Health and undertake to get that reply to the honourable member as soon as I can.

COIN OPERATED GAMING MACHINES

The Hon. J.C. BURDETT: Has the Attorney-General an answer to my question of 13 February?

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

Leave granted.

The Premier has provided the following response:

1. The cost of the reprint of the document was $2 268.
2. The cost of the original print was $3 943.80.
3. The information paper was printed in-house, and no separate costing was maintained.
4. The cost of other public relations matter, including two previous information release, was $11 444.
5. The majority of the work lrequired for the preparation of the submission and other information releases was undertaken by commission staff utilising commission facilities. There are, however, three private consultants engaged by the commission who have played some part in the promotion of the bid.

DEALERS IN SECURITIES

The Hon. J.C. BURDETT: Has the Attorney-General an answer to my question of 27 February?

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

Leave granted.

The Australian Securities Commission has provided the following response to the matters raised by the honourable member.

The requirement for audited trust accounts for investment advisers in their capacity as dealers in securities is not an issue. There has been a requirement at all times in the applicable legislation, that is, the Securities Industry (South Australia) Code, and its successor, the Corporations Law, that dealers' trust accounts be audited. It is noted that the question suggests that an investment adviser can act as a dealer in securities. The legislation provides that the two activities are not the same. An investment adviser is granted a different type of licence subject to different conditions, from that required for a dealer in securities. Not only must an auditor be appointed to audit a dealer's accounts (which include the trust account), the auditor is required to report to the Australian Securities Commission if, *inter alia,* the auditor becomes aware of a matter which constitutes or may constitute a contravention of any of the trust account provisions.

For the purpose of preparing his report on the accounts, the auditor must check or examine the operation and control of trust account procedures generally, in auditing the accounts of a dealer the auditor is required to comment on a number of specific issues. A copy of the relevant documents prescribing the areas of the auditor's focus is available for the honourable member's information. The South Australian Regional Office of the Australian Securities Commission is continuing the practice which was commenced by the Corporate Affairs Commission of South Australia of undertaking programs of surveillance of participants in the securities industry by means of ongoing inspections and visits. As a result of an inspection commenced by the South Australian Regional Office a dealer recently had its licence suspended by the ASC for a period of three months. The suspension was directly related to the trust account being operated in a manner which was inconsistent with the legislation. The ASC has a structure which will facilitate a quick response to matters which are brought to its attention which may fall outside of the programmed surveillance activities.

MULTICULTURAL AND ETHNIC AFFAIRS COMMISSION

The Hon. R.R. ROBERTS: Has the Attorney-General an answer to my question of 12 September?

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

Leave granted.

The Hon. Lynn Arnold stated in the House of Assembly on 19 November 1991 in response to the same question asked by Mr Groom regarding deleting 'Ethnic' from South Australian Multicultural and Ethnic Affairs Commission and the old office of Multicultural and Ethnic Affairs and, if so, the reasons for such a change:

The Minister of Ethnic Affairs, the Hon. Lynn Arnold, recently advised that any decision to remove 'Ethnic' from the South Australian Multicultural and Ethnic Affairs Commission and the Office of Multicultural and Ethnic Affairs would have to be implemented by means of amending legislation in the Parliament. The Minister has had approaches from some in the community in South Australia who have indicated that they believe that the use of the word 'ethnic' is no longer appropriate, that the word has become somewhat pejorative, and it would be just as fruitful, in terms of fulfilling the spirit of the legislation, if both the commission and the office were to have the word 'ethnic' dropped from their title. Following those approaches, the Minister referred the matter to the South Australian Multicultural and Ethnic Affairs Commission for its consideration. Its initial response has been not to favour such a move: it does not believe that the feeling that has been reported to a couple of instances is as widespread as might be believed.

Following that response, the Minister referred the matter back to the commission and asked it to survey all community groups in South Australia to ascertain their views on the matter of the use of the word 'ethnic' in the title of both the commission and the office. In so doing he asked that it raise the issue in a dispassionate sense, putting both the pros and cons of having such a word continue or being removed from the title. That material has been mailed out to all those groups that we know of in South Australia representing different communities in this State. When they have responded we will then be in a better position to make further decisions.

To take exception to the word 'ethnic' is not to take exception to certain other words such as 'ethnicity'. Everyone in the community has an ethnicity by virtue of their own background. The argument being raised against the word 'ethnic' is to say that it is perceived, that some people are ethnic and others are not. That point is being taken exception to by certain members of some communities in South Australia, particularly those who, being third generation or more, a proud of the origins of their ancestors and proud of the heritage that they continue to carry on within a multicultural Australia, whilst not wanting something that divides them from one group—the majority—into a smaller group—a minority. They take exception to that, and that is what they think 'ethnic' as a pejorative word sometimes contibutes towards. We will let the survey of groups determine what finally happens in this regard.

COUNTRY HOSPITALS

The Hon. PETER DUNN: I seek leave to make a brief explanation before asking the Minister of Health a question about funding for country hospitals.

Leave granted.

The Hon. PETER DUNN: There have been recent indications of a reduction in funding by the Health Commission of country hospitals. The indications I have are that service may be able to be provided in future if there is a reduction, but one of the things disturbing people is the fact that capital maintenance of those buildings and the run-down of capital expenditure cannot continue for much longer. Some of the hospitals are in a very sad state of repair. There is no provision for increasing the size or modernity of hospitals that is normally necessary.

It is necessary to have these hospitals up to date, because more and more visiting surgeons are going into the country, and that is to be applauded. But my questions really relate to the expenditure. Can the Minister tell the Council whether country hospitals can be expected to be funded now or in the future at the present rate with the inflation factor added? If not, what can country hospitals expect as funding arrangements for the present and the future?

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

TRANSPORT CURFEW

The Hon. DIANA LAIDLAW: Has the Minister for the Arts and Cultural Heritage an answer to my question of 17 March?

The Hon. ANNE LEVY: I have, and I seek leave to have that reply inserted in *Hansard* without my reading it. A copy was given to the Council over a week ago.

Leave granted.

My colleague the Minister of Transport has advised that as part of the State Transport Authority's plan to eliminate poorly patronised night and Sunday services from August 1992, a number of changes to services will take place, generally after 7 p.m. on Monday to Thursday and Saturday nights, after 10 p.m. on Friday nights, and all day on Sundays and public holidays. The time of 7 p.m. (10 p.m. Fridays) applies to departure time from the city, not to the arrival time for the vehicles back at the depot. The changes, details of which were set out in the Minister's press release of 30 January 1992 are summarised as follows:

The 88 bus routes now operated at night and on Sundays and public holidays will be converted to 52 bus routes, as follows:

- 27 bus routes will be retained as existing;
- 12 bus routes will be eliminated (these routes are poorly patronised, close to other routes, or share common routes with other services for a large portion of their length);
- 3 bus routes will be shortened to reduce bus requirements;
- 24 bus routes will be replaced by 11 'zigzag' routes, which will cover a large portion of the roads used by each route;
- 17 bus routes will be replaced by one way circular or loop routes, which will also cover a large portion of the roads used by each route;
- 2 radial bus routes will be converted to, or replaced by, feeder routes;
- 3 bus routes will operate to a lower frequency (generally hourly instead of half hourly).

LOCAL GOVERNMENT (REFORM) AMENDMENT BILL

In Committee.

(Continued from 8 April. Page 4024.)

Clause 27—'Transitional provisions.'

The Hon. J.C. IRWIN: I seek guidance from the Minister because my amendment seeks to insert a provision similar to that in new section 20 (19) clause 4 (1). Although that clause has been debated, I understand it may be recommitted, and I would like to keep the provision in this clause consistent. The amendment seeks to bring the provision into line with an amendment that has been altered because of other amendments. If the LGAC continues after 30 June, the provisions should be consistent with those that would apply with regard to a panel.

The Hon. ANNE LEVY: I suggest that the honourable member move his amendment because, if it were defeated, the question would not arise as to whether it was consistent with new section 20 (19). If the amendment is passed and we subsequently recommit and alter new section 20 (19), it may be necessary to alter the amendment then. His amendment deals with an important principle and what he is dealing with in terms of consistency does not deal with the

principle but whether the percentages are the same in the two amendments. In other words, it is a question of detail, whereas the principle is what should happen to proposals before the LGAC when the bureau closes on 30 June this year. Perhaps that principle can be discussed even if there has to be fine tuning later.

The Hon. J.C. IRWIN: I thank the Minister for her guidance. 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) a 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.

My amendment relates to continuation of the LGAC after 30 June and it seeks to bring the LGAC process into line with the local government panel system that will be starting after 30 June in respect of polling. I agree with the Minister that we need to discover whether the principle is supported, that is, to have not an indicative poll but a conclusive poll as part of the process for any proposal that needs to go before the LGAC. If any councils or those in amalgamation procedures decide that they want to proceed under the LGAC after 30 June on the user-pays principle, then they would come under similar arrangements in respect of a conclusive poll.

There are a number of ways to look at this. If at 30 June a group of councils are in the middle of a proposal and starting without the conclusive poll, they would be put in the position of having to make up their minds whether they wanted to go under the LGAC process or go to a panel process. If they go to a panel and the conclusive poll provision is there for the panel, I believe it should be there for the other councils as well right from 30 June. They will be lined up and it will not be a matter of perception by the three councils that it would be better to go one way or another because there is a set of proposals different from the other proposals. I hope that that is not too difficult to follow, but that is what my amendment seeks.

I have considered the retrospectivity of the amendment. There has always been an indicative poll provision and this provision has been used. Both the Liberal Party and the Democrats have tried previously to include a decisive poll but have not been able to agree on what is the affected area. I guess that goes back some years when the Hon. Murray Hill, in dealing with the Mitcham matter, put up a proposal and the Democrats and the Liberal Party could not agree as to what was the affected area. It seems that we have become more wise and looked at this more deeply—

The Hon. Diana Laidlaw: Or more compromising.

The Hon. J.C. IRWIN: We might have been more compromising, but we used more wisdom to see another proposal in front of us. Let us use the example I have used previously concerning the three councils of Hindmarsh, Woodville and Port Adelaide. By doing so, it is easier to understand the point that the Hon. Mr Gilfillan was putting some years ago, that the affected area is as much those people who are losing their Woodville identity as it is those who will receive them into the Hindmarsh and Port Adelaide communities.

We have indicated independently and collectively in our amendments previously that we do agree on that principle, that the whole area is that which is affected by a proposal. That has been well signalled over a number of years, that the conclusive poll has been a principle but that we have not been able to reach agreement on how it can be achieved. If there is any retrospectivity in my proposal, it is that of entering into the proposal with the existing LGAC, and not knowing that a decisive poll was part of the process when it was commenced. It may or may not have influenced the proponents prior to the proceedings.

Some of the paragraphs on page 6 of the schedule of my amendments are fairly similar to those already discussed. Subclause (4b) *(e)* has been amended so that copies of the proposal and of the arguments for and against will be sent to everyone in the affected area. Apart from some tidying up, paragraphs *(a)* to *(h)* are similar to the wishes of some amendments already discussed. I ask for the support of members in considering the principle. If I do not receive support, I take the Minister's point of view that it will be lost and will not be able to be recovered. I ask that it stay alive so we can look at it if and when we reconsider clause 4, with respect to new section 20 (19).

The Hon. ANNE LEVY: The Government opposes this amendment. I stress that this is a question of dealing with transition arrangements for proposals which may still be before the Local Government Advisory Commission on 30 June. I point out to members that currently 12 different proposals are before the LGAC, but the LGAC expects nine of these to be finalised before 30 June, leaving three proposals still to be finalised. The Bill proposes that, at the time the LGAC ceases to exist, the parties to these proposals have choices to be made by consensus. They can either all agree that they will transfer to the new panel process; they can all agree that the matter will lapse and not be continued; or they can all agree that the proposal should continue through the Advisory Commission following on the way it had begun, but that the expense in that situation would have to be picked up by the proponents. I stress that it is by consensus.

It indicates that, if the parties are unable to agree, the matter will transfer to the panel process. With respect to the three proposals likely to remain, the proponents will need to consider the stage that their proposal is at. Some of them may be very near finalisation, and the simplest thing by far would be to continue with the LGAC, probably at very small cost, to have the matter completed. I stress again that it will be by consensus if any proposal remains with the LGAC on a user-pays basis.

The Government feels that, if there is agreement amongst the parties, the matter should stay with the LGAC at its expense until it is finalised, and they should be able to do so under the terms and conditions that applied when they went into the procedure. At the time the proposals were put up, the LGAC was in existence, and there was a standard procedure which was well known and understood. The rules and regulations that applied were known to all participants. If proponents choose by consensus to stay with the LGAC, they should be able to finish their proposal under the rules that applied when they started the process.

If they do not like those rules or would like something different, they could object to its staying with the LGAC, and it would automatically transfer to the panel process where the new procedures set out in the Bill would apply. So, if they have any objection to the old process under the LGAC, they can object to its continuing under the LGAC and so get the new procedures. It must be by consensus—it cannot be imposed on one group by another. If the proponents all wish for their proposal to be finished under the LGAC, they can do so under the rules of procedure which applied when they commenced their proposal with the LGAC.

The Hon. I. GILFILLAN: I agree with the Minister's position. I am opposed to the amendment. I do not see any scope for improvement on her very lucidly and briefly put explanation of the position. I agree with it 100 per cent.

The Hon. J.C. IRWIN: I probably made my point badly before, but the three proponents who may not be finished with the LGAC could object without any pressure or coercion, and I accept that. Nevertheless, they could take the course of the LGAC process—user-pays—and no doubt assess the cost of that as against the panel process. They could do that in the knowledge that the panel process would include the poll. I do not know what may come out of the recommittal, but they would have an option in the sense of going to the panel process where there may well be a conclusive poll. It seems that it should be evened up. That path is cut off in a sense. Under both proposals, there should be a conclusive poll. That is the principle that I am espousing for the Opposition, and have done so for a long time, that that option should be taken away purely because one has a poll and one does not have a conclusive poll.

Amendment negatived; clause passed.

Schedule and title passed.

Bill recommitted.

Clause 4—'Substitution of Divisions'—reconsidered.

The Hon. J.C. IRWIN: I am concerned about one of the proposed amendments to this clause. I do not have any advice from the LGA on that matter, and I would prefer not to proceed without it. Because of that, I would like consideration of this matter deferred.

The CHAIRMAN: Because we are in the formal stages, such a motion to report progress would have to be tested by the Committee.

The Hon. ANNE LEVY: I make the comment that the Government certainly does not wish to inhibit discussion or debate. That is the furthest thing from its wishes. The reason that the clause relating to new section 20 (19) is being reconsidered concerns an amendment that was passed by the Liberals and Democrats in this place, voting together, The principle of that amendment is that, in some conditions, polls will be binding, not merely indicative to the outcome. The amendment that I am proposing to move will not change that situation, even though I do not agree with the principle behind it. One might almost call it a technical amendment, which puts forward exactly the same principle that was passed by the Committee yesterday, but does so in a way that covers all eventualities. The amendment moved by the Hon. Mr Gilfillan, which was accepted by the Chamber, inserts a principle but only details its outcome in a couple of situations. Some other possible situations can occur.

I can assure honourable members that the amendment that I wish to move will in no way affect the principle, that principle being that, in some circumstances, polls are binding, not merely indicative. There is no question of principle involved in the amendment that I wish to move. It is merely a tidying up of what was agreed by the Committee yesterday to cover all possible eventualities. In those circumstances, I am reluctant to report progress. I do not see that this is contentious, and we would like to get this piece of legislation to the other place as early as possible so that it will have time to consider it in the remaining sitting days, and so that this Chamber can continue with the many other items on today's Notice Paper.

The Hon. I. GILFILLAN: I indicate that I am not persuaded that there should be any further delay in attending to this. I think that, to an extent, the Minister has outlined the argument which I would use. This will go to the other place, and there will be a delay of some time before Parliament as a whole completes consideration of it. As I understood it, the reason for the amendment was that Parliamentary Counsel quite rightly pondered the effect of the amendment—as I successfully moved with the support of the Liberals—on the alternative attitudes of a panel so that, if there were a recommendation from a panel for the proposal to go ahead, a poll—and the effective poll would need to be 50 per cent of 50 per cent—could stop that proposal.

The question was: if the role was reversed and a panel had recommended against a proposal going ahead although it had been supported by the councils involved, and that question was put to a poll, could the reverse be true? In fact, a 50 per cent plus one of a 50 per cent vote could ensure the progress of the amalgamation.

That was one of the matters that was discussed previously. I agree that unless there are other matters in the amendment that I have not been able to extract (and even if there are, they may be easy to accommodate), the acceptance of the principle was done in the prime Committee work, so I do not believe there is now any argument that we should delay considering this matter.

The Hon. J.C. IRWIN: I make two points in relation to substituting a new subsection (19). First, by arrangement, I understood that the Hon. Mr Gilfillan and I were to reconsider the 50 per cent argument, and I am now trying to get advice on it. I do not agree with Mr Gilfillan's argument that we can brush it off in here and let the other place do it. I thought that we had responsibility in this place to do it. It is the right and duty of the Legislative Council to do what it can without passing it off to some other place, or even to a conference where conveniently things can be sorted out. We should try to sort it out in this Chamber.

Secondly, new subsection (19) *(c)*—and I do understand the Minister's explanation—is new and is something that was put before us last night to consider, following the discussion that came out of debate on clause 4. If that debate had not taken a certain course, this would never have been considered. All I have done is ask the association for its advice as quickly as possible. If it is true that the Local Government Association will not speak to me and will not respond to a request from the Opposition for advice on a certain matter, that is a very sad day for this Parliament. I wish to seek time to see whether the association will speak to someone else in my Party, either Mr Lucas or

Mr Baker, or anyone else to whom the Local Government Association will deign to speak. I move:

That the Committee report progress and have leave to sit again.

The Committee divided on the motion:

Ayes (10)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, K.T. Griffin, J.C. Irwin (teller), Diana Laidlaw, R.I. Lucas, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Noes (11)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese.

Majority of 1 for the Noes.

Motion thus negatived.

The Hon. ANNE LEVY: I move:

Page 12, line 6—After 'reasonable time', insert 'then, subject to subsection (19) *(b)*,'.

I will not speak to this amendment at length as it was discussed in broad terms before the last motion was put. The fact that I am moving this amendment does not indicate that it is my preferred position. I made very clear when this clause was debated previously that I support polls in these situations not as being binding but merely indicative, and that is very much my preferred position. However, I accept that the Committee has decided that, in some circumstances, polls should be binding on councils and not indicative.

Accepting the spirit of that decision of the Committee, I move this amendment so that within that principle all the possible contingencies are covered. The previous amendment that was accepted by the Committee dealt only with some of the eventualities that could occur and would have left other possibilities dangling and quite indeterminate as to what would happen in that situation. I am not altering the principle, even though I personally do not like it.

The Hon. I. GILFILLAN: I want to indicate to the Hon. Jamie Irwin that I acknowledge that we had a conversation in which I considered 50 per cent as a flexible figure and that the principle was the important part to get into the statute at this stage. He then agreed and we therefore saw the amendment passed. I agree with this much of what the Hon. Jamie Irwin said previously: that in a better run world it would probably have been preferable to have more of a chance for a discussion with the LGA about this matter. The LGA is certainly aware of what has taken place in amendments in this place; there is no doubt about that in relation to the people who have been attending and considering the Bill. No complaint or criticism has been made to me about that amendment, so it seems that the issue that at least the Hon. Jamie Irwin and I need to address is whether the 50 per cent figure is the appropriate one to have in this Bill.

On reflection, I will need to be persuaded that it should be a different figure, and I think the Hon. Jamie Irwin would agree. We picked on no other as a specific figure other than that it was open for consideration, and I indicated that I would consider 40 per cent. However, it was really at a consideration level. If one takes that and puts it into the situation of a real poll, it could mean that 20 per cent plus one of the electors in the area affected could have the determining effect of stopping or progressing an amalgamation.

I am of the opinion that that is too low. I admit quite frankly that it is a subject on which, in further discussion, I may come to have a different point of view. Members will recall that I have been arguing consistently for an obligatory vote for local government, and that would mean that all votes and polls should be more than 90 per cent and be close to 100 per cent. So, I am uneasy, with percentages that get as low as this could get if it dropped substantially below 50 per cent, about a profoundly important decision being made, not as an indicator, but as a determining factor. So, I will support the amendment as it is drafted. I suspect that the question of 50 per cent will be subject to ongoing discussion, but it is not my intention to support a change below 50 per cent at this stage.

The Hon. J.C. IRWIN: I will not spit the dummy and go home; I will make decisions as we have been elected to do here; indeed, as it is my responsibility to do here, so I will go on doing it, but I will certainly not trade insults; that is not my game. As I said last night, none of the amendments that I have sent to the Local Government Association over the past two weeks has met with a response. If that is its attitude to legislation and the Opposition's responsibility, that is its business, and I am sorry that it has come to that conclusion. It is fairly clear that we have not been on speaking terms, not just for the past couple of days, but for some time, and one may wonder why.

In response to Mr Gilfillan, who has already alluded to the 50 per cent matter, my quick bit of research in the library the other day gleaned that the results of the last local government election in 1991 showed a 22 per cent turnout while in 1989 it was 20 per cent. So, there was a 2 per cent increase. I could make a couple of points, which conflict with each other. These are local government elections and there may not be contests in every ward or against every mayor; or indeed against all members of a council. I do not have any problem with that figure. I think it is extremely good to have 20 per cent turning out across the State.

If we want to go further in that argument, there have been hot issues in local government in various wards or councils where polling results have been much higher than that. That is the figure I think we should look at; I do not think a 50 per cent or indeed any percentage figure at all should be mentioned, because, if we need to change anything, we need to change the voluntary voting system. This Party will not have a bar of changing that system but, if we need to change the system to put in a certain turnout, we ought to make it compulsory to vote. That has not been done and in principle we cannot support any figure being provided. It is like saying to local government at its election time that, if a certain number of people—50 per cent—in its ward does not turn out in the election, there is no election. That is an utter nonsense, and anyone who knows anything about voting, people and local government knows that.

Therefore, our peer form would be to provide no figure at all, and I would certainly prefer that, if we are to have anything (and this is very much a second preference), it should be under 50 per cent. I suggest that if we are to have any figure in there, it should be about 30 per cent. I apologise for not having the exact figures—the Minister may know them—but if we look at one of the larger councils such as Salisbury, which has over 100 000 electors, we see that it would need 50 000 people to turn out. At the last local government election in 1989, 160 000 voted around South Australia so, we are asking one council of over 100 000 people to produce a turnout of over one-quarter of the whole State turnout at the last elections. That makes the figure of 50 000 or more a nonsense. I assume that if the Port Adelaide/Hindmarsh/Woodville amalgamation goes ahead, it will be one of the first big conglomerations of councils to be achieved in this State, and that may well be the requirement under this amendment. Under the voluntary voting system, the expense of people coming out to vote at a 49.9 per cent turnout would nullify the whole election, and that is absolutely nonsensical.

The Hon. I. Gilfillan: It is indicative.

The Hon. J.C. IRWIN: It then becomes indicative, but how do we then judge 'indicative'? As I have mentioned previously with regard to Henley and Grange, just less than 50 per cent turned out, but there was a vast majority in support. Even the Minister acknowledged that, because she accepted that as being the will of the people of Henley and Grange. They did not want to become part of Woodville or West Torrens; they wanted to stay as their own community. If there is anything we can project from the Opposition's point of view, we are for the community, and it is the community that should make the decision. That is why we have insisted on the conclusive polls principle with which Mr Gilfillan agrees. However, he now turns around and qualifies it by saying that we must get half the population out. We say that in that case, under voluntary voting, if we get less than half in support of a question, their having been properly provided with arguments both for and against the proposition, the whole thing falls over, and that is untenable.

The second part of the amendment needs discussion, although I talked about it earlier. If the panel decides that a proposition does not go on, the people can rise up to call a poll and, if it is a positive poll—although it must have 50 per cent of turnout—overturn the decision. That will cause the panel to go back and revise its report to such extent as is necessary to enable the outcome of the poll to be brought into effect. Again, the Minister has not quite explained the process that will be involved.

Is it simply a matter of changing the report from 'no' to 'yes'? If there are disagreements after that, what happens then? That is why this needs to be thought about by local government. People should not just have it thrown at them. If they have thought about it and indicated that to the Minister and to the Hon. Mr Gilfillan, that is fine; they can wear it, because they have had an opportunity to talk to the Minister and the Hon. Mr Gilfillan and say, 'We would like to advise the two of you before we accept this (in principle) reasonable idea.' But it has not been thought out very far other than in its legislative form. Why was this not thought about before? We are told that the local government consulting process went on for months. We talked about all these things.

The Hon. C.J. Sumner interjecting:

The Hon. J.C. IRWIN: All right, but I am fighting for a principle that I will go on fighting for, despite opposition. Because of those two points, I will not yet indicate how we will vote on this amendment.

The Hon. ANNE LEVY: The fact that a poll is not binding does not mean to say that it is not taken notice of. The honourable member himself quoted the Henley and Grange poll, where there was not a 50 per cent turnout but, nevertheless, the indicative poll was acted on. Even if it was not binding, notice was still taken of it. On the other hand, the honourable member might recall that in the Mitcham situation there was a greater than 50 per cent turnout and, again, that was indicative only under the then situation, but it was very clearly taken note of.

The Mitcham situation involved a great deal of emotion and had a greater than 50 per cent turnout. To quote figures for local government elections is really irrelevant in these situations. The matters being considered will obviously have very different effects on whether people will turn out for a poll. Mitcham council has never, to my knowledge, achieved a 50 per cent turnout at a local government election.

The only other point I should make is that the Local Government Association has made very clear from the word go that it is opposed to binding polls. That is its principle: it does not approve of binding polls. In consequence, particular figures had obviously not been discussed with it, as it was not in favour of binding polls. Neither was the Government, but I accept the decision of the Committee that polls in some circumstances should be binding, and my amendment is merely to remove any anomalies, consistent with that principle.

The Hon. I. GILFILLAN: This issue has been thoroughly canvassed. We are introducing a principle into the Bill, and if the Hon. Jamie Irwin holds the view that there should be no percentage, and that no poll should be determining. I do not share that view. However, I respect his different point of view. That does not mean that I am not flexible and cannot look further down the track, in light of more discussion and more experience, at ways in which there may be some adjustment of how this poll is determined.

I put this to the Committee purely as a thinking process, because I do not believe that we are ready to change the amendment to the Bill substantially. The determining factor, in other words, the point at which a vote for a poll becomes determining rather than indicative may be better placed with the number of votes cast for or against a particular proposal. I put that for members to consider.

It has advantages and disadvantages. It has one advantage in that the total number of voters may not need to be as high, because the result will depend on how many people hold a certain view within the area concerned. In the amendment we are now considering, the numbers were 50 per cent of electors and 50 per cent plus one, which results in a 25 per cent plus one net voting for or against the proposal to carry the day. If that were translated so that a poll that counted 25 per cent plus one of electors on the roll for or against the proposal became determining, that would be another way of achieving the same result. I mention that because I believe it is an issue that will attract more interest as time goes by. However, I am not persuaded to consider a further amendment at this stage.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 12, lines 35 to 41—Leave out subsection (19) and substitute:

(19) If 50 per cent or more of the electors for the area or areas affected by the recommendation that is the subject of the poll vote at the poll, then—

(a) if the recommendation is that a proposal (or some alternative proposal) be carried into effect (and subsection (11) does not apply to the recommendation) and a majority of the electors voting at the poll (irrespective of the areas in which they are voting) vote against the recommendation, the recommendation cannot proceed;

(b) if the recommendation is subject to the operation of subsection (11) (being a recommendation that a proposal (or some alternative proposal) be carried into effect) and a majority of the electors voting at the poll (irrespective of the areas in which they are voting) vote in favour of the recommendation, the proposal will, notwithstanding subsection (11), proceed;

and

(c) if the recommendation is that a particular proposal not be carried into effect and a majority of electors voting at the poll (irrespective of the areas in which they are voting) vote against the recommendation, the panel must, in consultation with the representatives of the parties, revise its report to such extent as is necessary to enable the outcome of the poll to be brought into effect.

Amendment carried.

The Hon. ANNE LEVY: I move:

Page 12, line 45—

After 'Part' insert '(other than a proposal that cannot proceed by virtue of section 20)'.

Leave out 'may then' and substitute 'must then, as soon as is reasonably practicable after its receipt by the Minister,'.

This arose from the discussion we had yesterday as to when a panel recommendation has been through the entire process, been approved by everyone and then referred to the Minister. The suggestion was that instead of the Minister 'may' present it to the Governor, which was meant as enabling and not discretionary, it should be replaced by the Minister 'must' convey it to the Governor, in other words, we made it quite clear that the Minister has no discretionary role. But I also put in 'must then, as soon as is reasonably practicable after its receipt by the Minister' forward it to the Governor.

The qualifying clause is put there in case of a question of a deficiency in the recommendation. It may not have the boundaries right, or something like that. Obviously, that would need to be referred back to be corrected before it could go to the Governor, and that is the only purpose of the qualification. I hope that the Committee will agree that this deals with the various points that were raised when this matter was initially debated in Committee, in essence, making it quite clear that the Minister has no discretion whether a proposal will or will not come into effect—which is what was always intended.

The Hon. J.C. IRWIN: The Opposition reluctantly supports the amendment. I could use the same argument as I used about my amendment. What does 'reasonably practicable' mean? What time is involved? My amendment at least spelt out that, if nothing happened within two months, there was public notice. I would not have minded changing 'gazette' to 'paper circulating in the district', but that was not acceptable. We are still playing around with the words 'reasonably practicable' and the Government has taken a rather silly attitude.

The explanation is that we must have this time period to sort these matters out so that we can check that the boundaries and so on are right. I go back to my question of yesterday. New section 15 (7) provides:

> No proclamation purporting to be made under this Part, and within the powers conferred by the Governor under this Act, is invalid on account of any non-compliance with any of the matters required by this Act as preliminary to the proclamation.

How many more checks and guides do we need in order for people to do their job properly? I cannot understand it. I suppose that there is no bureaucracy and no-one there to check anything. Why do we need all these checks and balances? The time that is 'reasonably practicable' is there to check it all over again. One can make a mistake, get it proclaimed and then there is a catch-all clause, anyway. I am just amazed but I will support it to get something in there.

The Hon. ANNE LEVY: I should explain that the protection so far as the proclamation is concerned is to ensure that once an amalgamation has occurred one cannot start undoing it again. For that reason it is important to ensure that everything has been checked, that there have been no slip-ups, before the proclamation is made, and that is what we are referring to. If mistakes are in a proclamation prepared by the panel, it would surely be wise for the Minister to refer it back to the panel to get it correct. I am not suggesting that the Minister will check everything himself or herself or get public servants to do so. The recommendations come from the panel.

If there are factual or technical errors in the recommendation, it will be referred back to the panel to correct its errors before it proceeds to proclamation. The passage of this amendment will mean that, if there is a delay between receiving a recommendation and its proclamation, it would be possible for an individual or parties to take action against the Minister for not having forwarded it on for proclamation unless there was a good reason for not having done so. The fact that the in tray never got empty would not be a reasonable excuse and action could be taken. I thought that was what the honourable member was concerned about and wished to avoid.

Amendment carried; clause as amended passed.

Bill reported with further amendments; Committee's report adopted.

The Hon. ANNE LEVY (Minister for Local Government Relations): I move:

That this Bill be now read a third time.

The Hon. J.C. IRWIN: I have been through some hours of debate and some weeks working on this legislation, so no-one can deny that there were extensive discussions and debate on the various interests of the Opposition, the Government and the Democrats. As we saw it, the Bill contained four key proposals: the panel system to replace the LGAC, the setting of fees, by-law powers, and terms of office. Other good proposals were in the Bill. Although not key proposals, many of them have been supported without any problem.

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: I know. Other than the four key areas indicated, there are other issues that we have supported without qualification and some with amendment. I did not mean to say that there were only four proposals in the Bill; there were a lot of proposals. Our lack of support in Committee for those four matters and our move for the Bill to go to a select committee as well as our lack of support, which I am about to indicate for the third reading—

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: Yes, but it is going against what was in the Bill. Our principle was that the constitution Act for local government should come first before any outright projection of the proposals in the Bill, and I made that pretty clear before. In fact, in my press release of 27 March I stated:

> While the Opposition does not wish to reflect in any way on the track record or competence of the Local Government Association in the past, we believe the Parliament cannot transfer functions to the association [however big or small they are] without being satisfied it's structure can accommodate the functions we give it. It is not an elected body as the State Government executive is.

I gave the example that the State Government's executive is an elected body and accountable to the people for decisions. We have had many arguments about that and the Minister and others have been saying there is no problem, that it is only the start of a mechanism and will not have any far-reaching effects.

Whether or not that is true, we are sticking to the principle that the constitution Act should be there first so that we know to whom we are devolving power not only from the local government arena but doubtless from many other ministries. There will be contracts and arrangements between the Local Government Association and areas covered in many other Acts of Parliament. It may be the will of the Government and the will of the Local Government Association to accept it, but we are sticking to our principle that that should be done first and then the Government can go its hardest with transfers and we will be as committed as the Government to do that.

I have to be careful to put the qualification that we reserve the right to look at what it is and we do not make an automatic transfer on the basis that, if local government wants it, it can have what it likes, because that is not how it has been before and that is not how it will ever be. We had an example in debate yesterday on the use of the Electoral Commission. That was one area of difference, and

there may have been others in the Bill, where the LGA disagreed with the Government.

I refer to the local government arrangements with the Mount Lofty plan where work was put in over many years and involved millions of dollars (the Hon. Bernice Pfitzner referred to that in her speech) and it was thrown out the door by the Minister; it meant absolutely nothing. We will not behave like that. In my release of 27 March, almost before we got going, I said:

> The Opposition supported the memorandum of understanding process which included the elimination of the Local Government Department. However, the Opposition has never given a commitment to support without question any proposals emanating from the Government negotiation with the association.

That may not have even got a run, but I take the opportunity to give it some clarity in this place. We are being accused by certain people that the Liberal Party has withdrawn its support for local government. Again, that is a misguided perception of the parliamentary process now, what it always has been and, I assume, with some evolvement, what it always will be. In this instance, this has been as much about timing regarding the constitution legislation as anything else.

When talking about the three year terms, I must ask again: does a motion of the AGM of the Local Government Association, in the form that it was put and qualified by the body of local government, mean that it is the policy of the Local Government Association? How do we know what the policy is? I am not satisfied that I know. From talking with members who were at the AGM, neither are they satisfied. I am sure that the LGA has certain requirements within its constitution about how it makes policy. If it is going to signal to us that it will change from four years half in, half out to three years, it should signal it in a way that clarifies its policies, and we can be sure of those policies.

The Hon. Anne Levy interjecting:

The Hon. J.C. IRWIN: We may not. I would just like to know what it is. The point I have been trying to make for days is that it is so important that the LGA's structure and procedures are such that, when it says it is its policy, it has been through the correct process to arrive at that policy. For example, if we look at fee setting and things that can be done communally by the LGA, including by-laws, etc., we have to know that that structure is in place and is being properly administered. I have no doubt that it would be properly administered, but we have to know it.

When considering the boundary changes and the demise of the LGAC, I read into the record last night a copy of a letter to all councils from the Hindmarsh council, with which I was provided, spelling out its survey on what was known prior to the draft—not the draft itself. I have been given some other figures that lift those numbers somewhat, but they are far short of a majority of the 119 councils that wants to do away with the LGAC. I link that with what I said about the three year terms and the policy. What is the policy in this matter? In my opinion, it is not good enough for us to be told one thing if the LGA is not supported by a majority of its own members. Again I must ask how that was arrived at.

Finally, I have been accused of failing to keep abreast of matters in local government. As I have always done, I will do all in my power to contact local government on a regional, council-to-council basis as much as is physically possible within the time constraints of my responsibilities in here and when we are not sitting. If by that and other means people cannot communicate to me the position of the LGA, I doubt that it is my fault that I have not been kept abreast.

I have already explained that I had an arrangement that a copy of every piece of paper sent out to councils by the secretariat would be sent to me, but it never was. It was not until a Vice-President came to see me about a month ago, and I informed him of the situation, that those papers have started to arrive on a regular basis. I do not want to rely on what falls off the back of a truck or what councils might send to me thinking that I do not know about it. If communications are to be fair dinkum, perhaps we can both improve. I do not say that my consultation is perfect—I believe no-one's consultation is perfect.

The Opposition does not support the third reading for the reasons I have laid out continually from day one on this argument. It is not necessarily the nitty-gritty and fine detail of the clauses that we have discussed in this Bill, but that we ought to have a structure in place before we are prepared to accept that these matters be administered by that structure.

The Hon. K.T. GRIFFIN: My contribution will be brief and will be limited to reiterating the point I made during my second reading contribution. I have very serious concern about a system which is included in this Bill and which is obviously the forerunner of other developments that gives to an unrepresentative, unelected body—the Local Government Association—powers, functions and responsibilities over elected representatives in local government. I know that the State Government has had difficulty in coming to terms with the balance that must be achieved between State Government responsibility for aspects of local government. I do not accept that the Local Government Association, standing in the place of State Government, is the appropriate remedy to that issue. It is a matter of grave concern and a matter of principle that the Local Government Association exercises the powers, functions and responsibilities conferred by this legislation, and will be able to give directions to or make decisions for elected local government bodies.

We must remember that local government is the creature of statutes passed by State Parliaments, and that there will always have to be some form of involvement of State Governments in local government. I recognise that that should be kept to a minimum, but it should be a State governmental agency which exercises powers, functions and responsibilities rather than the Local Government Association in the manner which is specified in this legislation. The Local Government Association is not publicly accountable. Its decisions are not reviewable in a public forum such as a Parliament or a council, as the decisions and actions of Governments are accountable and reviewable in the parliamentary setting. That is the issue of concern that I want to repeat in indicating my support for the observations of my colleague the Hon. Jamie Irwin.

I do not believe that this Bill has really come to grips with the constitutional relationship, nor with the issue of principle about who should exercise powers, to whom those bodies should be accountable, and how they will be accountable to the constituency which they represent. It is objectionable to have a body such as the Local Government Association in effect exercising governmental responsibilities ultimately over those electors for whom local government bodies' elected representatives should be accountable and responsible.

The Hon. BERNICE PFITZNER: I will reiterate the importance of the lack of consultation. I have not come across anyone personally or through friends who know of one councillor who knows about this Bill being debated in the Chamber and who has been consulted about it. That would amount to about 20 or 30 local government coun-

cillors. I am at a loss as to how the LGA and the Minister can proceed with a Bill that has not received proper consultation and full discussion.

The LGA is only as strong as its member councils, and therefore should be well informed. I warn that, if the LGA continues in this trend, perhaps its member councils will also reconsider their position. Therefore, I again say with grave concern that I note that this Bill is about to pass this Chamber.

The Hon. ANNE LEVY (Minister for Local Government Relations): In closing the debate I wish only to comment on the contribution by the Hon. Mr Griffin and reiterate what he does not seem to have heard in previous contributions from me. I certainly share his concern that an unelected, non-democratic body should have powers and functions over elected bodies. I share that concern completely, but this Bill does not give those powers and functions. There is no power or function here which is allocated to the LGA which cannot be overthrown or ignored by democratically-elected bodies.

Councils must either make by-laws, set fees and so on, or the LGA can make recommendations. All that the LGA can ever do is make recommendations which must be accepted either by a democratically-elected council or by a democratically-elected Parliament. There is no recommendation that the LGA can make which cannot be overturned by either a democratically-elected council or by this democratically-elected Parliament. I am just as concerned about the principles of accountability, which the honourable member raised, but I strongly maintain that that has been preserved in the Bill before us, and the ultimate control and responsibility lies always with a democratically-elected body, either a council or this Parliament.

The Council divided on the third reading:

Ayes (11)—The Hons T. Crothers, M.J. Elliott, M.S. Feleppa, I. Gilfillan, Anne Levy (teller), Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner, G. Weatherill and Barbara Wiese.

Noes (10)—The Hons J.C. Burdett, L.H. Davis, Peter Dunn, K.T. Griffin, J.C. Irwin (teller), Diana Laidlaw, R.I. Lucas, Bernice Pfitzner, R.J. Ritson and J.F. Stefani.

Majority of 1 for the Ayes.

Third reading thus carried.

Bill passed.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

In Committee.

Clauses 1 to 7 passed.

New clause 7a—'Courts' power to dispense with formal proof.

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

Page 2, after line 10—Insert:

7a. The following section is inserted in Part VII before section 60 of the principal Act:

Court's power to dispense with formal proof

59j. (1) A court may at any stage of civil or criminal proceedings—

(a) dispense with compliance with the rules of evidence for proving any matter that is not genuinely in dispute;

or

(b) dispense with compliance with the rules of evidence where compliance might involve unreasonable expense or delay.

(2) In exercising its power under subsection (1) the court may, for example, dispense with proof of—

(a) a document or the execution of a document;

(b) handwriting;

(c) the identity of a party;

(d) the conferral of an authority to do a particular act.

(3) A court is not bound by the rules of evidence in informing itself on any matter relevant to the exercise of its discretion under this section.

New section 59j of the Evidence Act 1929 will enable a court to dispense with formal proof of any matter that is not genuinely in dispute or to dispense with compliance of the rules of evidence where compliance might unreasonably involve expense or delay. Members will remember that, when the District Court Bill was introduced last year, it contained a provision to the effect that the court could make rules modifying the rules of evidence as they apply to any class of proceedings and creating evidentiary presumptions. This provision was criticised as being too wide and as having the potential for different rules of evidence being applied in different courts in the State.

During the second reading debate I indicated that I considered the provision as drafted to be too wide and that consideration was being given to amending the Evidence Act, as it would be useful for the courts to be able to modify the rules of evidence at times.

The new provision has been requested by the Chief Justice and is similar to section 82 of the New South Wales Supreme Court Act. Order 33, rule 3, of the Federal Court rules is to similar effect. There is some doubt whether the power can be validly conferred by rules of court; conferring the power by legislative amendment will put the matter beyond doubt. This is a useful amendment which will save litigants and court time by allowing a court to dispense with formal compliance with the rules of evidence where it is proper to do so.

An indicator of where the courts consider it proper to use the provision is to be found in the words of Lockhart J. in *Pearce v. Button* (1986) 65 ALR 83 where he said at page 97:

> In my opinion, although it is for the judge to determine in each case whether the rule may be applied, its essential object is to facilitate the proof of matters which are not central to the principal issues in the case. The rule is not confined to dispensing with the rules of evidence to facilitate the proof of merely formal matters, but a judge should be slow to invoke it where there is a real dispute about matters which go to the heart of the case.

The Hon. K.T. GRIFFIN: As I indicated at the second reading stage, the Attorney-General did give me some early notice of this new clause and at that stage I indicated that the Liberal Party supported it. It is certainly very much narrower than the proposition in the Bills that we considered last year relating to courts restructuring, and there seem to be adequate criteria upon which a court may make the decision such that any injustice is unlikely to be created as a result of it. I reaffirm my support for the new clause.

New clause inserted.

Clause 8 passed.

Clause 9—'Application of Division.'

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

Page 2, line 23—Insert 'and no unit comprised in the strata scheme is subject to a contract for sale' after 'proprietor'.

This amendment follows from the concerns raised by the Hon. Mr Griffin in the second reading debate on this Bill as to the passing of risk and the requirements of insurance. The amendment provides that the insurance provisions of the Strata Titles Act will not apply when all units are held by the same registered proprietor and no unit in the scheme is subject to a contract for sale. Effectively, the proposed amendments ensure that, once a unit is subject to a contract for sale, the statutory insurance provisions must be complied with.

The Hon. K.T. GRIFFIN: I support the amendment. It is in response to a further matter that I raised, and I think that overcomes the problem to which I referred.

Amendment carried; clause as amended passed.
Remaining clauses (10 and 11) and title passed.
Bill read a third time and passed.

CROWN PROCEEDINGS BILL

Consideration in Committee of the House of Assembly's amendments:

No. 1 Clause 6, page 2, after line 21—Insert new subclause as follows:

(2) This Act does not make binding on the Crown any Act or statutory provision that would not, apart from this Act, be binding on the Crown.

No. 2 Page 3, after line 19—Insert new clause 10 as follows:

Enforcement of judgments against the Crown

10. (1) No writ, warrant or similar process may be issued out of any court to enforce a judgment against the Crown.

(2) Where a final judgment is given against the Crown in right of this State or any other State, the court must transmit a copy of the judgment to the Governor of the relevant State.

(3) Where the Governor of this State receives a final judgment from a court of this or any other State, the Governor will give directions as to the manner in which the judgment is to be satisfied.

(4) Any Minister, agency or instrumentality of the State Crown to which a direction is given under subsection (3) is authorised and required to carry out the direction.

(5) A direction under this section is sufficient authority for the appropriation of money from the General Revenue of the State or from the funds of any agency or instrumentality of the Crown.

(6) In this section—

'Governor' includes—

(a) in relation to the Australian Capital Territory—the Chief Minister;

(b) in relation to the Northern Territory—the Administrator.

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

That the House of Assembly's amendments be agreed to.

This Bill now contains two features not included when the Bill was previously before this Council. First, the Bill has been amended to overcome a potential problem in the manner in which it will interrelate with the amendment to the Acts Interpretation Act dealing with statutes binding the Crown.

The issue which has been brought to the attention of Government by an officer of the Crown Solicitor's Office concerns whether clauses 5 and 6 of this Bill read together would work to deny any Crown immunity from the operation of statute under common law rules, particularly in relation to those statutes passed prior to 20 June 1990. The amendment to the Acts Interpretation Act leaves the common law rules intact for those statutes.

The matter has been discussed with Parliamentary Counsel, the Solicitor-General and the Crown Solicitor, and this amendment has been prepared to make the matter clear. It will be necessary in effect to look to the Acts Interpretation Act (for those statutes passed after 20 June 1990) and the common law (for those statutes passed before 20 June 1990) to ascertain whether a statute binds the Crown. This was always intended, but this amendment places the matter beyond doubt.

The second matter now included is the provision relating to the enforcement of judgments against the Crown. The new provision is substantially similar to the provisions currently found in the Crown Proceedings Act. It is a code for the execution of money judgments against the Crown. It was in erased type when this Bill was first considered by the Council and has now been inserted by the House of Assembly.

The Hon. K.T. GRIFFIN: I support the motion. The first amendment is one of which again, his officers gave me some notice, and it seems to me to be not an unreasonable provision. Amendment No. 2 was in erased type in the Bill when it was first considered by us, and I see no difficulty with it. It sets out the procedure by which judgments against the Crown will be paid. It does, of course, leave the directions as to a final judgment to the Governor (which means the Governor-in-Council). There is nothing mandatory there, but I cannot imagine that where there is a final judgment against the Crown there will be directions other than that the judgment should be paid. I would be surprised if it were otherwise, and it would be a political point if other directions were given. The Attorney-General might just reassure me that that is what is proposed.

The Hon. C.J. SUMNER: It is exactly the same practice as exists at present; I think that for all intents and purposes the section is the same as the one that has been operating since time immemorial. So, I do not see a problem arising. As the honourable member said, if it does, it will have to be resolved; it will be resolved politically fairly quickly.

Motion carried.

INDUSTRIAL RELATIONS (DECLARED ORGANISATIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 April. Page 4025.)

The Hon. BERNICE PFITZNER: I support the second reading of this Bill with the hope that this is only the first stage of an ongoing wage reform for disabled people. As one who has had many years with child development, normal development seems to be taken for granted and, when handicaps are identified, it comes as a momentous shock to the parents. Such disabilities can be the disabilities of vision or hearing or, even more comprehensive, disabilities of a physical or mental nature. As we watch and monitor these disabled people striving to achieve their full potential in their own right, it is with great admiration that we watch these people overcome their gross handicaps and grow into adulthood. The question now, as they go into adulthood, is the type of employment of which these disabled people are capable. We have the traditional sheltered workshops, which have been in existence since time immemorial. The latest fashion of this employment is to have them integrated into the open work force. As a report from Minda Incorporated states:

> The proclamation of the Disabilities Services Act 1986 put in place a radical process of change for the daytime work activities of people with a disability. It recognised only supported employment in integrated settings: [such settings as] competitive employment, supported jobs in open employment, work crews and enclaves and small businesses with non-disabled co-workers. Sheltered workshops and activity therapy centres had no place in this scheme. It was based on the concept that most people, including those with severe disabilities, could work in integrated employment, in the community, provided that the appropriate support was available.

This may not always be so. However, one is encouraged that this difficulty will be taken into account with the Federal and State concept of enhanced outcome. I therefore welcome this Bill as it is specifically to exempt for the usual awards the different types of supported employment. It looks particularly at section 89 of South Australia's Industrial Relations Act 1972. This Bill has three objects. First, it clarifies for whom the exemption is designed; secondly, it facilitates employment conditions in workplaces with disabled workers; and, thirdly, it further facilitates the achievement of 'enhanced outcomes', as proposed for inclusion in the Federal Disabilities Services Act 1986. It is this first

step which recognises that disabled workers have a right to fair and equitable treatment on industrial matters.

However, I would like to address two concerns. The first is the new initiatives for the code of practice. In 1990, through the Minister of Labour, the State Government used its power under the Industrial Relations Act to instigate change. Instead of simply granting exemptions from awards to employers of people with a disability, the Minister made this conditional on employment conditions being negotiated with unions. As a result, a code of practice setting out full conditions was developed. These conditions are registered in the Industrial Commission, and the Minister requires them to be in place by 30 June 1992. This puts a tremendous pressure on the employers to have these conditions put in place at that time.

I have two tables from the 1991 census of disability services. Table 7 of section 10 shows the service type of supported employment and competitive employment. In supported employment, the number of clients is 72 and in competitive employment, it is 279. In table 8 of section 13 we have the other service types, which are active therapy for vocational, 1 243; active therapy, non-vocational, 260; training centre, vocational, 703; and sheltered workshops, 1 151. One will note in table 7 that these are the people who are less disabled and able to work in supported open employment. However, we would also note that the greater numbers are in table 8, and these are the people who are more severely disabled and who may not be able to be accommodated in this new strategy of open supported work force. I seek leave to have these two tables, which are of a statistical nature, inserted into *Hansard*.

Leave granted.

Table 7: Section 10 Key Data Summary: South Australia

Service Type	No. of Services	No. of Clients-Census Day	DSP Funding $'000	Total Income $'000	Total Recurrent Expenditure $'000	No. of Staff
Supported Employment	8	72	803	1 068	950	32
Competitive Employment	2	279	545	694	878	9
Accommodation Support	17	256	3 450	9 143	8 776	459
Respite Care	6	689	669	1 348	1 254	138
Independent Living	6	99	525	619	617	35
Advocacy	4	196	506	523	435	30
Information	0	0	0	0	0	0
Print Disability	0	0	0	0	0	0
Recreation	3	53	178	185	143	8
Other	0	0	0	0	0	0
Total	46	1 644	6 677	13 579	13 053	709

Table 8: Section 13 Key Data Summary: South Australia

Service Type	No. of Services	No. of Clients-Census Day	DSP Funding $'000	Total Income $'000	Total Recurrent Expenditure $'000	No. of Staff
Administration	3	194	262	1 611	1 426	12
Holiday Accommodation	0	0	0	0	0	0
Residential Accommodation	53	2 209	13 398	25 682	27 561	616
Nursing Home	7	631	529	820	1 112	48
Active Therapy—Vocational	13	1 243	1 489	6 732	4 034	116
Active Therapy—Non-Vocational	3	260	242	283	843	48
Training Centre—Vocational	3	96	323	559	485	17
Training Centre—Non-Vocational	5	703	411	1 125	1 460	42
Recreation/Rehabilitation	3	1 399	93	151	159	257
Sheltered Workshop	24	1 151	4 585	18 579	18 444	350
Dual Service	3	312	3 458	4 943	3 279	86
Other	17	1 989	1 394	2 511	2 665	102
Total	134	10 187	26 182	62 996	61 467	1 693

The Hon. BERNICE PFITZNER: My next concern is the disagreement that exists about the level of disability. What is the level of disability which determines that a person will be unable to survive in an open work environment, and what sort of segregated service should then be provided for them? As we note in table 8, these are the larger numbers of people who have severe disabilities. My second concern is that we should continue to press at State level for more appropriate service models for people with moderate to severe disabilities than currently exists under the current Disabilities Services Act. In the meantime, this Bill is encouraging because it takes the first step to having an exemption to awards for people who are able to be integrated in these supported services.

The Hon. T.G. ROBERTS: I support the second reading of this Bill, based on similar contributions from members on the other side of the Chamber. I would emphasise even more the commitment to being able to integrate disabled workers into the work force to perform work as part of rehabilitation as well as being able to reward in terms of their work and lifestyle. The Bill goes the first stage to instituting a recognised wage structure that employers and unions can agree upon, and then allows for an integration into the work force of people with disabilities, where their disabilities can be matched against the capacity of employers to be able to work constructively with people with disabilities so that their lifestyles can be improved.

The problem we have at the moment in the community is the lack of placements for people with disabilities to be able to find rewarding work. It is due, in part, to the recession, but also in part to the problems associated with placement. The concept is not new and has been working in Britain for some time. I had the privilege of working with people in industry in Britain, who had disabilities. Their disabilities were matched with their ability to perform

work, and those people in the work force were not just an integral part of that work force, performing their own work in their own way, but they had an effect on other employees, who rallied not just to support those with disabilities and help with training programs but who also took an interest in their private lives. It was not just inside the workshops themselves but out in the community.

Anything that works constructively to allow people with disabilities to be seen as complete units within the community and within the work force should be encouraged. Much work, energy and effort has gone into the integration into the work force of people with disabilities. Many discussions have taken place. I support the Bill on the basis that it goes the next step towards making sure that the education programs that need to take place to alert employers to many of the positive aspects of employing people with disabilities can be put in place. We can show the community that the Parliament, with Government instrumentalities and private organisations that are already working in this way, can work together to maximise the opportunities for people with disabilities to gain the independence that is required in working for wages and/or salaries, so that they can have more control over their lives and be able to lead an independent life from either part or fully institutionalised ways that we have worked with in the past. For those reasons, I support the Bill.

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

WORKERS REHABILITATION AND COMPENSATION (MISCELLANEOUS) AMENDMENT BILL

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

There are eight significant issues covered by this Bill:

- limited eligibility of stress claims;
- tightening payment of benefits to claimants pending review;
- employers making direct payments of income maintenance to claimants;
- a new system of capital loss payments for workers who have been on benefits for more than two years;
- the exclusion of superannuation—for the purpose of calculating benefits;
- the exclusion of damage to a motor vehicle from compensation for property damage;
- costs before review authorities;
- bringing the mining and quarrying occupational health and safety committee under the control and direction of the Minister of Labour.

The amendments are generally aimed at improving the financial viability of the workcover scheme.

The first four changes involve significant variations to the scheme, and are considered necessary in the light of the experience of almost four years of the scheme's operation.

Two of the remaining amendments are necessary to remove liabilities in the scheme which have resulted from judicial interpretations of certain sections of the Act, which have been contrary to the original intention of the Act.

Stress Claims

The issue of stress claims has received much public and media attention. The decision of the Supreme Court in the Rubbert case highlighted the problems that can arise in this area, and provides strong grounds for a change to the legislation. In that particular case, the full bench found, unanimously, in favour of the worker, but the three judges commented in their decisions that the acceptance of the claim was 'curious', 'regrettable' and 'absurd' but 'inescapable' under the law as it stands.

That case involved a worker who was disciplined for a poor work performance. Although the worker's compensation appeal tribunal and the Supreme Court considered the discipline reasonable in the circumstances, the claim was accepted because it arose from employment.

In relative terms, stress claims are not a major component of the scheme's costs. The number of stress-related claims represents approximately .7 per cent of total claims, and their cost is currently 3 per cent of the scheme's total costs but, if present trends continue, are forecast to be 5 per cent.

There is concern that because of the subjective nature of stress claims the scheme is vulnerable in this area and, accordingly, there is a concern that the cost of stress claims could escalate in the future.

Therefore, the amendments seek to exclude claims that arise from reasonable disciplinary or administrative action.

The proposed changes require that the alleged work stressors or stressful work situation have contributed to the disability. Furthermore, it is proposed that stress related illness caused by specified incidents such as discipline, retrenchment, failure to grant a promotion, etc. which are normal incidents of employment, should not be compensable if the employer's actions were reasonable.

Benefits Pending Review

The Act currently states that, where a worker seeks a review of a decision to reduce or discontinue weekly payments, that decision has no effect until the review officer's decision is finalisd. In other words, weekly payments generally continue during the review process.

Although the corporation has the right to recover any amounts overpaid, if the review officer subsequently confirms the decision of the corporation, in practice this is extremely difficult, given that the worker, in most cases, would have spent the money on normal living expenses. Furthermore, in the event of recovery by the corporation, it is understood that the worker has no retrospective entitlement to social security benefits for the period subject to recovery.

The result of this is that it may actually encourage applications for review, for the purpose of continuing weekly payments. With the current delays in review largely attributable to the number of applications pending, continuing payments with little real prospect of recovery is a further drain on the fund. However, the rights of the worker must also be considered to prevent undue hardship that may occur if payments were to cease following notice of the decision.

The proposed amendment would provide for the continuation of payments only where the worker applied for a review within one month after receiving notice of the decision. A further limitation in the amendment is that the payments would continue only up to the first hearing by a review officer.

From this point, payments would only continue if the matter is not finalised because of an adjournment, and then only on the basis of an order by the review officer. This should limit adjournments and ensure that the worker makes every effort to resolve the matter at first hearing, whilst also discouraging the corporation and employers from seeking adjournments, or being unprepared, leading to delays in resolution.

Payment of Income Maintenance by Employers

The Act currently provides that the corporation (or exempt employer) is liable to make all payments of compensation to which a person becomes entitled. The amendment maintains this liability but introduces a compulsion on employers to make direct payments of income maintenance to incapacitated workers unless they are specifically exempted from this requirement.

An employer who seeks an exemption from this requirement, but is denied, may apply to the board of the corporation for a review of the matter.

An employer who does make a direct payment will be entitled to be reimbursed by the corporation. The amendment provides that regulations may set out circumstances in which an employer may also be entitled to interest on the reimbursement.

The advantages sought by this amendment are in terms of reducing the corporation's administrative costs and in assisting the schemes return-to-work focus by reinforcing the direct link between the worker and the employer.

Long-term Payments

This Bill proposes an alternative form of compensation for those workers who have been on benefits for more than two years, whereby the corporation would have the discretion to either continue weekly payments as income replacement, or to pay an

amount, or amounts, representing the worker's assessed permanent loss of earning capacity.

The proposal under the new Division IVA (4a) is that the corporation make an assessment of the permanent loss of future earning capacity as a capital loss, to be calculated by reference to the present value of the projected loss of earnings arising from the worker's assessed loss of earning capacity over the worker's remaining notional working life. The corporation could then decide, at its discretion, to pay the lump sum compensation in one payment, or by a series of lump sum instalments. A provision is also proposed that would allow the corporation to make interim assessments of the permanent loss of earning capacity. For example, the loss could be assessed over a lesser period than the worker's remaining notional working life and paid in a lump sum, or instalments, over that period, with a reassessment of the permanent loss of earning capacity at the expiration of the interim assessment period.

Under this proposed new Division, the lump sum compensation payable is for the proportionate loss of a capital asset being the worker's earning capacity. As such, it is understood that the lump sum payments would not be taxable in the hands of the worker. Accordingly, allowance for this has been made in the formula for assessing the loss of earning capacity and in determining the lump sum amounts that are payable to workers.

The Bill also contains consequential provisions in regard to the death of a worker, adjustments that would be made to the benefit payments for any surviving spouse and/or dependants, and to allow a fair and reasonable reduction in the weekly payments to which a worker would be entitled if they suffer a subsequent injury.

Exclusion of Superannuation

The proposed amendment is to ensure that contributions to superannuation schemes paid or payable by employers are excluded from the calculation of a worker's average weekly earnings. This amendment has become necessary following a decision of the Worker's Compensation Appeal Tribunal, where it was determined that superannuation contributions made by the employer formed part of the earnings of the worker.

A regulation was made in November 1990 to make such superannuation contributions a prescribed allowance and were, as a result, excluded from average weekly earnings calculations.

However, there is concern regarding the potential for employers or workers to seek payment or reimbursement of any contributions made to superannuation funds in connection with claims prior to November 1990. The proposed amendment puts beyond doubt that such payments are excluded from the calculation of average weekly earnings retrospectively to the commencement of the scheme. Where such payments have been included in the benefits paid to workers it is proposed that they cease from the date of proclamation but that there be no recovery of payments already made.

Exclusion of Damage to a Motor Vehicle

The Act currently provides for a worker to be compensated for damage to personal effects and tools of trade up to limits prescribed by regulation. The proposed amendment is to ensure that compensation for property damage does not extend to damage of a worker's motor vehicle as a personal effect or tool of trade. It was never the intention of the legislation that a worker would be entitled to such compensation under this provision as it was considered that separate motor vehicle insurance should be purchased, rather than relying on the worker's compensation scheme for such cover.

Costs before Review Authorities

It was always intended that review authorities would have the power to award costs incurred by parties to proceedings. A recent decision has found that the Act does not contain an express power to award costs, even though it implies such a power by listing the principles to be taken into account in awarding costs. The proposed amendment puts the issue beyond doubt.

Mining and Quarrying Occupational Health and Safety Committee

This amendment simply ensures that the annual report of the committee is presented to Parliament and coincides with the presentation of the annual report of the WorkCover corporation. In addition, it brings the committee under ministerial control and direction.

Summary

The various amendments contained in this Bill address a range of major issues that are of importance to the long-term financial viability of the WorkCover scheme.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 provides that any contribution paid or payable by an employer to a superannuation scheme for the benefit of a worker will be disregarded when determining the average weekly earnings of the worker for the purposes of the Act.

Clause 4 relates to the compensability of stress-related conditions.

Clause 5 amends section 34 of the Act to ensure that compensation payable under that provision for property damage does not extend to compensation for damage to a motor vehicle.

Clause 6 amends section 35 of the Act and is related to the proposed new Division that will allow the corporation to make lump sum payments of compensation in respect of loss of future earning capacity. In particular, a worker's entitlement to weekly payments under section 35 in respect of a disability that has been compensated under the new Division will need to be reduces to such extent as to reasonable in view of the payment under that Division.

Clause 7 relates to the continuation of weekly payments pending a review of a decision of the corporation to discontinue or suspend weekly payments under section 36 of the Act. The Act presently provides for the maintenance of weekly payments until the review is completed. The amendment provides that weekly payments will be made until the matter is first brought before a review officer. The review officer will then be able to order that weekly payments be continued on any adjournment of the proceedings where appropriate. Furthermore, the provision will allow payments made under this section to a worker whose application for review is unsuccessful to be set off against liabilities to pay compensation under the Act.

Clause 8 makes an amendment to section 39 which is consequential on the enactment of new Division IVA of Part IV.

Clause 9 provides for the enactment of a new Division that will enable the corporation to award compensation for loss of future earning capacity in cases where the worker has been incapacitiated for work for a period exceeding two years.

The provision sets out the basis upon which the compensation is to be calculated. The corporation will be empowered to make interim assessments of loss, and to pay entitlements in instalments. An award of compensation under this Division will terminate a worker's entitlement to income-maintenance compensation.

Clause 10 makes a consequential amendment to section 44 of the Act to ensure that the compensation payable to the dependants of a worker who dies as the result of a compensable disability does not 'coincide' with a payment of compensation to the worker under new Division IVA of Part IV.

Clause 11 amends section 46 of the Act to establish a scheme whereby the corporation can require an employer to make appropriate payments of compensation on its behalf. The employer will be entitled to reimbursement and, if the regulations so provide in prescribed circumstances, interest. An employer who considers that he or she should not be required to participate in the scheme can apply to the board for a review of the matter.

Clause 12 delegates the powers of the corporation under new Division IVA to exempt employers. However, the corporation will be entitled to direct an exempt employer in relation to the exercise of the employer's discretion as to the payment of compensation under new Division IVA of Part IV.

Clause 13 is intended to provide expressly that a review authority is empowered to award costs. A recent decision of the Workers Compensation Appeal Tribunal has raised some doubt in this regard. Furthermore, the Act presently provides that only an unrepresented party is entitled to reimbursement of expenses. The amendment will allow any party to claim reimbursement of the costs of the proceedings, subject to limits fixed by the regulations.

Clause 14 relates to the ability to apply for a review of a decision of the corporation to make an assessment under new section 42a.

Clause 15 relates to the Mining and Quarrying Occupational Health and Safety Committee. The commitee's annual report is to be laid before each House of Parliament. Provision is also to be made to ensure that the committee is subject to the control and direction of the Minister.

Clause 16 expressly provides that the amendments relating to the compensability of stress-related disabilities have no retrospective effect.

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

The Hon. C.J. SUMNER: Mr President. I draw your attention to the state of the Council.

A quorum having been formed:

SOUTH EASTERN WATER CONSERVATION AND DRAINAGE BILL

Consideration in Committee of the House of Assembly's amendments:

No. 1 Page 7, lines 1 to 6 (clause 13)—Leave out subclauses (4) and (5).

No. 2 Page 11, line 26 (clause 29)—Leave out 'The' and insert 'Subject to this section, the'.

No. 3 Page 11, line 30 (clause 29)—After 'area' insert 'elected to office by the eligible landholders in that area'.

No. 5 Page 12, line 8 (clause 30)—Leave out 'The' and insert 'Subject to this section, the'.

No. 6 Page 12, line 14 (clause 30)—After 'Upper South East' insert 'elected to office by the eligible landholders in that area'.

No. 7 Page 12, line 33 (clause 32)—Leave out 'A' and insert 'An appointed'.

No. 8 Page 12 (clause 32)—After line 35 insert new subclause as follows:

(1a) An elected member of an advisory committee will be elected to office for a term of four years.

No. 9 Page 14, lines 34 and 35 (clause 39)—Leave out 'a number of landholders representing between them more than 75 per cent of the total area of land' and insert 'not less than 75 per cent of the total number of landholders whose land'.

Schedule of the alternative amendments made by the House of Assembly in lieu of Amendments Nos 1, 3, 6 and 9 disagreed to by the House of Assembly:

No. 1 Clause 13—

Page 6, after line 38—Insert new subclause as follows:

(3a) On the office of an appointed member becoming vacant otherwise than on expiration of a term of office, the Governor will appoint a person in accordance with this Act to the vacant office for the balance of the unexpired term.

(3b) Subject to subsection (4), on the office of an elected member becoming vacant otherwise than on expiration of a term of office, a person must be elected in accordance with this Act to the vacant office for the balance of the unexpired term.

Page 7, line 1—Leave out 'a' first occurring and insert 'an elected'.

Lines 1 and 2—Leave out 'otherwise than on expiration of a' and insert 'not more than 12 months prior to expiry of the'.

No. 3 Clause 29, page 11, line 30—After 'area' insert 'nominated by a meeting of the eligible landholders in that area convened and held by the board for the purpose'.

No. 6 Clause 30, page 12—

Line 14—After 'Upper South-East' insert 'nominated by a meeting of the eligible landholders in that area convened and held by the board for the purpose'.

Lines 20 to 22—Leave out subclause (5) and insert subclause as follows:

(5) If a meeting held pursuant to subsection (3) *(d)* fails to nominate the number of persons required, the Minister may appoint such number of eligible landholders as may be necessary to ensure compliance with that paragraph.

No. 9 Clause 39, page 14, lines 34 to 36—Leave out subclause (2) and insert subclause as follows:

(2) The authority may proceed with any proposed work if an agreement is reached in accordance with subsection (1) with at least 55 per cent of the landholders whose land will, in the opinion of the authority, benefit from the work, provided that those landholders with whom agreement has been reached represents between them at least 75 per cent of the total area of land that will be so benefited.

Schedule of the amendment made by the House of Assembly to Amendment No. 4 of the Legislative Council

Legislative Council's Amendment—

No. 4 Page 11, lines 36 to 38 (clause 29)—Leave out subclause (5).

House of Assembly's amendment thereto—

After 'subclause (5)' insert 'and insert subclause as follows:

(5) If a meeting held pursuant to subsection (3) *(b)* fails to nominate a number of persons required, the Minister may appoint such number of eligible landholders as may be necessary to ensure compliance with that paragraph'.

The Hon. ANNE LEVY: I understand that after the Bill left this Chamber discussions occurred as a result of which certain amendments that were acceptable to the Government were made in another place, and the proposition as it comes back to us is that there are four amendments to which the House of Assembly did not agree; there are four other amendments to which it made amendment as compromises; and another amendment was made in the House of Assembly reflecting a compromise on the views expressed and the amendments made in this Chamber. This Committee made nine different amendments to the Bill.

The House of Assembly has amended amendment No. 1 and did not agree to amendment No. 2. It did not agree with our amendment No. 3 and put forward another in its place. The House of Assembly agreed to amendment No. 4 but made a further amendment to it. It did not agree to amendment No. 5 or to amendment No. 6, but moved alternative amendments. It did not agree to amendments Nos 7 and 8, and it did not agree to amendment No. 9 but proposed an alternative.

That was the position that was reached in another place, and we are being asked to agree that the position taken there can be regarded as a compromise between the original position of the Government and the position taken by this Chamber. I understand that these various compromise amendments that have been substituted in another place can be regarded as being a satisfactory way of proceeding with the Bill and reflect a genuine compromise on everyone's part regarding the contents of the Bill.

The Hon. M.J. Elliott interjecting:

The Hon. ANNE LEVY: I understand that there were discussions with Mr Irwin and the lead Opposition speaker in another place, who felt that this was an honourable compromise that was acceptable as far as they were concerned.

The Hon. J.C. IRWIN: Let me put the position as I know it. At all times I made clear to the shadow Minister (Hon. David Wotton) who had passage of this legislation emanating from another place and in my discussions it was agreed that if we had any discussions on this they must either be with the Democrats or that the Democrats must have been advised and have the same ability to be briefed. The Hon. David Wotton and I were certainly briefed, but I do not know why the Hon. Mr Elliott was not briefed with us. There was no problem from our point of view about our being briefed together. I have had only brief discussions with the Hon. Mr Elliott, and I thought that he would have received the same briefing. I assumed that that had taken place.

The only thing that has been missing is that the Democrats and Liberals have not got together before coming in here to agree on the amendments. I am somewhat embarrassed by that because I went out of my way to ensure that the Hon. Mr Elliott would be included in the discussions out of conference where we could agree before the matter ever got to a conference level.

Unless the Hon. Mr Elliott wants to go through each of the four amendments that are suggested as compromises, which in turn inevitably leave out some of the other amendments that we passed in this place—and they were sensible arrangements that left this place—as far as I am concerned, there have been some sensible amendments to those which overcome some of the problems we had and which were accepted by the Hon. Mr Elliott, and some of his amendments that we accepted. I have no problem with the amendments designated 1, 3, 6, 9 and 4 because, in addition to the amendments that will be left out they represent a position with which we were more or less happy as a compromise.

With respect to No. 1, if the Governor had made the appointment on behalf of the Government, the Government appointee would be the replacement. If it was the position of an elected member that became vacant, the replacement

would be through an election process. I have no problem with that.

The Hon. Anne Levy: Other than if it is within 12 months.

The Hon. J.C. IRWIN: Yes. If it is outside the 12 month period, that would happen. If it were inside the 12 month period, a different method of appointment would be used, and it would be made straight away. I think amendments Nos 3 and 6 deal with the Upper South-East and Eight Mile Creek advisory committees. The eligible land-holders in that area would have a meeting convened by the board rather than the Electoral Commissioner or local government. We would remember that argument about how big a deal that should be. I do not think this amendment denigrates the seriousness of the position being filled. The board itself will call for the nominations and conduct the election. Therefore, the criteria laid down of those eligible people would be checked by the board, and no doubt the board would use that meeting, if an election was necessary, as an informative meeting as well as a working meeting to fill a replacement. I agree with that proposal.

Amendment No. 9 refers to clause 39, and we must achieve 55 per cent of the land-holders, provided they represent 75 per cent of the land mass that will benefit. However, there might be a perceived detriment for some. I take it that that is a technical way of saying what is there will benefit by a board decision. The Opposition does not have a problem with that. I am not sure how difficult it is to define what is the area of benefit, because water underground and above ground behaves in different ways. If it is an underground problem and/or an hydraulic problem—because the water above ground and underground interact, or there are floodwaters somewhere else—I am not sure by what method that actual area can be defined.

The Hon. M.J. Elliott interjecting:

The Hon. J.C. IRWIN: It may well be. The advice may be that there is the mechanism to define that as well as it is possible to define it. Amendment No. 4 has already been covered. From the discussions and briefing, the Opposition is happy, and now it has been spelt out. Having been through the process, and having to accept a compromise, I am happy that everything we want is there.

The Hon. M.J. ELLIOTT: I had a briefing with representatives of the Engineering and Water Supply Department. We talked through matters in general terms. I understood what they were proposing and we had a discussion during which I said, 'Yes, that does not look too bad,' etc. It would be a strong stretch of the imagination to suggest there had been any agreement to a package. Perhaps it was not considered necessary once the Opposition had indicated it was prepared to accept the package, with there being no need to discuss it further, although I did not think that it divided the Parties enormously.

I do not have any problems with Mr Irwin in relation to this matter. He has spoken with me about it, as a number of us have attempted to speak with each other about other matters. However, as usual, we find all the legislation piling up at the end of the session. None of us is, in effect, touching the ground much of the time. We are working 16 hour days, not stopping from beginning to end. Getting together and talking through some of these things has been almost impossible.

I want it understood that I did not agree to a package. I do not want to protract the discussion. If the Opposition is happy with the package, it would be quite a fruitless discussion beyond this point, other than flagging the fact that it is the same old problem with legislation piling up at the end of the session, and perhaps assumptions being made that should not be made. I was expecting to be able to go through these clauses individually but, although this might save time, it is not proper, I would have thought.

The Hon. ANNE LEVY: Obviously I have not been party to discussions in this matter, it being the responsibility of another Minister whom I am representing today. Whilst there was one discussion with the Hon. Mr Elliott which was in the same form as that which occurred with the Hon. Mr Irwin, I have been given to understand that the reason they did not occur simultaneously was that it was hard to get three people together at the same time. Subsequently telephone conversations and discussions have occurred in which queries have been raised. I regret it if there has been a misunderstanding as to the degree of consultation and/or agreement which the honourable member may have felt was required.

With regard to one of the points that the Hon. Mr Irwin raised a minute ago, the question is: how does one define what is the land which benefits? As the law currently stands—and it will not be altered by this Bill—the area that is to benefit from a particular work is defined by the board but, if any landholder disagrees with either inclusion or exclusion of his land from the area decreed to be of benefit, he can appeal to the Water Resources Tribunal. There is an appeal mechanism whereby the matter can be considered dispassionately without, I may say, resorting to the courts with all the legal trappings that that would involve.

I agree with the comment from the Hon. Mr Elliott that, if there are too many legal arguments, nobody wins except the lawyers, and the procedures in this legislation are certainly intended to provide rights of appeal which people should certainly have, but without recourse to expensive legal procedures. There seems to be general agreement that this is a satisfactory protection of individuals' rights.

The Hon. J.C. IRWIN: I thank the Minister for that explanation. It is correct that there was no package agreement between the Democrats and the Liberal Party, and I hope that I did not give that impression. I hope I said earlier that I never wanted it to reach the position where Mr Elliott could say what he said, that no matter what he thought, if the Opposition agreed, that was the end of it. I am quite happy to offer my time. Although I do not have control of the House—

The Hon. M.J. Elliott interjecting:

The Hon. J.C. IRWIN: No, but if you want the time to go through the clauses—and I have already been through my explanation—please go through them, and if you have differing points, I would be quite happy to hear them. I am always prepared to listen to argument, as I am sure the Minister is. No-one wants the debate to go any longer than it already is, but I am prepared to go through the arguments if that is what the honourable member wants.

The Hon. ANNE LEVY: I move:

That the Council do not insist on its amendments Nos 2, 5, 7 and 8.

Motion carried.

The Hon. ANNE LEVY: I move:

That the Council do not insist on its amendments Nos 1, 3, 6 and 9 and agree to the House of Assembly's alternative amendments.

Motion carried.

The Hon. ANNE LEVY: I move:

That the House of Assembly's amendment to amendment No. 4 be agreed to.

Motion carried.

[*Sitting suspended from 5.42 to 7.45 p.m.*]

MFP DEVELOPMENT BILL

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. R.I. LUCAS: If this Bill was to pass the Parliament in the next two or three weeks of the session, on what date does the Government intend the Act to come into operation?

The Hon. C.J. SUMNER: It will come into operation as soon as practicable, which would mean perhaps in a month or two.

The Hon. R.I. LUCAS: I do not intend to ask hundreds of questions in relation to this Bill, because during the second reading debate I put a whole range of issues. I have seen the debate that occurred in the other place when many questions were put, and I presume that the answers would be similar if the same questions were put. Nevertheless, I am sure that other members of the Committee will have questions, and I have one or two. During the debate in another place most of the general questions were handled under clause 8. If there are questions of a general nature in relation to the progress of the corporation, is the Attorney-General happy that they be handled under clause 8?

The Hon. C.J. SUMNER: Yes.

Clause passed.

Clause 3—'Interpretation.'

The Hon. R.I. LUCAS: I move:

Page 1, line 25—Leave out 'MFP core site' and insert 'Gillman-Dry Creek site'.

This amendment encompasses a number of consequential amendments, and I understand that that would also be true of the Hon. Mr Gilfillan's amendment. I understand that the position of the Hon. Mr Elliott is slightly different and depends on the success of the Hon. Mr Gilfillan's amendment which, if successful, may activate a series of his amendments. Therefore, these first amendments are important in relation to the decisions there are to be made by the Committee.

The Liberal Party will not support the removal of the core site from the MFP development. As the Attorney and others will know, many Liberal members both in this House and the other place have expressed a wide variety of concerns about the adequacy or otherwise of the Gillman-Dry Creek site. In the other place I think the Government, through the Premier, conceded that a number of questions still had to be resolved in relation to the Gillman-Dry Creek site, and that in part will be resolved by the process of the EIS that is currently moving through its various stages.

Whilst the Liberal Party expresses some concerns about the site, it will not support the amendment that will remove the Gillman-Dry Creek area from the Bill. We think that our amendment is important; it will remove the term 'MFP core site' from the Bill and replace it with the term 'Gillman-Dry Creek site'. If the amendment is successful, the Bill will no longer refer to the MFP core site and, for example, the definition of 'development area' in this clause will be as follows:

(a) the Gillman-Dry Creek site;
(b) Science Park Adelaide;
(c) Technology Park Adelaide;
or
(d) Any other area declared by proclamation [or regulation, depending on a further amendment] under this section to be a development area.

Therefore, we are saying that a 'development area' would be any of those three areas so designated by name—not one of them would be designated as the 'core site'—and then any other area declared by proclamation or regulation. I noted with interest the statement made by Mr Rod Keller today at a luncheon that I attended at the Australian Finance Conference, where he indicated (and I am paraphrasing his words) that the Gillman-Dry Creek site was not the be all and end all of the MFP; if, for example, the environmental impact statement process resulted in a no go for the Gillman-Dry Creek site, that would be the end of the multifunction polis concept for South Australia.

I know that the position of Mr Keller and the Government is that they do not believe that that will be the case. Nevertheless, the position that I understood he put at lunchtime was that if the EIS process found against the Gillman-Dry Creek site the multifunction polis would continue, obviously with the Science Park/Technology Park site; and then, I guess, other areas would have either to be proclaimed or regulated to be developed areas. We see this amendment as an important amendment in that it will not designate a core site but will designate three areas and then allow the Government, and the Parliament eventually through regulation (we hope), to have a say as to what other areas can be designated as development areas.

The Hon. I. GILFILLAN: I move:

Page 1, line 25—Leave out paragraph *(a)*.

This is a signal amendment to a major move of mine to delete completely the concept of a core site from the Bill. My amendment seeks to provide that the definition of 'development area' means '*(a)* the MFP core site'. We have some major objections to the Bill, and this is a signal amendment. I refer first to the concept of a core site in the establishment of an MFP and secondly, the actual delineation of the core site in schedule 1. I am sure that many members would know that we put forward an alternative area to be considered as a core site after some deliberation in which we recognised the incredible hazards of dealing with a large part of the Gillman site, which is adjacent to the Port River and what were previously mangrove areas. My colleague, the Hon. Mike Elliott, will no doubt address some comments to that.

I think it is indicative of how important we regard this legislation that both he and I are dealing with it full time, and we have a large series of amendments. They are not absolutely identical, but part of this is a consequential flow of major amendments of ours perhaps not being carried, so that the actual areas in which we have differing points of view are very small. However, with the Democrats that is not a particular obstacle and it may be that later in the debate we will have slight variations of view on different points. Some honourable members are perplexed that we have two different series of amendments; this is based on the logical acceptance that it is not automatic that my amendment will be successful.

Our proposed alternative to schedule 1 was a well thought out alternative. We also qualified it with the proviso that it had to be acceptable through the thorough processes of the EIS. It was qualified with that but, nonetheless, it basically excised from the so-called core site the areas that were palpably wrong to be included in any structural development program in South Australia. Even by considering those areas we were denying the potential for guaranteeing the fishing industry of Gulf St Vincent its maintenance through the next century when sea levels will rise and that land level will drop.

So, there is a principal reason for opposing the core site as it is delineated in schedule 1. However, my argument goes further than that, and that is why I found with some delight that I agreed for a change with a comment made at lunch by Rod Keller. I always find him interesting to listen to, but from time to time I find myself differing with what

he has to say. This time, however, my pleasure was quite substantial and real when I heard him say that the core site is not essential. Of course, it is not essential. If this vision, which has been touted high and low as the saviour of South Australia and a significant development for Australia, is locked into a piece of land just over a patch of water from the Torrens Island Power Station and not very far away from the largest rubbish dump in Adelaide, then it is a project of extraordinarily limited parameters.

With its real potential, MFP Adelaide is not territory locked; it is capable of moving, as the Government itself acknowledged when it included Technology Park and Science Park after we had a bit of an 'Ahem' and 'What are we going to do now, boys?' sort of thing. It is obvious that anything that would be practical in implementing the objectives of MFP Australia would have to be considered well outside the area that was delineated in the Gillman site.

So, I have moved this amendment for two reasons. The first is to express very strong reservations and objections indeed to the schedule 1 area to be included in the MFP type development, and the second is to dispense with the idea that there must be a core site and that there is any particular advantage in it; I say most strenuously that there is not. All the objectives that are spelt out in the MFP Bill, if they are to catch on and be successful, will need to be implemented in many more areas than just the so-called core site. So, I urge support for this amendment and indicate that I will oppose the amendment moved by the Leader of the Opposition.

The Hon. M.J. ELLIOTT: Obviously, I support the Hon. Mr Gilfillan's, amendment. The question of the core site has been avoided by some and deliberately misrepresented by others. The Gillman/Wingfield area was already proposed for a canal estate development before the MFP ever appeared on the horizon. That is something that anybody can find out just by checking back a few years. Kinhill Delfin had already done some feasibility work in relation to that. I would go further and suggest that if it was not part of the MFP it would never get off the ground, so they would probably be very grateful that at least it has been incorporated in the MFP.

There are over 2 000 hectares of core site, much of which, for one reason or another, will be totally unusable, because it is contaminated; because it has gas pipelines running through it; because it contains a rubbish dump; because some 25 per cent will be lakes and another 20 per cent will be parklands, as there is not enough fill there to build up the land to a higher level. It has this pattern of parklands and higher land because of an absolute lack of fill. The extent of the lakes is an attempt to get some fill material to build areas above sea level. Even despite that, it is recognised that the level to which it is built up will cause problems with the groundwater underneath. So, the water entering and leaving the lakes will need to be controlled. The level of the lakes will never reach the level of the sea outside, except at low tide level. The rest of the time the tides will be suppressed. That is necessary because it is simply impossible to build up the ground high enough.

When we recognise that that area is subsiding, anyway, at a significant rate, even before we start talking about greenhouse, we see that we could not have a crazier area in which to put a development. We could not have possibly chosen a more bizarre place in which to put it. If we are serious about talking about sustainable development and if we have the vaguest idea of what it means, we should know that it means that we minimise inputs and minimise outputs and use as few raw resources as possible. We have to make an enormous input at the beginning—a lot of infrastructure—which we do not need to build when we are above sea level. The lakes are being built and revetments must be built at the edge of the lakes because of the site. Those revetments will have a limited life and will have to be replaced. If we are serious about minimising throughputs and inputs and if we are serious about sustainability, we would not build between low and high tide levels, which is exactly where the development will be put. It is absolutely crazy.

We have to go only half a kilometre or a kilometre to the east to be above sea level, and on land that has absolutely no problems whatsoever. We do not need to dig big canals to build up the ground there, because it is already high enough. The land is not contaminated and has no problems. The Minister's speech in response to the second reading debate was, I may say, an absolute disgrace. To suggest that the site east of Port Wakefield Road was unsuitable because it was not serviced by rail or road was a bizarre thing to say. There are two major roads on either side of the site. The site already has some criss-crossing of roads, and it has services, such as electricity, and so on, right next to it.

He tries to make this bizarre claim that the area is no good because it is not properly serviced. It is serviced, but the land the Government proposes to use is not. We will need to spend hundreds of millions of dollars just setting up the place. What is the purpose of the core site? If you look at it, the impression you will be given is that this is the place where all these wonderful new industries will come. If you read the EIS, 12 hectares, I think, have been set aside for industry out of the 2 000. This is the area that will save Australia!

There are 800 hectares to the east of Port Wakefield Road sitting there, unbuilt on but developed, waiting for industry or anything else. Technology Park has ample room and is right next to the University of South Australia. We have another Technology Park to the south, right next to Flinders University, with all the advantages they claim for the core site—except that they have real advantages.

It is important that people realise that the arguments that need to be analysed about the core site itself are in two parts. The first is environmental. Any serious scientist who reads the EIS will say—and I was sitting with a group of CSIRO scientists last night—that the thing is a farce. Unfortunately, as with most EIS's in South Australia, they are undertaken by people with a vested interest in getting a certain result. There are similar articles in this week's *New Scientist* talking about this, and I quoted in my speech an article from the *Sydney Morning Herald* showing what a farce the EIS process is. The Government, as proponent, will give it the rubber stamp, because to do otherwise is to admit that all we have been going through is a charade. The Government knows it, but it has pinned its star on this.

While the Government is saying that the core site is essential, it is fairly common knowledge that at one stage it considered not having a core site. In fact, it had considered an MFP Adelaide. Its first choice was to look at Willunga, but it realised it had problems. It then looked at the possibility of integrating it totally within the city of Adelaide, then fixed upon the Gillman site. If you are to have an MFP—and people are still waiting to see what that will be—you should be integrating it within the city; we do not need to learn how to build new suburbs. What we need to do is to learn how to make the suburbs we already have work.

We have a number of suburbs in Adelaide that are a disgrace. Building a new suburb is not really helping those. What we need is the application of technology and approaches that will fix up what we already have. If the

Government wants to spend the money on infrastructure, it should have been going to existing suburbs and making those better places to live. All those exciting things the Government says it will do at the Gillman site it should be doing in those suburbs, to benefit the existing residents and to demonstrate to the world how to fix up our existing cities. For the next couple of decades, most people will live in existing cities and suburbs. We do not need to learn how to build new suburbs: we need to learn to fix up what we have. That sort of approach has been avoided by going to this site.

In fact, the Minister has really avoided taking on many of the arguments that were presented during the second reading stage. The few responses that have been made were superficial, at the very least. I hope that members will have looked very carefully at what was said. Eventually, the core site will become not only an environmental question but an economic one. Future Governments will be saddled with this in the same way as we have been saddled with the debts of the Remm development in Rundle Mall, and with a number of other bright ideas people have had along the way. We must look at this very carefully, because we may be left with far more significant expenses than we are being told. I turn to the claims being made in the Potter Warburg review.

Once again, people should take the time to read that. I suspect that most members in the Council have not seen it, because the Government did not release the thing for quite some time. It released 12 volumes in relation to the MFP but, at the time it released those, the Potter Warburg report did not go to most people. I suggest that people look at that and examine the economic consequences, and just how confident they are. In fact, they pass on many of the questions, because they say that they cannot be answered at this stage, yet this Council is being asked to rubber stamp a development in a very dodgy area.

The Hon. C.J. SUMNER: The Government opposes both amendments, and I have already outlined my reasons for our opposition. We know that the Democrats are opposed to this whole concept, and that motivates what they do—which is fair enough from their point of view. They are guided by their own interests in the matter as they see them, and that is fair enough. That is what they are supposed to be here for.

The Hon. M.J. Elliott: When we had questions to ask about the State Bank you used to say things like this, too.

The Hon. C.J. SUMNER: What does that have to do with it?

The Hon. M.J. Elliott: If questions are asked, you should respond to them.

The Hon. C.J. SUMNER: I have responded to them in my second reading reply, and I rely on those responses. The Democrats are opposed to the project, so any delay they can cause to it is to their benefit. Obviously, shifting the site will mean that the process of the EIS, etc., will have to start all over again. There will need to be significantly more compulsory acquisition at the site the honourable member has proposed and, clearly, that will constitute significant further delays in the matter.

I will not canvass the arguments again: they are outlined in the second reading reply, and I rely on those. As to the Liberal Party's amendment, I do not know quite what it does. I think it is an argument about nothing. In any event, the development area can be any other area that is declared by proclamation or regulation, as members opposite would have it. It seems to me to be a semantic debate.

The Hon. DIANA LAIDLAW: I support the amendments moved by the Hon. Robert Lucas while not necessarily going over the same arguments. I do not accept the sweeping statement by the Attorney-General that the Liberal amendment is an argument about nothing. If that is to be the case, I question the title given to the Government's own draft environmental impact statement on the subject, which is clearly entitled 'Gillman/Dry Creek Urban Development Proposal'. That is the location about which we are talking.

That site, including the draft environmental impact statement, is open for assessment at the moment and later for report. The Liberal Party believes very strongly that the Government has not acted correctly in this matter in bringing this Bill before the Parliament before that process has been undertaken. Notwithstanding those arguments—and that is a matter for debate on another amendment—I feel very strongly that we in this Parliament should not be asked to accept a core site proposal before that EIS has been assessed and reported upon. However, my colleagues and I are as satisfied as we can be with this Bill, with at least trying to define the project in the same terms as are defined in the draft environmental impact statement. So, for the reasons I have outlined, I support the arguments presented by the Hon. Mr Lucas. They are certainly not arguments about nothing, as the Attorney would lamely contend.

The Hon. M.J. ELLIOTT: The Attorney-General insinuates that a loss of the core site would cause a delay. It is worth asking ourselves precisely what it will delay; what industries, for instance, would not come. If you look at the EIS, the only certain industry so far mentioned is one in relation to some dramatic breakthrough we are supposed to be having in health. I forget the name of the facility the Government came up with. But the EIS itself admits that that will be based either at the Flinders Medical Centre or at the Queen Elizabeth Hospital. It is unlikely to be shifted to the core site for some time. The only other concrete thing that has been mentioned so far is the information utility, something the Government had been planning long before the MFP.

Once again, it is not site specific. Since this whole area is going to be developed in sections, suburb by suburb or island by island, and there is to be only a total of about 12 hectares of industry, I suspect that the first island will have only about half a hectare suitable for industry on it, and I can just imagine all the industries queueing up and being most disappointed that they missed out on the half a hectare of whatever.

The fact is that most industry that we attract will not be going to that site: that site will be a housing development. The Government can argue about whether it will be a wonderful high tech housing development or what sort of houses will be there and how energy-efficient they will be, etc., but the fact is that that will not stop from coming here any industry that will provide this wonderful break-through for South Australia, because that is not where the industry will go.

When we read through the EIS it is clear that that area will be developed substantially for housing development. If there was an acceptance of an alternative area east of Port Wakefield Road, one does not need an EIS. We do not have an EIS for every suburb that is built in Adelaide. It is only when one goes to strange places like Wingfield/Gillman, that one has to have an EIS. There is no delay at all if you decide to go east of Port Wakefield Road. The fact is that there are not concrete plans and they have not worked out how big the islands will be or anything else: there are no concrete plans about what shape this Gillman/Wingfield development will be. It will take some time to work that out. All this nonsense about delays is exactly that:

it will not stop any genuine MFP development from occurring if that is really what we are being offered.

The Hon. I. GILFILLAN: I would be interested to know who wrote the Attorney-General's summing up to the debate. I dearly hope that it was not him. In one part, he says:

Hopefully in the not too distant future we will be able to laugh at some of the opponents of the MFP.

That shows how seriously the author of this speech is intending to deal with constructive and sincere criticism. Further on he states:

It is disappointing that the contributions from some members opposite and the Democrats have focused primarily on the core site; this is indicative of a very narrow perspective.

That is the very point which was brought up today and which I have mentioned before: it is recognised by a principal officer in the MFP that the core site is not essential. Further on in his speech the Attorney states:

Members' past contributions have ranged from passive resistance to in-principle support to the outright opposition more typical of the Democrats.

We are on record as having proposed an alternative site. We have looked constructively at ways of developing this Bill so that it really will be a vehicle for enhancing the State and increasing its prosperity for years to come. I have said that incessantly but the Government, and in this case the Attorney, have not wanted to hear what I have been saying. He concurs with what the Hon. Dr Ritson said:

I concur with him that the contribution by the Democrats has been utterly negative.

Where is the negativity in actually offering a cheaper and more effective alternative site? The Attorney continued:

. . . as usual . . . we have to reintroduce the vision for the project into the debate.

The Attorney leaves, but I hope that someone will listen to the questions I ask. The Attorney further stated:

Various alternative sites have been mentioned by members. The Hon. Mr Dunn, for example, mentioned regional areas such as Whyalla, Mount Gambier and Renmark.

It is not just the Democrats: the Hon. Dr Ritson's own colleague has recognised that there is good argument for looking at alternative sites. Of course there are—extra sites. That is what is so pathetic about this debate on the core site, as if everything is focused on the one spot, and unless it takes off on that one spot we have nothing. Further on the Attorney states:

Shifting the focus of the core site—

and my colleague the Hon. Mike Elliott mentioned this—

at this stage would take the project back at least two years.

What rubbish! He continues:

It would require another site assessment study, another EIS and another SDP. Credibility with overseas investors and the Australian business community would be lost forever.

MFP Australia has also been working closely with local government authorities in the areas abutting the core site and they strongly support the location of the core site.

I have heard a few murmurings that would not say they were unanimous and strongly supporting the location of that core site. Further on the Attorney states:

The site proposed by the Democrats (as it related to The Levels area) has already been assessed by the MFP project and rejected as inadequate because: it would mean acquisition of privately-owned land (whereas the existing core site is mostly in Government ownership);.

What about the Adelaide council area? There is some pretty tight bargaining going on there. It will not be given to the Government. The Government is definitely deceiving the public of South Australia if it thinks it will get that area for nothing. Many millions of dollars will be involved before the Government gets that non-Government-owned piece of land.

When talking about costs, what about a bit of comparison of the cost of taking on the area that will have virtually no cost in site preparation? Compare that to the spurious figure of $150 million at the very least quoted today as being the cost of site preparation: $9 million a year over the next 20 to 30 years. Those sorts of sums of dollars just do not add up. Further on the Attorney says:

The concerns of the Democrats are thoroughly addressed in the EIS—one of the most comprehensive studies yet carried out for an urban development in Australia. For example, protection of the mangrove forests has always been an absolute priority and has been addressed most thoroughly in the EIS.

It was so much an absolute priority that earlier in discussions about it the mangroves were considered as being a weed, a problem, something to be got rid of. That comment was made in a public meeting again by a senior representative of the MFP in the early days. They did not realise how significant the mangrove forests were.

The Hon. M.J. Elliott: Someone asked, 'What will you do about the mangroves? The answer was, 'We'll get rid of them'.

The Hon. I. GILFILLAN: 'They will not be a problem, we will get rid of those.' The Attorney further stated:

The Democrats' contributions on this issue are bedevilled with contradictions. The Hon. Mr Gilfillan said last week that the Democrats support the clean up of the core site—in fact, he said that it was essential.

Where did the Attorney get that statement? I certainly do not have any recollection of it and I would be impressed to see the evidence that I made that statement. The Attorney then went on with some other trivial attempt to belittle the Democrats in relation to comments about the Technology Development Corporation Act, as if that was a substantial argument to knock the credibility of the Democrats.

I would be particularly interested if the Attorney would enlighten me about the origin of this so-called statement of mine that I called last week for the clean-up of the core site and said that that was essential. I believe the core site should be left alone as soon as possible to allow for mangroves to repair back on to the area where they properly should be growing. I will leave it at that for the time being.

The Hon. C.J. SUMNER: The answer is in *Hansard.*

The Hon. M.J. ELLIOTT: In his response the Attorney-General said that there was adequate fill on site for the development of the core site. I understand from reliable sources that about three weeks before the EIS came out they were still asking people from where they could get fill. Although the EIS claims that there is ample fill, my understanding is that there are 2 million cubic metres of sandy fill in the sandy shoreline that has been mentioned on a couple of occasions by the Government.

I further understand that the Government needs 12 million cubic metres of such fill for the site, and the Government was asking where else it could get the fill. I understand it was told it could get it from either Golden Grove or that it would have to dredge it out of the gulf. The Minister claims that there is enough fill on site, but that is contrary to the very reliable information that I have received. Either the person I know has lied to me (I do not believe that, because the person had no reason to lie), or someone else has misled the Attorney-General, but I would like a response to that.

The Hon. C.J. SUMNER: I am advised that those figures of the Hon. Mr Elliott are not correct. As I said, there is enough fill on site to do the majority of the development.

The Hon. I. GILFILLAN: Can the Attorney advise the accuracy of the figure I quoted just recently in my comments, that the estimate is $150 million for site preparation?

Can he confirm whether that is the case? How will that be spent and over how long a period?

The Hon. C.J. SUMNER: Yes.

The Hon. I. GILFILLAN: If I could remind the Attorney, I asked whether that was the correct amount, how would it be spent and over what period. Perhaps he did not remember that part of the question.

The Hon. C.J. SUMNER: The total land development expenditure is approximately $150 million over a 20 year period, which is part of the total development costs.

The Hon. I. GILFILLAN: What will it be spent on?

The Hon. C.J. SUMNER: Developing land. It will be spent on developing the site in accordance with the plans that have been outlined already—shifting earth, putting it in pads, developing the canals—the sorts of things that have been outlined already. I would have thought that was fairly obvious.

The Hon. M.J. ELLIOTT: The Minister did qualify his statement about adequate fill on site and admitted there was not enough, which the EIS does admit in part. As I understand it, that figure is out by a significant factor, but that is something which will not be proven one way or another right now. The EIS acknowledges there is a need to remove some contaminated soil—it says between 30 and 50 centimetres thick. However, it does not say over what area. How many cubic metres of contaminated soil have to be removed and where will it be placed?

The Hon. C.J. SUMNER: The amount involved is contained in volume II of the Kinhill Delfin report, and it will be placed on the tip before the tip is closed down.

The Hon. M.J. ELLIOTT: Which tip?

The Hon. C.J. SUMNER: The Wingfield dump.

The Hon. M.J. ELLIOTT: The EIS self-acknowledges that there has been limited soil testing so far and there is a need for a great deal more. In the light of that, what degree of confidence do we have in Kinhill volume II's estimate with the EIS not stipulating volumes at all and making it quite clear that soil testing needs to be done? It is acknowledged that it has been very limited so far.

The Hon. C.J. SUMNER: I am advised that a lot of soil testing has been done compared with what is usually done in other sites and my advisers and those concerned with this matter believe that the tests that have been done have enabled a reasonable estimate to be given of the amount of soil that will have to be shifted.

The Hon. M.J. ELLIOTT: I am not quite sure that I heard an answer the Minister muttered just a moment ago. Did he say that the soil was to go to the Wingfield dump?

The Hon. C.J. SUMNER: That is right. I did not mutter it, I actually yelled it out at you.

The Hon. I. GILFILLAN: An interesting observation: if it is to go on top of the Wingfield dump, I wonder how they will harvest the gas—the methane and CO_2—

The Hon. C.J. Sumner: Put a hole in it!

The Hon. I. GILFILLAN: Yes, but it makes it a lot longer hole through a whole lot of contaminated soil. The practicalities of this are nonsensical. From another criticism of the Democrat's alternative site, the Attorney said:

> Relocating the site—

in other words, across the Port Wakefield Road—

> would remove the possibility of recycling much of Adelaide's stormwater and effluent and of utilising land fill gases as important alternative energy sources.

How would relocating the site over the road, from one side of Port Wakefield Road to the other, with today's modern technology, when one assumes that water and gas can be moved from one side of Port Wakefield Road to the other, remove the possibility of recycling much of Adelaide's stormwater and effluent and of utilising land fill gases as important alternative energy sources?

The Hon. C.J. SUMNER: I am advised that, when the site preparation is occurring at Gillman, equipment will be there to enable the digging of holes for the laying of pipelines to allow the transportation of the gas to the other side of the river, and that that is the most convenient and efficient way to do it. Alternatively, it will have to be done in another site and the costs will go up.

The Hon. I. GILFILLAN: I hope the Attorney understands how totally inadequate that answer is to his statement that 'relocating the site would remove'—not make more awkward, but totally remove. With respect to an earlier question about what was to be done with the contaminated soil, the Attorney may not be aware of an Adelaide City Council policy not to allow contaminated soil to be placed on the Gillman dump. I wonder whether the Government has assessed what will be the position with the Adelaide City Council when it seeks to deposit contaminated soil on the dump site?

The Hon. C.J. SUMNER: The earlier answer was not inadequate. It just becomes uneconomical, I am advised, for a company to do what is suggested to make use of the gas, if the sort of site suggested by the Hon. Mr Gilfillan is taken up.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: Well, if you want the Government to pay for it, it will pay for it, all right? We can shift the site and pay more money. That is the alternative. I am advised that it makes the situation uneconomical to use the gas if the site is significantly shifted, as the Hon. Mr Gilfillan wants it to be.

The Hon. I. Gilfillan: Significantly shifted over the road.

The Hon. C.J. SUMNER: Well, apparently it makes the economics of it worse. All right? That is why I said—

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: Well, you are a brainy economist. Maybe next time you can go along and ask that. It is not as if there have not been hundreds of meetings about the MFP site since it was announced. You could have asked the question of Mr Keller today at the lunch you apparently attended, and you might have received a direct answer from him.

The Hon. I. Gilfillan: I didn't have enough time.

The Hon. C.J. SUMNER: Well, that is nonsense. That is the advice I have received. If the honourable member does not like it, well that is too bad; there is nothing I can do about it. All I can suggest is that I am sure the people involved in the MFP are quite happy to sit down with the honourable member; they will take hours, weeks or months to sit down with him, and he can ask all the questions he wants to ask; he can write letters to them; and I am sure that they will give him the information. All I am telling you is what I am advised: it becomes uneconomical, and that is why the statement was made in the second reading reply. What was the honourable member's next question?

The Hon. I. Gilfillan: It was about contaminated soil on the dump.

The Hon. C.J. SUMNER: That is what I am advised will happen.

The Hon. I. Gilfillan: Have you asked the city council about it?

The Hon. C.J. SUMNER: The city council will not have the dump then, assuming it provides it to the Government for the MFP project and, if it does not, I suppose there will not be an MFP—so what? Who cares? No-one here seems to bother about it.

The Hon. R.I. LUCAS: I intended to ask general questions in relation to clause 8, but it would appear that the Committee is taking general questions in clause 3. What is the current budget in the latest costings by the Government for land acquisition costs? Is it correct that the budget was $4 million? Does the Government believe that that will be sufficient for the land acquisition, whether it is by negotiation or compulsory acquisition by which the Government will need to take control of the site?

The Hon. C.J. SUMNER: The answer is $10 million with a 30 per cent contingency.

The Hon. M.J. ELLIOTT: I appreciate that the Attorney and I have different views about this project, but we are asking these questions because we think they are matters of legitimate concern. I believe that, at the very least, the reason that we make any final decision should go on the public record, because I do not think that a lot that has occurred to this stage has happened properly.

A point that the Government has made on several occasions is that it is seeking to promote sustainability; that appears in a number of documents. I think it is important that, if that claim is to be made, the Government should give a very clear indication as to what it means when it talks about a development being sustainable. It is a very fundamental question to this project.

The Hon. C.J. SUMNER: I will not get into a debate with the Hon. Mr Elliott about his or the Government's definition of sustainable development. It seems to me to be a bit of a 'go' word at the moment, and I suspect that the Democrats do not know what it is either. But obviously it is a development that will create jobs in an environmentally sympathetic way, which will at least enable the urban development part of it to look at issues of alternative energy use, the re-use of water and the better discharge of industrial waste, both into water and air. I think that the Government has said right from the start that it is a degraded site. As part of the MFP concept, it offers a challenge to rehabilitate the site, and not return it to what the Hon. Mr Elliott no doubt thinks was its pristine purity in 1836. I think it is a bit late to go back to that now, even though I am sure that the Hon. Mr Elliott would hanker for that to occur, but that is not really possible.

The site has been degraded by years of use as a dump and a depository for noxious wastes, given that it was originally cleared for industrial development. It provides a challenge to clean it up and rehabilitate it, but in a way which is environmentally sympathetic and which addresses the sorts of issues that I have outlined. I would have thought that, rather than being critical, the Democrats would try to support those objectives.

The Hon. I. Gilfillan: We are.

The Hon. C.J. SUMNER: Well, that is great; let's get on with it. But it seems to me that the Democrats want to shift the site and that they are being as critical as possible about the project.

The Hon. M.J. ELLIOTT: I understand the Attorney's impatience, but, just as occasionally we must in this place sit through some interminable debates about points of law, I think it is reasonable that occasionally we have debates about other matters that are every bit as important to our society as those fine points of law.

The Hon. R.I. Lucas: The Democrats' revenge.

The Hon. M.J. ELLIOTT: Where is the Minister for Local Government Relations? I ask that question, because it is fundamental to the arguments that we have been putting and it is probably the difference between the Democrats and the Government. I want those differences to be very clearly understood. The Attorney-General said that we probably do not know what it means either. Well, whether or not we know, when the Party was formed 15 years ago it was built on 20 policy objectives. The fourth of those objectives was that there be sustainable developments. In other words, before it was a catchcry, it was something in which we believed. The concept of—

The Hon. C.J. Sumner: Total recycling.

The Hon. M.J. ELLIOTT: No, it is not that. Even total recycling is not always the right thing to do. The concept of sustainability means that, not only can our current generation enjoy a lifestyle and its environment, but so can future generations—not one or two, but three, four or five generations and beyond that, because humanity will be on this planet for a long time to come unless we really mess it up. We want them to enjoy an equal standard of living. Of course, there will be evolution in technology, etc., but we should leave a planet that is liveable into the long-term future.

The Hon. C.J. Sumner: You should fly to America nonstop.

The Hon. M.J. ELLIOTT: It means that one attempts, as far as possible—

The Hon. C.J. Sumner: What about all the natural resources you use up when you fly to America. It doesn't stop you. You don't even ride your pushbike.

The Hon. M.J. ELLIOTT: I don't have a white car. I travel in and out of town by train every day. Don't talk to me about the way you travel.

The Hon. C.J. Sumner: What about your car? What about your jumbo jet to America?

The Hon. M.J. ELLIOTT: If you want to start on my car, I got rid of my car: I got rid of my car and I travel by bus, and you want to lecture me.

The Hon. I. Gilfillan: He just wants to prolong the debate.

The Hon. C.J. Sumner: Why don't you tell us about your trips to America in the jumbo jet?

The ACTING CHAIRPERSON: Order!

The Hon. M.J. ELLIOTT: What one attempts to do, when looking for sustainability, is minimise the throughputs—the use of all sorts of resources and pollution. As I said before, that means that if one is building a suburb one tries to put it in a place which demands the minimum input and maintenance. The Gillman site demands far greater input than any other site because of all the additional infrastructure that is not needed on high ground. It is plainly evident that one needs a lot more infrastructure, and that infrastructure will need maintenance. One will also find that other forms of infrastructure such as sewerage, foundations for buildings, and so on, will have a far shorter life at that site than they will elsewhere.

That is being learnt at places like West Lakes. There are severe problems in the West Lakes/Port Adelaide area because salt water is invading the sewerage mains, and that is one of the difficulties at the Port Adelaide Sewage Treatment Works. Already, houses in some areas of West Lakes should be bulldozed because of the salt that has destroyed their foundations. There are very real problems in that area, and the problems we will have on this site will be far more extreme because it will be a series of islands surrounded by salt water.

The EIS talks about many exciting things within the development that it wants to do in relation to buildings. It wants to minimise energy consumption by something like 70 per cent, but that is not site specific. In fact, all the exciting things that the EIS talks about doing in the MFP are not site specific. What is the point in saving all that energy and having efficient housing, if one is using energy in other places to build walls to maintain the lakes and the

infrastructure? Everything that is saved in one place will be used elsewhere. It is a totally pointless exercise.

The Hon. C.J. Sumner: You used a lot to get to America.

The Hon. M.J. ELLIOTT: You are just ducking the issue. We are making the point that if you are serious about sustainability (which is mentioned in the EIS and in many documents through this whole process), you would not have chosen that site. That is something that the Government has not taken into account, and it really does prove the lie to the claims that it made.

The Hon. R.I. LUCAS: There has been some confusion in the community and in the debate about the future use of the Pelican Point and Largs North sites. When we took the original tours around the site with senior MFP officials it was intended to have relatively significant residential development in those two areas. I think we were given maps with areas coloured in bold red which indicated residential development. The most recent documents would indicate a move away from that. Also, there was reference in the EIS, I think, to a revenue item of $3 million in relation to both of those sites, or perhaps one of them. Will the Attorney-General indicate what that $3 million revenue item specifically refers to? Secondly, will there be any residential development in either of those two sites at all? Thirdly, what specifically is proposed for those two sites under the evolving Government proposal for the MFP?

The Hon. C.J. SUMNER: The $3 million, as mentioned in the feasibility study in relation to Pelican Point, was for a resort development with a residential component. In relation to the sale of the rights to that by the Government, in Largs North it appears that that is unlikely to be suitable now for residential development and will be utilised as a recreation park. That is the current state of thinking in relation to those two areas. The EIS does not cover those two areas.

The Hon. M.J. ELLIOTT: In relation to these other parts of the core site, if the Largs North site is now not intended to be built upon but is to become parklands, what is the point of its being maintained as part of the core site? Although an EIS has not been done, sufficient work has been done to show that it is heavily contaminated by a range of heavy metals such as mercury. Is it intended simply to put a layer of dirt over that and forget it? I understand that there are no particular plans for Garden Island, but that is included as part of the core site. What is intended for Garden Island? Whilst there appears to have been a fair amount of testing in relation to Largs North, not very much appears to have been done in relation to Pelican Point, although it seems to me that some of the wastes that have been dumped there by some industries are somewhat similar to those that have been dumped at Largs North. How much testing has been done to determine the level of contamination of that site?

The Hon. C.J. SUMNER: I am advised that enough testing has been done on Pelican Point and Largs North and that while Largs North is deemed not satisfactory for residential development, Pelican Point is. It is intended that Garden Island will in time be developed as a recreation area. The point of keeping Largs North within the core site proposal is, as I explained before, to rehabilitate the area in an environmentally satisfactory way, and that is the proposal now for the Largs North site.

The Hon. M.J. ELLIOTT: In what environmentally sensitive way will they treat the Largs North site?

The Hon. C.J. SUMNER: I think they are going to plant trees. That is very environmentally sensitive.

The Hon. R.I. LUCAS: A document produced by Barry Burgan and Peter Tisato from the Centre for Economic Studies (to which I referred in the second reading debate) quoted from documents that they had seen of the planning review and indicated that the best estimate the Government had of the cost of developing new allotments in fringe areas—the Seafords, the Roseworthys, the Munno Paras of Adelaide—was some $15 000 to $20 000 per allotment.

One of the documents—it might have been the feasibility study—indicated that the Government believed the cost per allotment or dwelling at the MFP site would be $11 800. I understand that the Government has a revised estimate of the allotment or dwelling cost at the MFP site, and I wonder whether the Attorney is in a position to provide that to the Committee.

The Hon. C.J. SUMNER: The estimate was finally lower than the original, once the EIS was completed, but it was not sufficiently significant to revise the estimate of $11 800.

The Hon. J.F. STEFANI: Given the Government's commitment to divert the discharge of effluent from the sea into inland ponds, what consideration has been given to the additional effluent that will be generated by the new population on this site in relation to that program of effluent treatment and disposal?

The Hon. C.J. SUMNER: The ponding of effluent was one solution that was referred to earlier in the development of the MFP, but I understand that the situation has moved on somewhat from there and that the work done on the development of the MFP has meant that the proposal is now for treating the effluent and using it for surrounding industries instead of having to use potable water which, of course, is filtered at great expense. So I really think that if people want to have technical discussions about technical matters, the MFP office is very happy to sit down with them.

The Hon. M.J. Elliott interjecting:

The Hon. C.J. SUMNER: Sure, you have had two years to ask your questions on technical matters.

The Hon. M.J. Elliott: The EIS came out three weeks ago.

The Hon. C.J. SUMNER: Well, you have had three weeks to do it, then.

The Hon. I. Gilfillan: It's only a draft.

The Hon. C.J. SUMNER: Well, bite the bullet. If you want to oppose it and knock it off, do it; just do not complain. The fact is that the people involved with the MFP are quite happy to sit down with any members and answer questions; if you want them incorporated in *Hansard*, we are perfectly happy to have that occur. Put the questions on notice and get considered answers from the people who have daily—

The Hon. M.J. Elliott: We didn't get serious answers even during the second reading stage—they were not serious answers.

The Hon. C.J. SUMNER: That is not true. Nothing is a serious answer as far as the honourable member is concerned; you have never had a serious answer to anything since you came into this place.

The Hon. M.J. Elliott interjecting:

The Hon. C.J. SUMNER: I am saying that, if you want to deal with technical matters, I am not really the person to ask. I am quite happy to admit that, and I suspect that no politician in here is the person to ask about the matters. If you want it on the record, because you want to be able to get up some 20 years from now when you write your memoirs or something when you finally conclude your political career, and say, 'I told you so; I was right,' put it in your book and sign it off to the Democrats at the book launch that you will have, that is fine; do it. I have no problem with that.

You can all justify yourselves, saying what a dreadful project it is, how hopeless the Bannon Government was and that the Opposition was a bunch of hopeless people because they supported it. If you want to say that you were the only people who made points about these things; there it is in *Hansard* and how wonderful you are—if you want do that for history's sake, that is fine. However, I suggest that you do it in this way. Then everyone will be happy and we will all be able to get on much better. It might well be better to put off the debate on the second reading of the Bill, if you want to do that. It might be better to sit down tonight, if you like, take a couple of hours off, write out all the questions of a technical nature that you want to ask and put them on notice, in effect, as this Bill is going through. I will then give them to the officers who are concerned with the Bill and we will read all the answers as we know them, as I am advised of them, into *Hansard.*

Then, everyone will be happy. It will shorten the process. This process is hopeless in dealing with a Bill like this, as you know, because of the nature of the Bill. It is not my Bill. Obviously, it is not a matter in which I have been involved, except in very general policy terms, and I do not think it is reasonable to expect me to sit here and answer the questions. I will do it, but it is very time-consuming because I have to check with advisers and then put the information into *Hansard.* It is really a hopeless way of going about it.

I am now making the suggestion in all seriousness. I suggest that if members have questions of a technical nature which you think have not been answered—you say that my second reading speech was terrible or hopeless—that is fine. So, you still have questions which you want to ask and which were in the speech. Ask them again; I will vet the answers and make sure that they are okay, I think we would then advance a lot quicker than we will—

The Hon. L.H. Davis: My remarks don't sound so grubby now, do they?

The ACTING CHAIRPERSON (Hon. Carolyn Pickles): I suggest that the honourable member do not get deflected by interjections.

The Hon. C.J. SUMNER: I am quite happy for the answers to be on the record. It is no problem, but this will be an extraordinarily laborious way of going about getting them. A lot of them may well have been answered in the Lower House, because the Minister there is responsible for the Bill, and that is fine. It is probably why the Opposition does not have so many questions. The Democrats have not had their go, and it is fair that they do. However, I am not sure that we should delay the Bill at the moment, because—

The Hon. I. GILFILLAN: There are probably a number of questions, and I think it is a constructive suggestion. There may not be a long list of questions, but certainly my colleague the Hon. Mike Elliott and I had a brief conversation, and we felt it was a positive suggestion to deal with a serious matter. There are some questions which are not of that technical nature and with which we could proceed. While I am on my feet, I ask the Attorney now how much does the Government or the corporation expect to have to pay to acquire the land currently not owned by the Government at the Wingfield site, particularly the land currently owned by the Adelaide City Council, including the dump?

The Hon. C.J. SUMNER: That is a bit of a rough question to ask when there is an agent of the Adelaide City Council sitting in the gallery!

The Hon. I. Gilfillan: What's that got to do with it?

The Hon. C.J. SUMNER: Normally, you negotiate a price. You do not come in and publicly tell the person from whom you are going to buy the land how much you are prepared to pay. Even I know that much about commercial negotiation.

In reply to the Hon. Mr Lucas I have already answered in general terms a more commercially adept question than that of the Hon. Mr Gilfillan, but I did say $10 million with a 30 per cent contingency for the total acquisition needed within the site. I do not think it reasonable to say what the Government has in mind as far as the acquisition of Wingfield Dump from the Adelaide City Council is concerned. That will be the subject of negotiation. I am not the Minister responsible and I am not involved in the negotiations. For me to bob up here and give you a figure is unreasonable.

The Hon. I. GILFILLAN: I understand the answer the Attorney has given, but I think he should appreciate that we are dealing with a Bill, with the intention to finalise it, with an open cheque for one part of expenditure at the same time as I have been expected to wear the criticism that it was too expensive to consider an alternative site. In other words, I am justifying the question, which is a reasonable one. I understand the Attorney's dilemma, if he feels that way about giving his estimate of how much it costs. I think it might be a tad under the price that eventually might have to change hands.

I ask the Attorney to give an opinion about these questions: whether he thinks that they are able to be addressed now or put on the list. Today it was indicated that quantities of stormwater would be pumped into aquifers for future use. I would be interested to know the details of that. In regard to this question, may I say how pleased I was and how supportive the Democrats are of this approach to the MFP, to hear that there will be dramatically lower energy use. I quote, I believe accurately, the statement made by Mr Keller in his capacity as representative of the MFP, that it is expected that the residential units at the MFP will use 50 per cent less energy and 70 per cent less fossil fuel. What an admirable aim! This is the sort of goal we as Democrats want to see take place with the MFP. How does the Government see those reductions being achieved?

The Hon. C.J. SUMNER: I can obtain the answer from Mr Keller and give it to the honourable member. I wonder whether it is worth proceeding with the Bill tonight, given that we are dealing with amendments to a Bill. It is legitimate to ask questions, but the questions presumably will not affect members' attitude to the amendments. I suggest that we work through the amendments, although obviously we will need to debate and answer questions in relation to specific amendments, but that before we finalise the Committee stage an opportunity be given either tonight, if members have their questions listed, to read them into the *Hansard* or, alternatively, if they deliver to my office—and this offer is made to all members—preferably tomorrow, if they can, the specific questions that it would be better for the MFP officers to answer, I will have them prepare answers and we can read those questions and answers into *Hansard* on Tuesday.

I also undertake to go back through the second reading speeches, in light of the comment of the Hon. Mr Elliott that we did not answer all the questions. I assume that he is saying that my speech was too polemical. He should have seen it before I toned it down a bit, if that is the case. However, if there are questions in his second reading contribution that the honourable member feels were unanswered in my response, he can put them back and we will go through the questions of a general nature that have been answered up to date and answer those again, if necessary.

I assume that the Liberal Party will not have many questions, because it has had the opportunity in another place;

it will mainly be the Democrats. That is the offer I make: to proceed with the Bill, because I do not think that the answers to the questions affect the Bill although they might affect whether members vote for the third reading.

The Hon. R.I. LUCAS: There seems to be good sense in handling the debate on the Bill in this way, having had a hurried conversation with the Hon. Mr Gilfillan. Would it be possible—and I guess this question is to the Hon. Mr Gilfillan and the Hon. Mr Elliott—for us to progress through the clauses? At this stage I should say that whilst I understand, as does the Attorney, the desire of the Democrats and perhaps some other members of the Committee to put a series of technical questions, as I indicated at the outset, having read the debate in another place, members of the Liberal Party put many of these questions to the Government.

Many of our members were unhappy with the responses and share similar frustrations. I suspect that, whilst members may obtain further information, they may still be frustrated with the answers they receive, and many areas of the Government's responses will not be sufficiently precise for members to be 100 per cent happy in the end with this revised process. As I said when we started this debate on this clause a little over 1½ hours ago, for all the reasons I have given, the Liberal Party has a fixed position in relation to this series of amendments that we and the Democrats are moving.

Whilst we appreciate the need for further information, we do not see the obtaining of that information changing our position on this series of amendments. Will it be possible for us to follow the Attorney's suggestion and perhaps progress the debate on the amendments to the Bill and then, whether it be under clause 33 (the annual report) or clause 35 (the regulation clause), the Attorney-General can incorporate into *Hansard* all the replies to questions that the Liberals and Democrats have? We can then progress the Bill tonight almost to the very end, and we could have all the answers incorporated during the Committee stage.

The Hon. C.J. Sumner: Perhaps it could be recommitted.

The Hon. R.I. LUCAS: Yes, and done on Tuesday.

The Hon. I. GILFILLAN: I think that the solution virtually came to the surface on an interjection. The Hon. Mike Elliott and I thought that if there was an undertaking from the Comittee that this clause would be recommitted, we would then prepare the questions and look for the answers later, and we can then proceed with the general business of the Committee stage.

The Hon. M.J. ELLIOTT: I am grateful for the offer of the Attorney-General because, as I have said, there are many stages when we are asked to debate matters that are of not particular interest to us but they are important because they are before Parliament. We have to accept that all things in this place are important and we listen to all people who come to see us and put their view about which we may ultimately disagree.

I believe that the position that we have taken on the MFP has been somewhat misrepresented. My personal position is one of cynicism about whether or not the MFP concept will do great things for us, but there is only one concrete thing about the MFP that has been put before us, and that is the site. It is my earnest belief that we are making a drastic mistake with the site and, even should an MFP proceed, I believe that there are better sites for it. The questions I am putting about the site are not inconsequential in relation to that view.

I have many more questions than I put in my second reading speech. When I went through the EIS I found a question on every page, and when I said that I was gravely concerned about the EIS I meant that most sincerely. It is a question I have raised previously about EISs.

The Hon. I. Gilfillan interjecting:

The Hon. M.J. ELLIOTT: I spent days and days on it. The EIS process has recommendations from seven years ago. The Government received one recommendation from a committee which it set up and which suggested substantial change, but that is a side issue at this point. There are a whole series of questions that I would like to put and, if the clause is to be recommitted, I will take up the Attorney's offer and prepare questions and return them to him.

I would like to ask two questions as I suspect they can be answered now. First, in response to an earlier question the Attorney said that there had been a great deal of testing in relation to Pelican Point and Largs North. If such testing has been done, would the tests be made available? An unrelated question is that the Attorney had an earlier question from the Hon. Mr Lucas about allotment costs, but what has not been made clear in the material that I have read so far is whether or not the allotments are of the same size.

Reference has been made to the outskirts of Adelaide and the cost of $15 000 per allotment, and there have been claims that the cost of an MFP allotment is $8 000. Are we comparing apples with apples? Are allotments on the outskirts of Adelaide a different size? We are talking about high density living in Gillman/Wingfield, and I imagine that we are talking about a much smaller allotment and perhaps multi-storey buildings in some cases. What is being compared in respect of allotment costs? I will take up the Attorney's offer about other questions.

The Hon. C.J. SUMNER: I did not say that a great deal of testing had been done. If the Hon. Mr Elliott checks *Hansard* he will find that that is not what I said. It was certainly not what I was advised to say. If I did say it, I apologise, but I am sure that I did not say it because I usually follow my instructions carefully. I think I said 'sufficient testing has been done' and not 'a great deal of testing'.

Sufficient testing has been done to come to a conclusion that Pelican Point would be satisfactory for resort/residential development and I am advised that there is no objection to making material avialable to the honourable member.

The Hon. M.J. Elliott: And for Largs North?

The Hon. C.J. SUMNER: Yes, we can make that available as well. As to the issue of allotment sizes, we are talking about the cost of the development of the allotments, that is, the provision of infrastructure services principally to the allotments. Obviously, with a high density form of housing the cost per allotment should reduce. If we had a high rise development, not that I think that high rise is in the plan for the MFP—

The Hon. M.J. Elliott: Three or four storeys.

The Hon. C.J. SUMNER: That is not high rise and I am advised that it is limited to three or four storeys. I do not regard that as high rise. Maybe the Hon. Mr Elliott regards three or four storeys as high rise.

The Hon. M.J. Elliott: It is, when compared with the average Adelaide suburb.

The Hon. C.J. SUMNER: It is hardly high rise. Perhaps it is the honourable member's definition of high rise, but it is not my definition of high rise, but certainly higher density sites are envisaged in the MFP. I do not think anyone would argue about higher density living. I do not think it is possible to compare allotments. It is based on family units: how many families can be accommodated in that area. We are more likely to have high rise or high density developments closer to the city than at Seaford or Munno Para because the people go there because they can afford it and also

because they want to buy a place that has got the traditional backyard, etc.

Sure, the nature of the housing development at the MFP affects the cost of the site but the information I have given to the Committee is based on infrastructure costs, costs of development of the site based on how many families are being accommodated in the area.

The Hon. Mr Gilfillan's amendment carried.

The Hon. Mr Lucas's amendments carried.

The Hon. R.I. LUCAS: I move:

Page 1, line 29—leave out 'proclamation under this section' and insert 'regulation'.

I will very briefly explain my amendment. The Liberal Party puts its traditional position in relation to 'proclamation' versus 'regulation'. We oppose the proposition of 'proclamation' which is throughout the Bill, and will be moving a series of amendments in relation to 'regulation'. We see this first one as a test case for that.

In relation to the amendment to be moved by the Hon. Mr Elliott, which is slightly different, I note that he is seeking to leave out all of paragraph *(d)*, the definition of 'development area'. Under the Hon. Mr Elliott's scheme of things, 'development area' will refer only to the Gillman/Dry Creek site, Science Park, Adelaide, and Technology Park, Adelaide. The Hon. Mr Elliott's view, which we respect whilst we do not agree with it, is that if the Government of the day wishes to add to the MFP, it would have to bring back the Bill each time. The Liberal Party does not support that proposition. We believe that the Government of the day should have the opportunity by regulation to add to the definition of 'development area' and Parliament should retain the right, through the disallowance of regulation process, to oppose a particular area if it so wishes. That is the Liberal Party's position in relation to its amendment and the amendment to be moved by the Hon. Mr Elliott.

The Hon. M.J. ELLIOTT: I move:

Page 1, lines 28 to 30—leave out 'or' and paragraph *(d)*.

I think there is consensus in what is attempted to be achieved by both amendments, in that there is an attempt to give parliamentary oversight to a number of things that may happen under this Bill. One of those is an attempt to bring new land under the MFP. It is quite plain that further expansion of the MFP beyond the designated sites is a matter in which Parliament would be interested. Simply to be able to add land by proclamation would give the Government a way of potentially bypassing—depending on other amendments to be passed—the Planning Act among other things, which would cause great concern to me and, I imagine, other members of this place. We appear to have a common aim, and one seeks to do it by way of regulation. I seek to do it by demanding that the MFP Act must come back to this Council if further land is to be added to development areas.

The Hon. C.J. SUMNER: The Government's position is that it will not argue at this stage about changing 'proclamation' to 'regulation'. We oppose the Hon. Mr Elliott's amendment. However, I reserve the right on behalf of the Government to consider where 'regulation' is inserted instead of 'proclamation' throughout the Bill. It may be that the Minister responsible for the Bill will want to attempt to reinsert 'proclamation' in some cases. Obviously, if the Bill goes to a conference, that matter may be further examined, but for the moment I will not raise any argument about any of the amendments dealing with replacing 'proclamation' with 'regulation'.

The Hon. I. GILFILLAN: This issue needs to be pondered on a little more than it has to date because the replacement of the word 'proclamation' by 'regulation' in the Liberal's amendment would mean that extra area could be incorporated into the MFP through the normal regulation process. One assumes that a Minister persuaded by the corporation could at any time throughout the year issue a regulation. The land then becomes *ipso facto* part of the MFP development area. Work can begin on it and there is no opportunity for Parliament to have a say in that until it sits. Under those circumstances, the proper opinion of Parliament would not be sought. Therefore, the Hon. Mike Elliott and I have slightly different approaches to it, but with the same intention.

Parliament must have an opportunity to assess the extra area to give the approval or disapproval before the *quasi* adoption of it through a regulating power which does not have this necessary approval by Parliament before it comes into effect. It is a very important difference. With respect to my amendment, which is a little further down the track, whether one uses the word 'proclamation' or 'regulation' is irrelevant to this debate. However, the process under which that proclamation or regulation comes into effect is critical. Under my amendment, it does not become effective until 14 sitting days of each House of Parliament have elapsed, after a copy of the proclamation is laid before each House. So, there would be no automatic inclusion of an extra area until both Houses of Parliament had a chance to have a say in it.

The Hon. Mike Elliott has a similar aim but a different approach, and that is that a separate Bill must come before Parliament. I am not persuaded that that is necessarily better than mine, I must admit, but the actual technique and end result would be the same. Both of our amendments guarantees Parliament a say before extra development areas are included. One of the reasons we did this was to give the officers at the table something to do in between the speeches in this debate.

The Hon. R.R. Roberts: He is not amused!

The Hon. I. GILFILLAN: I understand that. I apologise but it is not irresponsible drafting of amendments. They are specifically designed with quite a lot of thought behind them. I do apologise for the problem of sorting them out. It has been indicated that both the Opposition and the Government are not in favour of Mr Elliott's amendment and, for the time being, 'regulation' is the word that will come in. I indicate that, although we have this dichotomy in the amendments, the aim is the same and I will be intending to argue my case a little later on when I deal with 'regulation'. I hope that the Opposition will listen intently to that.

The Hon. M.J. ELLIOTT: I indicate that I have a further amendment in relation to regulations. It refers to clause 35, whereby regulations will not come into effect until 14 sitting days of each House of Parliament have elapsed and after a copy of the regulation is laid before the House. Depending upon which amendment gets up, I indicate that I may be moving a subsequent amendment.

The Hon. M.J. Elliott's amendment negatived.

The Hon. R.I. Lucas's amendment carried.

The Hon. R.I. LUCAS: I move:

Page 1, after line 30—Insert definition as follows:

'Gillman Dry Creek site' means—

(a) the areas shown in Part A of Schedule 1 within boundaries delineated in bold and more particularly described in Part B of that Schedule;

(b) where such an area is altered by regulation, the area so altered:.

This amendment is consequential.

The Hon. C.J. SUMNER: The Government accepts the amendment.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Page 2, lines 2 to 6—Leave out the definition of 'MFP core site'.

I believe that this amendment is consequential on an earlier amendment.

The Hon. C.J. SUMNER: The amendment is accepted.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Page 2,

Line 8—Leave out 'MFP core site' and insert 'Gillman-Dry Creek site'.

Line 10—Leave out 'MFP core site' and insert 'Gillman-Dry Creek site'.

These are consequential.

The Hon. C.J. SUMNER: The Government accepts the amendments.

The Hon. I. GILFILLAN: My amendments are consequential to an amendment lost previously. However, therefore, I will not proceed with them. Can you, Sir, clarify what precedence the amendments take if they are identical?

The CHAIRMAN: They are moved and eventually we finish up with what the Committee wants.

The Hon. I. GILFILLAN: Yes, I think everyone recognises that, but I am not sure what precedence there is with amendments on file, for example, when they are identical or when there are a number of amendments to the same lines. Who has precedence in moving them?

The CHAIRMAN: We take them as they come. I usually give the call to where it falls. Some of the amendments have been consequential on Mr Lucas's first amendment, so I have been giving the call to the honourable member, but it does not make any difference.

Eventually all members will get the call and can put the amendments. We do not take them in any particular order, because I am not sure how they came in. Piles of amendments rolled in. They have been arranged in such a manner so that every one who so wishes can move his or her amendments. The honourable member is at liberty to do that. At this stage there are four amendments on file, and they can all be moved, debated and voted on, and the Committee will finish up with what it wants. No member will be denied the right to move his or her amendments.

The Hon. I. GILFILLAN: No-one is disputing that wisdom.

The CHAIRMAN: With respect to the order they come in, I advise that they come in an order that establishes a pattern of sense for us to put them in.

Amendments carried.

The Hon. R.I. LUCAS: I move:

Clause 3, page 2, line 15—Leave out 'proclamation under this section' and insert 'regulation'.

It is consequential.

The Hon. C.J. SUMNER: The amendment is accepted.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Page 2, line 21—Leave out 'proclamation under this section' and insert 'regulation'.

It is consequential.

The Hon. C.J. SUMNER: The Government accepts the amendment.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 2, lines 27 to 31—Leave out subclause (3) and insert—

(3) A proclamation under subsection (2) is not effective—

(a) until 14 sitting days of each House of Parliament have elapsed after a copy of the proclamation is laid before each House;

and

(b) if, within those 14 sitting days, a motion for disallowance of the proclamation is moved in either House of Parliament—unless and until that motion is defeated or withdrawn or lapses.

Apart from any other reason this gives me a chance to indicate my preference in the event of my amendment's not being successful. As I indicated earlier, I am very concerned that any capacity for extra land be brought in as an MFP area just by a simple fiat either of the Government or the Corporation. Although regulation is better than proclamation, at least this Chamber can address it sooner or later. As we have noticed with other regulations, they can be promulgated and be effective for some months before Parliament has a chance to consider them. The point of my amendment is to build in a protection that nothing can be brought in by proclamation or regulation—it does not matter what word you use—as an MFP development area until Parliament has had a chance to consider it.

I cannot see any reason that that cannot be brought in as a reasonable, cautious step to deal with this matter. I urge the Chamber to support my amendment. The Hon. Mr Elliott has indicated that he has an amendment that would make all regulations involved with this Bill subject to the same requirement, and I am in sympathy with that, because I think we are dealing with a very sensitive and important project in South Australia, and one in which we can break ice and make sure that regulations get a chance to be considered by the standing committee and be seen by Parliament before they come into effect. It is a basic change if we take it right across the board, and I support it. But in this particular case it is the pinnacle of importance that extra land be embraced into the MFP development area. I think it is much more desirable that this Parliament consider that matter before the decision is implemented. Therefore, I urge the Committee to support my amendment. If it is not successful, I indicate that regulation rather than proclamation is a better proposition from my point of view.

The Hon. R.I. LUCAS: One reason why the Committee should not support the Hon. Mr Gilfillan's amendment, given the fact that the Committee has decided that there will be no proclamation and that it will be done by regulation, is that it is consequential on the previous decisions that we have taken. I understand the argument that the Hon. Mr Gilfillan has put. However, I would have thought that from the Committee's viewpoint it would be better if his argument came under clause 35, in support of the Hon. Mr Elliott's amendment, which is at least to an argument now because the Hon. Mr Elliott's amendment refers to regulations not taking effect until some later stage than they currently do. I would have thought that the Hon. Mr Gilfillan could now comfortably support his colleague in relation to clause 35. It would appear that the Hon. Mr Gilfillan's amendment is consequential on others and ought not to be moved at this stage.

The Hon. I. GILFILLAN: The word 'proclamation' was included without my having the foresight to know what amendments would be moved. The Hon. Rob Lucas is quite right in saying that it would be more appropriate to have 'regulation'. However, what does concern me is that, although I am quite happy for the Hon. Mike Elliott's amendment to be successful later on, I am not convinced that it will be, and I want to distinguish between what I see as being important—and the acquisition of extra land is of paramount importance—

The Hon. C.J. Sumner: It is not the acquisition of extra land.

The Hon. I. GILFILLAN: It is the embracing of land as an MFP development area. It is not the compulsory acquisition, but it is the acquisition.

The Hon. M.J. ELLIOTT: I will not proceed with my amendment because it is consequential on others that have

already been lost. The word 'proclamation' has been further qualified by the fact that there needs to be 14 sitting days. I think it involves semantics to argue whether the word 'proclamation' or 'regulation' should be used. As the Hon. Mr Gilfillan said, we cannot know how any vote will go on clause 35. I will support his amendment which relates to just one area of a regulation or a proclamation because it is consistent—although in just one area—with what I am seeking to do later in clause 35. I think it is stronger than the amendment that has been moved by the Hon. Mr Lucas.

The Hon. C.J. SUMNER: The Government opposes the Hon. Mr Gilfillan's amendment and supports the Hon. Mr Lucas's amendment.

The Hon. R.I. LUCAS: I move:

Page 2—
Line 23—Leave out 'proclamation' and insert 'regulation'.
Lines 27 and 28—Leave out 'under subsection (2)' and insert 'by regulation'.

These amendments are consequential. The Liberal Party does not support the amendment that has been moved by the Hon. Mr Gilfillan for two reasons, one of which I have already indicated. I believe that the current structure of the amendment is now inappropriate because—

The Hon. I. Gilfillan interjecting:

The Hon. R.I. LUCAS: It might be a minor matter. I am saying that we do not support it for two reasons: first, it is not appropriate because of amendments that have previously been passed, but secondly, and more importantly on the matter of principle that I understand the Hon. Mr Gilfillan is putting to the Committee, we believe that the normal regulation-making process and disallowance process for regulations ought to be adopted. Whilst I am not an expert in subordinate legislation (and my colleague the Hon. Mr Burdett is), I understand that this is unprecedented in relation to the proposition as a principle that the Hon. Mr Gilfillan is putting. I understand the reasons why he is putting it; he believes that this is so important that we ought to embrace virtually unprecedented regulation-making powers and disallowance of regulation-making provisions. However, it is not the view of the Liberal Party that we ought to support that proposition in this Bill.

The Hon. M.J. ELLIOTT: I am disappointed that the Hon. Mr Lucas has not supported this amendment. I agree that it is an unusual step, but from time to time in this place the Parliament is frustrated by the makers of regulations who abuse that process. I know that we have had many arguments about getting as much into legislation as we can and then getting as much into regulation as we can, and always avoid proclamation. All that process is doing is trying to bring things back to the Parliament as much as we can, for parliamentary purview and approval. I would like to see regulations being more immediately available to Parliament before things come into place rather than their being in place for some months, and then—

The Hon. C.J. Sumner: We are doing that.

The Hon. M.J. ELLIOTT: It is being said by the Government, anyway, as I understand it, and that makes it a bit of nonsense by the Opposition. My understanding is that there is some talk of 120 days.

The Hon. C.J. Sumner: No, it does not make any nonsense at all. The Opposition is quite right.

The Hon. R.I. Lucas: That is Mr Evans' view—the 120 days.

The Hon. M.J. ELLIOTT: And you are supporting Mr Evans?

The Hon. C.J. Sumner: We will come back to it, but if that is in place it is even less reason to have this.

The CHAIRMAN: Order!

The Hon. M.J. ELLIOTT: Why is this nonsense? The Government is saying that it supports that motion but that it is not sure when it will come. Now we are moving for that sort of thing to happen right now, and it is not willing to support it. It is very inconsistent to say that you do not like the idea here yet you will support the idea in the very near future when Mr Evans introduces it in another place. That is plainly inconsistent.

The Hon. Mr Lucas's amendment to line 23 carried; the Hon. Mr Gilfillan's amendment negatived; the Hon. Mr Lucas's amendment to lines 27 and 28 carried; clause as amended passed.

Clause 4 passed.

Clause 5—'Objects of Act.'

The Hon. I. GILFILLAN: I move:

Page 3, after line 15—Insert paragraphs as follows:
(aa) a model of conservation of the natural environment and resources;
(aa1) a model of environmentally sustainable development;
(aa2) a model of equitable social and economic development in an urban context;.

I indicate that I will no longer proceed with the amendment to line 20, I would like to repeat what my colleague and I have said previously on several occasions; we welcome the objectives as spelt out in this Bill. They are very much in sympathy with the objectives that the Democrats want to promote in this State in various forms, and their proper implementation would have our support. However, we believe that we should put into the legislation more specifically several of the matters and approaches that have been stressed by the Premier in his introduction of the Bill, and I assume the Attorney used the same words here, namely, that the MFP was to be a model of environmental impact, energy, and social interactions.

So, I am really not moving anything different from what have been the aims of the MFP which have been expressed by the Government on several occasions. I take the liberty to emphasise and point out several of these aspects which we believe are of prime importance and put them in such a clear way that there can be no doubt that the MFP proceeding through these amendments will indeed be a shining example not only for Australia but also for the world in new technology, new responsibility and new sensitivity to the very delicate interplay of people in their environment, social and employment contexts.

The Hon. C.J. SUMNER: I do not understand the point of the amendment of paragraphs (aa) and (aa2), because these matters are directly covered by clause 5 *(f)*, and really the wording is virtually the same. However, we are hapy to accept paragraph (aa1).

The Hon. M.J. ELLIOTT: The Attorney may say that he sees no point in it but I think that the Bill now has these matters of integrated natural and environmental resources and social and economic development all buried together in this.

The Hon. S.J. Sumner: It doesn't matter.

The Hon. M.J. ELLIOTT: If the Attorney thinks it does not matter, one would not think he would oppose it, either. We happen to think they were matters that needed individual emphasis. They are matters which we think are of sufficient individual importance that they should have been seen in their own right. If the Attorney thinks it does not matter, it does not matter to him, either.

The Hon. R.I. LUCAS: The Liberal Party is pleased to support the Democrat amendment. We see it as a significant improvement on the drafting of the Bill, and we indicate our support for its passage.

Amendment carried.

The Hon. I. GILFILLAN: I indicate that I do not intend to proceed with my amendment to line 23, as I believe it no longer applies. I move:

Page 3, lines 25 and 26—Leave out paragraph *(f)*.

I do intend to proceed with this amendment, which is the deletion of objective *(f)*—the one that the Attorney did not recognise was about to occur. I therefore understand his confusion in thinking that there was to be a duplication.

The Hon. C.J. Sumner: It just doesn't matter; your amendment was pointless and useless—a waste of time.

The CHAIRMAN: Order!

The Hon. I. GILFILLAN: I am sorry to hear it, but I do hope that *Hansard* is getting this analysis of those three headings, because the Government has gone to great pains to trumpet to the world that these are major and important objectives of the MFP. If they are so important, the move of objective *(f)*, which is really an afterthought objective at the bottom of the list, to the top, with the objectives being specified one by one, is putting the emphasis in the right place. I am delighted to realise that the alternative Government in this place has the perception and wisdom to realise the significance of these amendments and support them.

The Hon. C.J. Sumner interjecting:

The CHAIRMAN: Order! If the Attorney-General is going to enter the debate, he should stand up.

Amendment carried; clause as amended passed.

Clause 6 passed.

Clause 7—'Ministerial control'.

The Hon. R.I. LUCAS: I move:

Page 3, line 40—After 'writing' insert 'and must be published in the *Gazette* within 14 days after it is given to the Corporation'.

This is part of a series of amendments that the Liberal Party is moving to try to increase public accountability to the Parliament and to the public of the Corporation and of the operation of the multifunction polis development. We believe it is important that the corporation is subject to control and direction by the State Minister. We also accept that the State Minister can give a direction to the corporation and that that ought to be in writing. That is consistent with much of the legislative change that has occurred in recent years. In the amendment the Liberal Party seeks to provide early public notification by way of publication in the *Gazette* within 14 days after it is given to the corporation.

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: The Liberal Party concedes that, in many other pieces of legislation, any written notification from the Minister or direction from the Minister to a corporation is revealed in the annual report. The Attorney, by way of interjection, has indicated the Government position. We believe that the MFP Corporation is significant enough for the early notification by way of this procedure, and we urge members of the Committee to give this amendment favourable consideration.

The Hon. I. GILFILLAN: I think this is a reasonable amendment. It increases accountability, general openness and publicity of the whole affair. It opens the corporation to the world at large, and seems a good idea.

The Hon. C.J. SUMNER: Obviously, there is no problem with the directions being in writing, but the notion that every direction must be published in the *Gazette* is over the top. It is not necessary, and the normal way of doing it, of obtaining the accountability you need with respect to corporations, is by means of the annual report. That is quite adequate.

Amendment carried; clause as amended passed.

Clause 8—'Functions of corporation.'

The Hon. R.I. LUCAS: I move:

Page 4, line 3—leave out 'plan and develop and manage' and insert 'co-ordinate the planning, development and management of'.

This amendment is consistent with the view I put in this Chamber on behalf of the Liberal Party that we believe there ought to be significant private sector involvement in the MFP development. As I indicated during the second reading, we believe it ought to be private sector driven, the Government sector being restricted to the traditional one of infrastructure. I urge the support of the Committee for this amendment.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 4, lines 6 and 7—leave out 'and (in consultation with the relevant Commonwealth authorities) elsewhere in Australia,'.

This amendment is aimed at restricting the responsibility of the State for units of the MFP that may occur in other States.

The Hon. M.J. ELLIOTT: In supporting the amendment I think it worth noting from later clauses that the State Government of South Australia is taking total financial responsibility for the MFP. We have learnt about investment practices interstate and overseas before by way of SATCO, the State Bank, the SGIC, etc. They have all had a rather dismal record, where the State has picked up the tab afterwards. This Bill has the MFP Corporation encouraging and being involved in developing beyond State borders, with the Commonwealth Government taking no responsibility at all. Here we have 'MFP Australia' and the State Government is picking up the tab. Why should we in those circumstances be picking up the tab beyond our borders?

The Hon. R.I. LUCAS: I must confess that the Liberal Party has wrestled with its attitude to this amendment. As we read the clause at the moment, it provides that the functions of the Corporation are:

(b) to attract and encourage international and Australian investment and developments in the MFP development centres and elsewhere in the State . . .

That is quite clear. We are attracting investment to South Australia. The subclause continues:

. . . and (in consultation with the relevant Commonwealth authorities) elsewhere in Australia . . .

Certainly, on the surface, that subclause appears to indicate that the corporation is about attracting and encouraging international investment, not only to South Australia but elsewhere in Australia. On our reading of that subclause, the function of the corporation is, for example, to attract Japanese investors to invest in Sydney, Melbourne, and Brisbane and I do not see how you can interpret it in any other way. The Hon. Mr Gilfillan seeks to say that, if we are going to attract Japanese, German or other overseas investors to invest in an MFP development, it ought to be in South Australia. There are two arguments in relation to this.

The Hon. I. Gilfillan: A centre can exist in another State. This amendment could not prevent a centre existing in another State.

The Hon. R.I. LUCAS: The Hon. Mr Gilfillan says that a centre could exist in another State. I am not sure whether he is talking about an MFP development centre existing in another State. If he is, this amendment would appear on the surface to be saying that any Japanese or German investment, say, would not be directed into that development centre in another State but would be directed into South Australia.

I have already put the view that this is now MFP Australia—it was something else originally—and there were notions of joint ventures with companies in Sydney, Mel-

bourne, Brisbane or other areas. Perhaps that was a worthwhile objective of an MFP. There are arguments on both sides of the fence.

The Hon. M.J. Elliott: The State is taking total responsibility.

The Hon. R.I. LUCAS: I understand the position the Hon. Mr Elliott has put: I am not disregarding that, but I can see arguments on both sides. The Liberal Party had some concerns about what was intended by this amendment and what the practical effects might be. Having thought about it, I can say that the Liberal Party position is that, given that we are likely to go to conference, we will support the amendment at this stage, but we are not set in concrete. When we reach the conference stage, we would like to explore the practical effect of this and whether there are alternative ways of pursuing what the Hon. Mr Gilfillan is after.

The Hon. C.J. SUMNER: The Government opposes the amendment. It is essential that the words remain in there. They were inserted at the express request of the Commonwealth Minister, Senator Button. Obviously, Commonwealth involvement is fundamental to the success of the MFP and, if the Commonwealth sees a function of the MFP as being broad in that sense, I do not think we have much choice but to accept it.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Page 4, lines 27 to 29—leave out subclause (2) and insert:

(2) In carrying out its operations, the Corporation must consult with and draw on the expertise of—

(a) administrative units and other instrumentalities of the State;

and

(b) Commonwealth Government and local government bodies,

with responsibilities in areas related to or affected by those operations and must, so far as it is expedient to do so, draw on the expertise of non-government persons and bodies with particular expertise in areas related to those operations.

Again, this is an indication that we believe that as far as possible we should indicate the need to encourage private sector involvement as well as public sector involvement. We move this amendment in a slightly different form from that moved in the other place, and we accept the arguments that were put by the Government, on the basis of advice, I suppose, that our amendment in the other place could have been improved. It was a little restrictive and might have been difficult for the corporation to comply with.

However, we believe that in the drafting the Parliamentary Counsel has now offered us in relation to this amendment, we point the direction in which we would like the corporation to head, without being unduly restrictive. Obviously, it will need to draw on the expertise of State instrumentalities and administrative units as well as Commonwealth Government and local government bodies, but in relation to the expertise of non-government persons, whilst we point it in the right direction, we leave it with the out by saying 'so far as it is expedient to do so'. We looked at something along the lines of 'so far as is practicable or possible', but we felt that 'so far as it is expedient' gave an indication of the flavour of our amendment, without being unduly restricted.

The Hon. I. GILFILLAN: We accept the amendment.

Amendment carried; clause as amended passed.

Clause 9—'Powers of corporation.'

The Hon. R.I. LUCAS: I move:

Page 4, line 34—Leave out paragraph *(b)* and insert—

(b) arrange for the division and development of land and the carrying out of works;.

While this amendment is not technically consequential, we believe in essence it is consequential on the amendment just made to clause 8.

Amendment carried; clause as amended passed.

Clause 10—'Chief Executive Officer.'

The Hon. I. GILFILLAN: I move:

Page 5, after line 5—Insert subclause as follows:

(4) An appointment under this section is not effective—

(a) until 14 sitting days of each House of Parliament have elapsed after notice of the appointment is laid before each House:

and

(b) if, within those 14 sitting days, a motion of disapproval of the appointment is moved in either House of Parliament—unless and until that motion is defeated or withdrawn or lapses.

We consider the appointment of individuals to the corporation and to the position of the Chief Executive Officer to be critically significant. We have seen with some distress the enormous effect decisions made by senior people in semi-government entities in this State has had in the past years. Parrot fashion we can say it repeatedly: State Bank, SGIC and Beneficial Finance. Obviously one cannot sheet home all the blame or credit to one individual, but the MFP is touted as the potential saviour of South Australia. The Government recognises it as a significant entity. I think it tends to inflate its significance in that respect, but that is by the way.

The fact still remains that the position of CEO of the MFP will be one of the most significant and influential positions in this State if the MFP gets the resources and momentum that the Government expects it to get and hopes it does. My amendment allows for scrutiny by Parliament of the people who will be appointed for this responsible and onerous task, and this amendment applies to the CEO.

It is a pathfinding measure (as far as I know it has not been used before) but, if it had been in place over the past decade, I believe that we would be in a much better position than we are in now. The amendment allows as it properly should Parliament to have an opportunity to express an opinion on people, or a person in this case, appointed by the Government to one of the most influential and significant positions in this State.

The Hon. M.J. ELLIOTT: There is no doubt that this amendment is an unusual one. It is probably the first time that such an amendment has been moved in relation to legislation in South Australia so far as I am aware. It is not unusual at all in places outside Australia for Parliaments to be involved in the appointment of people to such positions. It is certainly unusual in South Australia, but it is a matter that I would like to look at in other legislation in future times. We have before us now an unusual Bill. It corporatises State development, which is something we have not done in South Australia before. We had the Special Projects Unit, in particular, in the Premier's Department playing its little games over the past couple of years, and a rather undistinguished record it has as well, but at least it was responsible directly to the Premier and ultimately he can accept the blame for whatever happens.

But what we are doing here is not having the Special Projects Unit operating under the Premier—we are setting up an independent corporation ensconced in its own little home on the fourteenth floor of the Remm Building. It has responsibility for significant development in South Australia. If we read the objects of the Bill, we see that it is not only about attracting industry but also has responsibilities which are environmental and social.

That is absolutely unprecedented and, as much as the Attorney might want to argue that the amendment is unprecedented, what we are being asked to vote on is

unprecedented—a corporatisation of State development in South Australia. That involves not just economic development, but social development and environmental development and I urge members to think about this seriously because it is a momentous move relating to corporatisation of State development. In this regard I believe the Opposition is doing good things about accountability. Another thing that needs to happen is that the appointment of the CEO is something that the Parliament itself should be in a position to veto if the appointment is unacceptable and if, for instance, we find we are just providing jobs for the boys.

The Hon. C.J. SUMNER: The Government opposes the amendment, which is some kind of flight of fancy of the Democrats that I can only assume is from a rush of blood to the head. It hardly bears even commenting on. Undoubtedly we would have to negotiate with someone to take a job like this, and it is not always easy to negotiate to get decent people for jobs like this. One can negotiate with them and go through all the package that one has to offer these days and say, 'This is it, but I am sorry that, before you actually get the job, Parliament has to approve it and you will probably have to front up to a select committee and be grilled by the Democrats about your environmental credentials.'

The Hon. I. Gilfillan: Where is that contained in the amendment?

The Hon. C.J. SUMNER: It is not there.

The Hon. I. Gilfillan: Don't read in stuff that's not there.

The Hon. C.J. SUMNER: That is the logical extension. What is the point of moving an amendment like this if in the final analysis you are not prepared to say that, if you do not like the bloke, you will have a go at him. In order to decide whether you like him, you will have to question him. If I was a businessman or anyone else interested in heading up a body like this and I was told that, I would soon tell the Government where to put its job. It is an untenable situation to impose on prospective applicants for a job of this kind.

The Hon. R.I. LUCAS: This is one of the amendments that gave the Liberal Party most trouble. There is a consequential series of amendments relating to the appointment to the corporation and the advisory committee where the Liberal Party room had a clear view of opposition. However, the Liberal Party did see a distinction between appointment to the corporation and advisory committee and the critical appointment of the CEO.

I concede some of the argument put by the Attorney this evening about what might be the practical effect of the amendment moved by the Hon. Mr Gilfillan, particularly the effect of appointing someone on a significant salary, perhaps an overseas appointment, and perhaps having that appointment hanging in the wind over three or four months.

The Liberal Party has considered this position. We have reservations about it. However, we are going to get through the Bill tonight, and recommitt at least clause 3. Therefore, I would make the following suggestion.

At this stage the Liberal Party will accept the amendment but only to enable us to give further consideration to the proposition that the Attorney-General has put, and to have further discussion with the Hon. Mr Gilfillan. I indicate to the Hon. Mr Gilfillan that, having listened to what the Attorney-General has said and having further considered the position, we see some practical problems with it. We will keep it alive at this stage until it is reconsidered on Tuesday, but before then we would like to have further discussion with both the Government and the Democrats. We are not set in concrete as to our attitude at the recommittal. We hope that the Government or the Democrats will agree to a reconsideration of this clause. We would like to give further consideration to it, but at this stage we intend to keep the debate alive. We support the amendment.

Amendment carried; clause as amended passed.

Clause 11—'Crown land in MFP core site vested in Corporation.'

The Hon. R.I. LUCAS: I move:

Page 5, line 7—Leave out 'MFP core site' and insert 'Gillman—Dry Creek site'.

This amendment is consequential.

Amendment carried; clause as amended passed.

New clause 11a—'Environmental impact statement for MFP core site.'

The Hon. R.I. LUCAS: I move:

Page 5, after line 16—Insert new clause as follows:

11a. The Corporation must not cause or permit any work that constitutes development within the meaning of the Planning Act 1982 to be commenced within the Gillman-Dry Creek site unless the development is of a kind contemplated by proposals for development in relation to which an environmental impact statement has been prepared and officially recognised under Division II of Part V of that Act.

We see this as an important amendment. We understand the position that the Premier put on behalf of the Government in another place. Whilst he did not support the amendment, he was prepared to indicate that the intent of the amendment would be followed by the Government anyway. The amendment seeks to ensure that, in effect, no work commences on the Gillman/Dry Creek site until the processes of the environmental impact statement have been completed. We believe it is consistent with the undertaking given by the Premier in another place and we are hopeful that the Government and the Democrats are prepared to support this provision's being written into the Bill.

The Hon. C.J. SUMNER: I understand what the Hon. Mr Lucas has said about what the Premier said. I understand the problem is that the effect of this amendment is that no work could be undertaken on the Largs North and Pelican Point sites until an EIS was undertaken. Perhaps that is what is intended. Whether or not that is satisfactory, I do not know. I assume that the Democrats will support it. All I can say is that, if the Democrats do support it, the Government will consider it again and see whether it is satisfactory.

The Hon. M.J. ELLIOTT: The major reason why we are supporting this new clause at this stage is that we have failed to convince the Liberal Party that it should wait until the EIS is completed before rubber stamping the MFP. I understand the Liberal Party has made a decision to support the second and third readings of the Bill. In our view, this is a rather poor second in relation to the approach of the EIS. We believe that, because of the view I have expressed already, the EIS process in South Australia is generally flawed. The draft EIS is extremely poor and I have no reason to believe, on the record of others, that the supplement will answer the many unanswered questions. Ultimately, the Government, which is the proponent, will make the decision whether or not the EIS is satisfactory. If the EIS process worked properly, this would be a useful clause. The fact is that the EIS process works very badly. As I said, it is a matter of supporting this or having nothing at all. On that basis, we will support it.

However, I have one question. The new clause refers to causing or permitting any work to commence within the Gillman/Dry Creek site, although the definition of Gillman/Dry Creek also includes Largs North and Pelican Point, neither of which has had an EIS carried out. The EIS relates only to the Gillman/Wingfield site and, theoretically, Dry Creek, although if one looks at the EIS, besides two bore holes in Dry Creek, not much else seems to have been done

there. It just seems to have been taken for granted. Are the implications that an EIS would need to be done on other parts of the site before they are accepted, or is the EIS in the Gillman/Wingfield site sufficient to cover all the site, given that we know that much of the rest of the site is also contaminated, although we do not know to what extent?

The Hon. R.I. LUCAS: That is an excellent question from the Hon. Mr Elliott. I believe it is a consequential aspect of the amendments we moved earlier in relation to our definition of Gillman/Dry Creek that we have not properly thought through.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: I accept that. I think it is a constructive point made by the Hon. Mr Elliott and the Attorney-General. It appears that this new clause will pass, and that is a matter on which we ought to have discussion with the Government and the Democrats. We will need to think through exactly the effect of earlier amendments in relation to this new clause and, in the spirit of consensus, etc., perhaps come up with a satisfactory resolution when we recommit the Bill next Tuesday.

New clause inserted.

Clause 12—'Compulsory acquisition of land.'

The Hon. I. GILFILLAN: I move:

Page 5, line 18—Leave out ', with the consent of the State Minister,'.

This amendment becomes somewhat more complicated because of the flow of amendments that have been defeated and those that have been passed. My personal position was, and to that extent still is, that where there is an area of land accepted as being part of the MFP development, agreed to by this Parliament, the power of compulsory acquisition is reasonable. However, members will note that I have a qualifier, that the compulsory acquisition itself must be approved by Parliament. So, there are what would have been two series of checks in my proposed amendments. The first check unfortunately is not yet in place, and I cannot assume that the Opposition will modify 'regulation' to the extent that any land that is brought within the umbrella of the MFP will have the approval of this place before it can start to be acquired. That is one of the risks I tried to highlight earlier. I believe that that is a risk.

I also believe that the safeguard I have put in the clause is reasonable in that the corporation would not be able to compulsorily acquire land willy-nilly. Members will note that my amendment deals with the matters which I am talking about. I notice that the Liberals intend to oppose the clause, and I assume that means that they do not intend that the corporation should have the power to compulsorily acquire land. That poses an interesting question as to whether, if an area has been approved by Parliament as being accepted into the MFP and if some land needs to be compulsorily acquired for that to take place, the Opposition would see a way out of that, or whether there would be an enduring prohibition on the compulsory acquisition of land. Whoever speaks to this amendment may care to comment on that.

I believe that my amendment offers the ultimate safeguard that any compulsory acquisition must be approved by this place, but I indicate that it also had the previous safeguard that any area in which compulsory acquisition could be contemplated would have been approved by this Parliament as stage 1. Therefore, I move the amendment, but with not quite the same confidence had my earlier amendment been successful.

The Hon. R.I. LUCAS: In speaking to the first amendment moved by the Hon. Mr Gilfillan, I will indicate the attitude that the Liberal Party intends to adopt in relation to the series of amendments to be moved by the Hon. Mr Gilfillan to the compulsory acquisition clause. I do not intend to go over the Liberal Party's position in relation to compulsory acquisition, and in recent debate my colleague the Hon. Mr Griffin very eloquently put our Party view in relation to compulsory acquisition.

In relation to the MFP Development Corporation, I indicate that the Liberal Party does not believe that it should have the power of compulsory acquisition, and we will adopt that particular view. We will therefore oppose the amendments to the clause, and we will then oppose the clause. However, I note that we are recommitting next Tuesday and, depending on what happens at the end of this particular clause, we may well have to talk turkey with the Government or the Hon. Mr Gilfillan in relation to some aspects of his amendments to which we may be attracted. There are other amendments which we are not prepared to support.

The Hon. C.J. SUMNER: The Government is opposed to the amendments of the Hons Mr Gilfillan and Mr Lucas, but we will certainly seek to negotiate on this issue at the conference—if we get to it. The reasons for the power of compulsory acquisition have been fully canvassed by the Government in another place, in the second reading explanation and the reply, so I will not repeat them. Suffice to say that, although it is opposed to all the amendments, the Government will support the Hon. Mr Gilfillan's amendments, which will at least retain some power of compulsory acquisition in the Bill. However, that will not be the Government's final decision.

The Hon. M.J. ELLIOTT: I will support the amendment of the Opposition. Because of the consequences of other earlier amendments which were defeated, there is some uncertainty as to what land will or will not find its way into the project. As a consequence of that uncertainty, which the Hon. Mr Gilfillan expressed when moving his amendment, at this stage I will support the Opposition in opposing the whole clause.

The Hon. I. GILFILLAN: I would continue with my amendment, but I think it is reasonable to assume that, with the indication of the Attorney and the Leader of the Opposition, my amendment would be defeated, so the clause would be opposed. Therefore, if in fact I am defeated on the voices, I do not intend to divide.

Amendment negatived; clause negatived.

New clause 12a—'Corporation bound by Planning Act.'

The Hon. M.J. ELLIOTT: I move:

Page 5, after line 23—Insert new clause as follows:

12a. The corporation is bound by the provisions of the Planning Act 1982 and no regulation may be made or have effect to—

(a) exclude from the ambit of the definition of 'development' in section 4 (1) of that Act any act or activity of the corporation except in so far as that exclusion also applies to persons other than the Crown or agencies or instrumentalities of the Crown and to land not within a development area and land not owned by the corporation;

or

(b) declare the corporation to be a prescribed agency or instrumentality of the Crown for the purposes of section 7 of that Act.

The purpose of this amendment is to make quite clear that developments which are happening under the auspices of the corporation should obey the Planning Act, as would any other development in South Australia. When one carefully analyses the interaction of this Bill, particularly with the Planning Act, I am concerned that, without this amendment, the MFP Corporation, being a Crown corporation, will have the ability in some circumstances to circumvent aspects of the Planning Act. I do not think that the Com-

mittee would like to see that. I know that members of the Opposition have expressed concern that, for example, a particular development in a national park avoided the Planning Act, as did the Mount Lofty development, by the Government's exploiting loopholes. I would not like to see the MFP Corporation, which we are led to believe will be involved in a significant amount of development in this State over time, at least a lot of housing development, avoid the Planning Act. I think it would be wrong for the development, under these auspices, to be allowed dispensations under the Planning Act that are not allowed to other developments. If the Planning Act is wrong, it should be amended, but I believe that there is one law for all, and it is for that purpose that I have moved this amendment, to make it quite clear that the MFP Corporation cannot escape the Planning Act.

The Hon. R.I. LUCAS: We believe that what the Hon. Mr Elliott has said makes a lot of sense. From the discussions that we have had with representatives of the MFP, the staff and the planning people, we understand that, although this is not their preferred option, in effect, it would not place any insurmountable hurdles in the path of the MFP development.

However, it potentially would create delays in some cases, and we accept that in relation to negotiations for planning approvals with (I understand) up to three councils. We believe that what the Hon. Mr Elliott has said makes a good deal of sense. It is certainly in accord with what a number of spokespersons for the Liberal Party have said on various occasions in relation to other developments. We therefore support the amendment.

The Hon. C.J. SUMNER: The Government opposes the amendment.

New clause inserted.

Clause 13—'Delegation.'

The Hon. M.J. ELLIOTT: I move:

Page 5, line 25—After 'may' insert ', with the consent of the State Minister,'.

Compared to some of the other amendments, this is a relatively minor one. I am seeking to ensure that the corporation should delegate functions or powers only with the concurrence of the State Minister. People to whom I have spoken, after first looking at the legislation, have said that lots of minor matters may need to be delegated. However, if people look at clause 13 (2) they will see that the Minister, by an initial instrument of delegation can make plain that matters of a trivial nature (and they could be defined fairly easily I believe) could be further delegated. So, the Minister will not have to delegate every minor detail as things proceed. I think it is important that the Minister is involved at least in the primary delegation of functions and powers.

The Hon. R.I. LUCAS: I did not think that the Government or the MFP people would be too fussed about this amendment, but that might not be correct, and I do not want to speak on behalf of the Government. At this stage we are prepared to support the amendment and, if there is a very strong divergent view from the Attorney-General, we will discuss it further either at recommittal or at conference.

Amendment carried; clause as amended passed.

Clause 14—'Composition of corporation'.

The Hon. M.J. ELLIOTT: On behalf of the Hon. Mr Gilfillan I move:

Page 6, line 2—Leave out 'up to' and insert 'not less than nine and not more than'.

The clause defines the maximum size of the corporation but does not set a minimum size. This amendment seeks to ensure that the corporation is what we would consider a reasonable size, and we suggest that nine members is a reasonable number. We would not like to see a corporation set up with only two or three members. I do not think that it is a matter that should cause great problems for the Government or the Opposition.

The Hon. R.I. LUCAS: We think it is a sensible amendment and are prepared to support it.

Amendment carried.

The Hon. R.I. LUCAS: I move:

Page 6, after line 13—Insert paragraph as follows:

(da) local government;.

This amendment deals with the membership of the corporation and the expertise that ought to be provided on it. The Bill currently provides for expertise in the areas of urban development, financial management, economic and industrial development including the applications of technology, the management of international projects, community development and environmental management. The Liberal Party's amendment also seeks to provide expertise in the area of local government.

The Hon. I. GILFILLAN: I support the amendment. It seems a sensible inclusion into the range of other interests that are included in the composition of the corporation.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 6, after line 21—Insert subclause as follows:

(4a) An appointment of a person as a member of the corporation is not effective—

(a) until 14 sitting days of each House of Parliament have elapsed after notice of the appointment is laid before each House;

and

(b) if, within those 14 sitting days, a motion for disapproval of the appointment is moved in either House of Parliament—unless and until that motion is defeated or withdrawn or lapses.

I moved a similar amendment in relation to the Chief Executive Officer. The Hon. Rob Lucas foresaw this amendment and one which applied to the advisory committee. The provision similar to this which applies to the appointment of the advisory commission is in my list of amendments in error, and I will not move it. I do not believe it is appropriate, and it was not my intention to do so. However, I have moved this amendment because, as I argued earlier, not only the Chief Executive Officer but all appointees as members of the corporation hold very onerous and extraordinarily responsible positions. I believe that we are moving into an era where it will not just be the sole prerogative of the Government of the day to make these appointments: top appointments of this calibre—and I realise that this is a unique one—must be open to ratification by the Parliament.

That does not mean that all the appointees or candidates for appointment will be arraigned before the Council or that there will be some star chamber scrutiny. However, it does give an opportunity for the Parliament to have a say where it believes that inappropriate appointments are being put forward by the Government. It is for that intention—to prevent the backlash, disapproval and lack of confidence that one may feel if there has been criticism of appointments—that I have moved this amendment which I recommend to members.

The Hon. R.I. LUCAS: The Liberal Party is not prepared to support this amendment for the reasons that I gave earlier in the Committee stage of the debate.

The Hon. C.J. SUMNER: The Government opposes the amendment.

Amendment negatived.

The Hon. M.J. ELLIOTT: On behalf of the Hon. I. Gilfillan, I move:

Page 6, after line 23—Insert subclause as follows:

(5a) Where a person is appointed as a member of the corporation to provide expertise in an area referred to in subsection (2), a person appointed as his or her delegate must also have expertise in the same area.

This is a fairly basic and self-evident amendment.

The Hon. R.I. LUCAS: The Liberal Party thinks that this is a sensible amendment, and we support it.

Amendment carried; clause as amended passed.

Clause 15—'Procedures of corporation.'

The Hon. I. GILFILLAN: I move:

Page 7, lines 16 and 17—Leave out 'and, if the votes are equal, the member presiding at the meeting may exercise a casting vote'.

This is an important amendment to remove the casting vote of the presiding member of the corporation. I do not see any reason why a decision should not be decided in the negative if it has so evenly divided the corporation that, having made a deliberative vote, the issue can only be decided by a casting vote of the presiding member of the corporation.

The Hon. L.H. Davis: What would the Democrats do?

The Hon. I. GILFILLAN: We do not support casting votes; it is one person, one vote, and that is the way we believe it should be in the corporation.

The Hon. R.I. LUCAS: I indicate that the Liberal Party opposes this amendment.

The Hon. I. Gilfillan: Why?

The Hon. R.I. LUCAS: We have supported most of your amendments.

An honourable member interjecting:

The Hon. R.I. LUCAS: No; I checked with the Hon. Mr Irwin, and he told me that he did not. He is not here to indicate that further. The Liberal Party does not support this amendment. We believe that, with a corporation of 12 members, as it is likely to be, if there is an equal number of votes, there needs to be some way of resolving this issue. We believe that this a sensible way of doing so.

The Hon. C.J. SUMNER: This amendment is opposed by the Government.

Amendment negatived.

The Hon. M.J. ELLIOTT: I move:

Page 7, after line 34—Insert subclause as follows:

(7a) The Corporation must make and keep an audio recording of the proceedings at each meeting of the Corporation.

This amendment simply requires the corporation to make and keep audio recordings of the proceedings of each meeting of the corporation, and if only some other State Government instrumentalities did that—

The Hon. K.T. Griffin: Video recordings would be more interesting.

The Hon. M.J. ELLIOTT: Yes, I must say that if audio recordings of the proceedings of some other Government corporations had been kept, we would probably be more enlightened than we are by the royal commission. I do not think it is an unreasonable expectation; the recordings would probably sit in a secure place for many years and not be asked for, so it is not an onerous request. I urge all members to support the amendment.

The Hon. R.I. LUCAS: Although the Liberal Party understands the intention of the amendment, on this occasion we cannot support it. We feel that there may well be an argument for a corporation such as the State Bank or this corporation to decide to keep audio recordings and we believe it ought to be a decision that it takes. If it wishes to do so, it can, but it is perhaps not appropriate that we legislate for that.

The Hon. C.J. SUMNER: The Government opposes this amendment.

Amendment negatived; clause passed.

Clauses 16 and 17 passed.

Clause 18—'Remuneration.'

The Hon. M.J. ELLIOTT: I move:

Page 8, after line 9—Insert subclause as follows:

(2) Any remuneration, allowances or expenses determined under subsection (1) must be within limits approved by resolution of both Houses of Parliament.

The question of levels of remuneration has been raised in this place over recent times. I know that in relation to the Egg Board the Hon. Mr Dunn, and I think the Hon. Mr Irwin raised a number of questions about the very high remuneration packages that had been offered to people on the Egg Board, and the contribution that they made to the eventual debt which accumulated. I think that even some questions that are being asked about the Institute of Sport bear some relationship to this. I think it is only reasonable that this Chamber set the general levels of remuneration, allowances and expenses for the various levels of employees within the corporation.

The Hon. C.J. SUMNER: This amendment is opposed by the Government.

The Hon. R.I. LUCAS: The Liberal Party certainly supports the proposition that, in relation to some bodies and obviously the corporation, there should at some stage be public knowledge of the remuneration particularly of senior officers. However, we do not support the view that those remuneration levels, allowances and expenses should be controlled by resolution of both houses of Parliament. So we would make that distinction: public knowledge as opposed to parliamentary setting of those allowances. I therefore indicate that we oppose the amendment.

Amendment negatived; clause passed.

Clause 19 passed.

Clause 20—'Disclosure of interest.'

The Hon. M.J. ELLIOTT: I move:

Page 9, lines 5 and 6—Leave out 'contract or proposed contract' and insert 'proposed contract and does not take part in any deliberations or decisions of the Corporation on the matter'.

If members have not read this amendment it will take about 10 minutes to sink in.

The Hon. C.J. SUMNER: Accepted.

The Hon. R.I. LUCAS: Accepted.

Amendment carried; clause as amended passed.

Clauses 21 to 24 passed.

Clause 25—'Composition of advisory committee.'

The Hon. I. GILFILLAN: I move:

Page 10, line 15—Leave out 'up to' and insert 'not less than nine and not more than'.

This is a similar argument to that which was put by the Hon. Mike Elliott a little earlier. We believe that there should be a minimum number in relation to the advisory committee.

The Hon. C.J. SUMNER: Supported.

Amendment carried.

The Hon. M.J. ELLIOTT: I move:

Page 10, lines 16 to 31—Leave out subclause (2) and insert—

(2) The members of the Advisory Committee must include—

(a) a person nominated by the Local Government Association of South Australia;

(b) a person nominated by the Conservation Council of South Australia Incorporated;

(c) a person nominated by the South Australian Council of Social Service Incorporated;

(d) a person nominated by the Chamber of Commerce and Industry S.A. Incorporated;

(e) a person nominated by the United Trades and Labor Council of South Australia;

(f) a person who will, in the opinion of the State Minister, provide expertise in matters relating to education;

(g) a person who will, in the opinion of the State Minister, provide expertise in matters relating to environmental health;

and

(h) a person who will, in the opinion of the State Minister, appropriately represent the interests of local communities in the area of or adjacent to the Gillman/Dry Creek site.

This seeks to give some direction as to how the advisory committee will actually be set up. Rather than giving a more general indication as to its composition, a number of the positions in this amendment are far more specific. I believe that one person must be nominated by the Local Government Association, one by the Conservation Council of South Australia, one by SACOSS, one by the Chamber of Commerce and Industry, one by the United Trades and Labor Council, and then there are some more general appointments.

Since this is an advisory committee and does not actually have any powers, this should not cause the Government any problems. But if we are to have an advisory committee, I want some way for community groups to have direct input. If you want someone to represent the environment, you get someone from the Conservation Council. If you want someone to represent local government, you get the Local Government Association to nominate someone. Likewise, if you want someone to represent social issues, SACOSS is the appropriate body to nominate a person for the advisory committee.

The Hon. R.I. LUCAS: We believe that the amendments of both the Hon. Mr Elliott and the Hon. Mr Gilfillan are very sensible and have much to commend them. The Liberal Party is in the very difficult position of choosing between the two amendments. It is not because of any prior association with the Hon. Mr Elliott that I intend to support his amendment. We support the proposition that, of the 12 members of the advisory committee, a number ought to represent various groups. As the Hon. Mr Elliott indicated, five groups are represented, two persons will be nominated by the State Minister in relation to expertise in a couple of areas, and paragraph *(h)* provides for a person who will, in the opinion of the State Minister, appropriately represent the interests of local communities.

That will leave space for four other persons, with flexibility for the Government of the day. It may well be that the Government of the day will decide that those shall be four other persons representing local communities. It may well be, if we have regional sites all over South Australia, we will have someone from the Gillman area, someone from Mount Gambier, someone from the Riverland, etc. One Government may say that it wants three people with a business background, whereas another may well want three more environmentalists.

We believe that the Hon. Mr Elliott's amendment provides a fraction more flexibility than does the amendment of his Leader. It is therefore by a narrow margin that we are prepared to support the Hon. Mr Elliott's amendment.

The Hon. I. GILFILLAN: For the sake of any confusion, the amendments are actually identical in their intention. Mine reflected what would have been required had my earlier amendments been successful and there had been a plurality of development centres. That is the only reason for difference in the form of the two amendments.

The Hon. C.J. SUMNER: The Government is opposed to this amendment. It was not intended that members of the committee represent sectional interests as such. They will be chosen from the best persons with the most appropriate skills in relation to the expertise mentioned in the Government Bill. It is also true that the Government wanted to include some interstate persons with expertise on the advisory committee, as it is intended to be an MFP Australia project. It is supposed to go beyond South Australia, and we oppose the amendment.

The Hon. M.J. ELLIOTT: The corporation is really the Government's animal, and I would hope that the advisory committee might be more the community's animal and is the one chance the community has of making input into the corporation. It is on that basis that I think it is important that a diverse number of community groups have the opportunity to put people into the advisory committee to represent the diversity of the community and not just to represent the same sorts of people that perhaps the Government is putting into the corporation itself.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 10, after line 39—Insert subclause as follows:

(5a) Where a person is appointed as a member of the advisory committee on the nomination of a body, or to provide expertise or represent interests, referred to in subsection (2), a person appointed as his or her deputy must also be appointed on the nomination of that body, or to provide the same expertise or represent the same interests, as the case may require.

This amendment is identical to the amendment on file of the Hon. Mr Elliott. It provides that, where a deputy is appointed, the person will have the same expertise or will represent the same interests as the case may require.

The Hon. R.I. LUCAS: The Liberal Party supports the amendment as being a sensible one.

Amendment carried; clause as amended passed.

Clause 26—'Procedures of advisory committee.'

The Hon. R.I. LUCAS: I move:

Page 11, after line 26—Insert subclause as follows:

(6) The advisory committee must cause a copy of its minutes and of any report made to the corporation by the advisory committee to be forwarded to the Minister who must keep them available for public inspection during ordinary office hours at an office determined by the Minister.

The amendment seeks to ensure that there is some public knowledge of the operations of the advisory committee and that a copy of its minutes and of any report by the advisory committee will be available for public inspection during ordinary hours at an office determined by the Minister.

A good precedent has been established for this amendment in the Marine Environment Protection Bill, and the Hon. Mr Elliott will well recall the considerable debate, the conference and further discussion. I think that amendment was accepted by the Government in the end, and it was supported by the Liberal Party and the Democrats. We believe it establishes a good precedent and I urge members to support it.

The Hon. M.J. ELLIOTT: It was a good amendment in the Marine Environment Protection Act. It is even better here, and we support it.

The Hon. C.J. SUMNER: The Government opposes the amendment.

Amendment carried; clause as amended passed.

Clauses 27 and 28 passed.

Clause 29—'Borrowing.'

The Hon. I. GILFILLAN: I move:

Page 12, lines 2 and 3—Leave out subclause (1) and insert—

(1) Subject to this section, the corporation may borrow money from the Treasurer or, with the consent of the Treasurer, from any other person.

(2) Where the corporation proposes to borrow money—

(a) the Treasurer must report the amount, purposes and terms of the proposed loan to the Economic and Finance Committee of the Parliament;

and

(b) the proposed loan will not take effect if—

(i) within 14 sittings days of the House of Assembly after the Treasurer reports on the proposed loan under paragraph *(a)*, the Economic and Finance Committee reports to that House that the committee does not approve the proposed loan;

(ii) within 14 sitting days of each House of Parliament after the committee so reports to

the House of Assembly under subparagraph (i), a motion for disapproval of the proposed loan is moved in either House;

and

(iii) the motion is not defeated or withdrawn and does not lapse.

This amendment is consistent with the Democrats' attitude of full accountability to Parliament for the corporation and the financing of the corporation and it is an opportunity where we learnt salient lessons from the State Bank in particular. Where borrowings are to be involved the matter must be referred to the Economic and Finance Committee of the Parliament. Where that committee does not approve of the proposed loan, the matter must be put to the House of Assembly and, if members look closely at the amendment, they will see that it allows both Houses of Parliament an opportunity to express disapproval for the loan.

There will be every opportunity for budgeting and global borrowing requirements to be addressed regularly on an annual basis. So, this matter need not cause any particular duress to the financing of the corporation. It extends the accountability of the State where it acquires debts through the borrowing of money for the purpose of the MFP. That responsibility is to be shared by the Parliament as it has the opportunity to approve or disapprove. Once again, this amendment breaks new ground, but I feel that with this project there is the opportunity to break new ground to improve the way in which the State and not just the MFP is run.

The Hon. C.J. SUMNER: This amendment is opposed by the Government. It is legislatively unprecedented. The corporation could not operate with this provision. Issues of commercial confidentiality cannot be scrutinised in this particular way by the Parliament. The corporation is supposed to be a commercially operated body. The amendment is totally unacceptable.

The Hon. R.I. LUCAS: The Liberal Party accepts that some parts of this amendment are impracticable, but we believe that some parts of it ought to be supported and we intend to support them. We believe that there is good sense in notifying the Economic and Finance Committee of the reason for the amounts, purposes and terms of loans. However, we do not believe that subclause (2) *(b)* is practicable, therefore, we do not support it. We will support subclauses (1) and (2) *(a)*, but perhaps we should seek guidance from Parliamentary Counsel as to whether we ought to make slight amendments or whether that should be done in the recommittal stage to tidy it up. We may seek to delete the words 'subject to this section' from subclause (1). I will seek advice from the Hon. Mr Gilfillan or the Attorney as to whether that should be done now or in the recommittal stage. Also, subclause (1) in the Bill contains the words 'for the purposes of this Act'. I would like the opportunity to seek advice from Parliamentary Counsel about what we intend to do.

The Hon. I. GILFILLAN: I point out to the Attorney that many confidential economic matters will be presented to the Economic and Finance Committee, which is entrusted with confidentiality.

The Hon. C.J. Sumner: You don't want it there; you want it out here in the Parliament within 14 sitting days.

The Hon. I. GILFILLAN: Once again, the Attorney has failed to look closely at the amendment.

The Hon. C.J. Sumner: That is nonsense. Paragraph *(b)* (ii) refers to 'reports to the House of Assembly'.

The Hon. I. GILFILLAN: If the committee does not approve the proposed loan; if the Minister expects the committee, having totally objected to the loan, to keep its decision secret, what is the point of having the committee? I am afraid that the Attorney has not followed through the amendment. I appreciate the modified support from the Opposition and I acknowledge their concern. Perhaps this is an evolutionary process and we will go further down the track. When the Treasurer reports the amount, purpose and terms of the proposed loan to the Economic and Finance Committee of the Parliament, one can assume that there will be some worthwhile interchange between that committee and the Treasurer, and that of itself would be of some value.

If the committee is convinced that this proposal is totally outrageous and is exposing the State's finances to quite an unacceptable risk, I would imagine that the committee would find it very difficult not to make that opinion known in the responsible exercise of its job. However, realising the practicalities of the politics of the Chamber, I am very pleased to have the indicated qualified support of the Opposition and would accept the division of subclause (2) into two parts, with *(a)* and *(b)* falling into separate parts.

The Hon. R.I. LUCAS: I thank the Committee for its forbearance. Having sought advice from Parliamentary Counsel, I indicate that their learned advice is that I seek to move an amendment to the Hon. Mr Gilfillan's amendment to delete the words, 'subject to this section' from the first line and, presuming that is successful, the Hon. Mr Gilfillan's amendment will be moved in two parts. As he has indicated, we will support the first part of that amendment and oppose the second part. I therefore move:

Leave out 'Subject to this section'.

Amendment to suggested amendment carried.

The Hon. I. Gilfillan's suggested amendment to leave out subclause (1) and insert new subclauses (1), and (2) *(a)* carried.

The Hon. I Gilfillan's suggested amendment to insert new subclause (2) *(b)*' negatived.

Clause as suggested to be amended passed.

Clause 30—'Reference of corporation's operations to Economic and Finance Committee.'

The Hon. R.I. LUCAS: The Liberal Party is seeking to oppose this clause, and to incorporate what it sees as the excellent amendment of the Democrats in respect of the Environment and Resources Development Committee, combined with reference to the Economic and Finance Committee, which exists in the Bill as it is now, with some changes, and also combined with reference to the Estimates Committees in a new clause 32a with the heading 'Reference of Corporation's operations to parliamentary committees', which is still to be moved.

In that way, and certainly with the assistance of Parliamentary Counsel, it is a better indication of the appropriate level of parliamentary oversight and accountability that the Australian Democrats and the Liberal Party have been seeking in another place and in this place as well. We believe that we do not need to debate the issue concerning the Economic and Finance Committee again because that has been done extensively in both Houses.

As I said, we acknowledge the work of the Democrats, particularly that of the Hon. Mr Gilfillan, in relation to the reference to the Environment, Resources and Development Committee and we freely acknowledge that the amendment that we will move in relation to new clause 32a borrows heavily from the work of the Hon. Mr Gilfillan. The reason we intend to oppose this clause—hopefully with the support of the Democrats—is so that we can move for the consolidation of the reference to the parliamentary committees.

The Hon. I. GILFILLAN: The Democrats support the proposal outlined by the Leader of the Opposition.

Clause negatived.

Clause 31—'Accounts and audit.'

The Hon. I. GILFILLAN: I move:

Page 12, line 23—After 'affairs' insert 'and financial statements to be prepared in respect of each financial year'.

This amendment will ensure that the fullest accounting will be made available by the corporation.

The Hon. C.J. SUMNER: The Government accepts the amendment.

The Hon. R.I. LUCAS: The Opposition accepts the amendment.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 12, after line 23—Insert subclause as follows:

(1a) The financial statements of the corporation for each financial year must record all assets of the corporation at their current value as determined and certified by a properly qualified valuer at a time during the three months preceding the end of the financial year.

The purpose of this amendment is to ensure that we will not have any mythical figures of values of assets, which at times and with some superficial oversight can mislead the real balance of accounts and assets. This amendment seeks to overcome any risk of that.

The Hon. R.I. LUCAS: The Liberal Party opposes this amendment. We understand its intent, but we see some practical problems. We believe there is another way of achieving the goal that the honourable member seeks. The practical problem relates to the recording of all assets. We believe that the honourable member is talking about significant assets, but that is not reflected in the current drafting. As it stands, every asset of the corporation—typewriters, computers, photocopiers, and so on—no matter how insignificant, would have to be valued by a properly qualified valuer three months preceding the end of the financial year. We do not think that was probably intended by the Hon. Mr Gilfillan, so we do not seek to ridicule the amendment.

An honourable member interjecting:

The Hon. R.I. LUCAS: No, we do not seek to ridicule the amendment; we just say that it has some practical problems. We think the better way of going about it is the way in which it appears the majority of the Committee will accept it, that is, oversight by the Economic and Finance Committee, which has considerable powers of oversight, reference and reporting. We believe that it can pursue the appropriate valuation of assets with the corporation. I am not an expert in relation to the powers of parliamentary committees but they are pretty enormous and I believe that, if there were contentious assets about which they doubted the valuations, it may well be that they could employ properly qualified valuers, or they could suggest it to the corporation or raise it with the Parliament by way of annual report. We do not support the amendment, although we understand the intention, and we believe that we could get the information through alternative avenues.

The Hon. M.J. ELLIOTT: Where the Liberals have had some sympathy with other amendments, they have said that they would keep them alive by supporting them. I take on board the other comments made by the Hon. Mr Lucas, but a complaint which we have had over the past couple of budgets is that, when you look at the budgetary processes generally, you talk about balanced books but, if you look at the assets that you have and what they are worth and make a comparison of them from year to year, you do not really know whether you are further in front or further behind.

The Advertiser made that stunning discovery only a couple of weeks ago, when it mentioned in an editorial that there is not a list of State assets or a record of what those assets are worth. In fact, that is something that we should demand of all Government departments and State corporations. That is what this is demanding. I would agree that we do not want lists of every typewriter, but a sensible amendment to this would make it a requirement of the corporation that there is a list of significant assets, and minor assets could be under some sort of list of sundries, and that would only take a minor amendment. This is the sort of thing that we should be demanding of every Government department and corporation, so that we know how our budgets are balancing, separately and together. I do not think that it is enough to just leave it to the committee; we should insist on this and, if it needs further amendment, so be it. We are recommitting so many clauses now that one more will do no harm. I urge the Hon. Mr Lucas to reconsider his position.

The Hon. R.I. LUCAS: I do not intend to prolong the debate. I indicate that in a number of areas we have been prepared, in a spirit of compromise and consensus, to keep things alive from discussions. But, as I indicated, whilst we are concerned about the practicality of the amendment which might be remedied by further amendment, in this case we take the view that the information which is sought could be obtained through other avenues. We believe that, through the processes of the Economic and Finance Committee, this sort of information can be sought and obtained, and that is why, in this case, we are taking the view to not keep the amendment alive. As I said, we believe that the information can be obtained through an alternative source.

Amendment negatived; clause as amended passed.

Clause 32—'Exemption from rates and taxes.'

The Hon. I. GILFILLAN: I move:

Page 12, line 27—Leave out 'Subject to the regulations, the corporation is' and insert 'The corporation is not'.

This amendment is to remove the exemption from rates and taxes of the corporation. We do not believe that there are any extraordinary circumstances that justify the corporation, through this legislation, being exempt from the normal rates and taxes that apply to any other entity. It reflects the principle which we hold in other areas, but, specifically, in this Bill my amendment is to reverse the intention of the clause and specify quite categorically that the corporation is not exempt from rates and taxes under any law of the State.

The Hon. C.J. SUMNER: The Government opposes the amendment. The majority of the land within the core site is currently held by agencies of the Crown or is unalienated Crown land and is therefore exempt from council rates and other rates and taxes. The exception is privately-owned land and land leased from Government agencies. In those cases, council rates and other rates and taxes are payable. These circumstances will not change by virtue of the MFP development legislation. Most of the rest of the land within the core site would have negative value in terms of rateability until the land is developed. It would thus not incur council rates.

Once the corporation-owned land in the core site is leased or occupied or ready for sale, it would then become rateable. Clause 32 provides for the corporation, by regulation, to be subject to council and other rates at the appropriate time. The likelihood of the corporation incorporating substantial amounts of land to be included within the core site (and therefore exempt from rates and taxes) is remote. The corporation will have more than enough land to develop. Councils in the areas surrounding the core site stand to benefit from the development of the MFP core site which, over time, will provide a much wider rate base than that which currently exists.

The Technology Development Corporation does not pay council rates, but businesses which have established at TPA or SPA do (whether leased or owned). This has increased the rate income for Salisbury and Marion councils. The Technology Development Corporation has shared the cost with Salisbury council of maintaining those areas of public use within Technology Park Adelaide. The State Government paid the cost of all the infrastructure at TPA. Technology Park is a significant asset for Salisbury council and the population in the area. If it is argued that publicly listed corporations (for example, ETSA and SAGASCO) pay rates and taxes, it should be pointed out that those bodies have a cash flow which the MFP Development Corporation will not have for some years. At the appropriate time, by regulation, the corporation will be subject to rates.

The Hon. R.I. LUCAS: The Liberal Party opposes the Democrats' amendment and supports its own, which I move:

Page 12, line 27—Before 'exempt' insert 'not'.

All we are seeking to do is to reverse the operation of the clause so that it would read:

Subject to the regulations, the corporation is not exempt from rates and taxes under any law of the State.

The corporation would not be exempt but, by regulation, that could be reversed. That is the intention of the amendment. We would be prepared to talk further about it at a conference if and when we get there. At this stage, I indicate that we oppose the Hon. Mr Gilfillan's amendment and support our own.

The Hon. Mr I. Gilfillan's amendment negatived; the Hon. R.I. Lucas's amendment carried; clause as amended passed.

New clause 32a—'Reference of corporation's operations to parliamentary committees.'

The Hon. R.I. LUCAS: I move:

Page 12, after line 30—Insert new clause as follows:

32a. (1) The corporation's operations are subject to annual scrutiny by the Estimates Committees of the Parliament.

(2) The economic and financial aspects of the corporation's operations and the efficiency and effectiveness of its operations are referred to the Economic and Finance Committee of the Parliament.

(3) The environmental, resources, planning, land use, transportation and development aspects of the corporation's operations are referred to the Environment, Resources and Development Committee of the Parliament.

(4) The corporation must present a copy of the minutes of the proceedings of each meeting of the corporation to both the Economic and Finance Committee and the Environment, Resources and Development Committee of the Parliament within one month after the date of the meeting.

(5) The corporation must present reports to both the Economic and Finance Committee and the Environment, Resources and Development Committee detailing the corporation's operations as follows:

(a) a report detailing the committee's operations during the first half of each financial year must be presented to both committees on or before the last day of February in that financial year;

(b) a report detailing the committee's operations during the second half of each financial year must be presented to both committees on or before 31 August in the next financial year.

(6) The corporation may, when presenting a copy of its minutes or a report to a committee under this section, indicate that a specified matter contained in the minutes or report should, in the opinion of the corporation, remain confidential, and, in that event, the committee and its members must ensure that the matter remains confidential unless the committee, after consultation with the corporation and the State Minister, determines otherwise.

(7) The Economic and Finance Committee must report to the House of Assembly not less frequently than once in every six months on the matters referred to it under this section.

(8) The Environment, Resources and Development Committee must report to both Houses of Parliament not less frequently than once in every six months on the matters referred to it under this section.

Again, in a spirit of consensus and compromise and in view of the previous discussion on clause 30, this is consequential.

New clause inserted.

Clause 33—'Annual report.'

The Hon. I. GILFILLAN: I move:

Page 12, after line 36—Insert paragraph as follows:

(ab) details of the remuneration, allowances and expenses payable to each member of the Corporation and to the chief executive officer of the Corporation, together with details of any benefit of a pecuniary value provided to such a person in connection with that person's office or employment as a member or as chief executive officer of the Corporation;.

This is another amendment to further inform the Parliament and the public of the details of the operation of the corporation.

The Hon. R.I. LUCAS: I think I addressed this briefly earlier during Committee when I said that we were prepared to support the public notification of remuneration packages but were not prepared to support the earlier amendment in relation to the Parliament setting the remuneration. Therefore, we support this amendment.

Amendment carried.

The Hon. I. GILFILLAN: I move:

Page 13, line 1—After 'accounts' insert 'and financial statements'.

This is a minor amendment along the same lines, to ensure that there is full reporting.

The Hon. C.J. SUMNER: The Government has no objection.

Amendment carried; clause as amended passed.

Clause 34—'Summary offences.'

The Hon. C.J. SUMNER: I oppose the clause. Summary offences will be dealt with in accordance with the general law.

The Hon. K.T. GRIFFIN: The Liberal Party supports that.

Clause negatived.

Clause 35—'Regulations.'

The Hon. M.J. ELLIOTT: I move:

Page 13, after line 10—Insert subclause as follows:

(3) A regulation under this Act does not take effect—

(a) until 14 sitting days of each House of Parliament have elapsed after a copy of the regulation is laid before each House;

and

(b) if, within those 14 sitting days, a motion for disallowance of the regulation is moved in either House of Parliament—unless and until that motion is defeated or withdrawn or lapses.

When speaking to other clauses I have said that this is an extraordinary Bill in terms of what it seeks to do, and on that basis we have asked for some extraordinary things to be done. In this case I am asking the Committee to agree that regulations under this legislation should not come into effect immediately but should be before the Council for four sitting days, and, should there be a motion of disallowance, the regulations would not come into force until that has been finalised. It is a concept that I think we should be looking at in relation to other legislation. As I said, this is an extraordinary Bill and, even where people would not contemplate such a provision in other legislation, I think it should be included here. The Attorney has suggested that already some examination is being made of this general issue, but there is no assurance that there will be changes to the way subordinate legislation works. Therefore, I seek the support of the Committee for this amendment, rather than waiting to see what may evolve from discussions in another place.

The Hon. R.I. LUCAS: I addressed the Liberal Party's attitude on this amendment when I dealt with an earlier amendment from the Hon. Mr Gilfillan in relation to clause 3. I indicated on that occasion that we opposed the principle underlying the amendment. Therefore, we oppose this amendment from the Hon. Mr Elliott.

The Hon. I. GILFILLAN: I am sorry that this amendment is being opposed, because it had the potential of being a very constructive and innovative measure. One needs to ponder on what these regulations are likely to involve. They do not just involve a minor tinkering at the edges of the legislation. The original draft of the Bill stipulated regulating powers which virtually assumed all powers of local government, all powers of planning, and it indicated how dramatically the Government saw the corporation virtually being a power unto itself to run a State within a State. In fact, this Bill does nothing to remove that potential.

The Hon. M.J. Elliott: In fact they have just gone silent.

The Hon. I. GILFILLAN: Very silent. They have been shrunk to nothing, and there is no definition as to what areas these regulations can cover. The only protection that we have now, I presume, is that local government provisions will apply. I urge the Committee to reconsider this amendment. The regulation power is there for the extension of areas to come within the MFP concept territory. That is very significant. Apart from that, the regulations are unspecified, and from the indications in the earlier Bill they are virtually boundless, and therefore they fully justify the amendment, which would have given the safeguard that Parliament had to scrutinise them and accept them before they came into effect.

The Hon. M.J. Elliott interjecting:

The Hon. I. GILFILLAN: My colleague indicates that that clause in the original draft of the Bill came out because it really did indicate and cause some alarm as to what was the intention of the Government and the corporation. I urge the Committee to support the amendment.

Amendment negatived.

The Hon. K.T. GRIFFIN: The maximum penalty provided here is a division 5 fine for an offence under the regulations. That is a $8 000 fine. That seems to me to be unduly high for the sort of offences that might be created. It is beyond the norm for regulations. Whilst I do not seek to amend this, I think it should be about $1 000, which I understand is the norm for breaches of regulations. Will the Attorney give some consideration to this matter, rather than holding up the matter tonight? At this stage I flag that and we can deal with it on Tuesday.

The Hon. C.J. SUMNER: Yes.

Clause passed.

Schedule 1.

The Hon. R.I. LUCAS: I move:

Pages 14 and 15—Leave out 'MFP core site' twice occurring and insert, in each case, 'Gillman-Dry Creek Site'.

The Hon. I. GILFILLAN: Members will recall that we have raised very serious concerns about the so-called core site, which is defined in schedule 1. We believe most profoundly that a very expensive mistake is being made by retaining schedule 1 as an integral part of this Bill. We have indicated, I believe beyond any dispute, that we have approached this measure constructively and that we have recognised the potential for it, properly amended and properly implemented, to be of benefit to this State. It is not just a litany of negative carping, and I think it is a most unfair analysis of the Democrats' view and one that is based from the start to be assessed in that way. The schedule which embraces this area of land and makes it an essential part of this Bill is obnoxious. The land is noxious, the air is noxious and the people who live there will have severely disadvantaged and problematic lives. So, we are insistent that our opposition to this area as expressed in this schedule be recorded clearly.

The Hon. R.I. LUCAS: I know that the Hon. Mr Gilfillan does not see this as consequential on an earlier debate that we have had, and I respect his view. The Liberal Party believes that it is consequential on an earlier debate. We outlined our reasons in relation to the very first clause and subclause we debated this evening in Committee, and I do not intend to repeat the contribution I made at that time.

The Hon. M.J. ELLIOTT: From the beginning of the debate we have made clear that we had two concerns. One has related to the EIS, which involves specifically the Gillman/Wingfield area. The other is the core site generally. It has already been admitted in this place now that area (B) as shown in the core site will now not be used for development at all because of the level of contamination. I think we will find later on when we get further information, which the Minister is now promising, that in fact site (C) is far more contaminated than anyone has cared to admit so far. There is now no real intention to use site (D)—Garden Island—for any real developments, and this is for a number of reasons, and that takes us back to area (A) in the schedule. There is ample evidence, even with the EIS itself, that indeed we are asking for great difficulties.

I believe that the area (A) of schedule 1 will not assist any MFP but will be harmful to the possibility of its success. As I said, in the final analysis, what we will get in the Gillman/Wingfield area is just a housing estate, and that is not essential in any way whatsoever to an MFP. It is simply a living place; it was already proposed before the MFP came on the scene, and I do not see a substantial change in that proposal. As I said earlier, I think 12 hectares of industry is proposed throughout the 2 000 hectares of core site. It is a nonsense to suggest that this area is important.

We have put forward strong arguments during the second reading stage and in Committee, and I can assure members that I could have argued much longer on the concerns that we have about this core site. We think it will prove to be the undoing of any possible chances of the MFP's being a positive thing. I am probably being a little more cynical than the Hon. Mr Gilfillan about whether the MFP is a publicity stunt or anything more than that.

The Hon. I. Gilfillan: Perhaps I have the youthful optimism.

The Hon. M.J. ELLIOTT: Perhaps so—if only I had that! That aside, if members are fair dinkum and thought the MFP had any prospect of success, I would like someone to explain to me what is so essential about the Wingfield/Gillman site.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: Nothing whatsoever. It is not—

The Hon. I. Gilfillan interjecting:

The Hon. M.J. ELLIOTT: Mr Keller apparently admitted that at a function today. It is not essential: in fact, I would argue that we are taking unnecessary risks, not just environmental but also economic. It appears that the numbers in this place will not agree with that, and ultimately history will judge whether or not this place has made a mistake.

Amendment carried.

The Committee divided on schedule 1 as amended:

Ayes (16)—The Hons T. Crothers, L.H. Davis, Peter Dunn, M.J. Elliott, M.S. Feleppa, K.T. Griffin, Diana Laidlaw, R.I. Lucas, Bernice Pfitzner, Carolyn Pickles, R.J. Ritson, R.R. Roberts, T.G. Roberts, J.F. Stefani, C.J. Sumner (teller) and G. Weatherill.

Noes (2)—The Hons M.J. Elliott and I. Gilfillan (teller).

Majority of 14 for the Ayes.

Schedule 1 as amended thus passed.

Schedules 2 and 3 and title passed.

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

That the Bill be recommitted.

I suggested a certain course of action earlier in the evening, and that has now been agreed to by the Opposition and the Democrats. I thank them for it, as I think it will facilitate a sensible exchange of views on the Bill and receipt of information as required by honourable members. Rather than going through me, which is unduly bureaucratic, honourable members can feel free to contact the senior policy adviser at the MFP, Sue Britten-Jones, who has been advising me, at level 12, Terrace Towers, 178 North Terrace, and her phone number is 303 2100. Ms Britten-Jones will be able to talk to Mr Keller and arrange appointments.

I suggest a two-process attack: first, members could list their questions, to which they will respond; and, if members want to clarify issues, I am sure they will be happy to see members before the debate resumes again on Tuesday. By Tuesday I would hope that I can read into *Hansard* a series of questions and responses. Members may not necessarily be happy with the responses—I cannot guarantee that—but at least they will have them. There may be some issues that members wish to pursue in the Committee, but I hope that they would be very few and that this process will provide members with the information they want. I make clear that I do not want to deprive members of information on the Bill. I commend this process to them.

The Hon. M.J. ELLIOTT: I am thankful that the Attorney has taken this path; I will take him up on it. There may, however, be a small number of answers that I want to explore, so will the Attorney have someone on hand who might be able to answer a supplementary question if it becomes necessary?

The Hon. C.J. SUMNER: The advisers will be here. If the honourable member is not happy with the answers and wants to ask supplementary questions, we would be better to follow the same process with the supplementary questions. If it is necessary, we can put debate off for another day although, if there is to be a conference, it might be better if the conference were on Wednesday, although that would be subject to the House of Assembly's commitments. It would be better to resolve it on Tuesday. If there are supplementary questions, I suggest that the honourable member try to resolve them with the officers. If there are minor matters outstanding, we can deal with them in the debate, but I hope the substantial issues will be dealt with by the briefing process that I have outlined.

Bill recommitted.

REAL PROPERTY (TRANSFER OF ALLOTMENTS) AMENDMENT BILL

Received from the House of Assembly and read a first time.

ADJOURNMENT

At 12.7 a.m. the Council adjourned until Tuesday 14 April at 2.15 p.m.