LEGISLATIVE COUNCIL

Wednesday 26 August 1992

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

CONFLICT OF INTEREST

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

That Standing Orders be so far suspended as to enable me to move a motion without notice concerning the former Minister of Tourism, the current Minister of Consumer Affairs.

I intend to move a motion that this Council conclude that the former Minister of Tourism, the present Minister of Consumer Affairs, has misled the Legislative Council, declares that it has no confidence in the Minister and calls upon her to resign as Minister but, if she will not do so, calls upon the Premier to dismiss the Minister from office.

The Hon. C.J. Sumner interjecting:

The Hon. R.I. LUCAS: I take that as an indication that the Attorney might be contesting the suspension of Standing Orders.

The Hon. C.J. Sumner: One aspect.

The PRESIDENT: At the present time we are dealing only with a suspension of Standing Orders.

The Hon. R.I. LUCAS: In speaking to the motion to suspend Standing Orders I indicate that the Liberal Party gave notice of this motion to the Attorney-General as soon as it had made the decision, which was about 1 p.m. today, and we have also made a slight change—

The Hon. C.J. Sumner interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —in the terms of the motion as originally advised to the Attorney-General to 'the former Minister of Tourism, and the present Minister of Consumer Affairs'.

The Hon. C.J. SUMNER (Attorney-General): Once again we are faced with the Opposition not complying with the usual niceties in relation to parliamentary procedure in giving notices of motion of this kind. It has become common practice for this Opposition to give notice late in relation to suspensions of Standing Orders. The traditional time used to be midday, however, in more recent years it has made been 1 p.m. It was at 1 p.m. by fax—I was not notified or telephoned about it, it was just sent by fax as if that is an adequate notification. Usually, of course, the courtesies are done—or at least that is what we used to do, whereby Ministers were notified that a motion would be moved especially and that a letter would be delivered at a particular time.

The Hon. Barbara Wiese: I was not notified.

The Hon. C.J. SUMNER: It is their usual tactics; it is the way they behave in this Chamber and they way they have behaved ever since they got into Opposition. However, I did get it some 10 minutes past 1 and, obviously, the Government will not oppose the suspension of Standing Orders, because that is the tactic that the Opposition wants to put forward. Members of the Opposition give us late notice of a motion and if we oppose it they say we do not want to debate the issue. We know that is the tactic they have used in the past, and they are using it again. Mr President, what I do want to tell the council is that the motions are different. They gave me notice of the first motion, which I got at ten past one, while I only received the other one when I arrived at the Chamber at 2.15, and it is different. It contains an adolescent difference, undoubtedly arising from the mind of the Leader of the Opposition. The first motion stated:

That this Council concludes that the Minister of Tourism has misled the Legislative Council, declares that it has no confidence in the Minister and calls upon her to resign as Minister but, if she will not do so, calls upon the Premier to dismiss the Minister from office.

The next letter, which turned up at 2.15 as I arrived in the Chamber, is:

That this Council concludes that the former Minister of Tourism, and the present Minister of Consumer Affairs has misled the Legislative Council . . . [etc]

Now, that is adolescent, juvenile and pointless and, in any event, out of order.

The PRESIDENT: Order! I do not want to cut across the debate, but the debate is about the suspension of Standing Orders, not the substantive motion.

The Hon. C.J. SUMNER: Yes, well, we will agree with the suspension of Standing Orders, but I want to put on record, in agreeing to the suspension of Standing Orders, that I will be raising a point of order, being that, in motions in this Chamber, Ministers should be addressed by their correct title and in this case that has not occurred with the amended motion to be moved by the Hon. Mr Lucas, which I only got, in any event, contrary to the courtesies and the decencies which used to apply in this place, at a quarter past two. We will agree to the suspension, but in my view the suspension should relate to a notice given to us within a reasonable time to enable us to consider it, that is, the one that arrived at ten past one. That is the motion that should be debated.

The Hon. R.I. Lucas: Who is the Minister of Tourism?

The Hon. C.J. SUMNER: The Hon. Ms Wiese is the Minister of Tourism; that is the fact of the matter. She has always been the Minister of Tourism but she has stood aside and an Acting Minister was appointed during this process.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: Mr President, we will support the suspension of Standing Orders. I will be raising these points, however; first, the point of order and, secondly, the fact that it is typical of the Opposition (but I have become used to it) not to show the decencies of giving the correct motion at the appropriate time. It is a stunt. They bring the first one in at ten past one then, because something occurs in the adolescent mind of the Leader of the Opposition, he changes it in the puerile way that he has and delivers it at a quarter past two.

The PRESIDENT: I propose to put the motion:

That Standing Orders be so far suspended as to enable the Hon. Mr Lucas to move a motion without notice concerning the former Minister of Tourism.

The Hon. C.J. SUMNER: I am not agreeing to that, Mr President. If they want to rephrase it, then I will

agree. I am taking a point of order. The point of order is that the motion cannot be moved in that form. If that is contained in the motion to suspend the Standing Orders, then I take the point of order now.

The PRESIDENT: Let me clarify that. I have in front of me a motion from the Hon. Mr Lucas as follows:

Mr President, I move:

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

I take it that you have wording different from that motion.

The Hon. C.J. SUMNER: I have that wording but, if that is in the motion to suspend, then I am taking the point of order now that that motion does not refer to the Minister in this place by her correct title and that you, Sir, should rule that she should be referred to by her correct title and not kowtow to this juvenile attitude, Mr President. Minister's are entitled to be addressed correctly in motions and, if they are not, they should be—

The PRESIDENT: The substantive motion that Mr Lucas will move later relates to the 'Council concludes that the former Minister of Tourism' so those words have been taken from that motion. I understand the motion you have is different from that.

The Hon. C.J. SUMNER: I have two notices. I have one which I received in my office and which was apparently faxed at about 1 o'clock, but which I received at 1.10 without any notification. That notice refers to the Minister of Tourism correctly and at 1.15—

The PRESIDENT: Order! For my clarification, could you read out the notice of motion you had forwarded to you at 1 o'clock?

The Hon. C.J. SUMNER: It reads:

That this Council concludes that the Minister of Tourism has misled the Legislative Council, declares that it has no confidence in the Minister, and calls upon her to resign as Minister but, if she will not do so, calls upon the Premier to dismiss the Minister from office.

The PRESIDENT: You are asking me to rule on that?

The Hon. C.J. SUMNER: What I am asking you to rule is that it is not in order for an honourable member to move a motion in this Chamber referring incorrectly to a Minister's title.

The PRESIDENT: I understand what you are getting at. It concerns me that, if a notice of motion has been given to the Government at 1 o'clock, which I presume is to be the debate, and the Government is conceding to give that notice of motion for the suspension of Standing Orders in order for that debate to proceed, it would have been in the best interests of the Parliament if Mr Lucas conceded the motion given to the Government be the one we debate. I do not know whether Mr Lucas is prepared to do that.

The Hon. R.I. LUCAS: I am very happy to do that. I am not sure whether I need to seek leave to address the points of order? Can I address the point of order?

The PRESIDENT: Yes.

The Hon. R.I. LUCAS: I am very relaxed. We all know whom we are talking about; we are talking about Ms Wiese. Whether we describe her as the former Minister of Tourism or the Minister of Tourism is of no particular concern—

The Hon. C.J. Sumner: Then why did you—

The PRESIDENT: Order!

The Hon. R.I. LUCAS: The simple reason was that we were provided with advice that Ms Wiese was no longer the Minister of Tourism. I think it is probably the common understanding of the community, that there was an acting Minister of Tourism—that the Hon. Mr Rann was the acting Minister of Tourism—and we did not have a Minister of Tourism. If the advice is—

The PRESIDENT: Order! As I understand it, Mr Lucas is prepared to accept the point of order.

The Hon. R.I. LUCAS: I am quite prepared to move the original form where we mention the Minister of Tourism. As I said, we all know whom we are talking about and I suggest we get on with it.

The PRESIDENT: What I am putting to the Council at this stage is:

That Standing Orders be so far suspended as to enable the Hon. Mr Lucas to move a motion without notice concerning the Minister of Tourism.

Motion carried.

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

That this Council concludes that the Minister of Tourism, the present Minister of Consumer Affairs, has misled the Legislative Council, declares that it has no confidence in the Minister and calls upon her to resign as Minister but, if she will not do so, calls on the Premier to dismiss the Minister from office.

Motions of no confidence are the most serious parliamentary procedure that a parliamentary Chamber can seek to adopt. Of course, misleading a Parliament is the most serious charge that a political Party or group of parliamentary members in the Chamber can address against a Minister of the Crown. It is therefore not entered into lightly or frivolously, and it is certainly not done often. Those members who have spent 10 or 15 years in this Chamber will realise that in that time motions of no confidence in Ministers of the Government have been moved only infrequently. The Liberal Party has done so on this occasion only after much consideration of the statements by the Minister in the Council and, of course, the Worthington report and the statement made by the Premier in another place.

The Liberal Party believes that, when one compares the statements made by the Minister of Tourism with the findings of fact by Terry Worthington, there are a number of serious examples of where the Minister has seriously misled the Parliament. It is not just an isolated example; there is a series of examples where a comparison of the Minister's own words recorded in *Hansard* compared to the findings of fact by Mr Worthington indicate that this Minister has seriously misled the Legislative Council on a number of occasions. It is the view of the Liberal Party that, if there are any standards of accountability left in this Government, with this Premier and with this Minister, then she can no longer remain in office. Either she takes the honourable course and resigns, or for once in his life the Premier should take the tough decision and dismiss her from office.

Before addressing the many examples of misleading the Parliament, I want to make some brief introductory comments about just three areas. I do not intend in my contribution to speak in any detail about the three specific findings of fact by Mr Worthington which led to the decision that there were conflicts of interest that the Minister had in three specific areas, three personal

conflicts of interest and one of an indirect pecuniary interest as well as in the gaming machines legislation.

I note only that these questions about conflict of interest were first raised in this Chamber back in late 1988 and 1989 by my colleagues the Hon. Mr Davis and the Hon. Mr Stefani. So, the Minister cannot argue that she has not been on public notice about the potential for problems in relation to the area of conflict of interest. Of course, members will be aware that the Leader of the Liberal Party, Dean Brown, has made a number of strong statements in relation to his views in this area of conflict of interest. As I indicated, on this occasion, for this motion, I do not intend to add to those particular statements.

The second introductory statement I wish to make relates to the form of the motion that is before the Council at the moment. Given the views that we formed as members of the Liberal Party about the Minister's misleading Parliament, we had in broad terms two general options that we could have adopted by way of a motion in this Council. The first would be a motion of no confidence in the form that we have moved. Of course, an alternative would have been some motion calling upon the Minister not to be reappointed—if that is the appropriate phrase given the technical legalities that the Attorney-General went through earlier this afternoon—as Minister of Tourism.

The view that I put to all members, particularly the Australian Democrats, who I know will be listening to the debate and making a considered judgment (and I am certainly not aware how they intend to vote on this measure), is that if we were addressing in this motion the notion of conflict of interest, one could, quite properly, if we made decisions as a majority in this Chamber, talk about moving a Minister from a particular portfolio to another, and I know from his public comment that that is the Hon. Mr Elliott's view.

I make the point that this motion is not about those conflicts of interest: that can be debated on another occasion. We are talking in this motion about the most serious charge that can be levelled against a Minister—that of misleading the Parliament. If members in this Chamber believe that the facts as established by Mr Worthington indicate that the Minister has misled the Parliament, then in our submission, it is not sufficient merely to argue that the Minister should be moved from one portfolio to another. If the facts indicate that the Minister has misled the Parliament, in our submission, the Minister should not have the confidence of this place and should not continue.

I give one of the rare examples in this Chamber of a debate about a motion of no-confidence in a Minister, namely, the motion moved against the former Minister of Health, Dr Cornwall, in relation to his misleading of the Parliament, when a majority of members—Liberal and Democrat on that occasion—found that the evidence indicated conclusively that he had misled the Parliament. It was not a motion indicating that we were happy for that Minister to continue in some other portfolio area. Rather, it was a conclusion that the charge was so grave and serious that that Minister should not continue as a Minister in the Government. For that reason, the Liberal Party has moved the motion in this form.

The third and final introductory comment I want to make before addressing the substantive issues relates to the background of the release of the Worthington report. Members will be aware that selected sections of that report were leaked by the Minister's office to the *Sunday Mail* on Saturday and published in it on Sunday. That report, under the heading 'Wiese Cleared', indicated many things, but one in particular was as follows:

> I understand none of the evidence presented by 60-odd witnesses during the four month inquiry constitutes a conflict of interest.

There was the following further reference:

> Mr Worthington said in his report that he had received information which was hearsay upon hearsay and, in some cases, nothing more than rumour.

I want to address some brief comments to that report and, in doing so, I make no criticism of the *Sunday Mail*. It was fed a line by the Minister's office and reported accordingly, believing that it had an exclusive on the release of the report.

I refer, first, to pages 10 and 11 of the Worthington report where Mr Worthington refers to two formal conferences that were conducted on 11 May 1992 with representatives of the Australian Democrats and on 12 May with representatives of the Liberal Party. On page 11 of this report Mr Worthington concludes:

> These conferences proved to be extremely helpful in providing me with lines of inquiry which were likely to be relevant and in providing me with the names of persons who had the potential to give relevant information.

I wanted that on the record because there has been some innuendo through the corridors and with the media, but Mr Worthington concluded that the information provided by the Australian Democrat and Liberal members of Parliament proved to be extremely helpful in providing him with lines of inquiry and with the names of persons who had potential to give the relevant information. The only other section to which I wish to refer is the reference that was leaked to the *Sunday Mail* about 'hearsay upon hearsay'. The quote given to the *Sunday Mail* gave the impression that all the evidence that had been given was, in effect, hearsay upon hearsay and, in some cases, nothing more than rumour.

I want to read the full quote from page 121 of the Worthington report where, under the heading of 'Assessment and use of evidence', Mr Worthington says:

> Because of the nature of the investigative process, I received some information which was hearsay upon hearsay and, in some cases, nothing more than rumour.

The next sentence was not given to the *Sunday Mail*. It reads:

> It was important that I receive that information because, in many cases, it was useful to indicate lines of inquiry.

It is important that the full statement made by Mr Worthington in relation to those matters be placed on the public record.

The Hon. Anne Levy: Read the next sentence.

The Hon. R.I. LUCAS: I will read as many sentences as you like. All I am indicating is that what was given to the *Sunday Mail* was not the full story.

The Hon. Anne Levy: Nor are you. You haven't read the next sentence.

The PRESIDENT: Order!

The Hon. R.I. LUCAS: You can read as many sentences as you want to. You leaked the story. The story came from the Minister's office.

Members interjecting:

The PRESIDENT: Order! The honourable Minister will come to order, and the Hon. Mr Lucas will address the Chair.

The Hon. R.I. LUCAS: The Minister does not deny that. Of course, she knows that she cannot. I now want to list a number of examples of where the Liberal Party submits to this Chamber that the Minister has misled the Parliament. The first is in relation to the Glenelg ferry project; the second relates to payments to Mr Stitt following the sale of the Tandanya project to System One in December 1990; the third relates to the question whether the Minister received financial benefit from deposits in Nadine Proprietary Limited by Mr Stitt; the fourth is the question of the Minister's role in facilitating the sale of Tandanya to System One; and the fifth important area is the question of Mr Stitt's potential to benefit from the incorporation of the Independent Gaming Corporation in the legislation.

I turn to the first of those examples, the Glenelg ferry project. On 31 March this year I asked the Minister the following question:

Has Mr Stitt had any involvement with Glenelg Ferry Terminal Pty Ltd in developing its plans for a ferry service to Kangaroo Island?

The Minister's response as indicated in *Hansard* was unequivocal. She said:

As to the Glenelg Ferry Terminal proposal, Mr Stitt has no involvement in that proposal whatsoever.

It was an unequivocal statement from the Minister that there was no involvement. What did Mr Worthington find? I quote from various pages of his report, as follows. On page 172 he stated:

The concept of a development at Glenelg arose out of the Tandanya project. After considering possible sites for a mainland terminal, Glenelg was chosen as the favoured option. Mr Stitt arranged for contact to be made with a West Australian company, Foremost Holdings Ltd. Mr Stitt was put on a retainer by Foremost.

At page 173 Mr Worthington stated:

In late 1989 a new company, Glenelg Ferry Terminal Pty Limited, took over the project. The shareholding in Glenelg Ferry Terminal was split, with approximately 65 per cent held by Foremost and 35 per cent held by a company associated with Nelson Dawson. In essence, the arrangement was that Foremost provided funds and Mr Dawson perform the architectural work. It should be emphasised that, although this arrangement was put in place while Mr Stitt was involved, there was never any contractual arrangement between Mr Dawson and Mr Stitt. The only financial arrangement for Mr Stitt was with Foremost.

Page 184 reads as follows:

Mr Stitt's role was to introduce Foremost as a potential ferry operator, and his brief included developing strategies to achieve that. IBD assisted in putting together the team that was working on the project, organised media releases and facilitated contact with the Glenelg council.

On page 185 Mr Worthington stated:

The agreed retainer for Stitt was a lump sum of $30 000 to cover all services during the period of his involvement, but it was to be paid in full during the first three months.

On page 198 Mr Worthington states:

The Minister understood that Mr Stitt's interest in Glenelg was an extension of his involvement with the Tandanya proposal.

Finally, Mr Worthington noted on page 199:

Although the Minister did not know details, she was aware in general terms of the nature of the services which Mr Stitt rendered.

It is quite clear from those statements of Mr Worthington and from a number of other statements that I could have quoted from his report that the statement made by the Minister on 31 March misled this Council—quite clearly and quite unequivocally.

The second area relates to payments to Mr Stitt following the sale of the Tandanya project to System One in December 1990. My colleague the Hon. Mr Davis asked the Minister the following question:

Did Jim Stitt or any companies with which he had an association seek a direct or indirect financial benefit, and did he gain any direct or indirect financial benefit from the sale of the project to System One?

They were very clear questions. The Minister's statement, as reported in *Hansard* on 1 April, was as follows:

They are not questions that I can answer. I do not know whether or not that was the case, but I can only assume that that is not so.

One needs to look at the Minister's response in two parts: she stated clearly in the Parliament that she did not know whether or not that was the case; and the second part is her assumption that that was not the case. I want to address both parts of the Minister's response. Mr Worthington, on pages 135 and 136, states:

At some time, probably after 13 February 1991, an agreement was reached between Mr Connelly on behalf of Geographic Holdings and Mr Stitt that he would be paid the sum of $20 000 to cover his services to that time in respect of the projects on which he was or had been engaged and for which he had received no payment, including his assistance on the Tandanya project. That cheque [for $20 000] was paid into the account of Nadine Pty Limited with the State Bank of South Australia and credited to that account on 11 March 1991.

On page 145 Mr Worthington explores how this transaction came about. He states:

Mr Stitt gave the cheque [for $20 000] to the Minister and asked her to deposit it in the Nadine State Bank of South Australia account as a contribution by him.

I interpose here. Members will be aware that Nadine Pty Limited was the company jointly owned by the Minister and Mr Stitt. I continue the quote from Mr Worthington as follows:

The Minister asked Mr Stitt why he had received the money. He told her that Geographic Holdings had not been in a position to pay him earlier but the money was now available from settlement on the sale of the Tandanya land to System One. She was aware that, although Mr Stitt had nothing to do with the sale to System One, the payment was related to the sale in the sense that it was the means by which the money had become available. Mr Stitt told her that.

On page 162 Mr Worthington even more explicitly summarises his conclusions on this matter, as follows:

In March 1991, Mr Stitt received the sum of $20 000 from Geographic Holdings as payment for services that he had performed for Geographic Holdings including the services rendered in relation to the Tandanya Development, Mr Stitt redirected that money to Nadine. The money came from the proceeds of the sale of the site to System One.

It is quite clear what Mr Worthington is saying; it is not the Liberal Party saying that. Mr Worthington continues:

On 11 March 1991, the Minister completed a deposit form for the purpose of that money being credited to the bank account of Nadine and at the time she did so, she was aware of the nature of the payment and the source of the funds. The sum of $20 000 was credited to the Nadine bank account on 11 March 1991. That money has been applied to the joint benefit of the Minister and Mr Stitt in the manner that I have described.

Mr Worthington's reference to 'in the manner I have described' relates to a very long section (section 4) of the report, which I will not be able to go through in the time available to me and which indicates how—

The Hon. Anne Levy: Seek leave to incorporate it.

The Hon. R.I. LUCAS: This has been tabled. It indicates how Mr Worthington viewed those payments to Nadine, in section 4 of the report. It is clear, when the Minister told this Chamber that she did not know, that she was misleading this House. It is quite clear, because Mr Worthington indicates that the Minister did know at the time that all this was going on and quite clearly must have known at the time the question was asked. I am not sure of the normal size of transactions going through the Minister's accounts—I do not seek to delve—

The Hon. Barbara Wiese interjecting:

The Hon. R.I. LUCAS: I can only assume that a cheque for $20 000 is not an insignificant sum and that a cheque for $20 000 is not the sort of thing that any reasonable person would not have some recollection of. Under cross-examination, or the taking of evidence with Mr Worthington, the Minister did concede her awareness of the fact of the $20 000 cheque. That is in clear conflict with the statement that the Minister made in the House on 1 April that she did now know and also that she assumed that that was not the case. In relation to this $20 000, Mr Worthington makes some further comments:

> . . . at about that time the Minister and Mr Stitt had decided to make some improvements to their house at Semaphore. They decided that the $20 000 would be earmarked towards paying for those improvements. On 28 April 1991, Cheque No. 84923 was drawn on the Nadine account in the sum of $20 000 payable to Natwest Bank and that is shown as being debited to the account on 2 May 1991. That money was placed as a short term deposit where it remains, their common intention still being that in due course it will be used to help pay for improvements to the house.

So, what we have is fact established by Mr Worthington that $20 000 from the sale of that site to System One went via Mr Stitt into the joint bank of the Minister and Mr Stitt, and that it was their common intention, as they indicated to Mr Worthington, that in due course that money would be used to help pay for improvements to their house at Semaphore. The other aspect of Mr Worthington's comment on this example is on pages 119 and 120, as follows:

> There is a business relationship of a different type between the Minister, Mr Stitt and Mr Dawson. Some time ago, the Minister and Mr Stitt decided that they would do some renovations and improvements to their house at Semaphore. In early 1991, they asked Mr Dawson if he would provide architectural services on a commerical basis.
>
> Mr Dawson said the project was not big enough to be an economic proposition for an architect on a percentage fee basis and was more appropriately done on the basis of hourly fees. Mr Dawson has not himself been in charge of the project. He assigned it to one of his employees, Ms Sally Young. Although the fees are to be at the market rate, Mr Dawson told me that it has not yet been appropriate to render an account. It is his normal practice to wait until some milestone has been reached but in their case very little has been achieved. I accept that Mr Dawson will render an account at the appropriate time.

I raise that issue not out of any envy, because I am doing renovations and I would be keen to have discussions with Mr Lawson, but as an example of a whole range of issues that were raised with Liberal members during this debate in February, March and April. That was one of the issues in a number of allegations that had been made to me. As an example of the responsible attitude adopted by Liberal members in this Chamber in regard to the raising of allegations, we chose not to raise this matter and those allegations in this Chamber, because we were not able to validate that story in one way or another. Even though it came from a supposedly reputable source, we were not able to validate it and we as Liberal members chose in a responsible attitude not to raise it in this Chamber.

The point that I make to the Minister and others is that, during this period early this year there were literally dozens of stories running around the corridors and we in this Chamber chose to raise only those issues for which corroborating evidence could be found or established or documents established, and many allegations were not raised in this Chamber due to the responsible attitude adopted by Liberal members not to raise them if we could not corroborate them in any way.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: Mr President, I hope you note we are not objecting to the interjections whilst I am speaking; I hope the Minister and the Attorney will not object when they speak. The third general area relates to the following statement made by the Minister on 19 March of this year, which is quite clear and unequivocal:

> I received no personal financial benefit from these transfers.

The Minister was referring to deposits in Nadine Pty Ltd by the Minister and Mr Stitt. What did Mr Worthington find on page 42? He says:

> In my opinion it can be fairly said that although these contributions are properly treated in the books of Nadine as loans unless and until they become repayable, they are being applied to the joint benefit of both Mr Stitt and the Minister to maintain and hopefully improve the value of the assets which they jointly own through the vehicle of Nadine.

It is quite clear; Mr Worthington is saying that those deposits are being applied to the joint benefit of both Mr Stitt and the Minister, whereas in March of this year the Minister was claiming in the Parliament that she had received no personal financial benefit from these transfers.

The statement of the Minister and the finding of Mr Worthington are in clear contradiction. Mr Worthington is saying that there was a joint benefit and that it was being used to improve the value of the assets which they jointly owned through the vehicle of Nadine. However, the Minister on the other hand said that she had received no personal financial benefit from these transfers.

With regard to the fourth area, I now refer to the Minister's role in facilitating the sale of Tandanya to System One. Again on 1 April the Minister said:

> I took no part whatsoever in that process. I had no knowledge of it until it had occurred.

The Minister was saying that she took no part in the process of facilitating the sale of Tandanya to the current owner, System One, and that she had no knowledge of it until it had occurred. What does Mr Worthington say? Again, it will not surprise you, Mr President, or other members that the facts do not agree with that particular statement. At page 160 of the report Mr Worthington states:

> The Minister played a part in facilitating the sale by Paradise Development and Geographic Holdings to System One in that she met with representatives of System One on 24 September 1990, two days prior to the signing of the heads of agreement to reassure them of Government support for the project.

That was two days prior to the signing of the heads of agreement. The statement by the Minister that she had no knowledge of it until it had occurred or, more importantly, that she took no part whatsoever in that process is clearly rebutted by that particular finding of fact by Mr Worthington.

The final substantive area to which I want to refer in relation to misleading the Parliament relates to Mr Stitt's potential to benefit from incorporation of the Independent Gaming Corporation model in the legislation. On 19 March the Minister said:

> I am not aware of any financial gain that will be made by Mr Stitt or any companies with which he is associated if poker machines are introduced into South Australia.

Mr Worthington on page 92 concludes:

> I find that given the information in her possession [that is, the Minister's] it has been reasonably foreseeable since at least the Cabinet meeting of 31 October 1991 that legislation would be introduced adopting the Independent Gaming Corporation model in some form, and that if it was passed, it was likely that Mr Stitt would continue to provide services from which he would derive income, at least in the short term.

The Worthington report contains many other examples to which I could have referred that are clearly in conflict with the statements made by the Minister in this Chamber. They are the most serious and clearcut ones and any reasonable honourable member in this Chamber—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.I. LUCAS: —could have no doubt about the conflict—

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The debate has been going along quite nicely. We have a call list and the Hon. Mr Lucas has the floor.

The Hon. R.I. LUCAS: I note that the Hon. Ms Pickles is threatening one of our members, but that is for the Hon. Ms Pickles and she can speak at a later stage in this debate. This motion is not about individual views of members on the appropriateness or otherwise, the motives, or the knowledge that the Minister might have had in relation to those questions of conflict of interest about which there have been some findings and a statement in another place. This motion is not about that; rather, this motion is about misleading the Parliament. We are talking about an absolutely fundamental part of our system of Government, our process of operating in this Chamber, an absolutely fundamental part of a proper system of accountability by Ministers and the Executive to the Parliament and, in this case, accountability of this Minister to the Legislative Council.

What members have to establish in their own minds is not whether or not there was a conflict of interest but, rather, whether or not the Minister misled the Parliament. If members conclude that the evidence is quite clear and unequivocal that the Minister has misled the Parliament, they must then make the judgment as to what is the appropriate penalty the Minister must endure. However, if members make the judgment that the Minister has misled the Parliament but that we are just going to accept that and that it is a fair cop for the Minister or any Minister to stand up in this Chamber day after day, week after week, month after month and mislead this Council, in our submission that would be a completely unacceptable form of accountability of a Minister to the Parliament.

As I said, this is especially so, as this Minister was on public notice in relation to potential problems as far back as late 1988 and it is especially so as we are not looking at just one example of a Minister misleading the Parliament; rather, we are looking at a number of examples where a Minister continuously misleads a parliamentary Chamber and, in this case, the Legislative Council.

I conclude by saying that all the parliamentary precedents indicate that, if a Minister has misled the Parliament, then that Minister ought to take the honourable course and resign. If that Minister, in this case the Minister of Tourism, will not take that honourable course and resign, then as I said earlier, for once in his life Premier Bannon must take the tough decision and sack this Minister. I urge support for the motion.

The Hon. C.J. SUMNER (Attorney-General): I oppose the motion. In their original motion members opposite referred to the former Minister of Tourism. I place on record that, when a Minister stands aside as the Minister of Tourism did in this circumstance, when the Premier did to give evidence before the royal commission and, indeed, as do Ministers when they go on leave, they do not have their commissions withdrawn by Her Excellency the Governor; the commissions remain. They stand aside from active participation in their duties and acting Ministers are appointed to perform those duties while the Minister is unable to do so. That is what happened in this case. The Minister is still, rightfully, on the front page of the parliamentary debates, *Hansard*, referred to as the Minister of Tourism. She was not involved in the administration of that portfolio during the period of this inquiry but, nevertheless, her correct title is still Minister of Tourism. It is obviously not the biggest issue in this debate, but I thought that, for the benefit of those members who do not seem to understand these things, I should at least place that on the record.

This motion is disingenuous in the extreme. For the Leader of the Opposition to say that this motion is just about whether or not the Minister misled the Parliament is, as I said, disingenuous. Members cannot move a motion like this without reference to the background of the issues with which we are dealing. I will deal with those general issues and the Minister will deal with the matters relating to misleading Parliament, as they are obviously matters that are within her particular knowledge.

However, I use the word 'disingenuous' because what members opposite have done now is to try to divert the debate. They have lost the debate about conflict of interest; they have lost the debate about allegations of impropriety, which they were keen to get running in this Parliament and this community in March and April. Having lost that debate they have now switched the ground to allegations about misleading Parliament, getting off the debate that they have lost on to one that they now think they might have a chance of winning. Well, they will not win that debate, either.

The first point I wish to make is that a motion of no confidence moved in the Legislative Council has no

effect as far as the Government is concerned. There is no convention that Ministers are required to resign if a motion of no confidence is passed against them in the Upper House. That is a matter for the House of Assembly. If this Opposition really wanted to test the matter out it would test it out in the House of Assembly, where issues of confidence in Ministers or Governments are determined. However, the Opposition has not chosen to do that; it has chosen to move the motion in this Council, knowing full well that a motion passed here, if it is passed, can be of no effect as far as confidence in the Minister or the Government is concerned. As members opposite should know, that is a matter that is determined in the Lower House.

The Hon. K.T. Griffin: You'd say that, if we'd moved there and not moved here, we would be trying to avoid giving the Minister an opportunity to respond.

The Hon. C.J. SUMNER: As the Hon. Mr Griffin knows full well, he can move a motion here in relation to these matters; I am merely pointing out that motions of no confidence moved in this Council do not affect confidence in the Government or Ministers. That is the constitutional principle, as the Hon. Mr Griffin full knows and, indeed, the Hon. Mr Lucas might have gleaned, in his few years in this place.

So, if you want to test confidence in the Minister or the Government, you test it in the Lower House. The motion has been moved in this place and I am not saying that the Opposition is not entitled to move it. It is entitled to do so, and it could have moved an alternative motion. All I am saying is that I am entitled to respond by making clear that a motion of no confidence passed in the Legislative Council does not raise issues of confidence in the Government or the Minister that go to the extent of requiring by constitutional convention the Minister to resign, because that is determined in the Lower House and not in this Council, whatever other effect the passage of such a motion might have in this place.

I intend to put the issue in the broader context. There is nothing to justify no confidence in the Minister nor to justify her resignation from Cabinet. This motion is over the top as a reaction to the Worthington report and it is not justified on the findings. The Minister's removal from office in these circumstances would be an action out of all proportion to the findings in the Worthington report. In terms of the original allegations, the Worthington report constitutes a substantial vindication of the Minister's position. Despite allegations, rumour and innuendo about the Minister, as she has pointed out, going back some five years—and some of them fairly nasty rumours and innuendo suggesting impropriety—nothing of that kind has been found. I repeat that, despite rumours, innuendo and suggestions being circulated about Minister Wiese and Mr Stitt suggesting impropriety, improper behaviour and so on, nothing of that kind has been found.

The ministerial statement yesterday indicated quite clearly that that is the case. The report is replete with phrases such as 'No improper motive'; 'She did not further her own or Mr Stitt's personal interests'; 'She did not take actions for the purpose of advantaging Mr Dawson's interest'; 'Her motives cannot be impugned'; and 'There is no evidence that the Minister or anyone else dealt with matters other than on their perceived merits.' These are the central findings; these are the issues of principal concern that were raised in this Council in March and April.

Make no mistake about it, there has been a total vindication of the Minister on these issues. To suggest dismissal on this basis would be unfair and unjust and it would be seen to be so by members of the public without a political axe to grind. The allegations, as is clear from the report and what the Minister has said, have been going on for some time through the Adelaide rumour mill. Nasty they were in many respects—undoubtedly motivated in some cases by envy or jealousy of the Minister's position and motivated by some attempts to discredit Mr Stitt in his business activities by his business competitors. These sorts of allegations are regrettably the sort of thing that people in public life have to put up with: rumours, innuendo, scuttlebutt about all sorts of things that we are supposed to have done in our lives. I have had my fair share of that. Adelaide is full of this sort of behaviour—innuendo gets spread, rumours are spread and picked up by people, spread in the media and in the political arena.

What I object to is that those rumours, innuendos and furphies are regrettably picked up by members of Parliament and given the status of serious allegations in this Parliament. There is a regrettable tendency in this place to do just that: to elevate those matters. People in public life have to put up with rumours about their life, what they are doing, their financial position, and friends and people with whom they associate. All that stuff is bad enough, but we put up with it. What we do not have to put up with is having those things raised to the status of serious allegations in the Parliament and in the media—beaten up with what purpose in mind? Let there be no mistake about the purpose in this case and in the case in which I was involved. Those stories are brought into this Parliament with a view of destroying the Minister concerned.

That is the Opposition's objective: it wants to destroy the Minister and, hopefully, get to the Government in that way. It happened to me, as all members know. However, that resulted in a complete vindication; the whole thing was a furphy with no basis whatsoever. Yet, for two years, because of the issues that members in this Council raised, I had to put up with having my personal life and my contact with people examined by the National Crime Authority. That is what this Minister has had to go through over the past four months, because members opposite do not have the decency to treat these matters with any reasonableness; they will pick up smut, they will pick up rumour, they will pick up innuendo, they will pick up furphies, and they will throw them into this Council like confetti in the hope that they can destroy someone in the process.

It happened to me, Mr President, and if members think it did not then they should think back to what they did in this Council at that time and look at their own consciences in the light of what I had to put up with during that period. But, we get it again. The Hon. Mr Gilfillan wanders in last week and says, 'The Ramada Grand Hotel is going bust.' Of course, the next day there is a refutation in the paper that that is not true. Here is a rumour; into the Council; and it is into the front page of

the newspaper. That is the *modus operandi* of members of the Opposition in this place. It happened with the Minister of Tourism also and she has had to put up with this over the past four months.

Even if there is nothing in it, Mr President, the hope is that, by raising these matters in the way that they are raised, they will destroy a Minister's health and the will to continue in the Government of this State, and that is what has been involved in this case. The Opposition has been involved in the politics of destruction—the destruction of individuals, the destruction of their health and the destruction of their capacity to act in the best interests as Ministers in this State.

If Oppositions are unable to make headway against the Government in legitimate areas of public concern and debate, as they were unable to for many years in this State, until they got a couple of issues to run with, then they resort to personal attack usually based, as I said, on little information. What has been the result of that for taxpayers of South Australia? In the case of the inquiry into my circumstances—and this is never mentioned, of course—$4.6 million of taxpayers' money was poured down the drain to have the NCA chase up a lot of furphies that were spread by members opposite in this Council and by members of the media—$4.6 million.

What about the whole NCA inquiry itself—$10 million of taxpayers' money was spent chasing up what turned out, in the most part, to be rumours, furphies and unsubstantiated allegations, many of them thrown into this Council by members of Parliament opposite. And the Wiese inquiry—nothing compared to that, but still costing $500 000 to find out what—that basically there was not anything in the matters that were being raised.

These issues and the raising of these issues against me and against the Minister of Tourism have not advanced the interests of this State, they were designed to improve the political prospects of the Opposition when it was going very, very badly and to improve the prospects of the Australian Democrats. It is a tactic to pressure Ministers in the hope that they will crack and to hell with the consequences for the Ministers as individuals or the interests of the State.

This is the atmosphere in which this issue has been raised. These matters were never designed to enhance the better government in this State but were raised, as they were in 1988, and now against this Minister, to destroy the Minister involved and thereby the Government. Mr President, it is the politics of destruction, it is vicious, it is nasty, it is unjustified, and it ought to have no place in this Parliament but, regrettably, with this Opposition, it does. I do not think that the people of South Australia find that behaviour acceptable. In this case they will not find that removal—that is, the destruction of this Minister's career—is a fair result.

The only legitimate concerns in this area relate to a conflict of interest. Minor conflicts of interest were found by Cabinet quite properly in accordance with procedures that are publicly laid out—

The Hon. R.I. Lucas: You said they were inadequate.

The Hon. C.J. SUMNER: Mr President, the procedures for dealing with this issue—

The Hon. R.I. Lucas: You said they were inadequate.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I did not say that they were inadequate, Mr President. The procedures for dealing with this issue of the Worthington report and the Government's reaction to it were all laid out publicly and were properly followed, with complete propriety. I would like to deal with a couple of the issues that have been raised in the context of this debate and in the media presentation of it.

First, there was a suggestion that the terms of reference were absurdly narrow and that that led to the result that we got. That, Mr President, is clearly not the case. Mr Worthington in his report has indicated the fact that there were no coercive powers. The fact that his was not a royal commission inquiry did not impede the report. His inquiry was extensive, as was indicated in the ministerial statement yesterday, and he did get to the facts of the matter. The reason why the Government said quite clearly, right from the beginning, that the facts of the matter would be established by Mr Worthington and that the determination of whether there had been a pecuniary or other interest or conflict of interest was to be determined by the Cabinet was that that accorded with proper constitutional principles in relation to these matters.

It is interesting to note that the *Advertiser* editorial this morning quoted the 1979 Bowen report (he was a former Chief Justice of the Federal Court who was also a Federal Minister earlier than that in one of the Liberal Governments) in favourable terms, reasonably enough, by saying that that report referred to the appropriate test for conflict being that of appearance. That is fair enough; that is quite clearly set out in the report that I prepared for Cabinet. But, on the debate about the adequacy or otherwise of the terms of reference, the other important statement from the summary of the Bowen report was not referred to: it was ignored. I would like to quote paragraph 8 on page 4 of my report which is a summary of the Bowen report, as follows:

> The committee favoured a system of self-regulation whereby the desired standard is set in general terms. Performance against that standard is ordinarily assessed by those familiar with the context because they work there themselves, and to the extent that performance falls below the desired standard they decide whether a penalty is appropriate and what the penalty should be.

It was in accordance with that fairly clear statement that the Government established this inquiry in the manner it did. Furthermore, on page 23 of my report, the following occurs:

> The duty of a Minister is owed to the State represented by Cabinet and the Minister is responsible to Cabinet. Although there may be occasions were a court may be called upon to decide whether that duty has been breached, for example, where the conduct is alleged to give rise to a criminal offence, in the usual course Cabinet is ultimately responsible for determining whether the duty has been properly fulfilled and the consequences of failure to do so. This is consistent with the recommendation of the Bowen report. In this way the appropriate standard is assessed by those familiar with the context. Of course—

and this is important—

> the Cabinet is accountable to the Parliament respecting the appropriateness of the standard imposed.

So, the manner in which this matter was dealt with was in accordance with those principles. It was for Mr Worthington to establish the facts and for Cabinet to make determinations about the question whether there had been personal conflicts or conflicts of interest, and the

Cabinet did that. The Cabinet did it quite properly, and the ultimate responsibility for those decisions, of course, is to the Parliament and, in particular, as far as the Government is concerned, to the House of Assembly. The question whether or not there was a conflict or whether or not there was a pecuniary interest was not a matter for Mr Worthington to determine. In the parliamentary context, when we are talking about conflicts of interest and not criminal offences, they are not matters for courts to determine or for independent ICACs and the like to determine.

We have seen the recent fiasco in New South Wales where ICAC, in effect, usurped the processes of democracy, which should have resolved the issue of Mr Greiner's fate. It is the processes of democracy that should resolve those issues, not an independent person or an ICAC, and in this particular case, it should not have been Mr Worthington who determined those matters; it should be the Cabinet, as has happened, with the Parliament overseeing whether or not that decision is correct. And this debate—

An honourable member interjecting:

The Hon. C.J. SUMNER: That is exactly what I was going to say, Mr President. It is exactly the process in which we are involved.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I didn't say that you could not move it: I said that it would have no effect in constitutional terms if it was passed. Cabinet has fulfilled its duty in this matter. It found that there was an indirect pecuniary interest and a personal interest in relation to the gaming machines matter. It found that there were personal interests in respect of Mr Dawson in the Tandanya and Glenelg matters. Even if the terms of reference had enabled Mr Worthington to make determinations on that matter, on the facts before the Parliament, he would not have gone any further than that in any event.

The Cabinet made the correct determinations. The facts, obviously, do not lend themselves to determinations, other than the fact that there were conflicts of interest. It would have been even more absurd had members suggested that the terms of reference should have enabled Mr Worthington to determine whether or not any action should be taken against the Minister, in the light of his findings. That would not have accorded with constitutional principle. Again, that is what happened in the ICAC case.

The Hon. I. Gilfillan interjecting:

The Hon. C.J. SUMNER: It absolutely did. That is exactly what happened, because they made a finding that the behaviour of Mr Greiner was such as to justify his dismissal.

The Hon. I. Gilfillan: Rubbish!

The Hon. C.J. SUMNER: On this point the honourable member does not know what he is talking about. That is what the court of appeal found was wrong in the case in New South Wales. So, the question whether or not Mr Worthington should have had terms of reference to determine whether there were conflicts of interest and, in particular, whether or not any particular action should be taken in respect of the Minister is one that should be resolved in the negative, namely, that in accordance with constitutional practice that is not the area that Mr Worthington should have determined. That was a matter for Cabinet and ultimately its responsibility to Parliament. In any event, Cabinet—

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: In any event, Cabinet carried out its responsibilities properly. It made certain determinations. I believe that those determinations were made conscientiously, and that they reflected the facts that were found by Mr Worthington. There were not serious conflicts; they were minor in the context of the debate that has occurred on this matter. Obviously, there can be different views as to whether or not there should have been reprimands or changes of portfolio. However—

The Hon R.I. Lucas interjecting:

The Hon. C.J. SUMNER: I said, Mr President, that if you want—

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

The Hon. C.J. SUMNER: If the Hon. Mr Lucas wants me to quote that, I will.

The Hon. R.I. Lucas: Look at page 27. It has nothing to do with the motion.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: It says that the Premier and/or Cabinet may take actions—

The Hon. R.I. Lucas: Ranging from—

The Hon. C.J. SUMNER: Yes—ranging from reprimand to removal from a particular portfolio where there are circumstances of a conflict of interest. It says 'may take action'—it did not say that action had to be taken. In any event, the findings were of minor conflicts of interest, where it was quite open to Cabinet to make the determinations it did. Cabinet determined that the Minister had suffered enough. In any event, there is an implied reprimand in the Cabinet's decision, since it is quite clear that, in Cabinet's view, a declaration should have been made.

Members interjecting:

The PRESIDENT: Order! Members will stop talking to one another across the Chamber. They will have the opportunity to enter the debate.

Members interjecting:

The Hon. C.J. SUMNER: However, Mr President—

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

The Hon. C.J. SUMNER: However, the Government determined that, in the light of these minor conflicts of interest, no further action was called for. I am sure that every honourable member ought to know to what the Minister has been subjected. I certainly know, because I know what the Opposition in this place put me through as a result of totally unsubstantiated allegations and rumours. I know what it is like to have to go through an inquiry. In this case, it cost the Minister four months, her privacy was totally devastated, and her financial affairs and personal living arrangements were laid out for everyone in the community to see. I should have thought that, in the context of the findings of the Worthington report, that was penalty enough.

This motion should be opposed. The Hon. Ms Wiese will deal with the issues raised by the Hon. Mr Lucas, because they are issues that are obviously matters

particularly within her knowledge, as she answered the questions in March and April. However, as I said at the outset, to suggest that this issue can now be shifted from conflict of interest allegations and allegations of impropriety that were made in March and April to misleading the Parliament is quite disingenuous on the part of the Opposition.

Members of the Opposition have lost the debate on impropriety; they have lost the debate on conflict of interest because of the nature of the conflicts; and they have now changed their tack. Overall, judging this matter, in my view there should not be a call for the Minister to resign or for the Ministry to be removed from her portfolio. That reaction would be quite over the top in terms of the findings of the Worthington report and an action that would be unfair and unjust to the Minister.

The Hon. L.H. DAVIS: We have heard an emotional and, largely, irrelevant response from the Attorney-General. He has not attempted to—

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The debate has been going on in an orderly manner until now. I should like it to keep going in that manner.

The Hon. L.H. DAVIS: The Attorney has not attempted to address the facts presented to the Council by the Hon. Rob Lucas. Let us understand what this debate is about. The Worthington inquiry did not have a brief to report on the Minister's statements in the Parliament. Mr Worthington's role was to establish and report on the facts that were pertinent to the terms of reference. It is surely for the Legislative Council to judge whether or not the Minister has misled the Council, after examining the statements of fact established by Mr Worthington and after examining the statements in the Council by the Hon. Barbara Wiese in the period between 19 March and mid-April of this year.

The Attorney-General argues that we have lost the debate about conflict of interest and about impropriety. I suggest that today we are opening the debate in Parliament—where it belongs. This Parliament does have a right to examine Mr Worthington's findings, the facts and the statements made by the Minister, because let us be quite clear: Mr Worthington findings show that the Minister has misled Parliament not once, not twice or three times but on many occasions in the period between 19 March and 15 April, the last sitting day before the Government announced the Worthington inquiry. Many straight questions which simply did not receive accurate answers were asked of the Minister in this Chamber, and that has become quite clear from the information that has already been provided by my colleague, the Hon. Robert Lucas.

Let us look at what the Government has done since the Worthington report was first leaked to the media on Sunday. Presumably, the *Sunday Mail* had a copy of it before the Premier had a chance to examine it; that is how it read to me. The Bannon Government has not even told the public and the Parliament what were the three conflicts of interest which it established in its discussion in Cabinet on Monday. We still do not know exactly what they are. Why is that? One has to ask. The standards that need to be set down for conflict of interest are clearly established by the guidelines which are contained in the Attorney-General's report to Cabinet on the principles relating to conflict of interest. Those Cabinet guidelines established on 24 March 1988 make quite clear that Ministers should identify in writing to the Premier any potential conflicts of interest as soon as possible but no later than prior to the Cabinet consideration of the item.

However, according to the Worthington report, there was only one occasion where the Minister declared a conflict, and even then it appears that she did not conform to the Premier's guidelines of 1988 which require declarations to be in writing. On 19 March, the day on which questions were first raised about this matter, the Minister made a statement about her views on conflict of interest. Let us put on the record once again for the Parliament and the public that the Liberal Party in this and the other Chamber did not introduce this matter; in fact, it was the media that broke this story, and the Liberal Party responded to that story along with the Australian Democrats. In discussing conflict of interest on the first day that questions were asked about this matter on 19 March, the Minister said on page 3380 in *Hansard*:

> Mr Stitt has also been very careful to avoid work that would bring him into contact with areas that might have some bearing on the portfolios that I have held, or, at least, influence that might be said to be brought to bear by agencies of Government for which I have responsibility. It is a matter about which we have both been very concerned during the years that he has worked in South Australia . . .

She was well aware of that, as she should have been, because those guidelines were promulgated in Cabinet in 1988 and, as my colleague the Hon. Robert Lucas said, questions have been asked by my colleague, the Hon. Mr Stefani and me three and half years ago. So, the standards that were expected of her in her role as Minister should come as no surprise to her.

For my part, I made public the sort of standards that the Liberal Party expected of people in Government as Ministers and indeed the standards that we set ourselves as shadow Ministers. In response to a Dorothy Dix question from the Hon. Carolyn Pickles, the Minister made public the fact that my wife had a consultancy with the Department of Tourism where, on her own initiative, she had gone to the department with a proposal for a national conference on bed and breakfast.

I was aware that my wife had occasional dealings with the Department of Tourism and, when the then Liberal Leader, Dale Baker, invited me to be shadow Minister of Tourism in early 1990, I discussed the matter with my wife. Remember, this is only a shadow portfolio; it is not the full thing, not the ministry, just a shadow ministry with no executive power and no power to influence, and no real difficulties with money and people and power, as one would experience in a ministerial position. I discussed the matter with my wife and I said to Dale Baker that I would talk about it overnight. I also discussed the matter with my colleague, the Hon. Robert Lucas, and I decided to decline that portfolio. This meant that there was a rearrangement in portfolios and I exchanged portfolios with my colleague, the Hon. Diana Laidlaw. That was the standard I put for myself, because I believed that it was important—

Members interjecting:

The PRESIDENT: Order! Members will conduct the debate in a proper manner.

The Hon. L.H. DAVIS: —to avoid any possibility of conflict in that situation. Let me look at some of the many examples, based on the information that is contained in the Worthington report, where the Minister has quite clearly misled the Council. Let us look, first, at the company called IBD, Mr Stitt's company, and International Casino Services, because from 19 March through until 8 April, when a document was tabled in this Chamber that blew away the Minister's answer to this question, she had denied that there was a link between Mr Stitt's company IBD and International Casino Services. She claimed that, sure, there was a link, but that it was only a link in Victoria. She also claimed that a document which had been produced related IBD and International Casino Services to a one-off overture to the Victorian Government.

However, the fact was quite clearly established by Mr Worthington: not only was there a link between IBD and International Casino Services but also, in fact, Mr Stitt had engaged International Casino Services to provide technical and gaming expertise to the hotel industry and club groups. Not only had he engaged International Casino Services, but also he was in fact paying them out of his $4 000 a month retainer from the hotel and club industry. He was paying them $2 000 a month from the fees that he received from the HHIA. This arrangement continued throughout the whole of the relevant period and some of those fees were paid monthly to International Casino Services and sometimes at longer intervals.

When the Minister was confronted with that question on 19 March and again on 24 March, she had an opportunity to find out the truth of the matter by consulting with Mr Stitt and to come back and correct any misleading, inadvertent or otherwise, of the Council. She failed to do it and, surely, during this time there was an opportunity for her to consult with Mr Stitt to show him the copies of *Hansard* and ask, 'Is this correct or isn't it; what are the facts of this matter?' There was continued denial of the fact that Mr Stitt was a lobbyist, yet Mr Worthington established that Mr Stitt, in his involvement with Mr Anderson, was engaged in a form of lobbying, albeit minimal.

Members interjecting:

The PRESIDENT: Order!

The Hon. L.H. DAVIS: And again, we see that Mr Stitt was involved with a meeting with the Premier himself and Mr Kinaird in relation to the Glenelg project.

The Hon. Barbara Wiese interjecting:

The PRESIDENT: Order! The honourable Minister will have an opportunity to debate the issue.

The Hon. Barbara Wiese interjecting:

The PRESIDENT: Order! The honourable Minister will come to order. She will have the chance to debate the issue properly.

The Hon. L.H. DAVIS: Then, it was asked whether there was any likelihood of Mr Stitt's obtaining a benefit as a result of the services that he might provide to HHIA and the clubs, in the event of the Bill becoming an Act of Parliament. Mr Worthington on page 92 said:

> I find that, given the information in her possession, it has been reasonably foreseeable since at least the Cabinet meeting of 31 October 1991 that legislation would be introduced adopting the Independent Gaming Corporation model in some form, and that if it was passed, it was likely that Mr Stitt would continue to provide services from which we would derive income at least in the short term.

Quite clearly, that is an example that was showing the sensitivity and the closeness of Mr Stitt's work with the Minister's ministerial responsibilities. But, when she was asked that question in the Parliament, she did not have an answer.

Again, we could look at the situation of Tandanya, which has already been touched on by my colleague, the Hon. Robert Lucas. On 1 April I asked a series of questions about Tandanya. At page 3743 of *Hansard* I asked:

> I have three questions for the Minister. First, what role, if any, did Tourism South Australia play in negotiations for the change of ownership of this land and why was it that it was the Minister's department rather than the companies involved that advised the Kingscote council of the transfer of ownership? Secondly, did Jim Stitt or any companies with which he had an association seek any direct or indirect financial benefit from the sale of the project to System One? Thirdly, did Mr Jim Stitt or companies involved in this project with which he had an association derive any direct or indirect financial benefit from the sale of the project to System One?

That was on 1 April 1992. The questions were asked and the Minister said:

> I do not know whether or not it was the case that he received a direct or indirect financial benefit. It is not reasonable for anyone in this place to expect me to have a detailed knowledge of Mr Stitt's business activities.

However, we find quite clearly from the Worthington report that the Minister was aware of the cheque that Mr Stitt had received. Page 145 of the report indicates that the Minister had a clear understanding and was aware of the cheque for $20 000. The report states:

> The Minister had a clear understanding that it included his work on the Tandanya project. She was aware that, although Mr Stitt had nothing to do with the sale to System One, the payment was related to the sale in the sense that it was the means by which the money had become available to her. The Minister told me that payment came as a surprise to her.

Of course, that payment was made well before 1 April this year. We know that the payment in fact came many months before that. That is clearly at odds with the answer that was given to the Council on 1 April this year.

We know from what Mr Worthington says that in fact Mr Stitt had entered into an arrangement with Mr Lillis to receive a benefit from the sale of the land which we now know as Tandanya. He received two payments—$20 000 on 13 February 1991 and $10 000 on 11 April 1991. Yet the Minister denied any knowledge of the fact that Mr Stitt had a direct or indirect financial benefit as a result of the sale of the project to System One. Quite clearly, the Minister misled the Council. In answer to my direct question, 'What role, if any, did Tourism South Australia play in negotiations for the change of ownership of this land?' the answer on 1 April did not in any way advert to her meeting with the new owners of Tandanya. Page 160 of the Worthington report puts that in perspective when it states:

> The Minister played a part in facilitating a sale by Paradise Development and Geographic Holdings to System One and that she met with representatives of System One on 24 September 1990, two days prior to the signing of the heads of agreement to reassure them of Government support for the project.

The Minister has publicly supported the Tandanya development and to that end she made a joint public

announcement with Mr Ikeda on 20 March 1991. With regard to the Glenelg project, we had the Minister's denials of any involvement by a Tourism South Australia employee, contractor, consultant or whatever we called it —and there was some dispute and confusion as to the nature of the employment—but again the Minister, having had the chance to check the facts overnight and for a few days, said that there was no involvement of this person from Tourism South Australia (who we now know was Ms Judith Bleechmore) and that she was only involved in dealing with a fashion parade.

The Hon. Barbara Wiese: Her name has never been mentioned in this place. It is quite unnecessary to mention her name and you should not have done it today.

The Hon. L.H. DAVIS: It is clearly in the report.

The Hon. Barbara Wiese: Yes, and it shouldn't be. It should not be mentioned. It is quite improper to mention her name.

The PRESIDENT: Order! The Hon. Mr Davis.

The Hon. L.H. DAVIS: The report has been tabled. It is for all to see, it is a public document. Quite clearly, the point has been made that this person was involved with the project and met with the Glenelg council and, again, we know that Mr Stitt was closely involved with the project at Glenelg. The concept of a development at Glenelg was closely linked to the Tandanya project. Mr Worthington again makes clear the fact that in 1988 Mr Stitt and others saw the market for a fast ferry from Glenelg running to Kangaroo Island, to link the ferry into Tandanya. As Mr Worthington said, at that time Mr Stitt was involved with the Tandanya project. The report states:

> After considering possible sites for a mainland terminal, Glenelg was chosen as the favoured option.

Yet, in answer to a question from my colleague, the Hon. Robert Lucas, the Minister again misled the Council by denying point-blank that there was any involvement between Mr Stitt and the Glenelg project.

The Hon. Barbara Wiese: Are all your speakers going to repeat what the last person said?

The PRESIDENT: Order! The honourable Minister will come to order. She will have the opportunity to speak later.

The Hon. L.H. DAVIS: Not only did Mr Stitt have a key role in the original development of the Glenelg ferry concept, but as I mentioned Mr Stitt also had a meeting with Mr Kinnaird and the Premier on 17 October 1989 to discuss the project. That was arranged through the Premier's office, or the Executive Assistant to the Premier, Mr Anderson. Mr Worthington confirms that in fact Ms Wiese knew of that meeting. So, how could she, knowing of that meeting between Mr Stitt, Mr Kinnaird and the Premier in relation to that project, stand up in this Council and say that Mr Stitt had no involvement in the Glenelg project. In summary, it is quite clear from the facts that have been presented by the Hon. Robert Lucas and me combined with the *Hansard* statements over a month in March and April, and the factual findings of Mr Terry Worthington QC, that the Minister has seriously misled the Council in many respects; that it is a serious matter; and that she has fallen short of the ministerial responsibility and standards that have been set down by the Premier in 1988. Quite clearly, there seems to be evidence that she has not even complied with those standards set down by the Premier in March 1988. The Liberal Party, therefore, believes that the Minister should resign and that, if she does not do so, the Premier should dismiss the Minister from office.

The Hon. K.T. GRIFFIN: It is perfectly proper for the Legislative Council—the House in which the Minister is a member—to debate the issue of its confidence in the Minister and to make a request to the Premier. If the Premier decides not to take notice of that request, that is a matter for him. However, this Council, being the place in which the Minister is a member, is perfectly entitled to debate the issue. As I interjected when the Attorney-General was speaking, if we had moved a motion of no-confidence in the Minister in the other place, we would have been criticised for not providing an opportunity for the Minister to respond. We quite properly, I suggest, took the view that we ought to have the debate in this Council and that we ought not to be the subject of any criticism for not giving the Minister an opportunity to make her response to the allegations which are made. As I said, if the honourable Premier decides not to take any notice, that is a matter for him.

Constitutionally, this Council has equal power to that of the House of Assembly except in respect of money Bills and its power is only a little less than that of the House of Assembly in that respect. So, it is an equal partner in the responsibility for legislating for South Australians. The Attorney-General said that we had lost the debate on impropriety, that we had lost the debate on conflicts of interest and that we were turning to this resolution as the next best alternative. I would dispute strongly those assertions by the Attorney-General. The debate on conflicts of interest has not been lost. The ministerial statement from the Attorney-General and the Premier in the other place clearly identifies the conflicts of interest, as does the Worthington Report. What we do differ on—and differ on quite markedly—is the seriousness of those conflicts of interest. I do not intend to relate again those conflicts to which my colleague the Hon. Mr Lucas has made reference. All I need to say is that I believe that they are serious conflicts of interest, at least two of which were not declared. If they are not declared that is an even more serious position than if the conflicts were declared. We have not lost the debate on impropriety. We have certainly never alleged that there is any corrupt behaviour but we have always believed and have always said—

The Hon. Barbara Wiese interjecting:

The Hon. K.T. GRIFFIN: We have not alleged corruption.

The Hon. Barbara Wiese: You certainly implied it. In the very early stages you certainly did.

The Hon. K.T. GRIFFIN: No, we have never implied corruption; we have said that there is conduct which is improper. That is quite different from conduct which is corrupt. I want to put it clearly on the record that we believe that there is impropriety in the sense of there being improper conduct. The Worthington inquiry sought to establish the facts relating to the allegations of conflict of interest by the Minister. That was in accordance with the structure of the inquiry that the Attorney and the Government established in the very early stages. We were very critical of what we saw as being the narrow scope

of the terms of reference. However, after debate and questioning in this Council and in the other place, and correspondence, there appeared to be a genuine acceptance of the fact that the inquiry needed to be broad. We therefore did not pursue the question of the terms of reference and what we initially perceived to be their narrowness.

In the structure of the inquiry, the Government decided what principles should be applied and it reached conclusions. Mr Worthington made reference to the difficulty of his task in not being able to have regard to the principles in establishing the facts. In fact, he wrote to his instructing solicitor—the Crown Solicitor—in relation to that particular difficulty because there was no clear definition of what was a pecuniary interest or a non-pecuniary interest in the domain of high public office. In seeking clarification of his instructions he put to the Crown Solicitor that there was a difficulty in making his determinations. However, the Crown Solicitor wrote back saying that he should stick with the determination of the facts and limit those findings to the facts. The question of whether or not there was a relevant interest would be determined by the Premier and the Government. So, the difficulty of the task of Mr Worthington was acknowledged.

In the ministerial statement made in both Houses yesterday—by the Attorney-General in this House and by the Premier in the other House—an attempt was made to bring the two parts together. However, in doing so I would say it put a gloss on what the report of the inquiry established. In identifying that there were three areas of conflict, the Attorney-General and the Premier did not specifically identify whether the conflicts were personal or pecuniary, nor did they identify the specific conclusions. Nor did the ministerial statement give a reason why the Cabinet had concluded in each instance that, if the interest had been declared, it would not have been necessary for the Minister to have stood aside from the debate and the decision on the issue in respect of which the interest arose. So, we have no reason why the Cabinet reached that conclusion or the principles it applied in those particular circumstances.

The motion before us addresses the statements made by the Minister to Parliament and the facts established by the inquiry. Although the Attorney-General has made some criticism of our focus on this issue, I would suggest that is the important issue that now has to be resolved. The conflicts of interest have been established. Of course, a difference of opinion as to whether or not they are serious or minor exists and there has been conduct which on our interpretation of the report would be improper. In those circumstances it is now important to raise what is the most important issue for the Parliament; that is, whether or not the Minister has misled this Council. On the information which the Hon. Mr Lucas has presented and which the Hon. Mr Davis has followed up, I would suggest that there is no doubt at all that the Minister has misled the Legislative Council.

The Hon. Mr Lucas has identified areas where the knowledge of the Minister at the time she answered questions or made statements in the Parliament was different, according to the Worthington report, than was actually the case. In other words, she misled the Parliament. The Government may wish to downplay the seriousness of the conflict of interest and decide that no action need be taken, and not even a reprimand, as was one of the options canvassed in the paper tabled by the Premier, even if several conflicts or potential conflicts of interest were not declared. However, I would suggest that the Government cannot downplay the seriousness of misleading the Parliament.

Misleading the Parliament is a serious matter. If it is inadvertent then one would normally expect that a Minister, immediately on becoming aware of the fact that a misleading statement had been made, would make a statement to the Council and apologise for the inadvertent misleading of the Parliament. But if it is deliberate, an apology is not sufficient; resignation is the proper and honourable course. I would suggest that, in the areas identified by the Hon. Mr Lucas, if the Minister did know, as the Worthington Report indicates the Minister did, that particular information but the statements given to Parliament were not in accordance with that knowledge, the only conclusion one can reach is that the statements were deliberately misleading. In that context, I make one reference to *Erskine May* on parliamentary practice and procedure in the House of Commons. There is a reference to deliberately misleading the House, as follows:

> The House may treat the making of a deliberately misleading statement as a contempt.

It refers particularly to a 1963 decision of the House of Commons when the House resolved that in making a personal statement which contained words which he later admitted not to be true a former member had been guilty of grave contempt, and that was the Profumo case, which is referred to in Erskine May. In that case a statement was made that was misleading to the Parliament and was acknowledged later to be wrong on the basis of the knowledge of the Minister at the time the statement was made. The consequences of contempt of the Parliament, which is not the subject of this motion but which is nevertheless relevant to a consideration of the consequences of the passing of this motion, is that the Minister should resign.

The Hon. M.J. ELLIOTT: I move to amend the motion as follows:

> That all words after 'Council' (first occurring) be deleted and that the words 'censures the Minister of Tourism for misleading the Legislative Council' be inserted in lieu thereof.

The Minister has not had an opportunity as yet to respond to what has been said—

The Hon. Barbara Wiese interjecting:

The Hon. M.J. ELLIOTT: Let me finish—so it is not my intention to state how I will vote or in fact whether or not I will even support the amendment to the motion that I have moved. The procedures of this Council require that a seconder is necessary. I wanted to ask some questions, so this meant that I had to speak before the Minister. Clearly I could not move the motion after the Minister had spoken because I would not then have had a seconder, as I would have already spoken. So, I am not prejudging; it is necessary to move the amendment now because of how the rules of this Council work, but we will actually keep our powder dry until after we have heard all the argument—

The Hon. K.T. Griffin interjecting:

The Hon. M.J. ELLIOTT: But I could not have after I had spoken. In moving that motion—

The Hon. R.I. Lucas: You need another Democrat.

The Hon. M.J. ELLIOTT: We will have, after the next election.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: Undoubtedly the question before us is whether or not the Minister misled Parliament. It has already been noted by the Attorney-General that any motion in this Council is not binding constitutionally, that such a vote needs to be carried in the Lower House. Nevertheless, despite what some people say, the Worthington inquiry did not answer all the questions. In fact, I think it left many questions still up in the air and it was by the nature of the very terms of reference that it had that that occurred.

The Hon. C.J. Sumner: Rubbish!

The Hon. M.J. ELLIOTT: Well, that is your opinion, and my opinion is different. This motion, if nothing else, very quickly after the Worthington report, allows some of those unanswered questions to be aired and resolved one way or the other. The Democrats have said on a number of occasions in this place and outside this place that we have had no reason to believe that the Minister has been involved in any corrupt behaviour of any form, and we have never said anything different from that. We have repeatedly said that we have a concern about levels of conflict of interest. Contrary to what the Attorney-General said, the inquiry demonstrated that there were conflicts of interest. I will illustrate by way of example. If one takes just the Tandanya project, it was only with the approval of that Tandanya project that Mr Stitt earned $30 000. It does not mean that the Minister acted corruptly in anyway whatsoever: the fact is that Mr Stitt was in a position to benefit, and did in fact benefit, when the project proceeded. That is a conflict of interest—$30 000 worth of conflict of interest.

The Hon. Carolyn Pickles: For whom?

The Hon. M.J. ELLIOTT: For Mr Stitt. It went into the bank accounts and the Worthington inquiry makes that quite clear; that is a conflict of interest. There is no doubt that the Minister's accountant, Mr Jeffrey, benefited—that is also clear from the Worthington inquiry—I understand to the tune of several hundreds of thousands of dollars. There is no doubt that a close personal friend, Mr Dawson, has been in a position of continuing benefit in relation to that project and with other projects as well.

At the end of the day, anyone who says that there were no conflicts of interest obviously has not read the Worthington inquiry very carefully because they are there for everybody to see. But, that is still not the issue. The issue is: first, did the Minister mislead the Parliament; and, secondly, if she did mislead the Parliament should she resign as Minister?

The Minister is yet to answer some of the allegations that have been made by the Liberal Party, but I think that some things are fairly self evident from reading the Worthington inquiry, that perhaps the answers have not always been accurate. Unfortunately, it is part of the game in this place—the game that Ministers play—not to answer the questions. The Opposition tries to catch the Government out and the Government does everything to avoid it, to cover its back. The Attorney-General is very good; he never answers a question he does not want to. He does not mislead the Parliament, he simply heads off at a tangent usually by attacking the Opposition and impugning its motivation, and he is absolutely brilliant at it. Unfortunately, I do not think the Minister of Tourism has those same skills; she is not as good at that game.

The Hon. Barbara Wiese interjecting:

The Hon. M.J. ELLIOTT: He is very good at it and you are not quite as good.

Members interjecting:

The Hon. M.J. ELLIOTT: I am not trying to deride you; you just don't do it as well as he does.

The Hon. Barbara Wiese: I just commented on the nature of the style of speech.

The PRESIDENT: Order!

The Hon. C.J. Sumner: I would like to know when.

The Hon. M.J. ELLIOTT: What, you?

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

The Hon. M.J. ELLIOTT: Every day without fail, and you are good at it. Mr President, on a number of occasions the Minister has pleaded ignorance—on too many occasions, unfortunately. On some occasions I think the answers may simply have been sloppy. The Liberal Party probably picked up most of the clashes in what the Minister has given by way of answers in Parliament and what has been said in the report of Mr Worthington, but I will take one more example. On 31 March—a day before Mr Davis also asked a question on the same matter—I asked questions about the Tandanya and Glenelg developments. I will read part of the questions and part of the answers, but they are not selective in that they do not mislead. I said in my question:

> On 22 February 1991 Geographic Holdings sold the property to System One Australia.

In that question I was talking about the involvement that Mr Jeffrey and Mr Stitt had in relation to that project. In response to the question, the Minister said:

> I am not aware of the information that the honourable member has posed, that it was not Paradise Development that sold Tandanya to System One. I have no knowledge of the arrangements of who owned the land or how it was sold.

She said, 'I have no knowledge of the arrangements of who owned the land or how it was sold.' Yet, on page 144 Mr Worthington stated:

> Mr Stitt told the Minister that his involvement with Tandanya ceased at the time his retainer was terminated by Paradise Development and she had no cause to think otherwise. Mr Stitt received the cheque for $20 000 from Geographic Holdings in early March 1991, that being after Tourism SA had become involved in the Tandanya proposal. He had not made any contributions to Nadine for some time and he was considerably in arrears. Mr Stitt gave the cheque to the Minister and asked her to deposit it in the Nadine State Bank South Australia account as a contribution by him. The Minister asked Mr Stitt why he had received the money. He told her that it was a payment for work he had done for Geographic Holdings. He also told her that Geographic Holdings had not been in a position to pay him earlier but the money was now available from the settlement on the sale of the Tandanya land to System One. It is not clear whether Mr Stitt specifically referred to the Tandanya project as being part of the work for which he was paid but the Minister had a clear understanding that it included his work on the Tandanya project.

At page 165, the same report states:

At the time of completing the Nadine cheque account deposit slip on 11 March 1991 the Minister was aware of the nature and source of the payment of $20 000. The Minister did not consider there was a conflict of interest in relation to the $20 000 but she directed her mind to the following matters:

1. The Minister was concerned about depositing a cheque from Geographic Holdings into the Nadine account because it was a payment directly related to Mr Stitt's work. However, this concern was allayed when he told her that it was his personal income and that he wished to make a contribution to Nadine.

The first sentence on page 166 (point 2) reads:

The Minister was aware at the time that Geographic Holdings was the vendor of the land and that she and her department had had an involvement in the sale in the manner that I have described.

So, the Minister acknowledges the involvement of the department. The first sentence of point 3 reads:

The Minister felt uncomfortable that it was the Tandanya Project rather than one of the other projects of Geographic Holdings that had come to fruition, thereby providing the funds from which payment could be made for all services rendered by Mr Stitt to Geographic Holdings.

I do not believe that these excerpts from the Worthington report in any way match the answer given by the Minister, when she said:

I have no knowledge of the arrangements of who owned that land or how it was sold.

However, the Minister will have her chance to explain that, as she has with other questions. I note that there have been some cases where the Minister may be in the clear. For instance, one issue raised by the Liberal Party was where Mr Lucas asked a question about the Glenelg Ferry Project, and said:

Has Mr Stitt had any involvement with Glenelg Ferry Terminal Pty Limited in developing its plans for a ferry service to Kangaroo Island?

The key word is 'had'. Ms Wiese, in answering the question, said, 'Mr Stitt has no involvement in that proposal whatsoever.' It is a rather clever use of tense which gives an impression but which is, in fact, avoiding the question. She has not actually lied to the Parliament, because she said he has no involvement, while Mr Lucas was asking whether he had any involvement. But I am quite sure that the Minister would have picked that one up.

The question that will determine whether or not we support the motion in an amended form or not at all really depends on whether or not we are convinced that the Minister has misled the Parliament, to start off with; the extent to which she has misled the Parliament; and the intent with which she has misled the Parliament. I have been and continue to be of the position that she should not have been holding the portfolio of Minister of Tourism, because of the conflicts of interest, and the sort of situation in which we have found ourselves was, I believe, really inevitable.

That is not a judgment on personality: regardless of whoever holds that portfolio, anyone with those conflicts of interest I believe is unacceptable. The Liberal Party motion calls for the Hon. Ms Wiese to resign as Minister. That is quite a different issue, and we need to be convinced about whether or not she did mislead Parliament and the extent and intent of that misleading.

The Hon. BARBARA WIESE (Minister of Consumer Affairs): From the outset, I must say that I believe that the debate which has been raised here by Liberal members of Parliament is pathetic, to say the least, and quite unnecessary. However, I guess it is the sort of thing we would expect as a last ditch attempt to try to justify why they embarked on this extraordinary personal attack upon me some five months ago and why they worked so hard to bring about an independent inquiry, which cost the taxpayer $500 000, to discover that the information upon which they were basing their allegations and questions in this place was not reliable or coherent, and did not prove in any way, shape or form the sort of implied improper behaviour that they indicated in this place I was engaged in with respect to the three matters that were brought to the attention of the Parliament.

The Hon. Mr Lucas and the Hon. Mr Davis, in particular, have made much of their suggestion that I have misled the Parliament, and in a moment I will deal with the matters that they and the Hon. Mr Elliott have raised. Before I do so, I should like to point out to the Council that both the Hon. Mr Lucas and the Hon. Mr Davis have themselves misled the Parliament, because they have raised issues in this place today, as they have raised issues in this place on other occasions, and drawn all sorts of implications about various matters, but have done so by quoting selectively and telling only half the story.

They have done that during the past few months with the questions they have asked in this place, and they have done it again today. One would think that they might have learnt some lessons, but they have had the audacity to stand in this place and tell me that I have misled the Parliament when it is exactly what they themselves have been doing.

There have been a number of issues on which these two people, in particular, have misled the Parliament today, and I will be dealing with them. But there was an occasion the week before last, just prior to the Worthington report's being brought down, when the Hon. Mr Lucas again stood up in this place and suggested that I had misled the Parliament on the question of consultancies. He pointed out to the Council that I had indicated, when questions were being asked five months ago, that I presumed that the only money spent by Tourism SA on the Tandanya project had been related to certain matters.

What he failed to quote to the Parliament as part of my reply is that I did not have full information about that matter, that I would have to seek information about the matter of how much money and what financial contributions Tourism SA had made to the Tandanya project. But did he quote that part of my reply? No, of course he did not. It did not suit his intention of misleading the Parliament. The same sorts of things have occurred during this debate today.

When the Hon. Mr Griffin spoke he referred to comments that had been made by my colleague the Attorney-General about the way the ground had shifted during the course of the debate on the matters before us. He talked about the ground shifting from the question of propriety to the question of conflict of interest and now to the question of misleading Parliament. Despite the points that the Hon. Mr Griffin made earlier in the day, that no suggestions were made or implications drawn at any time about corrupt activity, I would suggest that

some of the questioning that followed allegations made by an ABC journalist in the first instance were, indeed, meant to draw that sort of conclusion.

So, from there we have moved right through the process as we have followed every step along the way of inquiry into these matters to a point now where we have come back to the question of whether I misled the Parliament. I responded during several weeks of questioning on these matters to the best of my knowledge of the issues at the time, and I should like to inform members, if they have forgotten, that many of the questions that were being asked of me during that time were about companies and individuals whose business I could not possibly have been expected to have any knowledge of.

The Hon. Mr Davis, for example, stands up here and says, 'She didn't have the answers.' Why should I have the answers about the business affairs, personal lives or personal activities of a range of people of whom I have very little knowledge and with whom I have very little contact? But he made those allegations at the time, and the Hon. Mr Elliott certainly joined him in this cry at the time, but it was quite unreasonable then and is quite unreasonable now to suggest that, during the course of that line of questioning in the Parliament during the last session, I should have had full knowledge of some of the issues that were being raised here. The questions were unreasonable and it was unfair to expect answers on the spot or answers to be given quickly.

Indeed, Sir, even on the question of knowledge of Jim Stitt's business, I made quite clear during questioning at the time that I did not have full knowledge of all his business activities or business interests; nor did I think it was reasonable that I should be expected to have such knowledge.

Mr Worthington addressed this matter in his examination of the issues that were before us, and during the course of the inquiry Mr Worthington questioned both Jim Stitt and me at great length about our personal relationship; our ground rules, if you like, as to how we work; and how we conduct our relationship with respect to providing information to each other about our respective careers and the business that we do. He dealt with those matters at some length during the course of his inquiry.

However, there is one quote which I would like to put on the record and which I think sums up very well the situation to which he was referring. I think it is the sort of response that should be given to the appalling statements that were made a few months ago by the Hon. Mr Davis, who suggested when he was doing media interviews that 'the Liberal Party knew more about Mr Stitt's business affairs than the Minister does, and she sleeps with him'. And, on this matter of what I knew or should be expected to know, Mr Worthington sums up very well the arrangements that Mr Stitt and I have had with respect to our work. He said:

> In so far as there were conversations about Mr Stitt's work, both of them agreed that in general terms the Minister would be aware of what Mr Stitt was doing and in some cases she would know more about his involvement than in others. As one would expect in a normal domestic relationship, she was interested in what he was doing but not necessarily interested in finer details. The Minister and Mr Stitt have other interests which they share to the extent that the Minister's duties allow time for them and on which it is not necessary to elaborate publicly. I have no difficulty in accepting the general description of their approach to work related discussions.

I think that description of our relationship would be very similar to the description of the relationship which is enjoyed by many thousands of couples around South Australia and Australia. Most couples do not have a detailed knowledge of each other's work; they do not have a detailed knowledge of each other's interests; and, to the extent that they have free time, they generally concentrate on other matters and have interests outside their work which they pursue.

The Hon. Mr Lucas made great play of the fact that questions had been raised concerning Jim Stitt's involvement with development going back as far as 1988 and that I had been put on notice that there would be scrutiny of such things. Great play has been made of the involvement that he had with the Tandanya and Glenelg foreshore projects. However, what has not been said by any of the members of Parliament who have been raising these allegations against me—what has not been acknowledged by any one of them since the Worthington inquiry hit the table—is that the claims that I was making consistently over a long period of time that Jim Stitt's involvement in Tandanya and the Glenelg foreshore projects ceased at the end of 1989 have not been acknowledged by them, but that is the fact. He has not been involved with those projects since December 1989.

So, that leads me to the first of the issues that were raised by the Hon. Mr Lucas, which was that question of Jim Stitt's involvement in the Glenelg ferry terminal proposal. I said in reply to this question that Jim Stitt has no involvement in that project whatsoever, and that was correct. He has had no involvement in that project since December 1989, so I was not misleading the Parliament in any way at all. In the inquiries that were made by Mr Worthington, he quite clearly found that that was the case, and there is ample evidence through the course of his report which makes it very clear that that is so. However, I refer particularly to the statement that he makes on page 130 of the report that there is no evidence to suggest that Mr Stitt was actively involved in the Tandanya project after December 1989 and a good deal of evidence which indicates the contrary. He goes on to quote relevant people who should have an interest in or a knowledge of any involvement, if there had been any such involvement, and it is quite clearly laid out for anyone to see.

The second point that was raised by the Hon. Mr Lucas and repeated by the Hon. Mr Davis was the question of financial benefit from the sale of the Tandanya land to System One. The honourable member referred to a question that he asked of me on 1 April. I would like to explain to the Council the nature of my response on that occasion. The Hon. Mr Davis asked:

> Did Jim Stitt or any companies with which he had an association seek a direct or indirect financial benefit, and did he gain any direct or indirect financial benefit from the sale of the project to System One?

I said:

> They are not questions I can answer. I do not know whether or not that was the case.

There was considerable interjection, as is recorded in *Hansard*. I continued:

> But I can only assume that that is not so.

My reply to that question was directed to whether Jim had sought a benefit or commission from the sale. That is what I understood to be the question that was being asked of me. My understanding was that the question being asked of me (and it was being asked in the context of numerous questions which had previously been put that Jim Stitt had been personally involved in the sale of the Tandanya land; I was responding in that context, and one must put these things in that context) was whether Jim had been involved in the sale and whether he had received some sort of commission from the sale of the land. My understanding of that matter at the time was that he had not been involved in the sale of the land and that he had not received commissions for the sale of the land.

The fact was that the moneys that he received after the sale were for work that was unconnected with the sale. The moneys he received were for work that he had performed some two years earlier. The only connection with the sale was that the payment was made possible as a result of the sale; in other words, the people for whom he had undertaken work some two years previously, prior to the end of December 1989, were now able—

An honourable member interjecting:

The Hon. BARBARA WIESE: Yes. A project with which they had been involved had come to fruition and they were now in the position of being able to pay fees for work that had been undertaken some two years before that point. That is the fact of the matter and it is clearly outlined in the Worthington inquiry report. I believe that gives a reasonable explanation of the reply that I gave and my understanding of the question that was being asked at the time. In no way whatsoever can it be suggested that I misled the Parliament on that matter.

I will not refer to some of the sleazy comments that were made by the Hon. Mr Lucas with respect to architectural fees and other things, except to point to those aspects of the Worthington inquiry report that quite clearly show that the architectural drawings that were being prepared by Mr Dawson's company for the house that Jim Stitt and I own were being done on a fee-for-service basis, as is normally the case, and there can be no suggestion of any improper action in that respect. Once again, the implications and the implied messages that the Hon. Mr Lucas attempted to convey to the Council are quite unwarranted and most unfortunate, but it is the sort of thing for which he has become fairly famous, and I suppose we can expect more of it in the future.

The next question I want to address is the suggestion that the Hon. Mr Lucas made that I misled the Council with respect to an issue on gaming machines. He said that, in reply to a question on gaming machines, I had indicated that I received no personal financial benefit from these transfers. When I responded to that question, Sir, I was referring to amounts of money which it was being alleged were being transferred to Nadine directly as a result of payments that Jim Stitt was receiving by way of fees for his consultancy on gaming machines. What I said at the time, as I recall, although I do not have the direct response with me, was that I was receiving benefit from moneys being paid into Nadine by way of loans in the normal course of a domestic relationship with respect to pooling of resources. There was some debate, as members would be aware, about the question of what these loans constituted and I again refer members to the Worthington inquiry report, because the arrangement is set out very clearly with respect to Nadine Pty Limited and the loans that Jim Stitt and I make to Nadine Pty Limited as part of the pooling of our income for the purpose of paying the mortgage on our house and other household items.

When I responded to that question, I referred to correspondence and advice that I had received at that time from my accountant for the purpose of responding to questions that were being asked of me. This indicates, quite clearly, that no monetary benefit was being received by me from transfers of money that were being made by Jim Stitt to Nadine Pty Limited. I made those responses at that time and those responses were correct.

The Hon. R.I. Lucas: Worthington said they weren't.

The Hon. BARBARA WIESE: Mr Worthington does not say that at all—

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

The Hon. BARBARA WIESE: —because he does not respond to the questions that were being raised at the time, and you want to take those responses out of context, as you have with every other issue you have raised in this place during the course of the investigation of these matters. The fact is that I was responding at that time with information provided to me by the professionals—an accountant who indicated that that was the case.

Mr Worthington has made it quite clear in his report that, when one looks at the matter that was quoted by the Hon. Mr Lucas, again out of context, one can only make judgment about benefit received by me from Mr Stitt's income by way of reference to section 4 of the report. That section quite clearly outlines the fact that the only benefit ever received by me from Mr Stitt's work is that received in the same sense as any couple pools resources in one way or another.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: The fact is that the allegations that were brought at the time were that I was receiving payments relating to gaming machines. Sir, that is not correct. It was not correct then and it has been shown to be not correct since then. Mr Worthington deals with that matter quite clearly in his report where he talks about the normal domestic relationship of pooling income and resources.

The next point to which I want to refer relates to the question of the sale of Tandanya to System One. The honourable member, in his usual way, suggests that I misled Parliament. Sir, I did not mislead Parliament at all. As with most of the issues that he is raising here today, he is taking a very pedantic approach. He is playing word games with the Council and wasting several hours of parliamentary time which could well be devoted to doing something useful for this State.

Members interjecting:

The PRESIDENT: Order!

The Hon. BARBARA WIESE: The point he was making there was that I indicated in one sentence, as part of a full response to a question, that I took no part in the sale and did not know about it until it occurred. That is

quite correct—I took no part at all in the sale. The reference that he makes to the Worthington report which points out that I met with System One two days prior to—

The Hon. R.I. Lucas interjecting:

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

The Hon. BARBARA WIESE: —the heads of agreement being reached is quite right. I did meet with the System One executives, and I talked with them about investment in South Australia. I assured them that the Government is very welcoming of foreign investment in South Australia, and I welcomed their interest in tourism developments in this State. When they came to see me, they were prospective investors. There was no guarantee whatsoever that they would be in any way involved in the purchase of Tandanya. They were coming here for discussions and part of that process was to pay a courtesy call to the Minister of Tourism and to receive assurance that the South Australian Government believes that investment in South Australia is a good thing. That is a perfectly legitimate thing to do and it is not in any way at odds with the statement that I made in response to a question asked of me in March.

The Hon. Mr Lucas again raised a question about gaming machines in which he suggested that I was not aware of any future benefit that Jim Stitt might receive should the gaming machines legislation pass through Parliament. He pointed to a statement made by Mr Worthington which suggests that it had been reasonably foreseeable that legislation would be introduced and, therefore, I should have some knowledge of it. That, too, is only a partial quote of what Mr Worthington said on this topic. I would like to remind members of exactly what he did say on some of these issues.

The Hon. L.H. Davis: Page 92 you are about to read from.

The Hon. BARBARA WIESE: I probably am, too. The honourable member quotes selectively from this aspect of the report. Of course, what he has left out is the quote from Mr Worthington which indicates that the Minister did not specifically advert to the prospects of Mr Stitt continuing to receive income as a result of services that he might provide to the HHIA/LCA in the event of the Bill becoming an Act.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order! The Hon. Mr Davis has had his turn. The honourable Minister.

The Hon. BARBARA WIESE: At page 72 he also stated:

> The possibility of Mr Stitt's continued involvement with the Independent Gaming Corporation, if the legislation should pass, did not arise in discussion with the Minister prior to the introduction of the Bill.

Members interjecting:

The PRESIDENT: Order! The Council will come to order. The honourable Minister has the floor. The honourable Minister.

The Hon. BARBARA WIESE: At page 95, at point five, Mr Worthington also stated:

> The Minister did not ask Mr Stitt about his expectations with regard to the future provision of services in the event of the legislation being passed which adopted a model proposed by his client.

He also indicated—and this is even more important than any of these pedantic questions that are being asked by members in this place today:

> . . . that there is no evidence that the Minister took any action or made any decision in relation to the Gaming Machines Bill or related policy issues for an improper motive . . .

And he goes on in that vein. That is the key point with respect to the gaming machines issue; it is the key point with respect to the Tandanya issue; and it is the key point with respect to the Glenelg foreshore issue.

On the question of future earnings, there is one further issue I would like to raise; that is, during the course of questioning in Parliament on this matter members of the Liberal Party, in particular, alleged—and, of course, it was an implication; it was only ever by implication, these sorts of allegations—that somehow or other Jim Stitt stood to gain from some huge percentage rake-offs or commissions should the hotels and clubs' proposals for gaming machines pass the Parliament.

I would like to quote what Mr Worthington says about this matter because that, too, was one of those allegations raised by members in this place that fell flat on its face as well. Mr Worthington stated in relation to this matter:

> At no time has there been any discussion or consideration given to any other form of remuneration for Mr Stitt or International Casino Services other than an ordinary fee or retainer basis.

He also said—and I think this is relevant with respect to the claims that are being made, that somehow or other I should have known about all of these things—at page 139 of the report that he:

> . . . accepts that she [meaning the Minister] had no real interest in Mr Stitt's fee arrangements with particular clients and it was not the sort of detail that would be discussed between them. At any one time Mr Stitt has a number of clients and there was nothing special about this one.

This was a comment he made with respect to Tandanya, but it is certainly applicable in all of the issues that have been dealt with by members in this place.

There is one other matter relating to questions that I would like to deal with. I refer to the Hon. Mr Elliott's reference to a question that he asked of me on 31 March about Tandanya. In response to the issues raised by him, I would like to point out that when I was responding to the question that he asked on that day—a question that I think had some seven or eight parts and a very long explanation prior to the question being posed—I was responding to parts of the question that were based on a false premise; namely, that Geographic Holdings alone had sold the Tandanya project to System One. In his explanation to that question Mr Elliott indicated that a search of the title had revealed this information. That was not my understanding of the circumstances, because I believed the land had been jointly owned by Paradise Developments and Geographic Holdings. Therefore, the series of questions did not relate to my understanding of the situation. So, in responding to that question I responded to the false premise upon which the question had been based. I said:

> I am not aware of the information that the honourable member has posed; that it was not Paradise Developments that sold Tandanya to System One. I have no knowledge of the arrangements of who owned the land or how it was sold.

I agree that that was probably rather poorly expressed because what I was intending to say was that if that is the fact of the matter as the Hon. Mr Elliott was

suggesting it was, as had been revealed, as he said, by a search of the title, then that was news to me. It was not something that I knew about and that that was what I intended to impart by responding to the question in the way that I did. I think that the intention of my response is made clear the couple of sentences following the interjection made during the course of my reply to that question.

I think that in general terms that covers the issues that have been raised by members in their quest to pursue this matter to bring about the last possible drop of blood from the issue that they began so laboriously some five months ago. I think that with the responses I have provided to the matters that have been raised here which, by and large, have been a combination of individual members raising matters in a way which in itself has misled the Parliament or, indeed, in a way that can be described as nothing more than pedantic and mischievous, I have again indicated that the intentions I have pursued during the course of this and all of my ministerial duties, as I have performed them in the various forums and in various ways, whether it be sitting at my ministerial desk or here in this Parliament, have always been performed in good faith and with honesty and integrity. That is more than I can say for some of the people who have been pursuing me with great vigour over a period of many years, sometimes with very personalised and sexist attacks forming the basis of the nature of questioning of me on numerous matters. At all times I have attempted to carry out my duties, whether in this place or outside, in good faith and with integrity and with honesty.

I believe that the Worthington Report quite clearly shows that that is the way I have conducted my affairs, that is the nature of the way that I do business, and the scrutiny of five years of my ministerial activity and life indicates quite clearly that I have never behaved in an improper way. The report is as clear as any report can possibly be. I said in this place yesterday that I would challenge other members of Parliament to endure the sort of scrutiny that I have been through over the past five months and see whether they come up with the sort of clean bill of health that I have received from the Worthington inquiry.

I hope that when this debate in this place is over this might be the end of what has been a very grubby, personalised, political attack upon yet another Minister of this Government. I think that the standards that have been adopted by the people opposite in their attacks on me, on the Attorney-General and on various other Ministers over this past few years have been appalling. For people like you to stand up and talk to me about standards in the way that some of you have, with the sort of standards of behaviour that you follow in the conduct of your duties as members of Parliament, is absolutely disgusting. I think that the messages of support that I have received from all sorts of people in the community during the past five months indicate to me quite clearly what the South Australian public thinks of your standards of behaviour as members of Parliament.

The Hon. I. GILFILLAN: I believe that this debate has been justified and worthwhile. I think it is important to identify that the debate on the motion was principally about the issue of misleading Parliament; it was not a question of conflict of interest, although several members took the opportunity to widen the debate to that context. Since we do have the Worthington report tabled in Parliament, I believe that it is appropriate that the reason for it is canvassed in this forum. I make no apology and I feel that it is inappropriate to cast this debate as being a spurious and underhanded measure just to attack a particular Minister of a particular Government. I repeat that it is the conviction of both my colleague the Hon. Mike Elliott and myself that our job is to scrutinise the activities of Ministers of the Government. Whether that may be suspected conflict of interest, inefficiencies or misleading of Parliament we would be abrogating our responsibility if we did not follow them through in a vigorous fashion, and I believe that that has taken place in this case.

I think it is also important to indicate that, from a personal point of view, we do not believe that there has been any impugning of the reputation of the Minister of Tourism, and what criticism we have made has been based on what we believe to have been unfortunate circumstances in which she has been exercising her responsibility as a Minister, and that in the case of the misleading of Parliament there has been information given in answers which have, in the light of the Worthington report, been proved to be at least inadequate and, I believe, in a couple of instances wrong. I believe it is reasonable for us, in debating this measure, to assess what was the justification for the method in which the Minister answered the questions and the inadequacy of some of those answers, and if there is any motive to be impugned for working out why certain inadequacies existed. It is on that basis that we respond to this motion. It is of paramount importance to the integrity of Parliament that Ministers answer questions to the best of their ability.

The Hon. Barbara Wiese: That is exactly what I have done.

The Hon. I. GILFILLAN: The Minister interjects to indicate that that is exactly what she has done. Well, if that is the case, I point out to the Minister that the case that my colleague brought up—the question he raised regarding the sale of Tandanya to System One—was answered by her, by saying in part (and this has been quoted previously):

> Business activities with respect to those matters . . . I have had no involvement with it whatsoever. If the arrangements are as the honourable member suggests, that is news to me. I have no idea about it. As to the role of the accountant in this matter, I cannot answer that question; I have no idea at all. I have no information about most of these questions and I do not think it is appropriate that I should attempt to answer them in this way in any case, so I will undertake to study the questions and I will provide information where information is known to me and hope that the replies will satisfy the honourable member.

Sounds fine. She was asked that question on those matters again later, and the answers were still inadequate.

The Hon. Barbara Wiese interjecting:

The PRESIDENT: Order!

The Hon. I. GILFILLAN: The Minister's interjection is that it was a day later. I asked the Minister how important did she regard this line of questioning? She was resenting the line of questioning. She was making great posture that she was doing her best and giving the most open and honest answers. Here was notice of

information required and she had not got it. The Minister protests—

The Hon. Barbara Wiese interjecting:

The PRESIDENT: Order! The Hon. Mr Gilfillan has the call.

The Hon. I. GILFILLAN: —that she was not put on notice that these matters were going to be of concern. Now, she turned us to page 139 of the Worthington report, and I followed each of the traffic directions as best I could through this debate. At 6.5.2, about the Minister's knowledge, it states:

> Mr Stitt told the Minister he had been retained by Paradise Development. She cannot recall when that conversation took place. Mr Stitt recalls that he told her shortly after he concluded his arrangements with Mr Lillis. The likelihood is therefore that the Minister became aware of Mr Stitt's engagement by Paradise Development at about the end of 1987.

The Hon. Barbara Wiese: What's that got to do with it?

The Hon. I. GILFILLAN: That means that you knew that there was an involvement with your partner in life in matters directly involved with tourism and matters on Kangaroo Island before 1988, in 1987.

The Hon. Barbara Wiese interjecting:

The PRESIDENT: Order! The debate has been going quite well until now. The Hon. Mr Gilfillan has the floor. The Minister will come to order.

The Hon. I. GILFILLAN: These people are reading this report, Mr President.

The Hon. Barbara Wiese: Well, you are not understanding what you are reading.

The PRESIDENT: Order! The Minister has had her turn. The Hon. Mr Gilfillan.

The Hon. I. GILFILLAN: I must commend some research work that was done by the Opposition in balancing what were answers by the Minister to statements which were in the Worthington report, and they do not tally. In several instances they clearly do not tally. That is not necessarily an indictment of the Minister's integrity because there are very few Ministers who have their answers to any question subjected to the scrutiny that this Minister has. We understand that, but there are facts established by the Worthington inquiry. That is what it was set up to do—establish the facts.

It is interesting that because of that he was not invited to make any judgments or interpretations, but the Attorney leant on several interpretations of Worthington in giving what could be subjective interpretations of the way these matters were dealt with. I turn to an observation that Mr Worthington himself made: in several matters he came to his position after observing the demeanour of the Minister and others who gave evidence, but in particular the Minister. That is obviously a subjective interpretation and it is one which all members in this place take as well.

I have observed the demeanour of this Minister and I believe her to be an honest person of integrity, but that does not mean that her answers are right, that does not mean that she is 100 per cent diligent in doing her job all the time. Who is? I believe that she is normally a big enough person to admit that there are deficiencies, and there have been in the previous history of the time that we have been in Parliament when she has done so. I do not see that a criticism of the accuracy of the answers in the cases that we have cited are a particularly significant indictment, if indeed it is an indictment at all, of the integrity of the Minister. But it is a sad situation which has flowed from the unhappy congruence of the business activities of the Minister's partner in life and her professional ministerial responsibility. There were many people who foresaw that, who had absolutely no wish to besmirch or attack the Minister politically.

Neither my colleague nor I intend making a personal attack on or in any way embarrassing the person of the Hon. Ms Wiese as Minister of Tourism. Our professional job is to criticise her decisions and to ask probing questions, and we will continue to do that to any Minister at any time. But I believe that there are gaps, and I urge the Minister to consider whether they are gaps of a nature for which she feels she should at least feel apologetic, whether one expresses this in public or not, when the Minister claims that she had no knowledge of these arrangements and the settlement of the sale of the land at Tandanya to System One from Geographic Holdings.

It is very difficult to believe that in March 1991, when we are told that she was given the cheque for $20 000 by Mr Stitt and had the reason for that cheque explained to her, where it had come from, in answering the question in March 1992—12 months later—she had forgotten. She may very well have forgotten, but it is a very significant 'forget'. I believe that in the whole chapter and verse of the reason why these matters were brought forward, why we had the Worthington inquiry and why we are having this debate, Ministers of the Crown cannot afford those sorts of 'forgets' without either apologising or wearing the egg.

The Hon. Barbara Wiese interjecting:

The PRESIDENT: Order! The honourable Minister will come to order. The Hon. Mr Gilfillan.

The Hon. I. GILFILLAN: I do not see any point in drawing this debate out further. The position we have put forward in our amendment is a proper and balanced one. We believe that there has been a deficiency in the way the questions were answered in this place, and that is the specific character of this motion. It has nothing to do with the conflict of interest. It is a very clearly targeted amendment, related purely to that. We do not believe that the circumstances as argued justify the resignation of the Minister or her removal from her ministerial responsibility on the basis of misleading Parliament, but I believe that, in the fullness of time, she will find it propitious to consider whether it is sensible politics to continue to hold a ministry such as she does with tourism while her partner in life is professionally engaged in any form of activity that can impinge on that responsibility.

As she said, I think prophetically and accurately, on ABC radio, there are new standards. They have not been invented by the Democrats; they have been demanded by the public. The Minister identified that and acknowledged it, and I believe that be the same standards will be imposed on Ministers, members of the Opposition, shadow Ministers and members of Parliament in general. They are going to be standards we are required to maintain if we are to improve our image in the eyes of members of the public as their representatives.

In conclusion, we do not find the Minister to have behaved in a way that requires her resignation. However, we do believe that, in light of the Worthington report, there has been evidence that the answers she gave to a

long and, I agree, tedious and exacting series of questions have contained some deficiencies. If we are to make the same judgment as Mr Worthington did in his report, having observed the Minister's demeanour, we believe her to have given the answers to the best of her ability and honesty, but there were deficiencies in that. That is why we are moving an amended motion and why we believe that the Council should support it.

The Hon. R.I. LUCAS (Leader of the Opposition): I do not intend to address all matters raised by the Attorney and by the Hon. Ms Wiese. In relation to the Attorney, none of his 30 minute contribution really addressed the motion. He ignored the issues of the motion and, basically, indulged himself in talking about his own trials and tribulations in the past. In relation to the contribution by the Minister, it is fair to say that there has been no rebuttal of any of the facts established by Liberal members of this Chamber. Certainly, there was an attempt by the Minister to re-write history from this vantage point today.

In relation to the attitude of the Australian Democrats, obviously, we welcome the fact that they have, in accordance with the amendment they have moved, agreed with the central proposition that the Minister of Tourism has misled the Legislative Council. The Democrat amendment to be moved will read that this Council censures the Minister of Tourism for misleading the Legislative Council. What we have in this Chamber is a situation in which the Australian Democrats and the Liberal members have agreed that this Minister has misled the Council.

Obviously, the Australian Democrats and Liberal members have not accepted the explanation from the Minister or her attempt to rewrite history in relation to the significant errors or examples of misleading the Parliament that were instanced, as well as the extra one the Hon. Mr Elliott highlighted in relation to the question that he himself had asked. The difference is in relation to the appropriate penalty. From our viewpoint, we are disappointed that the attitude to be adopted by the Australian Democrats—given that they have established that, in their view, the Minister has misled the Parliament—is now to be the application of the lower standard of accountability than previously had been applied by former Australian Democrats in the Legislative Council.

As I indicated, the only recent occasion when a former Minister was found to have misled the Council was a significant occasion when there was agreement between the majority of members in this Chamber that that Minister had misled the Parliament and the appropriate form of accountability agreed by this Chamber was the view that the Minister ought to resign his position. We have the first part of that agreement; that is, the Australian Democrats have agreed that this Minister has seriously misled the Legislative Council, but they take a different stance in relation to the appropriate level of accountability.

In that light, obviously, our preferred position is that there be agreement on all matters in our original motion; that is, that there was a misleading of the Legislative Council and that the appropriate accountability standard ought to be the resignation or dismissal of the Minister. That has been and remains our preferred position, but the one thing we can do in this Chamber is count, and we acknowledge that the Australian Democrats will not support this motion so we indicate that we will support the amendment which, in effect, says that the Council censures the Minister of Tourism for misleading the Legislative Council.

Amendment carried.

The Council divided on the motion as amended:

Ayes (11)—The Hons L.H. Davis, Peter Dunn, M.J. Elliott, I. Gilfillan, K.T. Griffin, J.C. Irwin, Diana Laidlaw, R.I. Lucas (teller), Bernice Pfitzner, R.J. Ritson, J.F. Stefani.

Noes (8)—The Hons T. Crothers, M.S. Feleppa, Anne Levy, Carolyn Pickles, R.R. Roberts, T.G. Roberts, C.J. Sumner (teller), Barbara Wiese.

Pair—Aye—The Hon. J.C. Burdett. No—The Hon. G. Weatherill.

Majority of 3 for the Ayes.

Motion as amended thus carried.

WAITE CAMPUS

The Hon. T.G. ROBERTS: I move:

That the report of the Environment, Resources and Development Committee on the porposed public work of the construction of facilities for the Department of Agriculture on the Waite campus of the University of Adelaide be noted.

In doing so, I would like to note some of the background for the reference. The matter was referred to the new Environment, Resources and Development Committee pursuant to section 16 (1) of the Parliamentary Committees Act, following the reference from the Governor on 16 April 1992. The advertisements were placed and witnesses were called, inspections were made and I would like to compliment the committee on the hard work it did in putting together the report. One other bit of information that was gleaned from the initial visits to the Waite Institute and out to Northfield was that the Hon. Mr Dunn was on the original steering committee that put the recommendations back in 1988. He was certainly *au fait* with a lot of the background that was to take place in putting together the report and was very helpful in giving some information to some of the committee members.

We visited the Department of Agriculture Research Centre at Northfield and, the Waite Institute campus of the University of Adelaide and following the site inspection, the committee took evidence from officers of the Waite Agricultural Research Institute. We took further oral evidence at meetings of the committee on 20 May, 10 June, 17 June and 1 July 1992. We also visited both the Northfield complex and the Waite Institute.

The basis for the decision to relocate and to centralise a lot of the department's locations was to concentrate resources supporting rural based industries and related conservation programs, for example, Landcare. The Waite Institute already accommodates four divisions of the CSIRO, the Waite Institute, the Australian Wine Research Institute and two federally funded cooperative research centres, and some Department of Agriculture staff have been located on the campus for many years. It has been a wish of many people in the department to centralise a lot of the activities and to facilitate the joint planning of

programs. Hopefully, this will result in more effective outcomes from the investment made in this economically important area. It will also reduce the capital cost of providing facilities required due to the development of the Northfield land for housing and the ongoing operating costs due to the development of common services for all agencies and campuses. There was some discussion around what facilities would be sited at Waite and what facilities would be transferred from Northfield to other areas such as Roseworthy, and a final mix and match was presented to the committee for us to look at.

The project is significant since the total cost of the project, as given in the body of the report, is $59.6 million. That was the total cost of the project put to the committee and it was broken down into: library and refectory $2.7 million; soils building, $3.3 million; administration building, $5.8 million; laboratories, $11 million; plant sciences, $22.9 million; site services, $2.7 million; child-care, $200 000; off-campus work $1.1 million; contingency $1.5 million; fees $4.8 million; furniture and equipment, $3.1 million; and planning, $500 000, which gives a total of $59.6 million. So, one can see it is a large project but benefits will flow, overall savings will be made in the long run and hopefully some of the returns back to the agricultural industry will flow from the centralising of the facilities at Waite.

When the committee started to take evidence, the Department of Agriculture advised us that the final proposal for its redevelopment of the Waite campus involved relocating the following units: the Field Crops Improvement Branch, the Weed and Soil Conservation Branch, the Horticulture Branch, the Seeds and Services Branch and the Information Services Branch. I am sure the Hon. Mr Dunn will go into more detail about what they will do at a later date. When centralised, all those research facilities will be pooled together on one site and hopefully the cooperation of those different organisations involved in agricultural research will be better put to use on the one site. In taking evidence from local people who will be affected we found that the emphasis being placed on some of the changes to the research facilities was being delivered into the community groups in a varying way, and there was some criticism about the changing nature of the information that has been provided. The committee was able to sit down with all parties and, hopefully, as a result of the recommendations there will be more ongoing consultation in the future as the project proceeds.

A summary of the report by the Environment, Resources and Development Committee is that the proposals should proceed, but there was a cautionary note that the actual relocation of the administration building should be reconsidered. Many complaints raised by the community seemed to be valid, and some members of the committee were certainly of the view that, as other buildings were available for the Department of Agriculture in the central business sector, it might be more environmentally sound and fall in line with the 20/20 Vision plan not to relocate the central building on site but, rather, to centralise all the other facilities without the administrative arm and wing. It is certainly the view of the people in the area of Waite that the centralisation of the administrative wing is as much a key of the program as is centralising the facilities, and they believe that the building should still proceed on the basis that it will bring about all the benefits of the three areas working together. Those people believe that, if you have the administrative wing, then obviously there will be more cooperation than if it is a fragmented site.

I suppose one would go a long way to hear a better argument, but it was the committee's view that it was a luxury at this time to place the administrative building in that location, given the difficulties were being raised about traffic movement and other environmental problems associated with centralisation of a facility that would house some 200 administrative and executive staff. The committee was cognisant of increased traffic movement and some of the damage that might be done to some of the old trees in the area. It was also aware that it would unnecessarily place a centrally located facility in an area that might be able to be located elsewhere. So, the committee basically had to play off the benefits that would flow from centralisation of such a facility as opposed to more efficient use of those existing buildings.

Some of the other problems raised were associated with the use of chemicals on some of the field and experimental crops that are being planted. I hope that the evidence we took allayed many of the fears expressed and that the type of agricultural chemicals that will be used will be no more harmful than some of the chemicals that are used in metropolitan gardens. I know that does not allay all fears, because people believe that many garden chemicals are dangerous in some instances. However, the committee has come down with a recommendation for a code of practice for the use of chemicals.

The other code of practice that is recommended is to look at some of the uses of radioactive materials on site. Although they were confined only to experimentation, it was viewed that a code of practice, in consultation with local residents, would allay the fears of many residents about those environmental problems associated with the centralisation of the facilities.

I commend the report and hope that the recommendations included in it alleviate many fears expressed by the local residents and will bring about a more productive use of the Department of Agriculture's research and development programs and, hopefully, provide the stimulus that is required to bring all those groups that have been separated and spread around the metropolitan area into a cohesive network and plan where everybody works happily together.

The Hon. PETER DUNN secured the adjournment of the debate.

DEBITS TAX (RATES) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

In view of the lateness of hour, I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

On 1 January 1991, the Commonwealth Government transferred the debits tax to the States but undertook to continue to collect the tax on the States' behalf until 31 December 1992, provided uniform tax rates applied.

The rate structure of the debits tax is such that flat amounts of duty apply to debits that fall within fixed value ranges. Debits ranging from $1 to $100, for example, each attract duty of 15c while debits in the range of $100 to $500 each attract 35c of duty. The maximum rate of duty per debit is currently $2 on debits in excess of $10 000.

The Government has decided to double the duty payble on debits to eligible accounts (being accounts with cheque-drawing facilities) following similar announcements by New South Wales and Victoria. The Australian Taxation Office has since indicated that it would be willing to continue to collect this tax on behalf of the States even if different tax rates apply across States. It is our intention to accept the offer from the Taxation Office.

The extra revenue from this measure is expected to be $12 million in 1992-93 and $29 million in a full year.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides that the measure will come into operation on 1 January 1993.

Clause 3 amends schedule 1 of the Act so as to alter the tax rates.

Clause 4 provides that the amendments apply to debits made on or after 1 January 1993.

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

STAMP DUTIES (RATES) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Three categories of amendment to the stamp duties legislation are proposed. The first relates to the stamp duty concession on first home purchases; the second relates to various minor stamp duties which have remained unchanged over many years; and the third relates to adjustments to rates to accommodate the Commonwealth Government's decision to phase out 1 and 2 cent coins.

First-home buyers are presently exempt from stamp duty on the first $80 000 of value of the home they purchase, regardless of the value of that house. In 1990-91, some 685 applications for stamp duty concessions were received and granted on first homes valued in excess of $130 000; the most expensive first home to receive the concession was valued at $441 500. Apart from Queensland, no other State provides such a generous and unrestricted concession.

In the current economic climate, the Government does not consider it appropriate to continue to give concessions to those who can afford to buy expensive homes. Accordingly, the concession on first homes valued above $80 000 will be reduced for every multiple of $1 000 of value above $80 000 so that on house values above $130 000 the concession will be eliminated.

Based on recent experience 60 per cent of first home buyers will remain fully exempt from duty and 34 per cent will receive a partial but lower concession; only 6 per cent will receive no concession at all. Even with the introduction of a ceiling on eligible first homes, the concession remains very generous compared to similar schemes in other States (apart from Queensland).

Various minor stamp duties have remained unchanged over many years. The duty payable on instruments such as powers of attorney, deeds and miscellaneous conveyances has remained unchanged at $4 since 1971; the duty payable on agreements has remained unchanged at 20c.

The duty payable on some other instruments has not changed since the duty was first introduced (in 1974 in the case of the discharge of a mortgage and in 1988 in the case of a caveat). The Government proposes to raise the rate of duty on all but one of these instruments to $10.

Duty on powers of attorney will be abolished. More often than not, these documents are executed by the aged or the infirm and removal of the duty will represent a saving in money and effort for these people.

The removal of one and two cent coins from the financial system has created a minor problem in relation to the collection of duty on the sale and purchase of stock and marketable securities of a value less than $100, where duty is currently payable at the rate of 14c for every $25 or fractional part thereof.

Where the value of the stock or marketable security is more than $100 the duty payable is 60c per $100 or part thereof. It is proposed to amend the Stamp Duties Act so that the rate of duty on the sale and purchase of any stock or marketable security will be a flat 60c per $100 of value or part thereof.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides that the measure will come into operation on 1 September 1992.

Clause 3 is a consequential amendment.

Clause 4 relates to the rate of duty payable on an application under section 71c of the Act (relating to the payment of duty at a concessional rate by a 'first-home buyer'). The effect of the amendments is to limit the concessional rate of duty to contracts where the consideration does not exceed $130 000. Furthermore, between $80 000 and $130 000, the concession will reduce for every $1 000 multiple of value (or part thereof) in excess of $80 000 so that the concession will be $30 for contracts with a consideration of $130 000. The amendments will apply in relation to contracts entered into on or after 1 September 1992.

Clause 5 amends section 82 of the Act to increase the duty on a caveat to protect an interest arising from an unregistered mortgage.

Clause 6 makes various amendments to the second schedule of the Act, which sets out most of the rates of duty. The rate of duty on a number of instruments that are not subject to an *ad valorem* scale of duty is to be increased. The duty on stock and marketable securities where the value is less than $100 is to be made consistent with the duty on stock and marketable securities valued at $100 or more. Duty will cease to be payable on powers of attorney.

Clause 7 provides that the amendments effected to the Act apply to instruments executed on or after the commencement of the measure.

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

TOBACCO PRODUCTS (LICENSING) (FEES) AMENDMENT BILL

Received from the House of Assembly and read a first time.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Public pressure to discourage smoking has intensified in recent years. By 1991-92, all States and Territories apart from Queensland had tax rates equivalent to 50 per cent on purchases of tobacco products. Even Queensland, which for many years had not applied a tobacco tax had, by then, introduced a tax on tobacco at the rate of 30 per cent.

During the first half of 1992, the Commonwealth and State Governments received lengthy submissions from groups supporting the Anti-Cancer Foundation advocating further increases in the Commonwealth excise on tobacco and in State licensing fees for tobacco merchants. New South Wales, Victoria and South Australia have acted in accord with those representations in announcing their intention to increase the rate of tax on purchases of tobacco products from 50 per cent to 75 per cent.

There is no doubt that successive increases in tax rates on tobacco products, over recent years, together with comprehensive anti-smoking campaigns, have assisted a shift in social attitudes away from smoking. Bodies, such as Foundation SA, which receive a share of taxation revenues on tobacco products, are directly experiencing the effects of declining levels of tobacco consumption. In order to ensure that the programs supported by Foundation SA can continue to expand the Government proposes to increase Foundation SA's share of tobacco tax revenues from the equivalent of a 3 per cent levy to a 5 per cent levy. This levy is not additional to the proposed 75 per cent tax rate on tobacco products but, rather, is included within the 75 per cent rate.

Under the Tobacco Products (Licensing) Act, consumption licences are required to be taken out by people who choose to consume tobacco products purchased from unlicensed tobacco merchants. Fees for consumption licences have not been increased since their introduction, when the duty rate for merchants was 28 per cent.

To remove any incentive for tobacco consumers to attempt to avoid higher rates of duty by purchasing from unlicensed tobacco merchants, the Government proposes to increase the fee for consumption licences from $40 to $110 for a three month licence, from $80 to $210 for a six month licence and from $160 to $430 for a 12 month licence. The proposed increases are in line with increases in the duty rate for licensed merchants over the period since consumption licence fees were introduced.

The increase in the duty rate is estimated to yield additional revenue of $34.4 million in 1992-93 and $37.5 million in a full year, of which Foundation SA is estimated to receive as additional revenue $2.6 million in 1992-93 and $3.1 million in a full year. Allowance has been made for a fall in consumption due to the impact of the duty increase on tobacco prices.

The provisions of the Bill are as follows:

Clause 1 is formal.

Clause 2 provides for the commencement of the measure.

Clause 3 relates to the fees payable for a consumption licence, so that the licence fee for a three month term will be $110, for a six month term will be $210, and for a 12 month term will be $430.

Clause 4 relates to the calculation of the fee for a tobacco merchant's licence under section 13 of the Act. Various increases are to be made to the rates on which the fees are calculated. An amendment to subsection (7) will ensure that any reassessment of a licence fee by the Commissioner under subsection (6) can have retrospective effect.

Clause 5 amends section 24a of the Act to increase the amount payable into the Sports Promotion, Cultural and Health Advancement Fund from 6 per cent of the amount collected as fees for tobacco merchants' licences to 6.67 per cent. The effect is to increase the amount payable to Foundation SA from a 3 per cent levy to a 5 per cent levy.

Clause 6 provides that the amendments made by clause 4 of the measure apply in relation to any licence in force on or after 1 September 1992 (including any such licence issued before that date).

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

SUPPLY BILL (No. 2)

Second reading.

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

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It provides $1 000 million to enable the public service to carry out its normal functions until assent is received to the Appropriation Bill.

Honourable members will recall that it is usual for the Government to introduce two Supply Bills each year. The earlier Bill was for $860 million and was designed to cover expenditure for the first two months of the financial year. This Bill is for $1 000 million, which is expected to be sufficient to cover expenditure until early November, by which time debate on the Appropriation Bill is expected to be complete and assent received.

The amount of this Bill represents a decrease of $200 million on the second Suply Bill for last year.

This reduction has come about as a result of important changes which the Government has introduced in the way funds are made available to departments. The changes involve the transfer of departments, which previously operated through the Consolidated Account, to their own Special Deposit Accounts created under the provisions of the Public Finance and Audit Act.

Departments are now able to retain certain receipts, which previously were paid to Consolidated Account, and apply these funds towards financing their activities. The amount of appropriation required from Consolidated Account is reduced accordingly.

In other words most departments are now funded from Consolidated Account on a 'net' basis.

The aim of this approach is to assist in keeping the Government's net borrowing requirement to a minimum by providing the right financial incentives to public sector managers. The use of Special Deposit Accounts provides a mechanism which encourages managers to seek opportunities to raise revenue in those areas where a market for their services exists and to minimise the cost of providing services. The financial benefits which arise from those initiatives remain in the Special Deposit Accounts where they are available to finance new initiatives or activities of high priority for which funding might otherwise not be available.

Under the new arrangements there will be no reduction in the level of accountability by departments or the amount of financial information provided to Parliament. In fact the new arrangements provide a framework which has the potential to improve financial reporting in the future by including all activities of a department in the estimates documents rather than only those financed from Consolidated Accounts.

Clause 1 is formal.

Clause 2 provides for the issue and application of up to $1 000 million.

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

The Hon. K.T. GRIFFIN: Mr President, I draw your attention to the state of the Council.

A quorum having been formed:

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) AMENDMENT BILL

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

No. 1. Page 1, after line 17—Insert new clause as follows:

Local Government Superannuation Scheme

3a. Section 73 of the principal Act is amended by striking out from subsection (6) the definitions of 'office' or 'employee'.

No. 2. Page 1, after line 17—Insert new clause as follows:

Date of elections

3b. Section 94 of the principal Act is amended by striking out subsections (1b) and (1c).

No. 3. Page 1, after line 26—Insert new clause as follows:

Rateability of land

4a. Section 168 of the principal Act is amended:

(a) by striking out from subsection (2) *(l)* 'or any controlling authority';

and

(b) by inserting after paragraph *(l)* of subsection (2) the following paragraphs:

(m) land occupied by a controlling authority where such land is situated in the area of:

(i) the council that established the controlling authority (*see* section 199);

or

(ii) a constituent council (*see* section 200).

No. 4. Clause 15, page 5, lines 30 to 35—Leave out subsection (2) and substitute new subsections as follows:

(2) A council may, by-law:

(a) provide that any moveable sign (or moveable sign of a specified class) placed on a specified public street, road or footpath within its area, on a public street, road or footpath within a specified part of its area, or on a public street, road or footpath within its area generally, must:

(i) be placed in a manner, and subject to conditions, specified by the by-law;

and

(ii) comply with such standards (if any) as are specified by the by-law;

(b) prohibit the placing of moveable signs (or moveable signs of a specified class) on a specified public street, road or footpath within its area, or on a public street, road or footpath within a specified part of its area.

(2a) A council must not make a by-law under subsection (2) *(b)* unless it is satisfied:

(a) that the prohibition is reasonably necessary to protect public safety;

or

(b) that the prohibition is reasonably necessary to protect or enhance the amenity of a particular locality.

(2b) A by-law under subsection (2) *(b)* cannot operate in relation to:

(a) a sign designed to direct people to the open inspection of any land or building that is available for purchase or lease;

or

(b) a sign of a prescribed class.

Amendment No. 1:

The Hon. ANNE LEVY: I move:

That the House of Assembly's amendment No. 1 be agreed to.

This amendment inserts a new clause which relates to the Local Government Superannuation Scheme. It is purely a technical amendment which has been requested by the board of the local government superannuation scheme. It will make the legislation more relevant to the current situation, where there is no point in making a distinction between officers and employees. This distinction no longer applies in its rules, and it is not necessary to have such a distinction made in the legislation.

Motion carried.

Amendment No. 2:

The Hon. ANNE LEVY: I move:

That the House of Assembly's amendment No. 2 be agreed to.

This is also a technical amendment that has become necessary because of the reform of the Local Government (Reform) Amendment Act. It has been suggested by Parliamentary Counsel as a result of passing the reform Bill earlier this year.

Motion carried.

Amendment No. 3:

The Hon. ANNE LEVY: I move:

That the House of Assembly's amendment No. 3 be agreed to.

This amendment was inserted in the House of Assembly as a result of a recommendation from the Ombudsman where there had been some confusion regarding the eligibility of controlling authorities for the payment of rates. A controlling authority set up by one council is dealt with in section 199 of the Act; a controlling authority set up by two or more councils is dealt with under section 200 of the Act. The question whether any land held by a controlling authority is rateable is treated differently according to whether it is a controlling authority under section 199 or 200.

This has led to an anomaly which the Ombudsman has investigated, and his recommendation, which this amendment is putting into effect, is to ensure that a controlling authority, whether set up by one council or more than one council, if occupying land within the area of the council which set it up or within the area of one of the councils which set it up, will not be required to pay rates, but equally to make sure that a controlling authority, whether established by one or more than one council which occupies land not in the area of one of those councils but in a completely different council area, should be eligible to pay rates to that different council. This seems to me very fair and proper. It is a clarification which, as I say, arises from a recommendation made by the Ombudsman. It has the complete support of the Local Government Association, and I am sure that all members will agree that it is a completely fair and proper approach to take.

The Hon. DIANA LAIDLAW: When the Minister provided me with advice prior to the resumption of Parliament about the amendments that were to be moved, I sought advice from the Local Government Association, which said that with respect to this amendment (as the Minister noted) it did not request the amendment to section 168. However, we have checked with several local government professional groups, and there is no adverse reaction to the amendment.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: That is so, but for those who think that the Liberal Party does not consult adequately with the Local Government Association, I indicate that we have done so and that we received that response to this amendment. I have also received correspondence from the South Australian Institute of Rate Administrators Incorporated. The President, Mr A. Smith, made the following comments with respect to this provision:

> Finally, in regard to the proposed amendment to section 168(2)(n) of the Act, this institute supports the concept that land occupied by a controlling authority in a third party council area should be rateable. It is submitted, however, that the amendment could go further by rendering rateable the land of any controlling authority created for a commercial purpose.

I have some sympathy for the sentiments that have been expressed in that submission from the Institute of Rate Administrators. I am not sure whether the Minister has given any consideration to that matter or whether the Ombudsman did reflect on it when making his recommendation that we address the matter of a controlling authority being rated if it operates in a third party council area.

The Hon. ANNE LEVY: I am not quite sure to what the honourable member is referring. There is no qualification here as to whether the controlling authority is or is not a commercial one. It would apply in exactly the same way, whether or not it was a commercial one, the idea being that a controlling authority that is situated in the bounds of a different council that has no relationship to the controlling authority should in fact pay rates to that council and that that should apply regardless of whether the controlling authority has been set up by one or more than one council. If it occupies land in the area of a third council or a different council which does not form part of the controlling authority, it should pay rates to that council.

Perhaps one could dream up an example that does not exist. If Mitcham and Unley councils jointly set up a cemetery authority which has its land in Burnside, that authority should pay rates to the Burnside council. However, if it is situated in the land of either Mitcham or Unley, it would not be eligible for rates. The principle on which this is based is that councils do not rate themselves. Currently if a controlling authority is situated in land of a different council its liability to rates to that different council depends on whether it is a controlling authority set up by one council or a controlling authority set up by more than one council. It seems illogical to consider whether a controlling authority is set up by one or several councils, if it is situated in yet another council which is not part of the controlling authority at all, that authority should pay rates to that other council, and that this should apply regardless of whether the controlling authority has been set up by one or more than one council.

As I say, it comes from the Ombudsman and, as I read it, it would make no distinction as to whether or not the controlling authority was a commercial one. It is merely a question that councils do not rate themselves in the same way as Governments do not tax themselves. However, although councils do not rate themselves, a council has every right to rate another council if that other council is occupying land within the boundaries of the first council.

The Hon. DIANA LAIDLAW: I do not believe that the argument is illogical, as the Minister has suggested. It is clearly becoming a greater concern with more and more Government enterprises and, in this instance, controlling authorities run by local councils, where they are competing with the private sector should operate on a commercial basis and should be taking into account all their costs in their income and expenditure statements. That is the only fair way to compete in the future, and I suspect that that is what the institute is alluding to. I will not take up the time of the Coommittee any further, as I am sure that this debate will be pursued on many occasions in the future.

Motion carried.

Amendment No. 4:

The Hon. ANNE LEVY: I move:

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

I suppose this is the most substantive of the amendments before us. Members will recall that when this Bill was debated previously in this Chamber during the last session there was considerable discussion about councils wanting to control moveable business signs, which are more commonly called sandwich boards, although the words 'sandwich boards' are not used in the legislation. There was agreement from all parties that councils should have the power to make by-laws relating to the control of sandwich boards, and that this clearly meant matters such as their size, their placement and their standard of construction, so that they were not likely to be a danger to anyone, and that question was not in issue.

What was in issue when the Bill was before this House in April was whether councils should have the power to prohibit sandwich boards should they choose to do so. The Council, by majority vote, decided that Council should not have be the power to prohibit sandwich boards throughout their area. I accept the verdict of the Council on that matter but, as was raised during that debate at the time, it seems to me that there are occasions on which it would be reasonable for a council to have the power to prohibit, by by-law, the placing of signs in certain areas on a particular footpath or a specified part of a street; however, that this power should not be granted lightly to councils, but should be tightly prescribed as to the situations in which a council could take this extreme step of prohibiting sandwich boards.

The amendment moved by the House of Assembly, on which there has been considerable degree of consultation, indicates that a council may, by by-law, prohibit sandwich boards in certain restricted situations but only if it is necessary on grounds of public safety or because the prohibition is necessary to protect or enhance the amenity; and I use 'amenity' here in the sense in which people concerned with heritage and conservation issues use the word.

Without in any way suggesting that I have thought of all possible examples, there could be situations where it would be most unsafe to allow such sandwich boards. I can think of some small streets in the city of Adelaide, for example, where the footpath is less than a metre wide. I am sure we have all tried to walk down some of these footpaths, including little old footpaths dating from the nineteenth century, which were probably set up to be two feet wide before we went metric, and where all one can do is walk in single file and, if you meet someone coming in the other direction, it is quite a dance around each other to pass without spilling onto the road.

It would seem quite reasonable to me, particularly if the street concerned carries a lot of traffic, to prohibit sandwich boards in such a situation, as they would take up nearly all the footpath, and it would be impossible for anyone, in single file or otherwise, to walk down the footpath and get past the sandwich board without going on to the road, and where there is a lot of traffic, that would be dangerous.

The question of amenity is to take into consideration particular heritage or cultural areas where a council could well decide that for part of a street it would be most unreasonable to have sandwich boards present. Again, one cannot think of all possible examples, but I feel quite

strongly that the north side of North Terrace should not be littered with sandwich boards, whatever their size. That part of our cultural boulevard past our major cultural institutions should be enhanced in its physical appearance and amenity and not be cheapened by having business sandwich boards placed along it. I agree that it will be for the Adelaide City Council to decide in this matter and to pass the appropriate by-law if it agrees with me. I feel that a council has to be concerned with the general amenity of particular areas and should have the ability by by-law to prohibit sandwich boards in some areas.

I would indicate that it is made quite clear in clause 15 (2) *(a)* and *(b)* that these by-laws can in no way effect sandwich boards which are put up at any time for open inspections by the real estate industry. These are always of a temporary nature and there is no suggestion that they could be prohibited anywhere at any time. Likewise, it provides for a sign of a prescribed class and it is intended that the prescribed class would include newspaper placards so that knowledge of the headlines of the day cannot by council by-law be prevented from being displayed.

These two categories, it seems to me, are of a different category from a sandwich board advertising that one can get pies and pasties here or that Coca-Cola is available here and, hence, the clear indication that those matters are not able to be prohibited by council by-law. I hope that members will agree that this amendment is a compromise between the two positions which were adopted by members when the Bill was before us previously. It is not exactly what either side wished for, but it does seem to be a reasonable compromise which should be given a reasonable chance to operate, and we trust that local government authorities will behave responsibly with regard to its powers in making by-laws in these matters. If they do not, the Parliament can consider the matter again.

The Hon. DIANA LAIDLAW: I was interested to read in the *Advertiser* this morning that we had actually passed—

The Hon. Anne Levy: That was the *Advertiser*'s mistake, and they apologised for it.

The Hon. DIANA LAIDLAW: I am just noting that it said that last night we had passed the matter that we are discussing today. I received a phone call early this morning from the Minister's office indicating that apparently there was a strict embargo on the press release, but I can now appreciate the Minister's agitation over the past week for this Bill to be handled and particularly yesterday when the press release was out and with the *Advertiser*—

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Yes, but the press release was out before the procedures of Parliament had run their course. Because I did not sleep very well last night, when I read it this morning I thought I could perhaps be bitchy about this and move against it and see how the Minister responds, but my mood has improved during the day. The removal of business signs has been the most controversial of all the measures in this Bill. I note the Minister said that she had certainly accepted the verdict of the Council from last session when the Council moved and passed an amendment from the Hon. Mr Irwin seeking to delete the provision that would have enabled councils to prohibit absolutely the placing of moveable business signs on any public street, road or footpath within its area or any part of its area.

Certainly, correspondence from the Minister during the break indicated that she did not actually accept the verdict of the Council, that it had been her intention to reinstate the prohibition mechanism in its original form by way of an amendment to be moved in the House of Assembly. I am pleased she had second thoughts about that, because otherwise I do not think we would be here today at this hour debating a compromise, and a sensible compromise at that.

The Liberal Party is prepared to support the amendment. It will enable a council to prohibit moveable signs in a specified (and I stress the word 'specified') public street, road or footpath within its area or street, road or footpath in a specific part of its area but only where the council is satisfied that the prohibition is necessary to protect public safety or the amenity of the area. In her contribution the Minister always stressed 'part of a street'. There is no reference in the amendment to 'part' of a street, and I am not sure why she chose to use those words because, certainly by that reference to 'part', it would seem to be more limiting than the amendment would provide, and I understand her sensitivity to limit the range of this amendment, because there certainly is agitation about councils being able to—

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Yes, but North Terrace is not the only instance where this by-law is to be applied in future and your reference to 'part' perhaps gives a false impression of the range of areas within a council to which this by-law could be applied in future. I know, from correspondence from it, that *Advertiser* Newspapers still strongly objects to the amendment, arguing that it will enable any council to effectively ban the use of signs, because 'it can always be argued that any item on a footpath might be detrimental to public safety in particular circumstances or be a poor influence on the amenity of an area'.

Notwithstanding the *Advertiser*'s strong representations to the Liberal Party, after reference to my colleague the Hon. Mr Irwin I believe that the amendment is a reasonable compromise. The provision is narrow; not as narrow as the Minister's contribution would have suggested, but it is narrow. Also, I would point out to the *Advertiser* and others who are concerned about this that the method of making by-laws has changed significantly since the previous debate.

Councils are now required to give public notice of proposed public by-laws and therefore, as the prohibition forms part of the by-law, business proprietors will be informed of the council's intention and any individual who disagrees with the proposed prohibition will be able to take the issue up with the council before the by-law is formalised. I am also heartened to learn that, with reference to a sign of the prescribed class, the Minister stated that newspaper signs highlighting the headlines of the paper of the day would be acceptable. I suspect that not all magazine covers will be acceptable, but newspaper signs will be.

The Hon. Anne Levy: That is a different law.

The Hon. DIANA LAIDLAW: That's right. I am also pleased to note that the Real Estate Institute, which made very strong representations to the Liberal Party when the Bill was earlier before the Parliament, is pleased to note that the Minister has incorporated a reference that the by-laws cannot operate in relation to a sign designed to direct people to the open inspection of any land or building that is available for purchase or lease.

Finally, I would like to highlight that it is already possible for a council, notwithstanding this by-law or this clause, to ban moveable signs and sandwich boards throughout their area. Unley has done so. I find it objectionable.

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: Yes, and the legality is in question, but I find it objectionable anyway. However, I believe it is important that we address this issue. The compromise is satisfactory, although it will be one that we will all be looking at with interest, because I think it is important, as I mentioned in my earlier contribution, that at a time when business is struggling to survive and wants to advertise to consumers opening hours and the like, we should be encouraging business to provide that community service and assistance for any business that they may be able to generate. This will be looked at with great interest. It can also, because it is a by-law, come before the Parliament for scrutiny and disallowance if there are objections. I commend the Minister for looking again at this measure and coming back with a compromise on this matter. The Opposition supports the initiative.

The Hon. I. GILFILLAN: I oppose this amendment. I do not believe that there is anything that was deficient in the original amendment that came from this place to the Assembly. It allowed quite adequate control for all the reasons that I believe were valid in a local council requiring to control sandwich boards or moveable signs. We are not referring only to sandwich boards; they can be just single sheet signs.

I think it is insensitive to the small business which really does not have a budget to advertise its activity or wares in any other way than on the premises. It allows for what I would describe quite seriously as discrimination that can be exercised by a council in certain areas against certain activities. I believe unfortunately, there can be some prejudices in local government that are not based on the rational best interests of the community. At a time when small business is supposedly being encouraged, when it is struggling, for it to be at risk of being denied the opportunity for this roadside advertising or attraction of business and sale is totally unacceptable.

I have already spoken to this issue in an earlier debate. Although differently worded, this amendment does nothing to allay my original fears that this can be a power that can be abused and it acts against the best interests of small business. For that reason I am totally opposed to the amendment and I believe that the Bill should remain in the form in which it was amended and passed in this Council and sent to the Assembly. I emphasise yet again the Democrats' strong opposition to this amendment, particularly the part that enables a total prohibition of these forms of advertising to be introduced by a council.

Motion carried.

ADJOURNMENT

At 6.24 p.m. the Council adjourned until Thursday 27 August at 2.15 p.m.