LEGISLATIVE COUNCIL

Tuesday 8 July 1997

The PRESIDENT (Hon. Peter Dunn) took the Chair at 2.15 p.m. and read prayers.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 39 and 151.

DIAGONAL ROAD-MORPHETT ROAD INTERSECTION

39. **The Hon. T.G. CAMERON:**

1. What has happened to the proposal made by the Minister whilst in Opposition to build a rail overpass across the Morphett-Diagonal Roads intersection to ease traffic congestion?
2. Why has not the overpass been built?
3. Will it be built before the next election?
4. If not, why not?

The Hon. DIANA LAIDLAW: In 1989 the Bannon Labor Government promised to build a rail overpass in the vicinity of Diagonal Road, Oaklands Park 'as a matter of high priority'. During 1989-93 however, no work was undertaken by Labor to advance this project.

The Liberal Party's Transport Policy issued in November 1993 noted . . . 'the potential to incorporate plans at Oaklands level crossing for a rail overpass' . . . in the context of our commitment to abandon Labor's plans to construct a $17 million bus/rail interchange at Tonsley, in preference to pursuing '. . . a private sector joint/sole funded interchange at or near the Marion Shopping Centre'.

At no time prior to November 1993 was any commitment made on behalf of the Liberal Party to build a rail overpass at Morphett/Diagonal Roads. (For the record, a newspaper report suggesting such an undertaking, was later corrected).

Currently, on behalf of the Government the Department of Transport is evaluating the implementation of an overpass at this location as part of a much broader strategic examination of transport networks in the southern area.

SPEEDING FINES

151. **The Hon. T.G. CAMERON:**

1. How many motorists were caught speeding in South Australia between 1 July 1996 and 1 January 1997 for the following:
   (a) 60-70 km/h
   (b) 70-80 km/h
   (c) 80-90 km/h
   (d) 90-100 km/h
   (e) 100-110 km/h
   (f) 110 km/h and over?
2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles?

The Hon. R.I. LUCAS: The number of speeding fines issued to motorists for the period 1 July 1996 to 1 January 1997 for each of the following percentiles are as follows:

Percentiles	Number of speeding fines issued
Speed Camera Issues	
60-69 km/h	150
70-79 km/h	97 619
80-89 km/h	8 978
90-99 km/h	8 701
100-109 km/h	1 510
110 km/h and over	2 182
Unknown	2 087
Total speed camera issues	121 227
Speeding fines manually issued	38 364
Total speeding fines issued	159 591

Please note, the inclusion of the category 'unknown' above, is due to data on speed travelled note being available for reissued notices.

The revenue raised from speeding fines between 1 July 1996 and 1 January 1997 for each of the following percentiles are as follows:

Percentiles	Issued Amount ($'000s)	Expiations Amount ($'000s)
Speed Camera:		
60-69 km/h	34	22
70-79 km/h	12 267	9 341
80-89 km/h	1 578	1 132
90-99 km/h	1 270	877
100-109 km/h	273	153
110 km/h and over	335	94
Unknown	280	156
Total speed camera	16 037	11 775
Non-speed camera	6 486	4 722
Total	22 523	16 497

PAPERS TABLED

The following papers were laid on the table:

By the Minister for Education and Children's Services (Hon. R.I. Lucas)—

Police Superannuation Scheme—Actuarial Report, 30 June 1996

Friendly Societies Act 1919—Albert District No. 83 Independent Order of Rechabites—Salford Unity Friendly Society—General Laws

Development Act 1993—Report on Crown Development for Expansion and Relocation of the Tanunda Primary School

By the Attorney-General (Hon. K.T. Griffin)—

Response to the Recommendations made by the Statutory Authorities Review Committee in its Report and Review of the Legal Services Commission (Part 2)

Rules of Court—District Court of South Australia—District Court Act 1991—District Court Rules 1992—Amendment No. 16

District Council By-laws—Elliston—No. 9—Camping.

WATER, FILTERED

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I seek leave to table a copy of a ministerial statement made in another place today by the Minister for Infrastructure about Monarto water supply.

Leave granted.

RETAIL SHOP LEASES LEGISLATION

The Hon. K.T. GRIFFIN (Attorney-General): I seek leave to make a ministerial statement about the Retail Shop Leases Amendment Bill

Leave granted.

The Hon. K.T. GRIFFIN: On Thursday 3 July 1997 during the debate on the amendments to the Retail Shop Leases Amendment Bill 1996 the issue of retrospectivity was raised by the Hon. Michael Elliott MLC. The Hon. Mr Elliott referred to a telephone discussion he had on Wednesday 2 July 1997 with Mr David Shetliffe and with the Small Retailers Association. In referring to the telephone conversation with Mr Shetliffe, the Hon. Michael Elliott said:

> Mr Shetliffe has said, 'It is not good, but we would rather have this than nothing'—and that was his line.

On 4 July 1997 Mr David Shetliffe, Executive Director of the Retail Traders' Association SA, wrote to Mr Elliott expressing his deep concern at finding the contents of a private telephone conversation reported to Parliament and, further, that in reading the words the Hon. Mr Elliott attributed to him, did not express the essence of what had been said.

In debating the issue of retrospectivity, the Hon. Anne Levy MLC said:

> I would like to be convinced a bit more that the Small Business Association representatives and the Retail Traders Association representatives realised and were not coerced into this agreement whereby, as the Hon. Mike Elliott has said, it can be 15 years before any relief is found for people who are currently suffering.

The Hon. Anne Levy continued:

> . . . or at least we need further convincing that there was not any coercion involved in reaching agreement on this.

The members of the Retail Shop Leases Advisory Committee have expressed concern at the statements made by the Hon. Michael Elliott and the Hon. Anne Levy and have provided me with a statement prepared and agreed by the industry members of the committee, with a request that this be read into *Hansard*. I seek leave to table the statement and read it into *Hansard*.

Leave granted.

The Hon. M.J. Elliott interjecting:

The PRESIDENT: Order! The Hon. Michael Elliott will have a chance to explain.

The Hon. K.T. GRIFFIN: The statement is as follows:

> Statement from the Retail Leases Advisory Group, Monday 7 July 1997.
>
> The Retail Shop Leases Advisory Group (RLAG), comprising the range of retail industry retailers' and property owners' representatives listed below, have today reiterated their unanimous support for the proposed amendments to the Retail Shop Leases Act introduced into the Legislative Council by the Attorney-General earlier this week. In restating their support the group also refuted suggestions made by the Hon. Mike Elliott and the Hon. Anne Levy that there was any coercion involved by any parties in reaching that agreement, or that the group supported any retrospective application of the amendments.

The statement has been approved by the industry members of the committee, who are: Mr John Brownsea, Small Retailers Association; Ms Kate Knight, representing the Australian Council of Shopping Centres; Mr Chris Rankin, Newsagents Association; Mr Max Baldock, representing the Small Retailers Association; Mr Bryan Moulds, Property Council of Australia; Mr Stephen Lendrum, representing the Property Council of Australia; Mr David Shetliffe, Retail Traders Association; Mr Steve McCarthy, Westfield Shopping Centres; and Ms Elizabeth Connolly, Australian Small Business. I trust that this statement resolves the concerns expressed by the Hon. Anne Levy and the Hon. Michael Elliott and I express my thanks to the industry members of the committee, who have shown once again their significant commitment to achieving reform in this area.

QUESTION TIME

FINANCE MINISTER

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General a question about conflict of interest.

Leave granted.

The Hon. CAROLYN PICKLES: Most members in this place would recall the allegations of conflict of interest made against the Hon. Barbara Wiese, who was then Minister for Tourism. To deal with these allegations the Attorney-General at the time (Hon. Chris Sumner) commissioned Mr Worthington QC, now Judge Worthington, to assess the facts surrounding the allegations. Before the Worthington inquiry commenced, it was considered important to define 'conflict of interest' as far as possible so that it would be plain to everyone just what standards would apply when it came to assess the Minister's position. Therefore, the then Attorney had prepared a lengthy document entitled 'Attorney-General's report for Cabinet on the principles relating to conflict of interest'. That document was tabled in this Chamber on 25 August 1992.

The document gives guidance to Cabinet as to what might be considered to be a conflict of interest, based on experience in South Australia and throughout Australia as well as applicable conventions in common law. Given the fate of the member for MacKillop (Hon. Dale Baker) is to be decided by Cabinet based on findings of fact made by Mr Tim Anderson QC, the question arises as to what standards will be applied by Cabinet in scrutinising the Hon. Mr Baker's business involvements while he was Minister. One would hope that the South Australian Cabinet will not be following the example of the Hon. Mr Prosser, Minister for Small Business at the Federal level. It is alleged that Mr Prosser attempted to persuade Mr Nick Greiner to allocate a Coles Myer store to one of his several shopping centres. The Federal Treasurer, Mr Costello, came up with the idea that Mr Prosser could not be in a conflict of interest situation because he did not have day-to-day control of his business interests, even though it was plain to all that Mr Prosser had a substantial degree of involvement in his business empire, at least on an occasional basis. One would hope that that sort of sophistry will not be adopted by the South Australian Cabinet. My questions to the Attorney-General are:

1. Is the situation of the member for MacKillop to be judged in accordance with the principles relating to conflict of interest established in August 1992?

2. If not, who formulated the new principles, if any, and were they approved by Cabinet prior to the completion of the Anderson report last Friday?

3. If new standards are to be applied, how exactly do they differ from the standards published by the former Attorney-General in 1992, and will the Attorney-General guarantee that the Anderson report will be tabled in the Council in full before the end of this current budget session?

The Hon. K.T. GRIFFIN: Those same questions were asked of the Premier in another place. My response is that the honourable member will have to wait and see. The matter is being considered by the Premier and by Government.

The Hon. CAROLYN PICKLES: As a supplementary question, will the Attorney guarantee that the full Anderson report, and not an edited report, will be tabled in Parliament?

The Hon. K.T. GRIFFIN: The honourable member should just contain herself. The honourable member would recall that the Worthington report in relation to the Hon. Barbara Wiese was received 10 days prior to any public statement being made by the then Government. We are well within that time frame.

The Hon. CAROLYN PICKLES: As a supplementary question, will the Attorney give an absolute guarantee whether or not he will table the full report in Parliament?

The Hon. K.T. GRIFFIN: I will not get into a debate about what will or will not happen.

The Hon. Carolyn Pickles interjecting:

The Hon. K.T. GRIFFIN: Look, the honourable member has asked some questions. The report is being considered by Government and, if the honourable member can contain her enthusiasm to ascertain the result, she will find out in due course.

Members interjecting:

The PRESIDENT: Order!

ARDROSSAN COMMUNITY HOSPITAL

The Hon. R.R. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question about the Ardrossan Community Hospital.

Leave granted.

The Hon. R.R. ROBERTS: Last week, concerned members of the Ardrossan community approached me about their hospital. Other members might be aware, having read Saturday's *Advertiser*, that the Ardrossan Community Hospital is facing some financial difficulties and has, in fact, been running at a loss for approximately three years.

The Hon. Diana Laidlaw: Is it a private hospital?

The Hon. R.R. ROBERTS: Yes. The Ardrossan Hospital is a not-for-profit community hospital that has survived because of the support of its community. However, as members would be aware, the number of people who have maintained their private health insurance over recent years has dwindled to the point that the Ardrossan Hospital simply cannot survive by providing services to only one-third of the community's population. This hospital, however, still provides emergency services to uninsured patients because it feels that it has a moral obligation to provide this community service.

The cause for complaint from members of the Ardrossan Hospital is that they have learnt that the State Government is to spend $170 000 on a house at Clare for the creature comforts of a Health Commission executive. Mr President, you will remember that this matter was raised by the Hon. Sandra Kanck last week. The hospital has indicated that it does not want hand-outs but wants only to be compensated for the public patients whom the hospital has treated, many of which are emergency cases.

I am further advised that members of the board and the community are extremely concerned that a patient might die in transit from the Ardrossan Hospital to the Maitland Hospital. Patients must be transferred because the Ardrossan Hospital cannot retrieve fair payments.

As members would probably be aware, a community hospital in a country area is an important part of that community, not only in terms of saving lives and delivering babies but also in providing much needed employment for country people. My concern is the lack of judgment displayed by the Government: surely, $170 000 could be better spent for rural South Australia. Quite frankly, a house to the value of $170 00 does seem excessive by country prices. As I understand it, $170 000 to the Ardrossan Hospital could buy it the following services: 65 admissions with heart failure and shock; 122 admissions for uncomplicated back pain; 160 knee arthroscopies; 225 admissions for asthma and bronchitis; and 233 uncomplicated colonoscopies.

I understand that this is not a new or unique situation: when the Hon. Martyn Evans was the Minister for Health in South Australia, he had a similar problem in Keith, and I understand that funding for two acute beds was allocated to that hospital. I am not certain of the particular circumstances of both: they may be slightly different. My questions to the Minister on behalf of the Ardrossan community are:

1. Has the Government considered a policy for reimbursing private rural hospitals for services provided to public patients and, if not, why not?

2. Has the Government considered limiting this policy to only emergency patients and, if not, why not?

3. Will the Government give an assurance that it will meet and talk with the people of the Ardrossan Community Hospital and, in particular, the Ardrossan Community Hospital board?

The Hon. DIANA LAIDLAW: Neither the Government nor the benefits outlined by the honourable member in terms of public hospitals in country areas are the same issues that were raised when Labor sought to close a whole range of hospitals during its term of Government. I should point out in this context that this Government has not closed one country hospital. I will refer the honourable member's questions to the Minister and bring back a reply.

LUNG CANCER

The Hon. T.G. ROBERTS: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health and the Minister for the Environment and Natural Resources, a question about environmental and human health issues.

Members interjecting:

The PRESIDENT: Order! Has the honourable member asked for leave?

The Hon. T.G. ROBERTS: Yes, I have, Sir.

The PRESIDENT: Leave has not yet been granted. I am just waiting for the crew to settle down a bit; then we might be able to understand and hear what the question is about. I did not get any of that.

The Hon. L.H. Davis: It is always very difficult.

The PRESIDENT: Yes, it is always very difficult, Mr Davis, particularly when you and the Hon. Mr Roberts have a private conversation across the Chamber.

Leave granted.

The Hon. T.G. ROBERTS: Thank you, Sir. Being able to hear the question generally does not necessarily mean that they understand it, Mr President. I will therefore be as clear as I can, as long as the interjectors stay off the set. In the must be read *Portside Messenger* and *Weekly Times Messenger* are two comparative articles.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: Equally as good as the *South-Eastern Times*, Mr Redford. The articles are similar in nature, and my questions will identify both geographical areas. The article in the *Weekly Times Messenger* is headed 'Lung cancer surge in the west', and the article in the *Portside Messenger* is headed 'Lung cancer surge in the Port'. I have asked questions in this Chamber in relation to air quality on the peninsula, around Port Adelaide and generally in the western suburbs. I have received some answers in relation to that problem, and there has been a growth of community concern about cleaning up air quality in that area. These articles go on to examine a commissioned report and some of the results are now out.

Epidemiological studies tend to start from feelings of concern by people who are either impacted or affected by particular issues, and then academics and scientists move in, as has happened in this case. Medical experts have analysed some of the air quality and other reasons for respiratory and lung cancer problems, and they are making an assessment. The *Weekly Times Messenger* article by Matt Deighton says:

> Medical experts have uncovered alarmingly high levels of adult lung cancer rates in the western suburbs.

The figures are contained in a report by a Queen Elizabeth Hospital research team, to be published next month.

The report shows there were 1 073 reported cases of lung cancer in the western suburbs from 1986-93—more than 16 per cent higher than the SA average.

In the *Portside Messenger* the article says:

In 1986-93 there were 217 new cases of lung cancer (more than 46 per cent higher than the South Australian average).

The report contains some conflicting figures because it states that the death rate from lung cancer in the Port Adelaide council area is 2.1 per cent higher than the South Australian average, but I am not sure whether it means 2.1 times or 2.1 per cent higher, because those figures do not jell. I am not asking the Government to clarify those figures because that is something that I need to sort out with Messenger Press. However, the article raises the spectre of a real problem in the western suburbs and in the Port Adelaide area. My question is: given the accuracy of the article and the anticipation of a report being tabled, what remedial action will the Government take on the report in dealing with the latest information that is made available within Adelaide's Health Atlas, particularly in the western suburbs and the Port Adelaide region?

The Hon. DIANA LAIDLAW: Each week I am impressed by the range of the honourable member's reading.

The Hon. A.J. Redford: It is dependent on the quality of the journalists in this State, though.

The Hon. DIANA LAIDLAW: Yes, it is, but each week the honourable member refers to a different newspaper from a different part of the metropolitan area or the country, and his references are wide. I will refer the honourable member's question to the Minister and bring back a reply.

HEALTH COMMISSION TRIP

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Transport, representing the Minister for Health, a question on a Health Commission junket.

Leave granted.

The Hon. SANDRA KANCK: My office has received information about a group of Health Commission employees who will shortly be travelling from South Australia to North America for the purpose of studying programs related to managed care in rural settings. Health care professionals in this State have expressed concern to me that this is another example of health funds not getting through to the people who need them. My questions are:

1. Will the Minister confirm that six people, four of whom are Health Commission employees, will shortly be going to North America at taxpayers' expense?

2. What is the length of time they will be overseas?

3. On what basis were people invited to participate and by whom?

4. What is the total cost of the excursion?

5. Will additional expenses such as meals and entertainment be reimbursed?

6. What are the names and positions of the people undertaking this travel?

7. Will any spouses or partners accompany the group?

8. Why is it necessary for so many people to be involved?

9. Which overseas organisations or companies will be contacted?

10. Has the Minister given his approval for this jaunt?

11. What effort has been made to obtain information in other ways such as from the Internet, by arranging a teleconference, via email, viewing videos or obtaining reports from the services that will be visited?

12. Have any local consultants been approached for similar information?

13. What form of reporting is to take place as a follow-up to this trip?

14. Does this trip mean that the introduction of managed care to South Australia has been undertaken with incomplete knowledge?

The Hon. DIANA LAIDLAW: It is regrettable that the honourable member has so prejudged this trip and the potential benefits that it could bring to this State by labelling it as a junket and a jaunt, without acknowledging the value of business that has been won by the Health Commission for this State through overseas business contracts. Notwithstanding the manner in which the honourable member has already labelled this trip, I will refer the questions to the Minister and bring back a reply.

Members interjecting:

The PRESIDENT: Order!

INSIDE ART

The Hon. ANNE LEVY: I seek leave to make a brief explanation before asking the Minister for the Arts a question about *Inside Art*.

Leave granted.

The Hon. ANNE LEVY: A new publication (issue 1, June 1997) called *Inside Art* was an insert in the June edition of the *Adelaide Review*. It is published by the Department for the Arts, receives a ringing endorsement on page 2 from the Minister and provides information about many arts activities that are occurring in South Australia, mainly for the month of June; there does not seem to be much for the month of July, even though the next issue is not promised until August.

I understand that this publication has caused a great deal of concern to the publishers of another publication called *Liquid Space*, which has been distributed free in many places round Adelaide for a number of years now. *Liquid Space* is obviously a far more extensive publication than *Inside Art*.

The Hon. L.H. Davis interjecting:

The Hon. ANNE LEVY: I will let the honourable member have a look at some copies. *Liquid Space* is a more extensive publication that, in a large section of each issue when it appears monthly, gives information about arts activities that are occurring throughout Adelaide during the month of the issue. I understand that the publishers of *Liquid Space* are very concerned that the Government is paying for a publication that is in competition with it. *Inside Art* is giving information that is not limited to arts programs or events put on by the Government or its agencies and not even limited to those supported by the Government. Some of the events noted in both publications are the same, and I cite the example of *Quiver*, which was put on by the Leigh Warren Dancers, the Australian String Quartet and the Synergy percussion group during the month of June at the Norwood Town Hall.

I wonder whether *Inside Art* is to be a replacement for *Art State*, which was a replacement for *DARTS*, the previous publication put out by Arts SA. *DARTS* was the first one: it was replaced by *Art State*; but there has been no issue of *Art State* since April of this year, although it was supposed to appear every couple of months. Perhaps I have been dropped

off the mailing list. *Inside Art* appeared in the month of June. My questions to the Minister are:

1. Is *Inside Art* a replacement for *Art State* or is *Art State* to continue?

2. What was the total cost of issue 1 of *Inside Art*, including its preparation and publication?

3. Will the Government review the situation where it is entering into competition with a small private entrepreneur, a matter which sits very oddly in a Government whose philosophy is to get out of the way of small business, in particular, a successful small business such as *Liquid Space* which is providing a great deal of arts information to South Australia?

The Hon. DIANA LAIDLAW: *Inside Art* does not replace *Art State*, a more comprehensive advice about what has been happening, what is happening and what is planned in the arts. The next edition comes out this month. *Inside Art* is a newspaper publication which looks at what will be held in the forthcoming two months. It is a two-monthly publication. I understand that Arts SA, which has negotiated the arrangements with the *Adelaide Review*, has negotiated a one-year contract and very good rates on that basis. It was a strategic decision by Arts SA to support the arts industries in this State. The editor is Mandy-Jane Giannopoulous of the arts department. I will inquire whether there has been any contact or consideration in terms of *Liquid Space*. I have seen *Liquid Space*; it is distributed at the railway station. I know that the last edition featured an editorial from the Hon. Anne Levy on euthanasia. I do not know whether that was read widely; I know that I certainly read all the issues on—

The Hon. Anne Levy interjecting:

The Hon. DIANA LAIDLAW: No, when I met the editors recently they told me that you asked to write the editorial, and they then sought to—

The Hon. L.H. Davis: You were invited to at your request.

The Hon. DIANA LAIDLAW: Yes, that's right; the Hon. Mr Davis has got it in one. That was as it was presented to me, and they have raised that matter with me and invited me to write an editorial for the next edition, which I have accepted. In terms of the cost of *Art State*, I will get that information for the honourable member.

RAIL TIMETABLES

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Transport questions about the recent jump in the number of trains running late on suburban railway lines.

Leave granted.

The Hon. T.G. CAMERON: In a recent letter sent to my office by the Minister for Transport regarding suburban trains, the Minister stated that it was TransAdelaide's aim for 100 per cent of services to operate within five minutes of their scheduled time and for 95 per cent to operate within three minutes of the schedule. According to figures contained in TransAdelaide *Rail News*, between October 1996 and May 1997 not a single track was able to meet these stated performance aims. In fact, over that period the percentage of trains able to meet the stated schedule continued to slip month by month. For example, in October 1996, 82.01 per cent of the trains using the Belair line arrived within three minutes of the scheduled time. By May 1997 that had fallen to 72.03 per cent, a fall of nearly 10 per cent. In October 1996 on the Outer Harbor line, 91.78 per cent of the trains using the line arrived within three minutes of the scheduled time. By May 1997 this had fallen to just 84.49 per cent, a fall of over 7 per cent. I would be very interested to know whether any of the lines have ever met the stated performance aims. Of course, any fall in trains being able to keep their schedules may be reflected in passenger numbers. TransAdelaide figures show that between 1994-95 and 1995-96 the number of people using our trains fell from 8.4 million to 8.273 million, a fall of 1.5 per cent. My questions to the Minister are:

1. Is the Minister aware that over the last seven months there has been a jump in the number of trains running late on all metropolitan lines?

2. Considering that one of the main reasons some people are reluctant to use trains is that they believe them to be unreliable, and in order to rebuild public confidence, will the Minister order an immediate inquiry to discover why there has been an increase in the number of trains running late?

The Hon. DIANA LAIDLAW: I understand that there has been an issue with lines other than Belair because of the new trains and bringing them into operation. In terms of the Belair line we all know that there have been repeated problems with the operations since the single track was introduced a couple of years ago following the implementation of the standardisation of rail. That is a matter which this Government inherited and dealt with. However, we do not say with great pride it has been a continuing operational difficulty for us in terms of single line operation. I will check the figures that were presented by the honourable member, because my most recent advice from the General Manager suggested that there had been improvements overall in terms of running times and patronage.

I highlight that, in terms of patronage, train travel increased markedly in the last financial year, and I know that that advice was given, during the recent Estimate Committees, for the first 11 months of the financial year. I am sorry that the honourable member did not see fit to make reference to that fact but referred to the previous year. But we have turned the corner in terms of patronage for buses and trains, and the question of running on time has been a long-standing issue. I know from discussions with train divers and the like that, with the limited number of spaces in terms of trains entering and leaving the railway station, when the Belair line runs late it puts the schedules out for all the other train lines. It has been an operational difficulty.

ALP, RAFFLE

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Attorney-General a question about the Lottery and Gaming Act.

Leave granted.

The Hon. R.D. LAWSON: The other day I received through the mail—quite unsolicited—a brochure for the raffle of one dozen magnums of the fabulous 1983 Grange Hermitage, a most attractive brochure setting out the history of Grange Hermitage and its story. Max Schubert is mentioned in glowing terms as are the record prices obtained for this wine. It refers to the fact that the winery was established in the British colony of South Australia. It is a most enticing offer, and I was intrigued to see that it was not apparently licensed under the Lottery and Gaming Act; certainly there was no designation of any licence on it. I was tempted. However, the return coupon says that I should make my cheque payable to the New South Wales branch of the ALP.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: Upon looking at the fine print I see that the ALP is mentioned several times, but it is certainly not the Australian Labor Party by that name, nor is anything said about what will happen to the proceeds or anything about the ALP at all. My questions are:

1. Will the Attorney ascertain whether this raffle conforms to the South Australian Lottery and Gaming Act?

2. Will he investigate whether the failure of the promoters to clearly identify the purpose of the raffle or its promoters constitutes misleading and deceptive conduct for the purposes of South Australian law?

3. Does this mean that the chardonnay socialists are heading up-market?

The Hon. K.T. GRIFFIN: What intrigues me is that the Australian Labor Party seems to be casting its net fairly wide in seeking donations to its fund-raising activities, and it does rather suggest that—

Members interjecting:

The Hon. K.T. GRIFFIN: You're welcome to come: we'll take your money.

The Hon. Anne Levy: We don't have Catch Tim.

The Hon. K.T. GRIFFIN: No; you have a few 'catch others'. In so far as the raffle is circulating in South Australia, my understanding is that it would need a licence under the Lottery and Gaming Act. I will have the matter examined and bring back a reply.

MINING, GOLD

The Hon. P. HOLLOWAY: I seek leave to make a brief explanation before asking the Minister representing the Minister for Mines a question about gold exploration and mining.

Leave granted.

The Hon. P. HOLLOWAY: The Minister will be aware that last week the Reserve Bank of Australia sold off two-thirds of the nation's gold reserves—167 tonnes—for an amount in excess of $2 billion. On Friday, the gold price collapsed to a 12-year low or $US322.75 an ounce as news of the Reserve Bank's sale was digested. The Geneva based World Gold Council was reported in yesterday's *Advertiser* in an attack on the sale as saying that for a leading gold producer to take unnecessary actions that prejudiced the well being of the key sector of its economy suggested a lack of sensitivity to the factors impacting on the market.

What impact will the sale of this gold by the Reserve Bank and the consequent fall in gold prices have on the royalties received from the Olympic Dam mine; and is the Government concerned that the Reserve Bank's actions will have an adverse effect on the level of exploration in the Gawler Craton?

The Hon. R.I. LUCAS: I will take the questions on notice and refer them to the appropriate Minister and bring back a reply.

PARLIAMENT, QUESTIONS ON NOTICE

The Hon. T. CROTHERS: I seek leave to make a precised statement before asking the Minister for Education and Children's Services and the Leader of the Government in this Chamber a question about questions on notice.

Leave granted.

The Hon. T. CROTHERS: In a weekly supplement to the Notice Paper dated 1 July this year, which contained a resume of the number of questions on notice from members to Government Ministers in this Chamber, a casual perusal revealed that 73 questions on notice from members to Ministers are still awaiting an answer. Some of these questions have been on the Notice Paper for a considerable time. Of recent times there has been much speculation in the media as to when South Australia will have its next State election. Of course, that is pure speculation, given that only the Premier of this State in conjunction with the Governor can determine when the next State election will be held.

However, having said that, I point out that it must be noted that it will be four years on 10 December since South Australia had its last State election. I know that some of the Government's backbenchers share my views on the tardy answering of questions on notice. For instance, when in Opposition, the Hon. Legh Davis asked many questions on this subject matter, and indeed during the last State election campaign the present Government went to the people on the promise of more open and honest Government. It must seem odd to some that even the most casual observer can see that some of these questions have remained on the Notice Paper for so long without any answers forthcoming from the appropriate Ministers. My questions to the Minister in respect to the above are:

1. Is there anything in these questions and their related answers—if and when they come—which the Government is trying to cover up or indeed which could prove an embarrassment to the Government?

2. In the light of the Government's honest and open pledge to the South Australian electorate during the last State election campaign, why has it taken the Government so long to answer these questions?

3. Will the Leader give a pledge to this Council that he will ensure that all present questions on notice will be answered prior to the next State election's taking place?

The Hon. R.I. LUCAS: The answer to the first question is that the Government is not concerned or seeking to cover up in the preparation of answers to any of the questions on the Notice Paper. So, in broad terms, the answer to the first question is 'No'. In relation to the third question about giving a pledge, I am certainly happy to give a pledge that I will do all that is humanly possible to give as much—

The Hon. T. Crothers: In line with your policy.

The Hon. R.I. LUCAS: Exactly—information to as many questions as possible to members before whenever there happens to be a State election.

The Hon. L.H. Davis: It's a pity you never asked that question when you were in Government, because some of your questions took six to nine months to get answers to.

The Hon. R.I. LUCAS: Certainly, as my colleague the Hon. Legh Davis indicates, some of us are still waiting for answers to questions that we asked of Labor Government Ministers when we were in Opposition. In relation to the second question as to why it sometimes takes time, sometimes questions are multi-faceted, and have many parts that require coordination between the various Government departments and agencies. It may well be that when answers come back to respective Ministers the Ministers are unhappy with the accuracy of the information that has been produced. Ministers always want to provide the most accurate information available to members and would certainly not want to see anything inaccurate or misleading in any response that a Minister of the Crown might provide to members. Some-

times, suggested answers to questions need to be redrafted within those broad parameters.

In answer to the honourable member's second question, through the Premier and his Ministers, the Government continues to support in general terms the position that was put in relation to trying to provide as much information as we can in answer to members' questions whether they are on notice or without notice. The only person in South Australia who has been speculating about early elections for some 12 months has been the Hon. Mike Rann who, since about October last year, has been predicting an early election. He has had 15 goes and has been wrong 15 times.

The Hon. L.H. Davis: And then he creates the added speculation and says because of this instability we must have fixed terms.

The Hon. R.I. LUCAS: Yes. The Hon. Mike Rann will eventually get it right. He will predict a month in which the election is to be held. It may well be his twentieth prediction, but eventually he will get it right. In relation to speculation about election dates, that has emanated solely—

Members interjecting:

The Hon. R.I. LUCAS: —and substantially from the Hon. Michael Rann.

TELEPHONE TOWERS

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services a question about mobile telephone towers.

Leave granted.

The Hon. M.J. ELLIOTT: A study has recently been released and presented by Danish researcher, Dr Kwee, at the Second World Congress for Electricity and Magnetism in Biology and Medicine in Italy which reveals that very low-power microwaves do affect cell growth. This is the first study carried out on mobile telephone towers and shows that they are capable of causing health effects. Professor Henry Lai, an eminent US researcher who attended the conference, said:

> This paper reported changes in cell cycle and proliferation of cells exposed to Global System for mobile communications (GSM) frequencies. The standard absorption rate (SAR) was 0.012 milliwatts per square kilogram. This is the level of standard absorption rate a person would get standing 100 to 200 feet from cell telephone towers.

An increasing number of community groups have been infuriated by the contempt shown by the carriers' approach to telephone tower sitings. It is only a matter of time before Governments will have to act on their concerns. I recollect that in a question I asked about six weeks ago I mentioned the study carried out in Australia which indicated that cancer had been induced in mice as a consequence of using the same sorts of electro-magnetic radiation. I also note that the Minister for Education and Children's Services, when previously asked questions about the sitings of mobile telephones towers at schools, said that he would leave it up to the individual school councils to make the decision. Two studies have now raised concerns. My questions to the Minister are:

1. Is it his intention to continue to adopt the policy of allowing schools to make their own decisions as to whether or not towers will be constructed?

2. Is the Minister aware of that study carried out by the Danish researcher?

3. Does the Minister continue to assure South Australians about the complete safety of telephone towers?

The Hon. R.I. LUCAS: The Government has no intention of changing its current policy in relation to these matters. The Government will not, as the honourable member indicated, leave these issues solely to the discretion of schools: we rely, as I have indicated previously, on the outstanding health advice of our Health Commission in South Australia.

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: The Hon. Carolyn Pickles laughs at the hard-working public servants and scientists within the Health Commission. She dismisses their competence—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: 'Yes,' she says. The Hon. Carolyn Pickles says, 'Yes.' She dismisses the competence of the hard-working scientists and public servants within the Health Commission. That is a position that the Leader of the Opposition in this Chamber can certainly take: to unfairly denigrate our hard-working and very competent public servants in the Health Commission. The Leader can unfairly denigrate and seek—

The Hon. Carolyn Pickles interjecting:

The Hon. R.I. LUCAS: No—to cast doubt on the competence of the scientists and public servants within our Health Commission in this area. I will defend the officers and scientists within the Health Commission. We in this Chamber are not experts on these difficult and sensitive issues. The Health Commission, assisted by international experts, provides the Government with a body of advice in these areas. Irrespective of their individual views, the degree of competence shown by the Hon. Mr Elliott and the Hon. Carolyn Pickles in this area clearly does not match up against that of the experts who are available to the Health Commission.

The Government's position then remains that it will rely in this difficult area on the advice of the South Australian Health Commission and the experts that it has available to it. If the Health Commission provides advice that we should change that policy direction then, as I have indicated, we, who are not the health experts within the Education Department, will obviously follow the expert advice of the Health Commission. I am surprised at the selectivity of the Hon. Mr Elliott and others, because a number of reports from overseas scientists have cast doubts on mobile telephones themselves.

The Hon. M.J. Elliott interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Elliott is uncomfortable when I point out this issue to him.

The Hon. R.R. Roberts interjecting:

The PRESIDENT: Order! The Hon. Ron Roberts will come to order.

The Hon. R.I. LUCAS: The Hon. Mr Elliott is uncomfortable when this aspect of the debate is pointed out to him. The honourable member has quoted one study, but other people are quoting other international studies that cast doubts on mobile telephones themselves cooking brain cells, yet the Hon. Mr Elliott (and indeed other Democrats) continues to use a mobile telephone, even though he stands up in this Council and indicates that the Government and members should exercise caution in relation to these issues. The Hon. Mr Elliott—

Members interjecting:

The PRESIDENT: Order, the Hon. Terry Cameron!

The Hon. R.I. LUCAS: —indicates that the Government should adopt the policy position that if any doubt is raised

about a particular piece of technology it ought to be banned or stopped. Yet he himself—

The Hon. M.J. Elliott: Who said that?

The Hon. R.I. LUCAS: The Hon. Mr Elliott, and that honourable member refuses to abide by his own advice to this Chamber and to me, as Minister, in relation to the issue of mobile telephones.

The Hon. M.J. Elliott: The question was about towers on school sites.

The Hon. R.I. LUCAS: No, the Hon. Mr Elliott refuses to abide by his own advice to which he indicates the Government should abide. If the Hon. Mr Elliott and the Hon. Ms Pickles want to ban mobile telephone towers, then let them be honest and—

Members interjecting:

The Hon. R.I. LUCAS: What is the difference? If you have a mobile telephone tower in a residential area and young children are spending more hours per week in their residential neighbourhoods than at school, the honourable member cannot be hypocritical and say 'Just ban them in school grounds': they must be banned anywhere—

The Hon. T. Crothers interjecting:

The Hon. R.I. LUCAS: The Hon. Trevor Crothers is adopting the purist position. At least he is not being hypocritical about it. He says, 'Ban them everywhere.' But the Hon. Mr Elliott and the Hon. Ms Pickles say, 'No, just ban them in schoolyards,'—where children spend less hours per week—'but allow them in other areas, such as residential neighbourhoods.' The Leader of the Opposition and the Leader of the Australian Democrats do not also advocate a position of banning the towers in those areas. Obviously, the difficulty of that argument is clear for all members to see. I will certainly again refer the honourable member's questions—as I always do in relation to these areas—to the Minister for Health and the Health Commission, and we will always rely on their expert advice on these issues.

The Hon. T. CROTHERS: As a supplementary question, the mice referred to by the Hon. Mr Elliott were 100 in number; half were exposed to the type of radiation with a power density roughly the equivalent of a handset held close to the head, and the other half were not. After 18 months of that experimentation, the exposed mice had 2.4 times as many lymphomas as did the unexposed mice. After the researchers had corrected for a small number of cancers that might have been linked to kidney disease suffered by some of the mice, the exposed mice still had twice as many lymphomas.

Allan Harris of the Walter and Eliza Hall Institute of Medical Research in Melbourne—Australia's top cancer research institute—said that these results were surprising

The PRESIDENT: Order! This is not a supplementary question.

The Hon. T. CROTHERS: My question to the Minister is: was he aware of the facts that I have elucidated in respect of the mice experimentation referred to in the original question by the Hon. Mr Elliott?

The PRESIDENT: I rule that that is a normal, not a supplementary, question.

The Hon. R.I. LUCAS: I thank the honourable member for his elucidation in relation to the number of mice that were concerned and the degree of exposure for some of those mice: I am forever indebted to him for that. I am not sure whether I was aware of the precise number of mice involved in the experiment. I was certainly aware of the general detail of the research experiment and the press and media reports thereon. Again, as with all these issues, we will refer them to the experts in the Health Commission and rely on their advice. If they suggest that there is a need for a policy change, those within the Education Department will happily and willingly respond.

MULTICULTURAL AND INTERNATIONAL AFFAIRS OFFICE

The Hon. P. NOCELLA: I seek leave to make a brief explanation before asking the Minister for Education and Children's Services, representing the Minister for Multicultural and Ethnic Affairs, a question on the change of title.

Leave granted.

The Hon. P. NOCELLA: I refer to the *Government Gazette* dated 5 June, page 2792, which contains the announcement that the title of the Office of Multicultural and Ethnic Affairs is altered to the Office of Multicultural and International Affairs. Then I refer to the South Australian Ethnic Affairs Commission Act, which established in 1980, under Premier Tonkin, the Multicultural and Ethnic Affairs Commission as subsequently amended. It establishes also the Office of Multicultural and Ethnic Affairs as its administrative unit, clearly indicating that the primary function of the office in the commission is to focus on looking after South Australian residents of non-English speaking background in this State and in providing services, advice and advocacy for this group of people.

Now that the Premier has changed the name of the office to the Office of Multicultural and International Affairs, does he also plan to change the Act; and does the Premier agree that the announcement made by the Hon. Julian Stefani at the Multicultural Communities Council meeting on 26 March represents a gross discourtesy towards His Excellency the Governor who at that point had not approved the change of name?

The Hon. R.I. LUCAS: It is disappointing to see the honourable member continuing in the fashion to which we have become accustomed in this Chamber. I will refer the honourable member's questions to the Minister and bring back a reply.

PARTNERSHIP (LIMITED PARTNERSHIPS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 June. Page 1489.)

The Hon. K.T. GRIFFIN (Attorney-General): I sought leave to conclude on the last occasion that I spoke on this Bill. I now reiterate my thanks to honourable members for their indication of support for this Bill. The Government welcomes their support on this piece of legislation.

The Hon. Michael Elliott mentioned the Law Society's concern regarding section 75. I have given due consideration to this matter and have concluded that it is inappropriate for a limited partner to lose the protection from unlimited liability if the general partners or another person authorises the issue of a document in contravention of section 75 of the Bill.

I agree that there is an attractiveness to protecting persons dealing with a limited partnership by providing that the

limited liability status of otherwise limited partners would be forfeited if section 75 is not complied with. However, the principle has flaws in that it conflicts with the interest of the passive investors to have their limited liability status protected.

Limited partnerships are designed to allow persons to invest money in a partnership's business without suffering unlimited liability. In exchange for the benefit of limited liability the limited partner must not participate in the management and decision-making of the partnership. As such, the inference which flows on from this is that the limited partner should not be responsible for ensuring that the business is being managed appropriately and dealing according to the law, except to the extent that the limited partner wishes to monitor his or her investment.

It appears to be against the philosophy of limited partnerships to provide that limited partners must not be involved in management, but they must ensure that the limited partnership carries on its dealings according to the law. If the protection from unlimited liability were lifted for otherwise limited partners, they would be penalised for actions which are not and should not be their responsibility.

It is an unfortunate situation that the interests of one group must be preferred over those of another. However, it is a necessary task. Ultimately, a prudent person dealing with a limited partnership will be able to uncover the fact that the liability of some partners is limited because printing the words 'a limited partnership' on the documents concerning the partnership is not the only method of notification of a limited partnership status.

If the general partners contravene a number of these requirements, then other offences will be committed and the penalty imposed will be higher. In any event, it can be argued that persons dealing with general partnerships undertake a similar risk without concern. On most occasions persons dealing with general partnerships do not know the financial status of the partners, if in fact they know all partners at all.

The intention of introducing limited partnerships was to provide an another investment vehicle to choose from in order to encourage entrepreneurial schemes and other economic activity. Care has been taken in the drafting of the legislation to ensure that limited partnerships will not become an investment vehicle which will be used as a means of tax evasion or exploitation of ordinary consumers and investors. Experiences interstate indicate that limited partnerships are not used in such ways.

In the last few days I have received a further submission from the Law Society which suggests some minor changes to the Bill. I am considering those suggestions but, rather than hold up the consideration of the Bill in this Chamber, if we proceed with any of those suggestions, we will deal with them in the other place.

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

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

In Committee.

(Continued from 3 July. Page 1686.)

Clause 1.

The Hon. K.T. GRIFFIN: The second reading debate on this matter was closed in my absence but with my concurrence, although some matters were raised in the course of the debate and there are some additional matters which I think ought to be put on the record, so I take the opportunity on this clause to deal with those matters. I add my thanks to those of my colleague the Minister for Education and Children's Services to members for their indication of support for the Bill.

As noted by the Hon. Carolyn Pickles when the matter was debated at the second reading stage, I filed an amendment in order to insert a provision that will make a minor amendment to section 15A of the Summary Offences Act. That section was enacted in the Statutes Amendment (Attorney-General's Portfolio) Act 1995, which was assented to on 27 April 1995. The provision came into operation on 4 May 1997 of its own force. The operation date was delayed because the provision potentially conflicted with the Mutual Recognition Act 1992 of the Commonwealth which aims to promote the freedom of movement of goods nationally without restrictions being imposed by individual States.

To overcome this problem, a national approach to the regulation of body armour was considered. At the Australasian Police Ministers' Council (APMC) meeting in 1996, it was resolved that each jurisdiction would legislate so that the sale, manufacture, distribution, supply, possession or use of body armour is prohibited other than in circumstances involving the membership of an approved occupational category or the granting of a specific exemption to an individual. The model legislation proposed by APMC is based upon section 15A. However, a minor amendment is required to section 15A to conform to the APMC model.

Section 15A currently permits the Commissioner to exempt individual persons from the operation of the section but does not permit the exemption of an entire occupational group from the offence under section 15A. This measure will amend section 15A to allow the Commissioner of Police to give approval to a person or class of persons to sell, manufacture, distribute, supply, possess or use body armour.

Since the matter was last considered, I have filed a number of other amendments, which I intend to move. I propose to amend the Bill to include amendments to Part 10 of the Law of Property Act and to amend clause 7 of the Bill, which deals with the Fences Act. I notice that, in relation to the intended amendments to the Law of Property Act, the Hon. Robert Lawson already has amendments on file. I was seeking to pick up the observations which he made during his contribution on the Bill that Part 10 of the Law of Property Act, which is titled 'Infants, married women, and mental defectives', is inappropriately titled. I thank him for drawing attention to this matter.

In regard to the Fences Act amendments, it has come to my attention that the words 'agricultural and pastoral purposes' may be narrowly interpreted. Therefore, owners of properties used for a number of other primary production purposes such as viticulture or horticulture would not benefit from the amendment to the Fences Act. It was intended that land used for other primary production purposes such as viticulture would be covered in paragraph (aa); therefore, I suggest that the words 'agricultural and pastoral purposes' should be replaced with the words 'primary production purposes'.

Also according to the Land Tax Act, land will be considered residential if the property is less than .8 hectares. Such an assumption should also be adopted in relation to the Fences Act amendments and, as such, I will move an amendment to provide that paragraph (aa) will apply only to properties of not less than .8 hectares in area. I anticipate that

it will make calculation of fencing contributions easier for the public which, in turn, will reduce the need for legal determination of fencing contributions.

The Hon. Robert Lawson raised a concern with regard to farmers who require substantial fences for their particular farming purposes and questioned whether they would be disadvantaged by the amendment to the Fences Act in clause 7 of the Bill. I believe that the amendment will not disadvantage these farmers. However, on the basis of the current amendments, a resident may be disadvantaged if the fence which is adequate for the primary production purpose is substantial and, as a result, costs more than a fence suitable for residential purposes. Therefore, I intend also to move an amendment that will ensure that the least expensive fence, whether that be the residential fence or the fence suitable for the primary production purpose, will be regarded as the adequate fence for the purposes of the Act.

The Hon. Robert Lawson also raised concern regarding the proposed amendments to section 16 of the Fences Act which alter the provisions dealing with fences where there is an urgent need to repair or restore the fence. This amendment was prompted by the amendment to section 12 of the Fences Act. I believe that it is unfair to expect a person to contribute an amount for the repair of a fence which is more than the required contribution calculated under section 12. Therefore, if an expensive brush fence or stone wall divides a residential property from a rural property, the farmer will not pay more than half the cost of replacing the entire fence with an agricultural fence.

Equally, if the fence divides two residential properties, the owner of the adjacent property will not be required to contribute an amount greater than half the cost of replacing the damaged fence with a fence which conforms with general standards of good fencing existing in the locality and which is adequate for the purposes of the owner. As a result, if the brush fence or stone wall is considered to be an adequate fence, then it is likely that the adjoining owner will contribute half the cost of the repairs. This provision prevents owners of property from being forced to contribute amounts greater for the repair of more than adequate fences desired by their neighbours than they would need to pay if they were constructing a new adequate fence.

Clause passed.

Clauses 2 to 6 passed.

Clause 7.

The Hon. K.T. GRIFFIN: I move:

Page 3—

Line 6—Leave out 'used for agricultural or pastoral purposes' and insert ', of not less than 0.8 hectare in area, used for primary production purposes'.

Line 8—Leave out 'agricultural or pastoral purposes' and insert 'primary production purposes or a fence that is adequate for the residential or other purposes, whichever would cost less'.

After line 10—Insert—

(c) by inserting after subsection (9) the following subsection:

(1) In this section—

'primary production purposes' means agriculture, pasturage, horticulture, viticulture, apiculture, poultry farming, dairy farming, forestry or any other activity consisting of the cultivation of soils, the gathering in of crops, the rearing of livestock or the propagation and harvesting of fish or other aquatic organisms.

These three amendments all relate to the one issue, that is, a shift from agricultural or pastoral purposes to introduce the .8 of a hectare minimum size; also, the description used for 'primary production purposes'. I have just explained the rationale for those amendments.

Amendments carried; clause as amended passed.

Clauses 8 to 13 passed.

New clause 13A.

The Hon. R.D. LAWSON: I move:

Page 4, after line 23—Insert:

Further amendments of principal Act

13A. The principal Act is further amended as set out in the schedule.

This amendment was prompted by the inappropriate title to part 10 of the Law of Property Act, namely, 'Infants, married women and mental defectives'. I am indebted to the Attorney for his expressions of support for the sentiments I suggested and I note that in his name there appears an amendment in identical terms to that proposed by me.

New clause inserted.

Remaining clauses (14 and 15) passed.

New part 9.

The Hon. K.T. GRIFFIN: I move:

Page 5, after line 23—Insert—

Part 9

AMENDMENT OF SUMMARY OFFENCES ACT 1953

Amendment of section 15A—Possession of body armour

16. Section 15A of the principal Act is amended by inserting after subsection (1) the following subsections:

(1a) The Commissioner may, subject to such conditions and limitations as the Commissioner thinks fit, give an approval to a person or a class of persons for the purposes of subsection (1) and may revoke an approval or revoke or vary the conditions or limitations under which an approval operates.

(1b) The giving or a variation or revocation of an approval that applies to a class of persons must be notified in the *Gazette*.

This relates to the issue of body armour, to which I have already referred.

New part inserted.

New schedule.

The Hon. R.D. LAWSON: I move:

New schedule, page 5, after line 23—Insert—

SCHEDULE

Further Amendments of Law of Property Act 1936

Provision Amended	How Amended
Section 7	Strike out the definitions of 'mental defective', 'mentally defective person' and 'committee' and substitute the following definition: 'mentally incapacitated person' has the same meaning as in the *Guardianship and Administration Act 1993;*.
Section 42(1)(f)	Strike out 'committee of a mentally defective person' and substitute 'administrator, committee or other person empowered to act on behalf of a mentally incapacitated person'.
Section 42(4)	Strike out 'committee of a mentally defective person' and substitute 'administrator, committee, or other person empowered to act on behalf of a mentally incapacitated person'.
Heading to Part 10	Strike out 'INFANTS, MARRIED WOMEN, AND MENTAL DEFECTIVES' and substitute 'MISCELLANEOUS'.
Section 89	Strike out 'defective' (twice occurring) and substitute, in each case, 'incapacitated'.
Section 90	Strike out 'defective' (twice occurring) and substitute, in each case, 'incapacitated'.
Section 91	Strike out 'defective' and substitute incapacitated'.
Heading above section 92	Strike out this heading.

Heading to Part 11	Strike out this heading.
Schedule 2	Strike out from Part 6 *'Committee of the state of a Mentally Defective Person'* and substitute *'Administrator, Committee or Other Person Empowered to Act on Behalf of a Mentally Incapacitated Person'*.

New schedule inserted.

Long title.

The Hon. K.T. GRIFFIN: I move:

Page 1—

Line 8—Leave out 'and the' and insert ', the'.

Line 9—Insert 'and the Summary Offences Act 1953' after '1996'.

Amendments carried; long title as amended passed.

Bill read a third time and passed.

JURIES (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 July. Page 1683.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their indications of support. Two queries were raised during the debate. The Hon. Carolyn Pickles raised a concern about citizens' ability to avoid jury service. In the six months from 1 January 1997 to 1 July 1997 fewer than 20 per cent of persons summonsed to serve as jurors have been excused from complying with their summons on the ground of reasonable cause. The predominant reason for excusal was health reasons, with 34 per cent of all excusals taking place on this ground; 26 per cent of persons were excused on the ground of hardship, which includes occupational or monetary hardship; while 20 per cent were excused for family reasons.

The remaining reasonable causes which prompted excusal from jury service included language difficulties, personal reasons and conscientious objection. All persons excused from jury service provided a statutory declaration to support their inability to comply with the summons. It is a fact of life that not all people will be able to undertake jury service during the month that they are summonsed. Every attempt is made to defer jury service for up to 12 months so that the potential juror is accommodated as much as possible and so that the onus of jury representation is shared across the community.

Unfortunately, there will always be a few persons who are unable to perform jury service, but this does not necessarily mean that as a result a jury will be unrepresentative of the society. The statistics do not suggest that there is an over-representation of a particular group being excused from jury service. Therefore, there is no real evidence to suggest that our juries are skewed towards a range of people who are not necessarily representative of the community at large.

In relation to the Hon. Robert Lawson's query regarding the increase of jurors' fees, I can indicate that the Government has given consideration to the matter in the context of budget considerations but has determined in the context of this current year's budget that there will not be any amendment to the fees presently payable to jurors.

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

COOPERATIVES BILL

Adjourned debate on second reading.

(Continued from 3 July. Page 1687.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their contributions on the Bill. The Hon. Carolyn Pickles did raise one issue. She suggested that I may wish to inform members as to the number of cooperatives or the kind of cooperatives which might seek to operate both in South Australia and beyond State boundaries. In relation to South Australian registered cooperatives, it is probable that at least six will seek authority under the cooperatives' legislation of participating jurisdictions to carry on business in the respective jurisdiction. This includes two farming cooperatives which are engaged in activities near the South Australian-Victorian border in relation to the buying and/or selling of fruit produce. The other cooperatives, which do not necessarily operate from close to the border, are respectively engaged in activities in relation to selling and/or buying bloodstock, hairdressing products, butchers' merchandise and grain seed.

The number of inquiries to the Corporate Affairs Commission over the years from interstate cooperatives seeking to trade in South Australia has been few. However, the extent to which interstate cooperatives may seek to utilise the foreign registration provisions of the Cooperatives Bill cannot presently be ascertained with any certainty.

Bill read a second time.

In Committee.

Clauses 1 to 447 passed.

Clause 448.

The CHAIRMAN: I point out that clause 448, being a money clause, is in erased type. Standing Order 298 provides that no question shall be put in Committee upon any such clause. The message transmitting the Bill to the House of Assembly is required to indicate that this clause is deemed necessary to the Bill.

Remaining clauses (449 to 456), schedules and title passed.

Bill read a third time and passed.

ASER (RESTRUCTURE) BILL

(Second reading debate adjourned on 3 July. Page 1686.)

Bill read a second time.

In Committee.

Clause 1.

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition will not hold up this Bill, but we put a number of questions to the Minister in the second reading debate and we have agreed that the Minister will bring us back a reply in writing. We will not wait for the reply today but will let the Bill go straight through.

Clauses passed.

Remaining clauses (2 to 31) and titled passed.

Bill read a third time and passed.

EQUAL OPPORTUNITY (SEXUAL HARASSMENT) AMENDMENT BILL.

Adjourned debate on second reading.

(Continued from 4 June. Page 1357.)

The Hon. K.T. GRIFFIN (Attorney-General): I thank members for their support of the second reading of this Bill. I note the concerns expressed by the Leader of the Opposition and the Hon. Ms Kanck regarding the system of complaints in house provided for in the Bill. As the Leader of the

Opposition indicated, we have had a number of discussions about this matter and, while we share the view that sexual harassment is totally unacceptable, we come from different approaches when dealing with certain complaints, particularly those against members of Parliament. The Leader of the Opposition has indicated that she will be moving an amendment to provide for the Commissioner for Equal Opportunity to consult with the Speaker or the President so that any issues affecting parliamentary privilege can be taken into account in the conduct of any investigation or proceedings. The Government did examine the option of requiring consultation, but considered that the only way such an approach could operate effectively is if the Commissioner is to make the decision as to whether or not to proceed with the complaint or to refer it to the appropriate authority. This is inconsistent with the Government's view that the appropriate authority should make the decision as to whether dealing with the matter could impinge upon parliamentary privilege or judicial independence.

Parliamentary privilege refers to the special rights and immunities applicable to Parliament and its members which in political theory are rights belonging to the people. These rights and immunities have developed over the centuries to ensure the independence of members, to ensure they can raise and deal with issues on behalf of specific constituents or in the public interest and to facilitate the proper functioning of Parliament. However, unfortunately, as the House of Commons Select Committee on Parliamentary Privilege indicated, the word 'privilege' can wrongly imply some special position and abuse and convey to the public the false impression that members are and desire to be a privileged class. The Government's position does not seek to put members of Parliament or members of the judiciary above the law but rather to guard against any arguments or reality that the Executive is attempting to interfere with the rights of members of Parliament or, in other words, parliamentary privilege or judicial independence. The Government accepts that members of Parliament must act responsibly and not abuse the privilege of Parliament.

Pursuant to the provisions in the Bill, anything said or done in the course of parliamentary proceedings is excluded from the scope of the Act. While the Bill includes a definition of parliamentary proceedings it is not intended to limit the scope of parliamentary privilege. Some issues which may fall outside the definition of parliamentary proceedings in the Bill may still fall within parliamentary privilege and so would be subject to the procedures set out in the Bill. Therefore, decisions will need to be made about whether dealing with complaints against members of Parliament that do not arise in the course of parliamentary proceedings could impinge on parliamentary privilege.

It is on this matter and on the issue of who should be given responsibility for making the decision as to whether or not dealing with the matter could impinge on Parliamentary privilege that the Leader of the Opposition and I disagree. The Government's approach gives responsibility for these decisions to the Presiding Officers, whereas the Leader of the Opposition would place the responsibility with the Commissioner for Equal Opportunity. The Government prefers its approach, as it does not think it is appropriate to have the Commissioner, a part of the Executive arm of Government, making decisions on parliamentary privilege and, for that matter, judicial independence. Parliamentary privilege is enforced by each House through its officers and it is not the place of the courts to interfere with a decision of a House of Parliament where a privilege has been infringed. Nor should it be a decision for the Commissioner for Equal Opportunity as to whether dealing with a complaint could impinge on parliamentary privilege.

The Hon. Ms Kanck has suggested that the approach adopted by the Government is naive because of the power imbalance and political ramifications. I do not accept that. The Presiding Officers already have a special role to play in the interpretation and enforcement of parliamentary privilege. As a Parliament we must have confidence in the Presiding Officers and in their ability to uphold the dignity of Parliament. The functions vested in the Presiding Officers under the Bill are consistent with their general role in relation to parliamentary privilege. The approach proposed by the Leader of the Opposition could also result in problems where a Presiding Officer disagrees with the Commissioner's decision on whether or not dealing with a complaint may impinge on parliamentary privilege. If the Commissioner continues to deal with the matter, the Commissioner could risk being in breach of the privileges of Parliament. It should also be noted that the Government's approach does not rule out the involvement of the Commissioner. The Bill and the amendments on file allow for the appropriate authority to involve the Commissioner in the investigation and conciliation of the complaint. In addition, where the Speaker or President decides that a complaint against a member of Parliament does not impinge on parliamentary privilege, the complaint would be dealt with under the Equal Opportunity Act 1984 in the normal way.

The Hon. Mr Lawson has suggested that the Bill may be inflexible in that it does not allow the appropriate authority to alter a written notice and so return a matter to the Commissioner to deal with the complaint. While it is true that the Bill does provide for the alteration of notice, it does provide for the appropriate authority to request the Commissioner to be involved in the investigation and conciliation of a complaint. The Leader of the Opposition has also raised the issue of extending the Act to cover sexual harassment by a member of Parliament against another member of Parliament and by a Council member against another Council member. While this position may be consistent with the recommendation of the Joint Committee on Women in Parliament, it does not accord with the recommendation of Mr Martin QC. In his review of the Equal Opportunity Act, Mr Martin QC recommended that the Act be amended to prohibit sexual harassment in a number of relationships. Mr Martin's recommendations regarding sexual harassment were based on the issue of power inequality. At page 15 he indicated that:

> While there is always room for exceptions, in my view the South Australian legislation should continue to concentrate upon covering those areas of public life where a power inequality is likely to exist and to result in unfairness to the person harassed.

Mr Martin QC points out that members elected to Parliament and local government bodies are ultimately answerable to the electors. In his view:

> They are in a different position from the normal workplace participant. They are frequently adversaries in the public eye. Other means of coping with offensive behaviour are readily available and there are dangers associated with an attempt to intrude into these relationships.

That appears at page 18. The Government agrees with this view and will oppose any extension of the Act to cover sexual harassment by a member of Parliament against another member of Parliament and by a Council member against another Council member. An extension of the Act to cover

sexual harassment by a member of Parliament against another member of Parliament is also more likely to result in issues of parliamentary privilege being raised in the context of dealing with complaints. The Hon. Mr Lawson has queried why the Bill does not extend to cover acts of sexual harassment against a constituent by a member of Parliament. Mr Martin QC did not recommend such an extension and there has not been any strong call for such an amendment in submissions to Government. The Hon. Mr Lawson has also asked why the Bill does not deal with the other areas of sexual harassment proposed by Mr Martin QC.

As members would be aware, the Leader of the Opposition introduced a Bill to extend the legislation to cover sexual harassment by judicial officers, members of Parliament and members of councils. However, while the Government supported the principle of extending the Equal Opportunity Act 1984 to cover sexual harassment by members of Parliament, members of the judiciary and members of local councils, it considered that there were a number of important issues that needed to be addressed, particularly the process for dealing with sexual harassment by judicial officers and members of Parliament, taking into account the special nature of the positions.

Accordingly, the Government indicated that it would introduce a Bill to deal specifically with sexual harassment by members of Parliament, members of the judiciary and members of local councils. Other amendments arising from the report by Mr Martin QC, including any additional amendments relating to sexual harassment, will be dealt with later as a package of amendments.

The Hon. Mr Lawson has requested information about the composition of the reference group established by me to coordinate responses to the Martin review into the Equal Opportunity Act, and to consider the consequences of implementing recommendations. The reference group was comprised of officers from the Office of the Commissioner for Equal Opportunity, the Attorney-General's Department, the Office for the Status of Women and two human resource managers from the private sector. The reference group took note of the organisations that made representations to the review conducted by Mr Martin QC and used this as a basis for consultation. The reference group held meetings with representatives of the South Australian Employers Chamber of Commerce and Industry and the United Trades and Labor Council.

The Hon. Mr Lawson has also sought an update on the issue of Commonwealth funding for human rights matters. The State has been negotiating with the Commonwealth with a view to putting in place a cooperative arrangement to deal with anti-discrimination complaints arising under the Racial Discrimination Act and the Sex Discrimination Act. An in-principle agreement has now been reached and it is expected that a new arrangement will be entered into shortly. The Bill sets out a framework for dealing with complaints against members of Parliament and members of the judiciary which seeks to take into account the special nature of their position.

When the Bill was introduced the Government indicated that several issues would be the subject of further consideration. This has now occurred and, as a result, a number of amendments are being placed on file. The amendments seek to clarify the relationship between the appropriate authority and the Commissioner for Equal Opportunity when dealing with a complaint of sexual harassment against a member of Parliament or a member of the judiciary. The amendments deal with a number of issues and include:

- provision for the appropriate authority to request that the Commissioner conciliate a complaint;
- a requirement that the appropriate authority must notify the Commissioner as to the manner in which the complaint has been dealt with by the authority;
- provision for the Commissioner, when unsuccessful in conciliating a complaint, to make recommendations to the appropriate authority relating to the resolution of the complaint;
- provision for the appropriate authority to have the same power investigate a matter as the Commissioner has under section 94;
- provision for the appropriate authority to have an immunity similar to that contained in section 16 of the Act so that no personal liability attaches for any act or omission in good faith in the exercise or discharge of duties; and
- an extension of the definition of 'appropriate authority' to allow alternative arrangements where the Chief Justice, President or Speaker cannot, for any reason, deal with a complaint.

The Government considers that the Bill and amendments provide a solid basis for the investigation of complaints against members of the judiciary and members of Parliament while at the same time recognising the importance of protecting the principles of parliamentary privilege and judicial independence.

In conclusion, I repeat my thanks for members' contributions on the Bill, and also indicate that, as the Leader of the Opposition has already indicated, there have been some consultations between her and me on the issues but, as I have indicated, whilst we agree on the principle we disagree on the process by which we should get to a satisfactory outcome in dealing with issues of sexual harassment relating to members of Parliament and members of the judiciary.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. CAROLYN PICKLES: I move:

Page 2, after line 10—Insert new paragraph as follows:
(ab) another member of Parliament; or.

In his second reading reply, the Attorney mentioned the issue raised by the Hon. Mr Lawson in his second reading contribution about what had happened to the other amendments that were to be put on file by the Attorney. That is an interesting question because Mr Martin QC made these recommendations about the whole of the Act in 1994. A very long period of time has passed and I believe that, by now, we should have reached some agreement on those issues.

The other issue is that the Attorney has, quite correctly, made the point that while we agree in principle to this Bill, we come from different approaches. I should have thought that it would be appropriate for the Attorney to seek to amend the Bill which I introduced some six months ago and which has been sitting in the House of Assembly waiting to be dealt with. That House has the gall to say that this place cannot deal with legislation, yet it has not dealt with a private member's Bill for six months. I should have thought that would be the appropriate course, given that we have a genuine desire to see that a Bill of some sort passes.

The Opposition cannot agree with the conclusion of Mr Martin QC that members of Parliament should be immune from allegations of sexual harassment by other MPs under the Equal Opportunity Act. The Attorney is quite correct in

saying that these were recommendations of a select committee of the Parliament which was established in 1994 by the Hon. Ms Laidlaw and which was supported by the Opposition and the Australian Democrats. Indeed, the Hon. Sandra Kanck and I were members of that committee, as was the Hon. Mr Redford. It was a joint House committee and it reached a unanimous decision that we should include an extension of the Act to cover members of Parliament.

The principle behind our position is that members of Parliament should, as far as achievable given the special role we play, be in the same position as other workers. The fact is that if a person is sexually harassed in the average work place by a colleague they have recourse to the Equal Opportunity Commission and Tribunal. We believe that MPs should be offered the same protection.

The starting point is that women MPs have been harassed in the past—including offensive touching by male MPs—and this can be expected to recur occasionally until the culture of this place changes dramatically. I do not suggest for one moment that it is a daily occurrence. To my knowledge, the issues dealing with women MPs have been fairly rare, and I have been in this place for 13 years. However, they do occur.

I believe that Mr Martin QC fell into error in his report when he assumed that we are dealing with two people of equal status. We may be dealing with two elected representatives of the people, but all members know that the ability of one member to confront another about offensive behaviour depends, to a great extent, on political matters such as whether one is in Opposition or in government and the relative position each person has within their own Party.

We cannot assume that there will be no hushing up of sexual harassment incidents in the future if the Equal Opportunity Commissioner is kept out of it, because hushing up is exactly what has happened in the past. This position may be rarely or perhaps never used—and we can only hope that there is never a need for it—but, as a matter of principle, it must be included in this important reform legislation.

The Hon. Mr Lawson has referred to why I or the Attorney have not moved an amendment in relation to a member of Parliament sexually harassing a constituent. That would indeed be a very foolish thing to do. I should have thought that the constituent under this proposed legislation would then be able to take up a case against the member of Parliament. So, I think that would be covered under the legislation.

The Hon. K.T. GRIFFIN: As I indicated in my second reading reply, this is an amendment which the Government opposes. The Government does not consider it appropriate to extend the Act to cover sexual harassment by a member of Parliament against another member of Parliament. We do accept the view put by Mr Martin QC that sexual harassment provisions should be viewed in terms of power and equality, and the Government agrees that the South Australian legislation should continue to concentrate upon covering those areas of public life where such an inequality is likely to exist and to result in unfairness to the person who is harassed. Such power and equality should not exist when dealing with members of Parliament, one with each other.

There is also the issue of the dangers associated with providing such coverage, as referred to by Mr Martin QC. The Government agrees with his view that members of Parliament are in a different position from a normal workplace participant. Members of Parliament are frequently adversaries, and sometimes very fierce political adversaries. Allegations of sexual harassment could be used for political purposes directly or indirectly.

Other means of dealing with offensive behaviour are available, for example, the member could raise the matter as a possible contempt of the Parliament. The coverage of sexual harassment by one member of Parliament against another member of Parliament is also more likely to result in debate as to whether dealing with the complaint could impinge on parliamentary privilege. It is for those reasons that we do not support the amendment, believing that it would be inappropriate for statutory officers—members of the Parliament—to be addressed in that way by this legislation.

The Hon. SANDRA KANCK: I do not find very convincing the reasons given by the Attorney-General for rejecting this amendment. I believe that members of Parliament should be treated like everyone else in the community.

The Hon. K.T. GRIFFIN: I indicate that I do not intend to divide on these. We will end up with a conference. I can count where members are indicating where the numbers are, and it would not serve any useful purpose for me to divide on those.

Amendment carried.

The Hon. CAROLYN PICKLES: I move:

Page 2, line 17—After 'harassment' insert 'another member of the council or'.

I believe that the same principle applies to members of local government. There is no reason why sexual harassment of one councillor by another should fall outside the protection offered by the equal opportunity legislation. This again was a recommendation of the Select Committee on Women in Parliament. I have talked to members of the LGA and they have no opposition to this.

The Hon. K.T. GRIFFIN: For the same reasons I have already advanced, the amendment is not supported by the Government. It is not considered appropriate to extend the operation of the Act to cover sexual harassment allegations by a member of council against another member of council.

Amendment carried; clause as amended passed.

Clause 4.

The Hon. CAROLYN PICKLES: I move:

Page 2, line 23—Leave out 'a judicial officer or'.

This amendment and the following two amendments indicate that separate procedures should apply for members of Parliament as opposed to judicial officers. For members of Parliament the procedure is essentially that an aggrieved person would take their complaint to the Equal Opportunity Commissioner who would then seek advice from the Speaker or the President in relation to the issue of parliamentary privilege. The Equal Opportunity Commissioner would then make up (in this case) her mind about that issue and would then proceed to deal with the complaint in the normal way if the Commissioner was of the opinion that parliamentary privilege would not apply. We stress that we think that the Commissioner would be sensible in this. The Commissioner could seek the views of the Speaker, the President, or indeed, the Clerk of either House on this issue and could look at Erskine May and seek views from whomever they chose.

For judicial officers my amendment would mean that the standard procedures under the Equal Opportunity Act would apply, although I remind members that the amending Bill provides judges with an immunity from complaints of sexual harassment if they relate to the behaviour of a judicial officer while he or she is exercising judicial functions, that is, in court.

I believe that covers the issues, although the Attorney did say in his second reading response that we must have

confidence in the presiding officers of this Parliament. I do indeed have confidence in you, Sir, but I was somewhat dismayed to read some comments in the *Australian* of Thursday 3 July that have been attributed to the Speaker. In recent weeks reference has been made to some very serious allegations that have been made against a member of Parliament about which I make no comment in this place regarding whether or not I believe them to be true or untrue. They have not been proved and I do not wish to make comments about that, and I have not sought to do so publicly.

However, I believe that because they were serious allegations they should be treated seriously. I do not believe that the comments purported to have been made by the Speaker showed any kind of indication that he took these issues seriously. I refer to an article in the *Australian* purporting to report what the Speaker said to a journalist when he was asked to confirm whether he had received a formal complaint because it is important that members should know exactly with what we are dealing. The article states:

> . . . Mr Gunn said he had not read the document. 'I've got better things to do than to worry about the bullshit and chitter-chatter of a disgruntled and frustrated person,' he said.

That shows that the Speaker probably has not thought seriously about this issue and perhaps a better response would have been, first, that had no comment, which would have been a sensible thing to have said; or, secondly, that the matter was a one of privacy which should be dealt with within Parliament. That would have been an appropriate response, and it is certainly what I would have said.

We have to be aware that politics plays, sometimes regrettably, a very dirty role in this place, and in relation to the Speaker and the President, with all due courtesy to your role, Sir, sometimes politics are brought into play. We do not adopt the tradition that takes place in the House of Commons, where the Speaker removes himself or herself from their political Party, and I think it is regrettable that these issues are taking place.

I have sought to make these comments on this clause because I believe that it could also have connotations for anyone in the future who wanted to make a complaint against a member of Parliament. It is a very serious issue to make a complaint against a member of Parliament. It should be dealt with sensibly, not frivolously and, if the Speaker's comments are true—and one can only believe that they are because the *Australian* is a fairly reliable paper—they are regrettable, to say the least.

The Hon. K.T. GRIFFIN: The Government does not accept or agree with the amendment that has been moved by the Leader of the Opposition, and it is really part of a package of amendments which the honourable member will seek to move. I point out that, if we pass this amendment to remove the reference to 'judicial officer', it will mean that, apart from the protection which may arise at common law, judges and magistrates would be treated no differently from any other person. The special constitutional position of the judiciary and the courts would not be reflected in the Bill. That is a matter of concern but it is not the primary issue.

The primary issue is how we should deal with allegations of sexual harassment made against members of Parliament. The difficulty with the amendment that has been moved by the honourable member is that it gives authority to the Commissioner for Equal Opportunity, who is an appointment of the Executive arm of Government and who has some but not significant independence in the scheme of things. The honourable member's amendment seeks to provide that the Commissioner for Equal Opportunity will make the decisions and, by virtue of the operation of the Act, those decisions might have the effect of putting Parliament at the lower level. The Commissioner is in the box seat: in a sense, Parliament is subservient to the decisions of the Commissioner.

I view that very seriously, as I view very seriously allegations of sexual harassment. We have to accept that, at present, no law provides that members of Parliament are subject to the laws relating to sexual harassment. We are moving to a situation where, in future, members of Parliament will be subject to those laws, but in a way which ensures that the balance between the constitutional role of Parliament on the one hand and the separation from the influence of the Executive on the other hand can be managed within an environment which ensures that, ultimately, if not investigated, allegations are brought to the attention of the Commissioner one way or the other. The amendments that I propose to move seek to achieve an interrelationship that will ensure that, in practical terms, allegations of sexual harassment against a member of Parliament will not go uninvestigated, one way or the other.

The difficulty with the matter that has been referred to in some of the media is that I do not know what the allegations are. All I know is what has been in the newspaper articles which have been drawn to my attention. I do not know whether they are true or false and I do not know whether the Speaker gave that description of the complaint. It is certainly not the way in which I would address an issue like that and, in dealing with the media, I would certainly not use that sort of description. I hope that I do not talk like that and, more particularly, one can never be guaranteed that comments which might be regarded as being off the record will not be published.

As I said, I do not know what the substance of the allegations is. From the articles to which my attention has been drawn, I can say that they are allegations about events that occurred outside this State. They concern events which occurred in an environment in which there is no law which deals with issues of sexual harassment that relate to a member of Parliament. More particularly, reference was made to a report that was given to the police, so rather than being a civil matter it is a criminal matter. The legislation that we are now addressing does not deal with criminal law: it deals with civil law. It deals with sexual harassment in an environment which endeavours to address it, keeping in mind the sensitivities of the allegations and the balance between the various components of our constitutional framework.

It is important to endeavour to recognise that balance and properly reflect it in legislation. That has been done in relation to the Joint Parliamentary Services Act and workers compensation legislation. For example, the workers compensation legislation recognises that an inspector who comes into Parliament has no authority to intrude without the concurrence of the Presiding Member. It is not as though the framework of this Bill and the amendments which I propose to move as a result of consultation do not adequately address the issues. They are consistent with the structure which previous Governments and Parliaments have enacted to deal with the dividing line between what is and what is not constitutionally appropriate, at the same time as endeavouring to deal with the issue of personal significance to individuals within Parliament or the judiciary.

For the reasons that I have indicated, I have concerns about the amendment. We will not support it on the basis that the Bill, with the amendments which I have on file, if

successfully moved, would provide an appropriate framework for dealing with this issue.

The Hon. CAROLYN PICKLES: I raised the issue to illustrate that the remarks purported to have been made publicly by the Speaker show that some element of Party political preference could have taken place in relation to this issue. We all know that there have been allegations of sexual harassment of staff by members of Parliament, but I have never read anyone's name in the paper. Perhaps it should have been so that the electorate could have made the decision about whether or not that person was fit to stand for a further term.

The intent of the Equal Opportunity Act is to try to resolve issues and grievances and I believe that, unfortunately, we cannot overcome very strong Party political issues. Indeed, if I were the President or the Speaker of either Chamber and an allegation was made against a member of my Party, I imagine that I would come under extreme pressure from members of that Party to decide that it should be treated as a matter of privilege—which would be the outcome of the Attorney's amendment—and therefore it could not be dealt with by the Equal Opportunity Commissioner. That is the problem with the Attorney's suggestion.

The Attorney raised issues about the Equal Opportunity Commissioner being an arm of Executive Government, but we should always look at what the electorate expects of us, and it expects that members of Parliament should behave a lot better than the average person in the street. They do not think we do, and to deal with such issues in this way reinforces that view.

I will be pressing this amendment: I think it is the only way to go. It is a hands-off situation by the Commissioner and I believe that she (or he) in the future will deal with this issue sensibly. I cannot foresee that there will be many issues to deal with that relate to parliamentary privilege. The majority of issues of sexual harassment take place outside parliamentary privilege, so cases relating to the parliamentary privilege issue will be very few and far between. But I would not want the Attorney's amendment, if it were to pass, to be used by Presiding Officers either now or in the future to shove something under the carpet in the way that it has been shoved in the past. I believe that the time is well overdue for us as members of Parliament to deal with the issues of sexual harassment sensibly, and the sensible way to deal with them is to have them dealt with by the Equal Opportunity Commissioner.

After all, both she and her officers are trained to deal with these issues. With due respect to the Presiding Officers, neither one of them nor any other person in this place is trained to deal with these issues. Therefore, I believe that in the past some women have had a very raw deal.

The Hon. K.T. GRIFFIN: The very fact that this legislation is unlikely to extend to a wide range of matters suggests to me that there is good sense in going with my amendments rather than those of the Hon. Carolyn Pickles.

The Hon. Carolyn Pickles: You did not listen.

The Hon. K.T. GRIFFIN: Yes, I did. Those allegations of sexual harassment that arise outside the context of parliamentary privilege and parliamentary proceedings—in the Bar, in the car park, in electorate offices and at functions—will all be covered by the ordinary law, so there is no tension there. With respect, I do not accept that the process that I am proposing will mean that matters are pushed under the carpet. There is a requirement for consultation with the Commissioner for Equal Opportunity and for a reporting process, which I think gets the best of both worlds.

Members must realise that there is presently no law that deals with this issue. Once this passes the Parliament there will be a law that deals with it and it will be a totally new ball game. In those circumstances it seems to me that, whilst one might rely on bad cases to make bad law, the fact is that we move into a totally different environment where one would expect that there would be a good relationship between the Commissioner and the Presiding Officers and a process developed by which these sorts of issues can be resolved by the Presiding Officers' actually using the experience of the Commissioner for Equal Opportunity in resolving some of these issues. That is why in my amendments that is what is being provided.

The Hon. CAROLYN PICKLES: I guess it all boils down to whether one has faith in the system, and I am afraid I have none.

The Hon. SANDRA KANCK: The Attorney has already indicated that we are likely to end up in a deadlock conference over this, so I do not want to labour the point and take up unnecessary time. I recognise the complexity of the issues that we are dealing with and think that the best way to proceed is for me to support the Hon. Carolyn Pickles' amendments. If there is validity in the sorts of arguments that the Attorney-General has just advanced, we can talk about it then, but at this point I am not prepared to really start delving into them. I support the Opposition's amendments and in deadlock conference we can perhaps thrash them out a little more.

Amendment carried.

The Hon. CAROLYN PICKLES: I move:

Page 2, lines 26 to 37 and page 3, lines 1 to 3—Leave out paragraphs (a) to (e) inclusive and insert the following paragraphs:

(a) the Commissioner must seek the advice of the appropriate authority as to whether dealing with the complaint under this Act could impinge on parliamentary privilege;

(b) if, after obtaining the advice of the appropriate authority, the Commissioner is of the opinion that dealing with the complaint under this Act could impinge on parliamentary privilege—

(i) the Commissioner must refer the complaint to the appropriate authority and the appropriate authority will investigate and may deal with the matter in such manner as the appropriate authority thinks fit; and

(ii) no further action can be taken under any other provision of this Act on the complaint; and

(iii) the Commissioner must notify the complainant and the respondent that the complaint will be dealt with by the appropriate authority;

(c) if, after obtaining the advice of the appropriate authority, the Commissioner is not of the opinion that dealing with the complaint under this Act could impinge on parliamentary privilege, the Commissioner may proceed to deal with the complaint under this Act;.

This is consequential on the previous amendment. It sets out the procedure to be followed for complaints against MPs. It differs from the Attorney's approach by giving the final say to the Commissioner rather than to the Speaker or the President as to whether parliamentary privilege can prevent an allegation of harassment being dealt with by the Commissioner.

The Hon. K.T. GRIFFIN: I oppose the amendment.

The Hon. SANDRA KANCK: I support this.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 3, three lines 6 to 8—Leave out paragraph (f) and insert the following paragraphs:

(f) the Commissioner may at the request of the appropriate authority—

(i) assist the authority in investigating a complaint that is to be dealt with under paragraph (b); or

(ii) attempt to resolve the subject matter of such a complaint by conciliation;

(fa) if the Commissioner is to act under paragraph (f), the appropriate authority must notify the complainant and the respondent accordingly;

(fb) if the Commissioner attempts to resolve the subject matter of a complaint by conciliation but is not successful in that attempt, the Commissioner may make recommendations to the appropriate authority regarding resolution of the matter;.

The discussion has been whether the amendments are consistent with the amendments now moved by the Leader of the Opposition. The advice that I have received, with which I agree, is that they are consistent but, of course, they apply only to members of Parliament and not to judges. Quite obviously, if the amendment is carried, when we come to revisit this at a conference we will be looking at the key issues rather than at the administrative functions and powers that are designated to the Commissioner. But the advice I have is that they are consistent: they allow the Commissioner to assist the authority, attempt to resolve a matter and to exercise other powers. In relation to all those amendments that is the position, except that, when we get to the amendments on the second page, we will need to make some fine tuning adjustments.

The Hon. SANDRA KANCK: I will support this amendment. I do not see that it is inconsistent with the Opposition's amendments I have already supported. As the Attorney has said, they are a little more selective but, again, we can deal with this later on.

The Hon. CAROLYN PICKLES: I oppose the amendment. I do not think that it is required, but since the Hon. Ms Kanck has indicated her support clearly it will get up. Perhaps we can pursue them later in a conference.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 3, line 9—After 'complainant' insert 'and the Commissioner'.

Again, this amendment is consistent with the earlier amendment. It requires the appropriate officer to notify the Commissioner of the manner in which the complaint has been dealt with by the authority. The Bill, as drafted, required the authority to report to the complainant only. The amendment will ensure that the Commissioner is informed of the way the complaint is dealt with and provides a check against complaints being overlooked or ignored. That is in the context of the changed process which has now been adopted by a majority in the Council.

The Hon. CAROLYN PICKLES: As I indicated earlier, I do not support these amendments, but we can pursue it further in conference.

The Hon. SANDRA KANCK: I support the amendment.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 3, after line 10—Insert the following new subsections:

(1a) For the purposes of investigating a complaint that is to be dealt with by the appropriate authority under this section, the authority has the same investigative powers as are conferred on the Commissioner by section 94 in relation to the investigation of a complaint by the Commissioner.

(1b) For the purposes of conciliating a complaint under this section, the Commissioner has the same powers as are conferred on the Commissioner by section 95 in relation to the conduct of conciliation proceedings under that section.

(1c) No personal liability attaches to the appropriate authority for an act or omission in good faith and in the exercise, or purported exercise, or the discharge, or purported discharge, of powers or duties under this section.

(1d) A liability that would, but for subsection (1c), lie against the appropriate authority lies instead against the Crown.

This amendment deals with a number of issues relating to the investigation of complaints against members of Parliament. The amendment provides for the appropriate authority to have the same power to investigate a matter as the Commissioner has under section 94. The amendment also clarifies the powers of the Commissioner when requested by the appropriate officer to conciliate a complaint. The amendment also gives the appropriate authority an immunity similar to that applying to the Commissioner under section 16 so that no personal liability attaches for any act or omission in good faith in the exercise or discharge of duties. As the Hon. Carolyn Pickles has said, there may need to be some fine tuning, but it is important to get these provisions in and do the fine tuning at a later stage.

The Hon. CAROLYN PICKLES: I oppose this amendment. As I indicated in relation to the other two amendments, I do not believe that it is necessary, but we will pursue it later in conference.

The Hon. SANDRA KANCK: I support this amendment.

Amendment carried.

The Hon. CAROLYN PICKLES: I move:

Page 3, lines 13 and 14—Leave out paragraph (a).

This is consequential. It simply leaves out another reference to judicial officers since there is no special procedure necessary for them.

The Hon. SANDRA KANCK: I will support this amendment.

Amendment carried.

The Hon. K.T. GRIFFIN: I move:

Page 3, lines 13 to 18—Leave out paragraphs (b) to (c) and insert the following paragraphs:

(b) in relation to a complaint against a member of the House of Assembly—

(i) the Speaker of the House of Assembly; or

(ii) if the Speaker is absent or unable for the time being to perform the duties of office, or is the respondent or considers it inappropriate that he or she should deal with the matter—the Deputy Speaker of the House of Assembly; or

(iii) if the Deputy Speaker is absent or unable for the time being to perform the duties of office, or is the respondent or considers it inappropriate that he or she should deal with the matter—a member of the House of Assembly who is not the respondent in the matter and who is appointed by the House of Assembly to deal with the complaint;

(c) in relation to a complaint against a member of the Legislative Council—

(i) the President of the Legislative Council; or

(ii) if the President is absent or unable for the time being to perform the duties of office, or is the respondent or considers it inappropriate that he or she should deal with the matter—a member of the Legislative Council for the time being appointed by the Legislative Council to deal with such a complaint; or

(iii) if that member is absent or unable for the time being to perform the duties of office, or is the respondent or considers it inappropriate that he or she should deal with the matter—a member of the Legislative Council who is not the respondent and who is appointed by the Legislative Council to deal with the complaint.

This amendment deals with the issue of who substitutes for the Speaker, and the Deputy Speaker; and, if the President is absent, who substitutes for the President. I think it is an

important addition to the structure by which the process will be administered.

The Hon. CAROLYN PICKLES: We oppose the amendment.

The Hon. SANDRA KANCK: I support the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (5 and 6) and title passed.

The Hon. K.T. GRIFFIN (Attorney-General): I move:

That this Bill be now read a third time.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I am very pleased that this Bill has finally passed through the Council. We have been waiting a long time to get legislation of this nature passed so that the issues of sexual harassment in this place can be dealt with adequately. Depending on how the Bill comes out of the House of Assembly, we can sort out some unresolved issues in a deadlock conference, and I believe that this Bill will go to a deadlock conference.

The issues of sexual harassment are very serious for the victims, and I believe they are even more serious in a place such as Parliament House. As public officers we are expected to abide by a certain standard of behaviour, and regrettably that standard of behaviour is not always in evidence. We have rather an onerous task to set some standards, and if we cannot abide by the laws that are in place in every other workplace in this State it is a poor show indeed. It is regrettable that we have to pass laws such as this to cover members of Parliament, but pass them indeed we must, because we know that these issues have arisen in the past and will continue to do so until people get the message that they are not above the law. That at least is one thing on which the Attorney and I agree—that members of Parliament are not above the law. We are citizens of this State, like any other person, and we should abide by the law. The law was not in place to deal with us, but nevertheless we have a responsibility and duty as citizens to behave in a responsible manner.

The power relationship between members of Parliament and their staff and among members of Parliament is very vexed. It should never occur. There should be a level of equality within the workplace, particularly in Parliament House. I hope that now, if this Bill passes expeditiously through the other place, particularly if my amendments are accepted, we will have legislation that will send a message to every single member of Parliament who is here now or who will be here in the future that this kind of behaviour is simply not on and is illegal.

Bill read a third time and passed.

SECOND-HAND VEHICLE DEALERS (COMPENSATION FUND) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 July. Page 1672.)

The Hon. ANNE LEVY: I support the second reading of this Bill. As we all know, it results from what could be called the Kearns fiasco. Currently, when cars are sold by auction no warranty is implied, and there is no obligation to provide a roadworthy car, and auctioneers make no contribution to the second-hand dealers compensation fund. All licensed second-hand dealers contribute to the second-hand dealers compensation fund, and the intention of Parliament in setting up this fund was to provide means whereby people could receive the benefits of their warranty and be assured of repairs to their vehicle if the second-hand dealer from whom they had purchased it had gone out of business or for some other reason was unable to fulfil the warranty which was given with the purchase of the vehicle. In the Kearns case, where Kearns was an auctioneer selling vehicles by auction, the court has ruled that people who did not receive the payments from the auctioneer which the buyer of their car had paid to the auctioneer, because the auctioneer had then defaulted and gone to the Philippines, should be eligible to receive compensation from the second-hand vehicles compensation fund.

There is obviously a great deal of concern about this within the Motor Trade Association, and I can certainly appreciate its point of view. Auctioneers are not required to contribute in any way to the second-hand vehicles compensation fund, and it is certainly not fair that, if they default, as Kearns did, compensation should be paid to the victims of the default from money to which the auctioneers themselves have in no way contributed. I certainly support the MTA in that view. The Bill before us is to tidy up the situation resulting from the court's decision, which is to provide that the second-hand vehicles compensation fund does not apply to any claim arising out of or in connection with the sale of a second-hand vehicle by auction.

So, in future, victims such as those in the Kearns case would not have access to the second-hand vehicles compensation fund. I am concerned that this measure is not being made retrospective so that, in the case of the Kearns auctioneers defaulting, the court ruling will stand and the victims will have access to the compensation fund. I am well aware, as indeed I am sure is the Attorney-General, that the MTA is strongly opposed to this and feels that it is grossly unfair that money it has contributed should be used to compensate the victims of another company which has no liability to contribute to the fund at all. I understand (and perhaps the Attorney can correct me if I am wrong) that the Second-hand Vehicles Compensation Fund currently stands at about $1.4 million.

The Hon. K.T. Griffin: That is correct.

The Hon. ANNE LEVY: The Attorney agrees with that estimate. However, recently two large licensed second-hand vehicle dealers have gone out of business: Moran and, I understand, Treloars have also gone broke, and—

The Hon. K.T. Griffin: I am not sure about Treloars. Let us not believe the reference in the press. It is unwise to presume it. I do not know. Treloars has indicated that it has closed its business: it has not said that it has gone broke.

The Hon. ANNE LEVY: Yes. Well, the situation regarding Treloars is perhaps not as clear as it is with respect to Bob Moran. As a result of one or both of these situations, there may well be calls on the compensation fund from people whose vehicles require to be repaired under warranty because their warranty has not yet expired but, obviously, if the dealer from whom they bought the car is not able to provide the necessary repairs there will be a call on the compensation fund.

I imagine that, at this stage, no-one knows what calls on the fund might result from the cessation of trading by both Moran and Treloars, and it may well be that a considerable portion of the $1.4 million in the fund will be required to compensate the buyers who would otherwise have had claims against Moran and, perhaps, Treloars.

The question arises: if the Kearns victims are to be compensated from the fund, will there be enough remaining in the fund to fulfil any legitimate claims made by people who have dealt with Moran and, perhaps, Treloars? I would

be interested if the Attorney could provide any information on the victims in the Kearns case, by which I mean how many people are affected and, as a result of the court judgment, how many people would have claims against the fund—and not just how many people are affected but how many have claims within bands of a particular value.

I understand that a Government agency is involved which would have a very large claim, and it may well be that some of the other people who were not paid were in fact licensed second-hand dealers who had sent cars to be auctioned, as, of course, they are perfectly entitled to do. So my interest is not just in the total amount but how many people and what amounts they could claim from the fund within bands, as I say. I do not want the fine detail but how many people would be claiming less than $10 000, how many between $10 000 and $20 000, and so on. I certainly do not consider it fair that the licensed car dealers who are members of the MTA should be compensating the victims of the Kearns case, and I have an amendment on file that will deal with this matter.

I pose, too, that the problem could perhaps have been solved a different way, and I refer to a letter from the RAA which has also considered this legislation and which, I imagine, has corresponded with the Attorney as well as with the Opposition. The RAA suggests that a preferred course of action would be to require auctioneers to contribute to the Second-hand Vehicles Compensation Fund. They agree that the auctioneers would not need to contribute to the same extent as do the licensed car dealers because they do not have the obligations imposed on dealers such as the provision of the statutory warranty, the provisions imposing a duty to repair faults, and so on.

The RAA suggests that it would not be unreasonable for auctioneers at least to be included in a requirement to pass on the proceeds of a sale or, more particularly, for failure to pass on the sale proceeds to be a legitimate ground for a claim on the fund, provided that auctioneers are required by law to make a contribution to the fund, as I say, at a lesser level than the licensed car dealers who are members of the MTA. This is a very interesting suggestion from the RAA which, in many ways, seems to me fairer than that which the Attorney is suggesting as the solution to the problem which the court cases have undoubtedly brought to the attention of the community.

Will the Attorney say why he did not follow that approach to solving the problem rather than the one he has adopted in respect of this proposal? I support the second reading of the Bill, as the current situation is quite untenable and legislation is obviously required.

The Hon. SANDRA KANCK: The Democrats support the second reading. Like the Hon. Ms Levy, I, too, received correspondence from the RAA, and I was also taken by its suggestion, to the extent that for a short time I toyed with the idea of attempting to amend this Bill. However, I decided that, given that, effectively, we have only 5½ sitting days left in the current session of Parliament, it would be too complicated. I am interested to hear the Attorney's reasons for the Government's not going down this path. Apart from that matter, the Democrats support the legislation.

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

NATIONAL WINE CENTRE BILL

Adjourned debate on second reading.

(Continued from 1 July. Page 1601.)

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

A quorum having been formed:

The Hon. P. HOLLOWAY: The Opposition supports the establishment of the National Wine Centre in Adelaide and, to the extent that this Bill is necessary to achieve that, it will support it. However, in Committee I will move an amendment to this legislation which the Opposition believes is necessary before this measure can be worthy of support. The Opposition will require that the plans for the centre, which I understand have not been finalised, will be subject to a public environment report (PER) as provided in section 46 of the Development Act.

In discussing the National Wine Centre, I should begin by describing exactly what the centre does. The best way I can do that is by quoting a description of the centre from the recent publication of the South Australian Wine Tourism Council, as follows:

> The centre will be a project of significance for the Australian tourism and wine industry and will be developed to promote the international status of Australia as a new world wine producer. The concept is to develop a centre of excellence of national and international prominence that is representative of the whole Australian wine industry. The centre will be designed to become the central focus for Australian wine tourism. To reinforce its national status, the headquarters of the major national wine industry bodies will be collocated on the site.
>
> The role of the centre will be to highlight the wine, winemakers and wine regions of Australia. It will promote national recognition of the strengths of the Australian wine industry and educate visitors so that they may develop a greater understanding of wine making. The centre will clearly have a major impact on the South Australian tourism industry by playing an important role in reinforcing the image of South Australia as the premier wine State and in creating an impetus for new travel to South Australia.

The proposal for the National Wine Centre has been some years in its development. Whilst the Barossa Valley and other wine regions of this State have long received some national recognition, it was not until the 1980s that our wine industry assumed the national and international importance it currently enjoys.

I suppose that, with the rapid expansion of export markets for our wines as well as the boom in local consumption of wine, it was inevitable that more and more attention would be focused on the historical, cultural and tourist aspects of the wine industry. This greater national and international interest in wine making and production provides us with an opportunity to capitalise on the tourist potential of the industry.

During the development of this proposal, I well recall that a former House of Assembly colleague of mine, Colin McKee (the member for Gilles), advocated the establishment of a wine centre. In 1993, he successfully moved a motion in the House of Assembly calling for the establishment of a wine expo along the lines of the event which has been held for a number of years in Bordeaux, France.

In 1994 a committee was established to consider the development of a National Wine Centre in South Australia following discussions with the wine industry. From this committee a proposal to establish the centre on the former bus depot site at Hackney Road ultimately was developed, and within those proposals the Goodman building was to house

the centre. Since that proposal was first put forward in some detail late last year, there has been much dithering by the Government. At the time a number of doubts were expressed by members of the public about the suitability of the Goodman building for the proposed wine centre. Following these doubts, the new tourism Minister (Hon. E.S. Ashenden) reaffirmed the Hackney Road location in a press release on 22 January. That is why it was of some great surprise to Opposition members that we subsequently discovered that Premier Olsen wrote to his Federal ally Ian McLachlan seeking the transfer of the Torrens Parade Ground to the State for a National Wine Centre.

The shadow Minister for Tourism (Trish White) obtained and released a copy of this letter dated 17 March. If any member is interested in looking at that letter, I refer them to the debate in the House of Assembly on this Bill when my colleague read a copy of that letter into *Hansard*. The significant part of that letter was the Premier's describing the Torrens Parade Ground site as 'a particularly advantageous location'. The only reason I can conceive of how we got to this stage was the petty rivalry between our two most recent Premiers and that Premier Olsen could not bring himself to accept anything that was endorsed by his arch-rival, so he sought for the wine centre a site which he could claim as his own.

Unfortunately for the new Premier, the people of South Australia were not willing to surrender the Torrens Parade Ground for this purpose. It is my view that it would have been a great shame if the Torrens Parade Ground was lost to this State for the multitude of functions that it currently serves.

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: Certainly the Premier's letter to Mr McLachlan, when he described it as a particularly advantageous site, raises the question. Perhaps there were ulterior motives; I do not know. Perhaps some of the members opposite might care to enlighten us during the debate concerning what his reasons were. Nevertheless, the point is that since the Hackney Road site was first proposed last year a significant amount of indecision has occurred in relation to this proposal and, as a consequence, we have reached the situation where the future of the National Wine Centre—

The Hon. L.H. Davis interjecting:

The Hon. P. HOLLOWAY: I certainly will be doing that. If the honourable member will cease interjecting, I would be very happy to do that. As a consequence of the indecision, we reached the situation where the future of the National Wine Centre in Adelaide was in jeopardy. This was the environment faced by the Opposition when the Government sought support for the Bill now before us. The Opposition was faced with the situation of supporting the Hackney Road proposal or risking the loss of the project to the Eastern States. I understand that at least some attempts have been made to locate this centre in New South Wales, Canberra or Victoria, and that would have been a tragedy for this State. The Opposition believes that we certainly need to get on with this project, and for that reason we are supporting the site on Hackney Road.

I suspect that very few South Australians would not support a National Wine Centre for this State. After all, South Australia is the largest and most prestigious producer of wine in the country. About 60 per cent of Australia's wine production originates from this State. However, the site for the National Wine Centre and the exact design of the centre are much more controversial than the issue of having it established in South Australia.

Whilst we accept that the Hackney Road location is preferred by the wine industry and that it is now a case of the bus depot or nowhere, the Opposition is not prepared to give the Government a blank cheque for this site. If this Bill is allowed to pass in its current form, there are virtually no restraints on what the Government can do on the site. For example, under the current legislation a 10-storey building could be erected on the site. As no plans or designs for the National Wine Centre have yet been released, the Opposition believes that the public should have the opportunity to examine and comment on those plans before the project begins.

It is typically arrogant of this Government to assume that it possesses all wisdom. Many people within the community have the capacity and the right to make a contribution to plans for the National Wine Centre, so consequently, whilst we support the site on Hackney Road, the amendment that I will move in Committee will apply the PER process of the Development Act to the final approval of the centre. This will involve a 30-day public consultation period, during which time a public meeting must be held. I remind members that the PER process was introduced by the Government and supported by the Opposition last year as an alternative to the full environmental impact statement process. The PER process is quicker and less expensive than an EIS, to allow faster tracking of projects, but does permit public input into what, in this case, is an important public project on public land.

If this is carried, it will then be up to the Government to come up with an integrated proposal for the wine centre on the bus depot site that gains wide public acceptance. The National Wine Centre will certainly provide an architectural challenge in coming up with the best design for the site. The centre has to fit in with the existing heritage building—the Goodman building. We must be sure that the new centre does not detract from that building or from the conservatory in the Botanic Gardens. It must be compatible with its site next to the Botanic Gardens. Various other issues, such as parking, must be considered.

I also understand that there has been some proposal to have a vineyard associated with this wine centre. That is part of the requirements, so the location of such to best effect needs careful consideration. Further, the building must have some symbiosis with the wine industry. It is important, above all else, that the National Wine Centre works and is successful in its objectives, and its design will be critical to its success.

In conclusion, the Opposition strongly supports the concept of a National Wine Centre. We look forward to the establishment of the National Wine Centre here. We support the Hackney Road site, given that the wine industry's support for the centre is based on that site. If we do not resolve this matter fairly speedily we may put at risk the entire centre. That is the environment in which we have to make the decision and have done so accordingly. It is important for the centre to work that we get the plans correct. For that reason I will move amendments to ensure that we have some level of consultation on this proposal and come up with the best design for this very important wine centre. With those comments I support the Bill and look forward to the remainder of the debate.

The Hon. M.J. ELLIOTT: I oppose the second reading of this Bill. Members need to note that one of the prime considerations of this Bill relates to the site. I have a copy of letters from two people who, at one time or another, shared a similar view to me—one by the name of John Olsen and the other by the name of Trish White. I will put on to the *Hansard* record these two pieces of correspondence.

The Hon. R.I. Lucas: You used to work for the Liberal Party, too.

The Hon. M.J. ELLIOTT: Yes, I saw the light. First, I read a letter dated 30 August 1989, so this view was held for a long time by the now Premier, written to—

The Hon. Diana Laidlaw: 1989?

The Hon. M.J. ELLIOTT: Yes, but let me finish. Written to Mr David Morris, the letter states:

> Dear Mr Morris, I wish to acknowledge your recent correspondence regarding the Adelaide Parklands Preservation Association. I appreciate your contacting me and including with your letter policy guidelines and the newsletter, which I have read with interest. A motion moved by Dr Bruce Eastick, spokesperson on community resource planning, in March 1987 was unanimously supported in the House of Assembly and the Legislative Council. A copy of the House of Assembly debate is attached for your information, and the result of our motion was circulated to every council in South Australia.
>
> We recently congratulated the Government on announcing the restoration of parklands but criticised them for making a promise in 1985 to restore a greater area, including the Hackney bus depot. I believe it is a pity that this promise has not been honoured. We will continue to support moves to return alienated areas to parklands and to further delineate second generation parklands. Bruce Eastick would be very pleased to meet you at some convenient time and discuss our policies further. Yours sincerely, John Olsen, Liberal Leader.

As Liberal Leader, the Premier took a view that the area that he is now seeking to alienate should have been returned to the parklands, and he was strongly critical of the then Labor Government for its failure to do so. Rather belatedly, the Labor Party was returning that land to parklands. We have been able to drive past it for the last couple of years and watch work occurring as the land has been reinstated, only to find that the Government wants to alienate what the Premier said should not be alienated.

The second letter that I wish to read is a more recent one, dated 8 April 1997, and is addressed to Ms Elizabeth Fitzgerald, Secretary of the Adelaide Parklands Preservation Association. Written by Trish White, member for Taylor, the letter reads:

> Dear Ms Fitzgerald, As you would be aware, the State Opposition supports the development of a National Wine Centre in South Australia but has been opposed to the Government's choice of site. We believe that the Hackney bus depot's Goodman building is not an appropriate building to house this wine centre both functionally and because of the intrusion into the parkland area around the Botanic Gardens. I am writing to you again to reiterate the Opposition's stance that the Hackney Road site is not the best site for this centre.
>
> I have been requesting briefings from the Government since November last year when tenders were called for the detailed design of the Hackney-based wine centre, yet the Government has remained tight lipped. It appears now that the Government has recently been looking at alternative sites, despite its 22 January 1997 press release that the Hackney site would be developed. I encourage you and your supporters to continue your stance in opposition to the Hackney Road site. Yours sincerely, Trish White, Member for Taylor.

The Hon. T.G. Roberts: It is the best of the worst ones that we had to consider.

The Hon. M.J. ELLIOTT: Which other ones have you considered?

The Hon. T.G. Roberts: Well, the Parade Ground.

The Hon. M.J. ELLIOTT: The issue that I am seeking to debate is not the question of a National Wine Centre but whether or not any real effort was made to find another site.

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: Just wait. I note that the Premier has said that the choice of Hackney follows an exhaustive selection process in which a number of sites throughout the city were considered. He said that it was the only location acceptable to the Australian wine industry. It is worth looking at the report put out by Ernst & Young, and I note that this was released on 31 July 1995. We are now told we must make incredible haste and do something straightaway. We are told that if anybody stalls things we could lose this to the other States. This report was released on 31 July 1995—two years ago. I refer to page 1 of this report, under Briefs and Objectives, the fourth dot point:

> To determine that such a centre is feasible and lends itself to the site on Hackney Road, known as the bus depot.

The brief was not to look at what sites were available and determine which was the most suitable—and I do not know when the brief was given, because it reported in July 1995. However, it was to establish that the centre was feasible and that it lent itself to a particular site, and that site was the Hackney Road site known as the bus depot. About a month or so ago, I had the opportunity to meet with Anne Ruston, John Pendry and Ian Sutton to discuss the issue of siting, among other things. I put the question, 'What other sites have been considered?' They said that they had considered a couple. I asked, 'What sort of process did you go through?' Basically they said—and these are not their exact words—that no exhaustive attempt was made to analyse any other site.

An honourable member interjecting:

The Hon. M.J. ELLIOTT: I can only tell you what these people have reported—

The Hon. R.I. Lucas: You told us what Dave Shetliffe said, too.

The Hon. M.J. ELLIOTT: Yes, and I stand by what I said, too. However, I know who put pressure on Mr Shetliffe; I know how these things work. He might want to argue about the words used and, when I talk about that other legislation, I will be quite happy to discuss the sentiments expressed in the conversation—but that is an aside at this stage. There is no doubt that Mr Pendry and Mr Sutton had their hearts set on having an office in Hackney. Who wouldn't? What a delightful place to have an office—in the middle of the Botanic Gardens and in that great old building there. Who wouldn't like an office there? Clearly, they would, and I understand that. However, the suggestion is that, if the Hackney bus depot site did not exist, we could not possibly have a national wine centre in South Australia, that it could not work anywhere else. That is essentially what is being put here—that we could only do it there, that anywhere else is not possible.

The Hon. L.H. Davis: What are the Democrats suggesting?

The Hon. M.J. ELLIOTT: There are any number of possibilities, but the point I am making to start off with—

The Hon. Diana Laidlaw interjecting:

The Hon. M.J. ELLIOTT: I will get back to that in a moment. The suggestion is that there is no other site anywhere in South Australia or in Adelaide where we could build a national wine centre.

The Hon. L.H. Davis: You haven't come up with one constructive suggestion.

The Hon. M.J. ELLIOTT: One constructive suggestion is that you could leave this place so that we can get on with our debates. That would be a constructive suggestion. Don't ever let the facts get in the way of a good argument; that's the way you guys work.

The Hon. L.H. Davis: I don't know what you had with your lentil soup, but it ain't good.

The Hon. M.J. ELLIOTT: A simple man. They are trying to argue that only one site works. That argument would then suggest that, if the bus depot was still operating there, we could not possibly have a wine centre in South Australia. That is really what that argument suggests, and that just does not hold water. I know for a fact that there are members of the Liberal Party who have actively supported other sites. I know that there are members of the Liberal Party who have suggested that location on the Carrick Hill site would be very suitable, and they know that that has been argued in their Party room. I know that some members of the Liberal Party have strongly supported the site at Magill.

Members interjecting:

The Hon. M.J. ELLIOTT: When you say the 'wine industry', certain elements didn't; other elements do. It is fair to say that the wine industry is divided, and the honourable member is well aware that prominent members of the wine industry have spoken out against the Hackney site.

The Hon. L.H. Davis: So what?

The Hon. M.J. ELLIOTT: I am responding to the suggestion that the wine industry wants a certain outcome. What I am suggesting to you—

The Hon. L.H. Davis interjecting:

The Hon. M.J. ELLIOTT: That's absolutely right. There is no overwhelming support—

The Hon. L.H. Davis interjecting:

The Hon. M.J. ELLIOTT: The very reason you people are so sensitive—

Members interjecting:

The PRESIDENT: Order!

The Hon. M.J. ELLIOTT: The very reason you are so sensitive is that you know that your Premier suggested that he believes in something and then he has gone and done a reverse backflip. That is exactly what he has done and he has been sprung on it. He took a position which was obviously one of political convenience, saying that he supported parklands, their protection and the return of alienated land and then he goes and does the opposite. In fact, the Government's record overall has been alienation at every turn unless local government, in some cases, comes up with the cash to buy something which was already open space. This Government has an absolutely appalling record on the protection of open space, whether it be parklands or elsewhere. That is something that has been debated in this place on any number of occasions. The Government cannot provide any evidence that it carried out any real studies on the feasibility of any site other than the current site. The only full study that has been carried out had a specific instruction to look at only one site and I have already quoted that objective: dot point 4 was quite plain that it had to justify that site.

The Hon. T.G. Roberts: We could not get the report.

The Hon. M.J. ELLIOTT: I can tell you that it took four months. I had to put in freedom of information and it was an absolute circus to get hold of it. Eventually they gave it to me but there are little black marks throughout where they rubbed bits out which they did not want me to see concerning anything which talks about how much money the Government is going to have to put in.

Members interjecting:

The Hon. M.J. ELLIOTT: I was not going to raise it but, since you raise the question of freedom of information, it is quite plain that the expectation is that the wine museum is going to run at a loss and probably will be subsidised on an ongoing basis. I am not raising it as an objection to the wine centre, but I point out that that is the outcome from the Ernst & Young study. The Government is not prepared to allow the actual numbers on the public record and I will make this available for members to look at, if they like, and they will see there is a great deal of sensitivity in it. There is nothing commercially confidential about some of the numbers obliterated but apparently they are politically a bit difficult at this stage and the Government was not prepared to release them. I know the Ombudsman is still pursuing that question because I have had discussions recently. I know that in due course I will get copies of those numbers but I will not get them until after the debate is completed. That is all the obstruction has been about, anyway.

The Hon. T.G. Roberts interjecting:

The Hon. M.J. ELLIOTT: No. It will be subsidised by the people of South Australia generally. Recognising that the Labor Party, despite the letter of Trish White, is going to support the legislation going through, I will have two amendments in Committee. The first is to learn a lesson from work carried out by the Hon. David Wotton during the construction of the Mount Lofty development. I advise members to perhaps check further with David Wotton if they want to. Before he began the design and construction of the Mount Lofty development he set up a focus group of groups likely to have an interest in the site.

The Hon. David Wotton said in retrospect that that went extremely well but the one mistake was that it did not remain in place during design and construct. My first amendment is to provide, under the legislation, an advisory committee. It has only an advisory role and is nothing more than that. It is to be composed of members such as a representative of the Board of the Botanic Gardens, from the City of Adelaide, the Parklands Preservation Association, the Civic Trust and the Architecture Foundation. The committee's role is simply to be consulted on an ongoing basis during the design and construct phases in relation to landscaping and building design. It gives them no power to tell the Government what to do, but it is intended that it would act as a reference group so that if we are to get something constructive on that site we will get something as sympathetic to the Botanic Gardens and to the parkland as is generally possible.

The second amendment on file, which has already been circulated, reduces the size of the site. It is fair to say that, besides the concern that a major commercial activity is about to go onto the parklands, there is also a great deal of concern about the fact that this development was to go between Hackney Road and the Bicentennial Conservatory. The amendment I am moving will restrict the site to the south about 40 per cent of what the Government originally wanted to use for the wine museum. The effect of that will be that most of the vistas of the Bicentennial Conservatory will be part of and under the absolute control of the Botanic Gardens and that the site as now designated will include the Goodman Building and all land to the south of that to the first creek. There is more than enough room there to construct all the wine museum and to include some vineyard plantings as well.

I note that there has been some talk of five hectares of vines being put there, and I know that there are members of the wine industry who want to put a working vineyard onto that site between Hackney Road and the Bicentennial Conservatory. No matter how they try to landscape it, a working vineyard is a working vineyard, and there are a large number of problems with that which are inappropriate for that particular location between Hackney Road and the Bicentennial Conservatory. On my best judgment, there is still enough room for 1½ to 2 hectares of vines, which is enough to produce the vineyard ambience around the Goodman Building without unnecessarily impinging into the Botanic Gardens. I would hope that people might see that as a reasonable compromise, or as reasonable as we can get, assuming that the wine museum is within the Botanic Gardens and that we maintain the integrity of the Botanic Gardens. It is fairly common knowledge that the Botanic Gardens wanted to build a major entrance and boulevard into the Botanic Gardens from Hackney Road to the southern end of the conservatory. That would more or less traverse the middle of what is now the overall site as proposed by the Government.

Under my proposal, they would still have the capacity to put this major entrance into the Botanic Gardens. So, I argue that this makes the best of a recognition that, politically, a wine museum will go onto this site. I do not believe that there is any special disadvantage to the wine museum; in fact, I think that having the conservatory looking its best and put in the best light directly adjacent to the wine museum will maximise whatever benefit they can give to each other, rather than having the conservatory from the Hackney Road side behind vineyards. So, I would ask members to give real consideration to that.

I had indicated that I did not intend to speak at great length, and if it were not for a few interjections I am sure I would not have been as long. I put on the record that there has been overwhelming opposition from a very long list of groups to the current siting of the wine museum. The opposition has come from the Adelaide City Council, the Prospect council and, as I recall, several of the nearby eastern suburbs councils. It has been opposed by the Civic Trust, the Architecture Foundation, the Parklands Preservation Association and the Conservation Council. In fact, the only groups that have supported the site are the official wine industry groups. I note that even within the wine industry there is some significant division from quite prominent people such as, among others, the Lehmans, who have made public comments as well.

This has been handled particularly badly. The Government says we have now hit a moment of great urgency, yet that report by Ernst & Young has been in the Government's hands for almost two years, and, in effect, virtually nothing has been achieved in those two years. On all the evidence I have been given, and from information given to me by people such as John Pendry and Ian Sutton, there has not been a serious detailed assessment of any other site. That is a great pity.

In South Australia, it is possible for us to have our cake and eat it, too; that some conflict situations evolve from poor management yet the poor management started at point one when Ernst & Young were told to look at this site and to justify it. I oppose the second reading.

The Hon. DIANA LAIDLAW (Minister for the Arts): I am not scheduled to speak, but I wish to make a number of comments further to remarks made by the Hon. Mike Elliott. I can provide some important information in terms of this debate. I was asked, as Minister for the Arts and Minister essentially responsible for the Government funded museums in this State, to form a small working group in 1994. The request came from the former Premier, Hon. Dean Brown, after he had met with wine industry representatives from within this State and interstate. I agreed to undertake the task of chairing this working group on the understanding that it would not compromise any proposal that the arts department had established in terms of the Government's arts agenda, particularly funding for the upgrade of our major cultural institutions along North Terrace—the Art Gallery (already completed), the South Australian Museum, the State Library and the Festival Centre. I believe very strongly that our first obligation is to maintain, upgrade and revitalise the institutions for which we are responsible at this present time.

The working group that I established with the support of the Premier comprised three representatives of the wine industry in South Australia led by Mr Brian Croser (President), Mr Perry Gunner (who was Vice President at the time but who also held a national position—perhaps those roles were reversed) and Mr Karl Seppelt. Tourism South Australia was represented by Michael Gleeson (former CEO), Ilan Hershman (CEO of the Adelaide City Council) was present, and Ms Valmai Hankel from the State Library, who has extraordinary interest in and knowledge of wine, was also present. The State Library houses a precious collection of wine literature and labels. This group chaired by me visited a host of sites in Adelaide. The goal that we were given was that, for it to be a national then museum now centre, it would not work in any particular South Australian wine region and, certainly, if we were to get national support from all other States they would not wish to see it located in one wine region in South Australia.

We visited the Penfolds facility at Magill before it was completed to the quality to which it has been redeveloped today. We also visited the Wine and Brandy Centre at Magill and the old Andrew Garrett cellars there. We visited Carrick Hill, the Waite Institute and a number of sites in Adelaide. The unanimous view, for a number of reasons, was that the location should be the Hackney site. One was that it was neutral ground. Secondly, the grand nature of the building was something that members of the wine industry wanted to expose for the benefit of the enterprise, and they knew they would attract support from interstate because of the grandeur of that building. It is close to the East End of the city and related tourism. Like the Adelaide City Council, they wanted very intensely a close relationship between wine and lifestyle and not simply museum pieces. Members will note that today the emphasis has changed from a national wine museum to a national wine centre.

The proposal that we put forward, having looked at all these sites and taken into account a wide range of views, was that Hackney should be the basis for further work by a consultancy team. We envisaged the project at some $5 million and that the tram barn would be utilised. Ernst and Young was then commissioned to prepare a report. During the time of this commission it was recognised that this was more a tourism project than an arts project, so the Minister for Tourism became responsible for oversighting the program rather than me as Minister for the Arts. I was particularly pleased with that change of responsibility because I did not see a national wine centre as being the responsibility of the Minister for the Arts.

It went from an arts proposal at $5 million, including the tram barn, and became a tourism project at about $25 million without the tram barn, so it changed a great deal in nature over that time. The Government has considered this report by Ernst and Young and a lot of other feedback in the meantime and has gathered a lot of support from the wine industry nationally. I am very pleased to endorse the proposal, which is now a tourism project and no longer within the province of the Arts. That background may be of some benefit to the Hon. Mike Elliott, because the project started well before this initiative, as outlined in the Ernst and Young report.

[Sitting suspended from 6 to 7.45 p.m.]

The Hon. A.J. REDFORD: I rise in support of this Bill and advise members that I will be very brief. I congratulate both the Government and the Opposition for the way in which they have come to an agreement about the need for a national wine centre. I also congratulate the Premier for his work in getting the matter to this stage. I will not go through the importance of the wine industry to this State generally and to various regions throughout South Australia, although I will say that the wine industry is of vital importance to this State for the reason that it is a very large employer for each dollar of export income that it manages to secure.

The main reason I rise to speak in this debate is to put a point of view concerning the future of a site at Struan. Struan is a small centre just south of Naracoorte on the main Naracoorte to Penola road. For those members who have driven on that road, they would have seen on a hill some 15 kilometres south of Naracoorte a magnificent building which, over the years, has served as a home for young offenders and latterly as an office for the Department of Primary Industries. There has been quite a deal of discussion in the South-East about the future of that building.

To the south of Struan is, of course, the famous wine district of Coonawarra. To the east of that is the newly emerging and very successful area of Coppamurra. I note that some of the wines from Coppamurra of late have won both national and international awards. The only impediment to the future growth of the wine industry in the immediate vicinity, particularly in the Coppamurra-Joanna area, is the availability of water. The other important aspect in relation to Struan is that it is not far from the Naracoorte Caves, which are now proclaimed as of world heritage importance, and also Bool Lagoon, a famous wetlands area. On visiting Bool Lagoon, one will see an enormous variety of bird life. I take this opportunity to suggest to both the Premier and the Cabinet that something very positive can be done with that particular building. I note that the Hon. Terry Roberts is nodding his head in full support.

I also know that the member for MacKillop (Hon. Dale Baker) and the Minister for Defence (Hon. Ian McLachlan) are great supporters of the fact that Struan Farm can be utilised as some centre for either a wine museum (and one might think that might duplicate what is proposed in Adelaide) or, alternatively, a wine interpretive centre. However, at the end of the day, it seems to me that it is a very important building.

I am pleased to note that the former Chair of the District Council of Naracoorte (and newly elected Mayor of the Naracoorte council) has written to me concerning the development of a winery and some form of wine museum or interpretive centre at Struan. I am told by Mayor David Hood that the council has absolutely no problem with the proposal and that a lot of work has been done by the Minister for Primary Industries (Hon. Robert Kerin) in relation to moving Primary Industries staff from that building to some other premises to enable that to go ahead. I can only say to those people who have some say in these sorts of decisions that they should seriously consider taking advantage of one of the oldest homesteads in the South-East. I hope that they will seriously consider the advantages that that homestead offers. For those of us—and the Hon. Terry Roberts is one of them—who were born in, or understand, the South-East from its southern perspective, be it Millicent or Kalangadoo, I can only say that we often think of Naracoorte as the gateway to the South-East. It seems to me—

The Hon. T.G. Roberts: And the gateway out of it.

The Hon. A.J. REDFORD: The honourable member interjects 'And the gateway out of it.' It is always sad to leave the South-East, as he knows. I believe that the South-East is one of two regions which holds in its hands the economic future of South Australia—the other being the Gawler-Craton area—and that great things can be achieved if we look at what can be done with Struan Farm in a positive and constructive manner. I had only hoped that perhaps this National Wine Museum could even have been placed there, near the world heritage Naracoorte Caves. However, I can understand the economic and political imperatives that might mean that it has to be closer to a larger population centre. I urge all members, if they happen to be travelling to the South-East, to visit the Naracoorte Caves and Struan Farm, look at that magnificent building and see—

An honourable member interjecting:

The Hon. A.J. REDFORD: I note that the Hon. Legh Davis is having a bit of a snicker at this, but they should look at Struan Farm with an eye—because it is almost a better building than Carrick Hill in some respects—to seeing what can be done in relation to the wine industry in the South-East. I am told that 300 000 to 400 000 people from Melbourne visit the Grampians, which is only an hour and a half's drive from Naracoorte, whereas the tourism potential of some of the other areas in South Australia is nowhere near as great. So, I have taken this opportunity to raise that matter and draw it to the attention of members. I hope that we can in the future take full advantage of the opportunities that that building offers. I commend the Bill.

The Hon. L.H. DAVIS: This is an important piece of legislation, which seems to have bipartisan support—although one can never tell, with the Labor Party's having put up amendments which could have an impact on the Bill if they become a sticking point in the Committee stage. The wine industry has a proud history in South Australia.

I was born and lived the first 26 years of my life in Hyland Terrace, Rosslyn Park. Hyland Terrace was named after Dr Christopher Penfold's son-in-law, Thomas Hyland, who was associated with the development of Penfolds, which established one of the very first vineyards and wine companies in Australia. Penfolds was established in 1844, and those of more mature years might remember Penfolds' advertising slogan 'Penfolds, 1844 to ever more'. Dr Christopher Rawson Penfold purchased 440 acres at Makgill Estate (and it was spelt with a 'k') for £1 200 before he left from England for South Australia in 1844. He brought his vines from the Cape of Good Hope. The ends of those vines were dipped in sealing wax to retain their sap. Dr Christopher Rawson Penfold built a whitewashed stone cottage called 'The

Grange' on his arrival in Makgill Estate and much later, for many years, that cottage served as a wine museum.

Dr Penfold lead a double life in the sense that he was not only an active medical practitioner but he also pursued a growing hobby of winemaking. He was an early pioneer in recommending that wine was good for health because he recommended his own wine as a cure for anaemia—which may well explain why the Labor Party currently is very long on Penfolds red. Penfolds has lived from 1844 to ever more, although it has had some corporate setbacks over the past 35 years. In 1962 it became a public company listed on the Australian Stock Exchange. It was, even then, regarded as the premier wine producer in the nation.

In 1968 its headquarters moved to Sydney. In 1977, Penfolds was experiencing difficult times in the wine industry and was taken over by the brewer, Tooth and Company. Finally, Adelaide Steamship, which was then a burgeoning conglomerate headed by locally based John Spalvins, took over Penfolds, along with a bevy of other wine companies, including the famous family group B. Seppelts and Sons. From there the story took a downward turn. Penfolds had long been the premier vineyard site in Australia. In 1881, it housed over one-third of the total wine stocks in South Australia—nearly 500 000 litres of wine at the time. The famous Grange vineyard of course, has given the name to the premier red wine of Australia.

With all that history, Penfolds became the subject of a very sad and controversial subdivision that commenced at the beginning of the Bannon years in 1983. Development was allowed to proceed at Auldana Hills and, in late 1982, that development was quite properly awarded a brickbat for visual outrage by the respected Civic Trust. But then, more particularly, the Adelaide Steamship Company, quite within its rights, entered into an agreement to sell a 63 hectare property as part of the historic Grange vineyards to the property developer, Adelaide Development.

The Adelaide Steamship Company was entitled to do that, as I said, because the Grange vineyard had been listed for development by the Metropolitan Development Plan in 1962. In 1972, Penfolds indicated that it would subdivide the whole vineyard for housing by 1977. There was an uproar at the time and the company backed off but, shortly thereafter or at the same time, it was taken over by Tooth and Company.

Then, in 1982-83 at the time of the State election, the spectre of the subdivision of Australia's most historic vineyard again arose. This vineyard was situated four miles, or 6½ kilometres, due east of Adelaide with a splendid view of the city. Not surprisingly, people who lived in that region of the eastern suburbs (Rosslyn Park, Stonyfell, Magill and Wattle Park) rose up in protest against this proposal to provide 160 house blocks, which would sell for $50 000 each. A parcel of land of only 9½ hectares would retain some of the historic cottage buildings and vines situated in the north-western corner of the Grange vineyard estate.

The Friends of the Grange Vineyard Association was established to try to persuade the Government of the day, which at that time (October 1982) was the outgoing Tonkin Government, but the crunch came finally in the early months of the Bannon Government in late 1982-early 1983. Bannon, as Leader of the Opposition, had said:

> I make it clear that our commitment is to retain the open nature of this area irrespective of future use.

The water did not turn into wine when the Labor Party came into Government. It reneged on that commitment, and sadly, as a result, that vineyard was subdivided. People may well ask what that has to do with this Bill. I suggest it is a good example of what we do not do right in South Australia, that we have not taken the long view in respect of that matter and many other matters. Looking back to 13 years ago, I can say with some feeling that I regret the passing of that opportunity to retain *in toto* the Grange vineyards. In fact, in May 1984 I moved the following motion:

> That this Council condemns the State Government for its failure to match its pre-election promises in respect of the historic Grange vineyard at Magill.

That motion was debated and carried with, I might add, the support of the Hon. Lance Milne despite Labor's opposition. If that motion was put again, I do not think anyone would vote against it, because we all recognise the richness of that heritage and the opportunity lost. If we had that land today, it could well be argued it would be a perfect site for a national wine museum. That has been a problem for Adelaide: it has often lacked vision, courage and the long view and, instead, taken the short-term option. That has perhaps happened because we have lacked leadership and courage and have often been committed to mediocrity. That is something for this Government to reflect on: that the decisions taken here and in other places, such as by the Adelaide City Council and in the boardrooms of this State, ultimately impact upon the wider community. That opportunity was lost, and in recent weeks we have had occasion in this Council to discuss other lost opportunities.

The ASER development, which originally cost $180 million but which blew out to $360 million, is not the icon that we hoped it would be. It was, as I have mentioned on more than one occasion, a once-in-a-generation project. It could have been an attraction for visitors, but it is not. Similarly, the REMM project is not an icon of Adelaide. It created a $1 billion loss.

I look back tonight, although in this debate we should look forward to the benefits for the wine industry. When we talk about a national wine museum, we recognise that South Australia is the pre-eminent winemaking State of the nation, that there has been unprecedented growth in the wine industry in South Australia, and that over the past decade there has been an expansion in vineyard area from 27 000 to 37 000 hectares.

It is estimated that an extra 10 000 hectares of grapevines will be planted in this decade, creating an additional 1 000 jobs in vineyards and an additional 1 000 jobs in wineries. We have seen the grape crush in South Australia explode from just 276 000 tonnes in 1990-91 to 420 000 tonnes in 1996-97. That is an increase of over 52 per cent. Our exports out of South Australia have grown even more dramatically. They have trebled in the past six years from 40 million to 112 million litres. The value of those exports has also more than trebled: from $123 million in 1990-91 to $400 million in 1996-97.

Wine exports now rank among one of the highest earning commodities that South Australia exports. They come from not being in the top 10 to being in the top four or five in terms of the value they bring into the State. What is significant is that 25 to 30 per cent of all wine produced in South Australia is being exported. Whilst we produce roughly 50 per cent of Australia's wine, we are exporting 65 to 70 per cent of Australia's wine. The projections are very optimistic and it is expected that by the year 1999-2000 our State's wine exports will have grown a further 30 per cent in value and the grape crush will also have increased by another 10 per cent

from the current year, and then continued growth is projected through the first decade of the next century.

The optimism in the wine industry is well merited because there has been a degree of professionalism in the wine industry in this State and other States which has recognised the opportunities in the export markets of the world. Particularly strong growth has occurred in Asian markets, which, admittedly, are coming off a small base, and continual strong growth has occurred in the United Kingdom and the United States. Jacobs Creek, Orlando's flagship wine in both the white and red wine categories, is the largest selling table wine in the United Kingdom. That is a great credit to Orlando in its marketing expertise. Other boutique winemakers such as St Hallett in the Barossa Valley are also doing extraordinarily well in interstate markets. But, with all the optimism around, it is important to remember that grapes are a primary product, that they can be subject to the vicissitudes of weather—either too little or too much rain at the wrong time—or that prices of grapes move in the wrong direction either for the grape grower or for the wine producer.

Increased competition from other regions of the world will perhaps change the dynamics of the wine industry in Australia. Members would recognise that extensive acreage is being planted particularly in South America by American, European and indeed some Australian companies. Some Eastern European countries such as Bulgaria are moving into this market in a big way, and those members with a particular interest in wine would recognise that Bulgarian red is freely available at some Adelaide liquor outlets.

The good news is that this year's vintage of 800 000 tonnes while admittedly down on the 880 000 tonne harvest of 1996 is of good quality. The problem for the industry, particularly the leaders such as Southcorp, BRL Hardy, Orlando Wyndham and Mildara Blass, is that they cannot produce enough wine to meet the market. Indeed, some of our leading producers (such as Penfold and BRL Hardy) say that they could be producing up to two or three times the amount of red wine for export markets. It is a challenge to ensure that we keep the balance between the acreage planted, the appropriate varieties of grapes and the ever changing demands of the world consumers of wine.

To look more particularly at the debate that centres around the National Wine Centre Bill, I refer to the South Australian Wine Tourism Council's recent summary, which makes specific reference to the National Wine Centre. As I stated earlier, South Australia has a habit of getting things wrong on big projects. We have become, in many respects, committee city. If we need to do something we have a committee look at it, then we have an inquiry into the committee finding and, if necessary, introduce a consultant before sending it off to a planner and then to a community group. If it is a parliamentary matter, perhaps it could even get an airing in a select committee. That is a common problem. And it is reflected very much in the Democrats' attitude towards life.

One can look at what the Democrats did in respect of the Mount Lofty development. Here was an icon in South Australian terms—not a national icon but something we had grown up with: Mount Lofty summit, the tallest hill in the Mount Lofty Ranges. Members opposite smiling would have fond memories of it from their childhood days, I am sure.

The Hon. T.G. Cameron: Teenage years.

The Hon. L.H. DAVIS: Teenage years. They would be distressed that it was ravaged by the bushfire of 1983 and lay neglected and unloved for so many years.

The Hon. T. Crothers: Reminds me a bit of you.

The Hon. L.H. DAVIS: The Hon. Trevor Crothers is sometimes very wise in his interjections. The refurbishment of the summit was a bipartisan matter: it was supported by the Labor Party and the people of Adelaide welcomed it. It was slow in coming, but finally it was there. But what did the Democrats do? The Democrats put up their hand and said, 'This is a wicked thing, because you are going to cut down 42 trees—most of them regrowth, some stringy-bark no more than 40 years old—so that people can have a view.' Some well meaning people said that, as a matter of principle, they would oppose the destruction of these trees. The Hon. Mike Elliott went public and said, 'This is an outrage: this is the rape of the Hills.' That was the Democrats' view, looking on the bright side of life—the record they play on the good days in the Democrats' office. They always look on the bright side.

The Hon. Mike Elliott went public on these 42 trees. 'Sure it may block a view, but how dare you touch them' was his argument. Anyone who knew anything about trees would have said that there was nothing special about these trees, that they were regrowth. The Democrats were quite happy to cut out the view, because they did not feel good about something. That was a great shame and typical of the small-minded view which sometimes prevails in Adelaide.

This National Wine Centre has been debated for three years. In 1994 a committee was established to look at the possibility of a National Wine Centre in South Australia. The Hon. Mike Elliott, in a desperate effort to build up intrigue on this, went public only this afternoon to say that the Liberals had varying views on where the site should be. Not everyone thought that it should be at Hackney; perhaps there was division, discontent, anguish and anger within the Liberal Party because there was more than one opinion. Indeed, the wine industry, made up of a lazy 150 wineries around South Australia, did not all march in the same step. Shock, horror! The Democrats do not have that problem, because they have their meetings in a telephone box and, when you have only two members, it is hard to be out of step.

If I may digress for a moment, Mr President, since you seem to be in a lenient mood tonight, let me say that it strikes me as unusual that, of all the members currently sitting opposite, not one can remember when the Democrats have voted differently on any measure. Yet they come into this Chamber saying that they are the purveyors of independence, that they are protecting South Australia from the evils of the Legislative Council and the major Parties and that they will vote how they think. It is funny how Sandra Kanck always thinks the same way as Michael Elliott. However bizarre Michael Elliott's thinking, Sandra Kanck thinks that way. I digress, Mr President, and I realise that you have given me far too much latitude.

The PRESIDENT: Yes, I have.

The Hon. L.H. DAVIS: Finally, after considering a range of options, a proposal was put forward to establish the centre at the Hackney bus depot site on Hackney Road. It is called the Goodman building, and, in these politically correct times, that name might be a problem for some members opposite. It is a site that has remained an eyesore for a long time. The tram barn remains there, again the source of a long-running battle typical of the narrow, parochial views that clog up development in Adelaide.

I have great admiration for the National Trust, and Phillipa Menses, the Director, has been a breath of fresh air from the bad old days of the National Trust when it was dominated by people who had no feeling for heritage and who ran it as a club of their own. It has been very professional, but—

The Hon. R.I. Lucas interjecting:

The Hon. L.H. DAVIS: I did, indeed. But I do not share the National Trust's view on this: it believes that tram barn A should be preserved at all costs. As far as I am concerned, tram barn A is running on empty, it has run off the rails, it should be knocked down. When the Hon. Michael Elliott says that there should not be an intrusion on the parklands, what does he mean? Does he mean a rose garden in that area would be all right but that a national wine museum in an existing building is not all right? What is he on about? What is the Hon. Michael Elliott saying? Is he saying that it is all right to leave the Goodman building there? If we knocked it down that would probably be an outrage for the Democrats, too.

Is he saying that if we use it for the public good and allow people to enter the Goodman building, which in time will be a wine museum, that is a bad thing? If the Goodman building is left empty and the test rose garden that is already there is allowed to be developed further as an extension of the Botanic Gardens—because it is on the eastern boundary of the Botanic Gardens, which I suspect even the Hon. Michael Elliott recognises—would it be a bad thing to let the public in there? What is the difference? What are we on about? I do not know. I would be interested to know from the Hon. Michael Elliott what his response is to this challenge. It is all right for people to go into a rose garden and perhaps even pay an admission if it is good enough, but it is not good enough for them to go into the National Wine Centre.

I believe that the parklands are a pristine asset to South Australia, but I am not a purist in the Ian Gilfillan model, because I consider outrageous the statements that he makes that the Torrens Parade Ground should not be used for anything and that the eastern parklands, which are the subject of the National Wine Centre Bill, should not be used for anything. Where are we going? It is good enough for Ian Gilfillan to tear through the parklands in his Nikes, ripping up the turf with his endless jogging, but it is not good enough for me to visit a rose garden.

The Hon. T.G. Cameron interjecting:

The Hon. L.H. DAVIS: That could well be true. That thought had not occurred to me, but the Hon. Mr Cameron may well be right. I am appalled at the small-mindedness of the Democrats, the micro view of the world that they have. It really is bad news. This State is in desperate need of leadership and some bipartisan support for projects of importance. The National Wine Centre is a project that will be important for South Australia. It will underline the State's pre-eminence in the wine industry and recognise us as the wine leader. However, I have to say that Victoria has been stealing a march in this regard. One hesitates to mention Jeffrey Kennett, because I do not see everything as simply 'us versus Victoria'; we have to look beyond that concept. But certainly the Premier of Victoria is not averse to arguing that Victoria is the wine State, and he is not afraid to back that with a commitment of dollars and promotion.

The current Premier, John Olsen, who has served this Parliament with distinction since 1979—apart from a brief interregnum when he was a Senator—has represented wine regions for much of his term. Of course, his electorate takes in a wine region. He better than most members understands exactly how important the wine industry is to South Australia. This centre is designed to become a focus for the wine industry. However, importantly, it is also designed to become a focus for wine tourism. I want to mention something about this aspect that people may not properly appreciate. This centre will not be just about South Australia; it will be about the wine regions of Australia. It will not be a parochial centre; it will be more than that. It will be a national centre, the National Wine Centre. It will promote the wine industry in Australia as a whole. It will provide a forum for education for people interested in wine and gaining a greater understanding of wine. It will also house the national wine industry bodies on the site, so there will be some synergy between the peak bodies of the wine industry, the visitor and the National Wine Centre itself.

The South Australian Wine Tourism Council, in its recent publication *South Australian Marketing Plan*, recognised that the South Australian wine industry had a number of characteristics that gave it a competitive edge as a tourism product as against the rest of Australia. South Australia is generally recognised as Australia's prime wine destination, with the Barossa Valley being the most well known wine region nationally and internationally, and surveys continually show that. There is that awareness, but it has to be developed. For example, South Australia remains the only State in Australia where there is no four-star convention accommodation outside the capital city.

The Hon. T.G. Cameron: What about Wirrina? It has been rated four-star.

The Hon. L.H. DAVIS: Has it? Well, we've just cast off that tag.

The Hon. T.G. Cameron interjecting:

The Hon. L.H. DAVIS: That is news to me; I didn't appreciate that. I am more particularly directing my comments to the wine regions, because it would be logical to think that professional groups—doctors, lawyers, dentists, builders and nurses who may be setting up a national or international conference—will look at a desirable location. That is part of the experience that people enjoy. They will often select, for the spouses and friends who go along as partners, a venue such as the Barossa Valley. However, at present the Barossa does not have that level of accommodation. There is some very nice boutique and lovely bed and breakfast accommodation; for example, The Lodge in the Barossa Valley, and Thorn Park in the Clare Valley are good examples of excellent accommodation which have just recently won tourism awards at the South Australian tourism awards only last week.

However, there is no top rated four-star conference centre in the Barossa Valley. Kinhill is helping to develop such a centre and I understand it has made good progress selling strata titled units off the plan for a motel style conference centre and that may not be far away from a go, which will be good news. But that is part of the problem. In many ways it is a chicken and the egg situation: you have to have the courage to take the jump in the hope that the supply of beds and the facilities will create the demand. In the Barossa's case, I believe it will. In the case of Kangaroo Island, another example, the supply should create the demand and, again, in the Flinders Ranges, it is another example of where the supply of top quality accommodation would create the demand.

The world-wide trend in tourism is towards nature based adventure tourism, for people to get out and experience the particular attributes of the location, rather than the plastic experience of going to, say, the Gold Coast and the concrete jungle that you find there. There is enormous opportunity, and wine tourism has a role to play in this.

The Hon. T. Crothers interjecting:

The Hon. L.H. DAVIS: Indeed. I have already emphasised the size of the South Australian wine industry and its

dominant position in the nation but it should also be recognised that quantity of wine produced is also accompanied by quality. Many of the gold medals and premier awards in national wine shows are won by South Australian wines. I believe that dominance has continued and will continue. One of the other attractions for Adelaide and wine tourism is that we have the Barossa Valley, Australia's pre-eminent wine region, the Clare Valley, McLaren Vale and the Adelaide Hills—all four regions—within 90 minutes of Adelaide. That is also a distinct advantage.

A point I have made over the past decade reflects the parochialism—the inward rather than outward approach to life in this State—because in the Napa and Sonoma Valleys, which are roughly an hour north of San Francisco, there is a very healthy rivalry between those two great wine regions, of which I will say more later.

The Hon. T.G. Roberts interjecting:

The Hon. L.H. DAVIS: Here is a rare opportunity for the Hon. Terry Roberts to be educated and he turns his back on it. It is a great sadness. Certainly, there is friendly rivalry between them but commercial interests market those two regions together, so it is possible to get a map of the Napa and Sonoma Valleys, which are adjacent to each other and which run side by side (running north and south) so that visitors can work out their itinerary to include both the Napa and Sonoma or one or the other of those regions. Not one member in this Chamber has ever seen a map of the Barossa and Clare Valleys together. There is a healthy rivalry there but no-one has ever said the name of the game in tourism is actually to try to extend the visitor nights in a particular area.

If the Barossa and Clare regions are joined together, separated as they are by only 30 or 40 minutes of road travel, we would have the opportunity of extending visitor nights. It might be possible to include the wining, mining and dining experience by bringing in Kapunda and Burra, which are two great historic mining areas that, again, are not far from the adjacent Clare and Barossa Valleys. That is the sort of thinking which has not existed in South Australian tourism for a long time. In fact, three years ago I came very close to doing something about it. I talked informally to people in the Barossa Valley about it; everyone thought it was a good idea, but I did not see that as my role. Hopefully, that is something that will be done to lift wine tourism in this State to a more professional level because, in my view, it has a long way to go.

The advantage that South Australia has is its different attractions in these different regions. In the South-East there is the richness of history in Penola. There is the Coonawarra district and the rapidly developing areas to the north and the south—the Padthaway and Robe areas, which are very attractive. McLaren Vale has its own particular attraction. The Adelaide Hills is also different again. The Clare Valley has its six valleys and its microclimates, which are so different, and the charming hamlets there are of particular appeal. Finally, within close distance to Adelaide, there is the Barossa Valley. But one should not neglect the Riverland. The Riverland is still labouring under the wrong label of producing only irrigation grapes which are used as fillers for casks and bottom level wine—

The Hon. T.G. Cameron: Some good grapes are being grown up there.

The Hon. L.H. DAVIS: As the Hon. Terry Cameron interjects, that is quite wrong. In fact, two companies listed on the stock exchange, which both have preeminent interests in the Riverland, have recently merged. One of them is Australian Vintage, which was recently taken over by Simeon Wines. Both are South Australian-based companies that have been listed for only a few years. In 1998 this merged group will crush 115 000 tonnes of grapes, about 14 per cent of the nation's wine crush, which is a pretty remarkably feat.

The South Australian Wine Tourism Council business and marketing plan recognises the weaknesses of the industry here and the threats to the industry. One of the points it makes, to which I have already partially alluded, is that:

> It needs to be recognised that the wine industry as a whole does not rely on tourism to the same degree that the tourism industry relies on the wine industry in this State. In some instances wineries see themselves as solely in the wine production business and not in the tourism business.

That statement is quite true. Let me give an example. Some of the wineries in the Napa and Sonoma Valleys will derive more revenue from non-wine sales by way of good quality product in the form of aprons, towels, jams, coasters and other non-wine products or from related products such as corkscrews, glasses and so on than they will from the wine sales themselves. That, of course, partly reflects the fact that the Napa Valley and Sonoma have a basin of 28 million to 30 million people to tap into in California. We are talking about 1.5 million people, so there is a difference. But the fact is there were nearly 100 000 international visitors to South Australian wineries in 1994—quite a large figure. Interestingly, over half of these people came from the UK, Germany and North America. We should recognise there is a large number of international visitors coming into South Australia, and about 35 per cent or just over one in three of the international visitors to South Australia did include wineries in their itineraries.

The industry does have to be less insular in its approach. It must recognise that it should be part of the tourism experience. One of the particular problems we have in South Australia is that the industry, particularly in the Barossa Valley, has been in existence for many years—in fact, some of those great wineries were built over 100 years ago. That creates an infrastructure difficulty and will result in heavy costs in adding on facilities to cater for wine tourism.

Contrast that with the Margaret River in Western Australia where the first winery was built in 1968, I think by the Holmes A'Court interests. From 1968 through to the present time those wineries have been purpose built for wine tourism, so they will not only accommodate wine tastings but also incorporate an area where non-wine products are available for sale and, invariably, a restaurant or a cafe for light meals. The Margaret River also has the additional advantage, as members would know, of being adjacent to the southern beaches of Western Australia so that, unlike South Australia where wine tourism drops off in summer months in the Barossa Valley and the Clare Valley, in Western Australia those are busy months because people flock to the beaches and then retreat in the cool of the evening to the Margaret River for a meal in a nearby winery.

The attitude of the industry towards wine tourism in this State needs to be improved. I am not accusing the industry of arrogance; I think it is, rather, an indifference. It is one thing to export wine to London and to claim credit for that, but it is another thing to continue providing the impetus for an interest in wine by giving the visitor an experience they will remember and talk about when they go back home. That visitor experience must never be underrated. The fact that I could get up here and talk for an hour, quite easily, about my visitor experiences in Napa and Sonoma wineries says

something about the impact that it made on me: for instance, to be shown over one of the great wineries of California by Darryl Groom, the brother of Terry Groom. Darryl Groom, who is one of the great winemakers produced by this State, is making a very dramatic impact in the Napa Valley.

It is important for the industry to learn from the experience of the Napa and Sonoma as they have learnt from us. They are not afraid to pinch a good Australian winemaker to develop their wines using the leadership and technical skills which Australia has in the wine industry. We should not be too ashamed to learn from the undoubted marketing abilities of the Americans in the wine industry. To that end, the Wine Tourism Council summary recognises that in some wineries, and I quote:

> Staff do not have the skills, training or experience necessary for the successful operation of the winery as a tourism product. This is sometimes reflected in a lack of marketing promotion and poor customer service.

That is something that cannot be emphasised too much; it is a very important area, where a lot more work needs to be done.

Finally, whilst I have not spoken at length about the National Wine Centre, I conclude my remarks by saying that this is an important recognition of South Australia's leadership. Whilst we do not have specific details of the centre, it is important that money not be scrimped on it. If it is to be a National Wine Centre, it should be a centre of excellence; it should be a centre on which money is properly spent and which gives the visitor a memorable experience that they will talk about when they return home within South Australia, interstate or overseas. I would hope that the centre will give further encouragement and impetus to this most valuable industry, which is creating employment in South Australia and also, most importantly, acting as a wonderful flagship for us interstate and overseas.

The Hon. R.D. LAWSON: I, too, support the National Wine Centre Bill. Having been born in Tanunda in the Barossa Valley and my own father having worked in the wine industry all his working life, I have long been interested in this great industry. Today we frequently talk about the great strides that have been made not only in plantings within the South Australian community but also in the vastly increased exports of the Australian wine industry, the increasing number of wine makers, the increasing number of persons employed in the industry and its increasing contribution to our economy. It ought to be borne in mind that, as has already been mentioned, this is an historic industry, the fortunes of which have not always been in the ascendancy as they are at the moment, but South Australia has long been acknowledged as the principal contributor to the Australian wine industry.

There have been many great wine companies in this State. Penfolds has already been mentioned, and there are other family companies in the Barossa, such as Gramps Orlando Wines, Seppelts Wines, Smiths Yalumba Wines and others not so large. In the Riverland there is and has been for many years a vibrant industry based upon irrigated vineyards. Coonawarra in the South-East of South Australia has long been regarded as one of the premier wine districts of the State. To the north, the Clare Valley too has contributed substantially to our industry. I would be remiss if I did not mention the Southern Vales, and there are other areas in the State. Therefore, it is entirely appropriate that the National Wine Centre should be established in this State.

I am gratified to see that the Government has committed $20 million to the establishment of the National Wine Centre, of which $7 million is budgeted for expenditure in this current financial year. I am glad to see that it is to be named the National Wine Centre or something of that nature. I was not greatly enamoured of the notion of a wine museum, because that connotes static displays and a form of education that time has largely passed by. There is no doubt that wine centres can be very innovative and exciting, stimulating not only tourists' interest but also the interest of local citizens.

The McLaren Vale and Fleurieu Tourist Centre at McLaren Vale is a first-class example of what can be achieved, and on a relatively modest budget. That is a regional centre which I am sure will greatly enhance the amenity of visitors to the McLaren Vale area and will help not only improve tourist facilities but also enhance the business opportunities for the many winemakers, most of whom are small, in that area. What is envisaged here is a wine centre rather than a wine museum. That is an exciting concept.

The Bill provides that the functions of this centre will be to develop and provide for public enjoyment and education exhibits, working models, tastings, classes and other facilities and activities relating to wine, wine production and wine appreciation. It seems to me that what is envisaged is not merely some static display or museum to which tourists will be taken but rather an aggregation of facilities which will be used by the industry itself, local residents, those interested in wine, those interested in attending wine classes, those interested in learning more about wine, and those interested in obtaining further information about our wines.

It will also be used, as I envisage, by the industry itself to display its products, to have wine shows and the like. The next function of the centre is to promote the qualities of the Australian wine industry and wine regions, and the excellence of Australian wines. That is a very broad charter that we are giving to the centre through this Bill. A further function of the centre is to encourage people to visit the wine regions of Australia and their vineyards and wineries, and generally promote tourism associated with the wine industry. That is an interesting objective. It is not merely to set up a centre where a tourist will be taken and told, 'Here you are; if you want to know about the wine industry, come and look at this.' It is rather a centre which will send people out to visit the wine regions of Australia. It seems to me that the most interesting, most exciting and most atmospheric place to learn about the wine industry is in a winery and vineyard.

As any member here knows, wineries in recent years have established very good tasting facilities, they have encouraged visitors, are ready and willing to show the visitors through and allow free tastings in an atmosphere that encourages enjoyment and appreciation of the wine. In a sense, you would say that it was unnecessary to have a wine centre if it merely replicated what the wineries are already doing themselves—and doing very successfully.

I mentioned the McLaren Vale and Fleurieu Tourist Centre at McLaren Vale, but a number of the wineries in that region have established wonderful facilities. Only the other weekend I visited the new restaurant and tasting room at the D'Arenberg winery which is a wonderful facility of international class in a truly magnificent setting.

Other wineries have established similar facilities. At the Magill Estate, in the outer eastern suburbs of Adelaide in the area of the historic Grange vineyard, there is a world-class facility, which any serious wine lover visiting Adelaide

would no doubt want to see. Seppeltsfield has, since I can remember, had a tourist facility that has been visited by many thousands of tourists, set in a most gracious and distinctive setting, and that company has served the tourist industry and also the wine-loving community very well over a substantial period of time—as have Yalumba out of Angaston, Orlando, near Rowland Flat and Chateau Yaldara in Nuriootpa.

I do not see the National Wine Centre as in any way taking over from the present functions of those companies and the countless other smaller boutique wineries. I believe it is important that we have in mind from the very beginning that this centre is not being conferred with statutory powers to take over, or in any way to undermine or undercut the activities which are being conducted by the industry itself.

The fourth function of the National Wine Centre is to act as a headquarters of the Australian wine industry, by providing accommodation and administrative support and facilities for wine industry bodies. I believe that is an important public function. One might say that surely it is for the wine industry to find its own premises and to build them or rent them. It is an industry which is prospering and ought be able to provide for itself. However, I believe that there is a public interest in ensuring cooperation within the wine industry and that we have a strong and united industry, and the provision of headquarters and the like provides a focus for the wine industry. It is in the public interest to maintain infrastructure of that kind, and it is entirely appropriate that taxpayers' funds should, at least in the establishment phase, be devoted to encouraging the industry to establish that type of headquarters.

The centre also has the function of establishing dining and refreshment facilities for visitors, to carry out building, landscaping and other works, to establish the facilities and amenities and to conduct such other operations as may be prescribed by regulations. So, this centre is being given a wide charter and is one which is worthy of support. I am pleased that it has had the support of all Parties in this Chamber. Even the Hon. Mike Elliott professed support for the establishment of the centre, his complaint being that it was being established in an inappropriate place.

There are a couple of points that I should make about the establishment of the board and the centre because, as legislators, we have little power over the way in which this centre will be conducted, but we are being asked to confer upon it certain powers. The board is a somewhat curious one, in my experience. It shall have not fewer than seven nor more than 13 members, all of whom will be appointed by the Governor—that is, of course, upon the advice of the executive Government. Members are to be nominated by the Minister, after consultation with the prescribed association representative of the national wine industry and prescribed associations for each of the States of South Australia, New South Wales, Victoria and Western Australia, representative of the respective wine industries of those States.

I notice that the wine industry in Tasmania has not been represented, and I suppose I should place on the record a query as to why that decision was taken, having regard to the fact that a well-established and successful wine industry is emerging in Tasmania. Having visited a number of the wine regions in that State, I can only say that I was impressed by the professionalism and dedication of the industry there. The point I want to make is that the board may be dissolved at any time by the Governor through the executive Government. That power is contained in clause 9(3) of the Bill, and I am intrigued to know whether any other board of this kind is similarly open to dissolution by executive Government.

One should bear in mind that this board must act in accordance with the directions of the Minister, clause 18 of the Bill providing that the board is subject to the control and direction of the Minister. Clause 19 provides that if there is no board the Minister himself or herself becomes the governing authority, and in those circumstances the decision of the Minister is a decision of the centre. Again, I place on record an inquiry as to whether or not similar provisions are detailed in any other statutory body which provide for the Minister to take over the board in that fashion and, if there is none, I ask whether this is to be the shape of statutory boards in the future.

One other matter which gives me some concern is contained in part 6 of the Bill, clauses 27 and following, which deal with declaration of logos and official titles. Clause 27(1) provides:

> The Minister may, by notice in the *Gazette*, declare a logo to be a logo in respect of the centre or a particular event or activity promoted by the centre.

Clause 28 provides certain protection of the proprietary interests of the centre in all of its official insignia. Clause 29 provides that goods which contravene or infringe upon the insignia of the centre are liable to seizure and forfeiture. These provisions appear to owe their origin to the provisions of the Australian Grand Prix Act which conferred quite extraordinary powers upon the Grand Prix Board in relation to proprietary trademarks, insignia, and the like.

I view with some disquiet provisions of this kind. Ordinary commercial enterprises do not enjoy the benefit of statutory protection for logos and insignia. Ordinary commercial activities must go through the usual process of registering trademarks, designs, business names, and the like. I must say that I have a preference for ensuring that Government-owned enterprises, such as the National Wine Centre, comply with the laws that apply to all other business, commercial and financial organisations.

Regarding these provisions, I ask: what other statutory bodies of this kind are provided with protections of this nature? Clause 5 of the Bill dedicates the Hackney site as the site for the centre. The schedule contains a plan of the dedicated land which extends from Plane Avenue in the north to First Creek in the south. Mention has already been made of the fact that different people have expressed different views about whether or not that is the best site. It is the site that has been selected after a great deal of—

Members interjecting:

The PRESIDENT: Order! The Hon. Terry Cameron is holding court, and that is a fine occupation, but he can do that outside if he wishes or he can listen to the speaker. The Hon. Robert Lawson.

The Hon. R.D. LAWSON: Before I was interrupted, I was saying that the site has been designated, and that there has been some discussion about whether or not it is the best site. It is, however, a site that is available. A number of other sites have been examined, and this site is deemed to be the most appropriate.

I place on record a request for information concerning the distance of the western boundary of the site from the Bicentennial Conservatory, which is located immediately to the west. It would be of interest to know whether this site encroaches closely upon the Bicentennial Conservatory. At an appropriate time, I ask that a response to that inquiry be given. In conclusion, I strongly support the establishment of

the National Wine Centre. I support the second reading of this Bill.

The Hon. CAROLYN PICKLES (Leader of the Opposition): I support the second reading of the Bill. I place on record that one of the reasons why the Opposition will move an amendment which will allow for the planning process to be subject to a public environment report (PER) is to allow for a 30-day public consultation period. During that time, as part of the PER process, a public meeting must be held.

We have heard today that the Australian Democrats have one view, and a number of people in the electorate have varying views as to whether or not this project should proceed in the form proposed by the Government. Although the Opposition has adopted the view that the National Wine Centre should go ahead on this site, it believes that the public should be allowed to put its view. I would like to place on the record some comments about Tram Barn A, because I fear for the future of that building in the light of this proposition. I have a keen interest in the history of technology in this State, and I believe that Tram Barn A has a historic record. So, I would like to place on the record for members, some of whom have been very rude about Tram Barn A and said that it is not worth a heritage listing, that it should be pulled down—

The Hon. T.G. Cameron: It's a hideous looking building.

The Hon. CAROLYN PICKLES: The Hon. Mr Cameron says that it is a hideous looking building. However, it does have a history and I think—

The Hon. R.R. Roberts: I love that tram barn.

The Hon. CAROLYN PICKLES: The Hon. Ron Roberts loves the tram barn. It does have a history. The first tram company in Adelaide, the Adelaide and Suburban Tramway Company Limited, was formed in the mid-1870s. With the help of the State Government the company constructed a three kilometre horse-drawn tramway from the city to Kensington via Norwood which was opened on 10 July 1878. In the next two decades a number of other companies were established to provide horse tram services to the other suburbs. Not long after the turn of the century the South Australian Government decided that the citizens of Adelaide would be better served if the operations of the extensive horse-drawn tramway systems were brought under the control of one organisation. In late 1906 the Municipal Tramways Trust was established by an Act of Parliament with a charter requiring it to acquire, electrify and operate all tramways within 10 kilometres of the city.

Mr (later Sir) William George Toop Goodman was appointed electrical engineer to the MTT in 1907 and became its chief engineer and general manager in 1908 with full responsibility for the amalgamation and conversion. The first electric trams ran on the route from Kensington to the city on 9 March 1909, and the last horses pulled their tram from Goodwood to Clarence Park on 25 June 1914. The main administration building and Bay A of the tram running sheds at the central tram depot on Hackney Road were completed by the opening ceremony on 9 March 1909.

The three-storey administration building, designed under Goodman's direction by Mr H.E. Sibley and Mr C.W. Wooldridge of the firm Garlick, Sibley and Wooldridge, is of considerable architectural interest. It has a distinctly residential appearance characterised by bold massing and a complex roof form. The interior is of particular note because of its originality, with impressive lobby and fine joinery, transom lights and moulded ceilings. It contained general offices, tabulating office, uniform stores, with roomy offices for superintendents and engineers on the first floor with commanding views of the depot's activities. The whole is reminiscent of influences from the Arts and Crafts Movement and is representative of Edwardian confidence and civic pride. The style is very unusual in the City of Adelaide.

The four running bays, of which only Bay A survives, each contained six tracks 380 feet long. They were separated from each other by fire resistant reinforced concrete walls and one of Adelaide's earliest fire sprinkler systems was installed. The Hackney depot was the main centre of electric tramways operations for 50 years, from 1908 until 1958. The former tram depot at Hackney is significant in that it marks an important step forward in the effectiveness and utility of Adelaide's urban public transport system: it marks both the beginning of a long period of public ownership of an essential service and a period in the State's history when public services were rationalised to cope with the demands of Adelaide's growing suburban population. The resulting improved services encouraged the further suburban development and growth. At the time of its establishment the new system was considered most progressive for Adelaide's relatively small population.

The depot is also a monument to Sir William Goodman, who was one of Adelaide's outstanding engineers whose reorganisation of Adelaide's public road transport system had a long-lasting effect on the growth and form of the city and its suburbs and who was also active as a member and Chairman of the South Australian Housing Trust, South Australian Portland Cement, South Australian Zoological Society and various Governmental committees. The administration building, running shed A and the adjoining accommodation block form an historically coherent set of buildings in that the industrial heritage significance of the group will be grossly compromised by the removal of any one building.

The value of our industrial heritage lies not in its aesthetic qualities but in the tale it can tell about the effect that engineers and engineering works have on the development of our State industrially, economically and socially. This group of buildings marks a major point of change in the quality of public transport for the citizens of Adelaide. I place on the record the fact that this is a heritage building. Not all heritage buildings are considered beautiful and it has its own very important place in the history of South Australia, in that it marks a major development in our transport system. Without transport in the early days of Adelaide the State would not have grown. We do not know what will be the future of tram barn A, but I hope that when the Government decides its future it will take into consideration its importance to the State and the Goodman building.

The Hon. J.C. IRWIN: I thank the Council for allowing me to make a few comments on this legislation. I support the Bill before us, with some caution and a qualification. I support the National Wine Centre's being established in South Australia. My qualification is that I am cautious of any alienation of our historic and heritage parklands. I will try to remain consistent in my thinking and my stated position towards the parklands, which I have often put in this place. I have taken part, as have most of us, in a number of debates in this place on the parklands.

I have defended the Adelaide City Council on its record of preserving and maintaining the parklands for all South Australians. I have often pointed to the record of the State

Government over the years in alienating parklands. There is no doubt that the State Government has a far worse record in alienating parklands than has the Adelaide City Council. The parklands surrounding the city of Adelaide constitute Adelaide's most precious features, defining its character and adding immeasurably to the beauty and amenity of the city. The parklands surround the city with an unbroken ring of open space for the enjoyment of all South Australians.

The site concerned is located in Hackney on the area designated as parklands in Colonel Light's plan for the city. It was open space until 1908. The Government of the day then allocated it for the use of the Municipal Tramways Trust, which built upon the site. By 1992 it had been vacated, although two heritage-listed buildings, the Goodman building and tram barn A, remain.

I was interested to hear what my colleague the Hon. Caroline Pickles had to say about the Goodman building. I did not know Sir William Goodman but certainly know his daughters, three of whom are still alive: Mrs Andrew Tennant, the owner of the famous Princess Royal property at Burra, who lives in Adelaide; and Mrs Hurtle Morphett, whose husband was a descendant of one of Adelaide's famous pioneers (whence comes the name Morphettville, Morphett Vale and wherever the name Morphett is used). I am not sure of the married name of the third daughter but she is the mother of Andrew Strickland's wife, she being a former Mayor of Prospect. My father said that the Goodman girls were attractive young people in Adelaide in his time, and I had the pleasure of growing up with two of them.

The Government dedicated the site to the Botanic Park and Gardens. This restored the status of the site as parklands and its dedication for this purpose was, as we remember, supported by all political Parties and welcomed by the community at large. Credit for much of that later work from 1992 goes to the Bannon Government, which promised prior to coming to government that the tram barn area should go back to the Botanic Gardens and be part of the parklands, and that happened. I do not have a problem with tram barn A being knocked over. It is not a building that stays in my memory as one that should remain, and the Hon. Legh Davis noted that earlier.

The Hon. Carolyn Pickles interjecting:

The Hon. J.C. IRWIN: It has lurched on and off the heritage list, as I recall, although I will not go through the arguments. I do not think that there is any strong view that it should be on the heritage list, but that is not part of the agenda. I do not have a problem with tram barn A, nor with the planting of a demonstration vineyard. That is probably an appropriate thing to do and would fit in with the parklands amenity. However, some members have noted problems with the Botanic Gardens being right beside a working vineyard because of possible cross-contamination, given the nature of the Botanic Gardens and its collection of a whole range of plants for the benefit of plant heritage, for the people of South Australia and for people doing research on them. So, I express some caution on that. I also have a problem with erecting new buildings in that area.

When reflecting on the open letter that was sent to us by Ian Gilfillan on behalf of the Parklands Preservation Association, I do not necessarily agree with all of the following statement:

> We support the idea of establishing a National Wine Centre in Adelaide for the purpose indicated in the Bill but not in the manner proposed on this site. Although the function includes provision of some public facilities, the centre is to be a commercial, self-funding corporate body acting for the wine industry. Alienation of parklands for commercial purposes in support of an industry is an unprecedented step. It establishes a new criterion for the alienation of parklands from the people of South Australia. All previous alienations have been for State purposes.

This argument has been going on for ever. I am probably correct in saying that all the buildings along North Terrace from the railway station to the Botanic Gardens are on parklands, and they will not change.

One has only to reflect on the South Australian Cricket Association, the Memorial Drive tennis courts, a number of bowling greens, the Adelaide Aquatic Centre (which is run by the Adelaide City Council) and the public golf courses to consider them as commercial enterprises. They may well have been developed for State purposes, but the cricket, tennis and swimming venues also have a national flavour. They link up with national organisations, and I do not need to debate whether or not they are incorporated as profit-making bodies, so it would probably be wrong to say that all previous alienations have been for State and non-commercial purposes.

The Bill before us adds fuel to my argument and to the historic facts. My concern is an obvious one: that there is always a good excuse to pinch a bit of the parklands and the progression results in less and less area designated as parklands. In my opinion, the people need to decide at some stage and somehow whether they want parklands. Even if it is only slow and for all the best reasons in the world, the natural progression is to take more and more parklands. It is easy to say that, because there was a very good reason for development on site A, development on site B is proposed for the same reasons, alienating the parklands, right through the alphabet until there are no parklands left, and we cannot make any more parklands. There are many counter arguments within the National Wine Centre debate. The parklands argument is just one of them.

I would be pleased for the National Wine Centre to be in South Australia, as I said quite carefully before—not just in Adelaide but in South Australia. I would be even more pleased if another site could be found outside the parklands. Indeed, my colleague the Hon. Legh Davis, in his erudite contribution, made out a good cause for the National Wine Centre to be outside Adelaide. He referred to the overseas experience in the Napa Valley and in other areas where the wine centres are not in capital cities but in the regions. Some of us get a little tired of seeing the centralisation of most of our facilities and institutions.

Over the years, most governments of my persuasion or of the persuasion of members opposite have espoused the ideal of decentralisation but have done little about it. I am sure that the President would agree with me when I say that the famous Waite Institute is the only research centre of excellence situated outside Canberra. The fact that the Waite Institute is in Adelaide is an example of decentralisation from Canberra, the national capital. That is to be commended. It is the only one, and it was a battle to keep the Waite Institute a centre of excellence for research in South Australia. With its marvellous history over the years and its agricultural and horticultural research ability it could in no way be argued that it should leave Adelaide to go back to Canberra.

One can extend that further and say that the wine centre will not necessarily be for research but to promote wine. The wine grapes are not grown in Adelaide in a commercial sense; they have virtually been pushed into the regions, whether it be the South-East, the Southern Vales, the Barossa Valley,

Port Lincoln, the Riverland and other areas. I see no reason why we cannot use the regions in establishing a centre of excellence for the National Wine Centre. People will be drawn to those regions to look at what the wine centre has to offer, and they can also look at all the other things that are done in those areas. Given that obviously there would be some competition between the established wine growing areas in South Australia, that could be sorted out I am sure. I would like the National Wine Centre to be established, and to be established outside the parklands and, if possible, outside Adelaide. I support the second reading.

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

BANK MERGER (NATIONAL/BNZ) BILL

Adjourned debate on second reading.

(Continued from 3 July. Page 1694.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. The Opposition has supported similar bank merger legislation previously brought before the Parliament. We have no difficulty in assisting banks in this situation provided there is no prejudice whatsoever to consumers and customers of the subsidiary bank, in this case the BNZ. The Treasurer has given his assurances in that regard and we have accepted them. It may be the last time we are faced with legislation of this nature, given that the Government has also introduced general bank merger legislation. The next time this situation arises it may be dealt with simply by regulations, assuming that the legislation goes through. We support the second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the honourable member for her indication of support for the second reading.

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

BANK MERGERS (SOUTH AUSTRALIA) BILL

Adjourned debate on second reading.

(Continued from 3 July. Page 1694.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading. We have no difficulty in supporting the merger legislation relating to the Advance Bank, the Challenge Bank and the BNZ. Undoubtedly, this legislation aims at simplifying the process of bank mergers in South Australia. With the passage of this Bill, permission for future mergers will be achieved by regulations. Parliament, of course, retains the right to scrutinise any such regulations. We will support any measure which lessens the volume of routine legislation before Parliament without prejudicing the rights of citizens or the interest of the State as a whole. Therefore, we support the second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the honourable member for her indication of support for the second reading.

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

STAMP DUTIES (RATES OF DUTY) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 3 July. Page 1695.)

The Hon. CAROLYN PICKLES (Leader of the Opposition): The Opposition supports the second reading of the Bill. The Bill has three amendments. The first amendment provides an exemption from stamp duty in respect of transfers of property from the official trustee in bankruptcy or a registered trustee to the bankrupt or former bankrupt. The second amendment deals with the treatment of conveyances of property from superannuation funds to pooled superannuation trusts in exchange for units in the PST. The third amendment involves the stamp duty payable on the transfer of marketable securities made by way of gift. We support the second reading.

The Hon. R.I. LUCAS (Minister for Education and Children's Services): I thank the honourable member for her indication of support for the second reading.

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

APPROPRIATION BILL

Adjourned debate on second reading.

(Continued from 2 July. Page 1655.)

The Hon. R.D. LAWSON: I support the Bill and congratulate the Treasurer on the significant achievements which are reflected in the financial statements for the year 1997-98. The fact that the Government has been able to produce a budget which provides significant benefits to various sections of the community, whilst at the same time delivering a surplus (albeit a modest surplus of $1 million), is a significant achievement and one which does great credit to the Treasurer and to all Ministers who participated in it.

A number of highlights in the budget are worth noting. Once again, the Government has maintained its commitment to introduce no new taxes or increases in the rates of taxation. That policy has been questioned in recent times. However, I think the Government is to be congratulated for, first, making the commitment and, more importantly, sticking by it. The fact that debt has been brought under manageable control—now down to below 20 per cent of gross State product compared with 28 per cent in 1992—is a great achievement.

Moneys committed in the current budget to the delivery of services, principally to education, health and police, are also great achievements: an additional $46 million for education; $16 million for health; and $10 million for police. The budget refers to a strong and targeted capital program, up by 22 per cent in real terms to $1.29 billion. We frequently hear complaints about the absence on the Adelaide skyline of construction cranes. There are a couple of them, but the simple fact is that the South Australian Government has been engaging in significant capital works, principally on roads which, when those figures are aggregated, represent substantially more than private speculators and developers ever spent in the height of 1980s on office buildings in central Adelaide.

The Southern Expressway is a substantial capital commitment of this Government which will not only improve the commuting of members of the community but also represent a substantial improvement of the infrastructure for economic

activity. The same may be said of the South Eastern Freeway where the tunnel under the Eagle on the Hill will represent a substantial saving in transport costs not only to commuters but also to business in the State. Both of them will also improve safety aspects, and the Government has been engaging in many other impressive capital works.

An honourable member: Name them; come on!

The Hon. R.D. LAWSON: The honourable member says, 'Name them,' while at the same time suggesting that I be brief in my contribution; I would be here all night if I were to list the manifest achievements. One which I think is particularly impressive and which will benefit the community greatly is the new netball and athletics stadium in the Mile End railyards. That is a most impressive facility, and the Minister (Hon. Scott Ashenden) must be congratulated for bringing on that program with such speed and expedition. It is worth looking back over the history of South Australia's finances to understand exactly where we are going; it is interesting to take an historic perspective in these matters.

In the 1997 budget, some 30 per cent of the State's expenditure is devoted to education under the capable guidance of the Minister in this place. I have not examined the figures for the past couple of years, but I have looked historically to see how much we spent on education as a proportion of our total budget. Fifty years ago in 1947, 11.6 per cent of the budget was devoted to education; in 1967, it was 17.8 per cent; in 1987, 18.3 per cent; and now we are up to 30 per cent of the State's budget being devoted to that important purpose.

We can examine health expenditure in the years starting at 1927. In 1927—70 years ago—only 2.7 per cent of the State budget was devoted to health; in 1947 it was 5.5 per cent; in 1967, 9.6 per cent; in 1987, 19.4 per cent; and, by 1997, 21 per cent of the State's budget is devoted to health. In 1927, 3.2 per cent of the budget was devoted to public order, including police, corrections and the like—

An honourable member interjecting:

The Hon. R.D. LAWSON: That was 3.2 per cent of the budget; it does not matter whether there were two or 2 million. What we are dealing with here is the percentage of the total State expenditure devoted to particular purposes. In those years only 3.2 per cent was spent on public order; in 1987 it was 5.9 per cent; and it is 9 per cent this year. The servicing of public debt is an interesting figure as a proportion of total State budget expenditure. In 1927, which was the height of a financial crisis for the State of South Australia, total State revenue was about £10 million, of which 31.3 per cent was devoted to servicing public debt. That led to the financial agreement of 1927 between the States and the Commonwealth. By 1947, 24.4 per cent of the State budget expenditure was devoted to servicing public debt.

It is interesting to note that the total State revenue in 1927 had been £10 million and, at that time, that was a record expenditure, an historic high. In the following year, the revenue declined markedly, and likewise right through until 1934 when it had fallen to something under £6 million—from £10 million in 1927. It was not until 1947, some 20 years later, that the State budget returned to £10 million. In 1967, 18.9 per cent of revenue was devoted to servicing public debt. By 1987, that had fallen to 11.4 per cent, and now, in 1997-98, it is 19 per cent, having been higher. As the Treasurer's statement in the supporting papers points out, that figure will come down. The debt has been stabilised. These figures have been presented in a table of an entirely statistical nature, and I seek leave to have it incorporated in *Hansard*.

Leave granted.

Comparative table showing proportion of State budget expenditure devoted to selected purposes

	1927	1947	1967	1987	1997
	%	%	%	%	%
Education	7.6	11.6	17.8	18.3	30
Health	2.7	5.5	9.6	19.4	21
Public Order	3.2	2.6	*	5.9	9
Servicing public debt	31.3	24.4	18.9	11.4	19
	$m	$m	$m	$m	$m
Total state revenue	20.7	20.9	1.59	4.035	6.347

* not readily calculable

Sources: Sundry budget speeches, budget papers and Table GF91-105 SA public debt. Revenue and expenditure 1851-1968 in Vamplew (Ed) Australians, Historical Statistics (1988), Statistical Summary in SA Yearbook 1997.

The Hon. R.D. LAWSON: In examining those figures, I did go back to 1927. It is interesting to see that the Government in 1927 faced a crisis not dissimilar to that which faced the current Government when it came to power in 1993. The Auditor-General, in his statement published in April 1927 just after the defeat of the Hill Labor Government and the election of the Liberal Government led by Richard Butler, reported as follows:

> The outstanding feature of State finances is the rapid increase in the annual interest due on borrowed money. The special significance of this increase is that it represents principally interest on undertakings which are now unproductive. If it were not for this rapid annual increase of dead weight interest, the State's financial affairs would most probably not have drifted into the present serious condition. A continuance of non-reproductive loan expenditure at the present rate must mean continual extra taxation.

The Auditor-General further stated:

> The financial drift which has been evident for some years past due to large expenditure of loan funds on non-reproductive works and increasing costs of supplies and services is a matter of very grave concern. It is quite clear that the financial resources of the State cannot stand for long the annual increase in taxation which the present rate of unproductive loan expenditure will require. There is no alternative. Loan expenditure on non-reproductive works must be steadily reduced by a considerable amount, and that at no distant date, otherwise the burden of taxation will continually increase.

I mention that because, as I say, the situation which this Government faced in 1993 was not dissimilar to that which had been faced by the State in the past. The solution in 1927 was to reduce expenditure substantially for the ensuing 20 years, which remained in those days of low inflation at levels that were lower than had occurred in 1927, and obviously that caused great disruption. This Government has managed to stabilise the debt without the dramatic events that followed 1927—in particular, the events of the Depression of the 1930s.

It is interesting to note also in this context that in 1985 the then Labor Government had prepared by the Treasury a paper entitled 'Trends in the Indebtedness of the South Australian Public Sector from 1950 to 1985'. By 1985, the situation was relatively satisfactory. The paper, which examined the State's finances in some detail, came to four broad conclusions. The authors noted that, in examining the trends in the indebtedness of the State public sector, it was important to distinguish between the gross indebtedness of the State—that is, the value of securities and other forms of debt outstanding—and the net indebtedness—that is, the gross indebtedness less the value of the financial investments held by the public sector. I believe that is an important point, because some of the statistics in the earlier records did not make that distinction.

The second point made by the authors of the report was that over the preceding 25 years there had been a very

substantial decline in the real value of the indebtedness of the South Australian public sector. So, there had been a decline in real value. Thirdly, it was concluded that there had been a major change in the composition of the debt, in particular, a decline in the reliance on funds raised through the Commonwealth Government and a corresponding increase in funds raised direct from capital markets, especially by the South Australian financial institutions. The fourth conclusion is not terribly relevant for the purposes of the current discussion.

It was noted in that report also that, in order to examine the State's net indebtedness and place that figure in proper perspective, account needs to be taken of the growth of physical assets such as roads, schools, hospitals and other infrastructure acquired as a result of incurring such indebtedness. The authors of the paper did not examine that in great detail. I believe that is an important point.

If capital money is devoted to the improvement of schools, roads, hospitals and other infrastructure, obviously the State derives a benefit, and a continuing benefit into the future, for it. When, however, the State is forced to pay out on a guarantee of a financial institution, such as we were required to pay to support the State Bank, and such as we have been required to pay to support the debts of the State Government Insurance Commission, the State derived no benefit at all; there is no fixed asset represented by the money thus thrown away. The benefit that the State gained from earlier expenditure on capital works is absent entirely from the $3 billion which was paid away to support the State Bank.

The point I make in relation to all this is that, whilst the State's finances have had reverses over the years, they were in relatively good shape until the disaster of the bank's collapse—which, as the Jacobs royal commission firmly found and concluded on the basis of the evidence available, was as a result of the inactivity of the Bannon Labor Government.

In supporting the Appropriation Bill on this occasion, I point to the significant achievements over the past three years of the Brown-Olsen Government and the Treasurer, the Hon. Stephen Baker. I congratulate the Treasurer for the significant achievements of his budget. I support the Bill.

The Hon. T.G. ROBERTS: I rise to support the Bill and to make a few comments on my portfolio responsibility as the shadow Minister for the Environment and Natural Resources.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: It will probably be in every *Messenger* tomorrow, Mr Lucas. I am sure that a bevy of journalists are out there now waiting with their pens ready to strike. The Opposition welcomes the appropriations for the 1997-98 expenditure for the environment and natural resources. The Minister has not been able to gain a substantial increase in real terms, but at least the appropriation has been almost in line with the previous 1996-97 year. As we said in the last financial year, the amount appropriated to the human resources element of the management of national parks is disappointing.

The number of people employed in those particular tasks will not grow. The parks need rehabilitation, and it would have been good to see some employment growth projects in that area where the Government might have had an opportunity to employ young people and Aboriginal people in isolated national park areas. However, the Government has not taken up that opportunity. I would like to have seen some of the training programs associated with Commonwealth-State responsibilities for reducing unemployment directed into national parks management and ecotourism projects, but that has not happened.

The responsibility for the rest of the expenditure programs will, I suspect, be carried out almost as normal. It is not a radical appropriation for the portfolio, so I expect it to be almost the same as the previous financial year.

Having said those few words about my own portfolio, I would like to make a few observations generally on the situation in which we find ourselves in the lead-up to the coming election, the 3½ years the Government has had to try to put into place a program of balancing the budget through fiscal means, and on asset sales and debt management. The previous Government put into place, despite what some members on the other side of the Chamber would say, a debt management program that certainly was not anything like the cut-and-burn policy that was put in place 12 months after the Liberal Government came into office.

I am a little apologetic for the contribution I made when the Liberal Party first took power. I suggested that if the Government took a steady-as-she-goes position and was prepared to accept some of the responsibility for pump priming rather than cutting the public sector, as appeared to be its intention, it would be guaranteed at least three terms in government.

The Opposition would have had a fairly difficult task if a conservative policy of debt amelioration and growth had been put in place. It would have had to bear some of the responsibility of the incoming Government for managing the State Bank debt, but unfortunately—wherever the advice came from I do not know, because I cannot understand how politically such a decision would be made—it was decided to embark on a massive asset sales program and massive cuts in the public sector whilst at the same time private sector investment was vanishing.

The general theory associated with conservative pump priming through economic politics is that when private sector investment dries up the public sector tries to inject some growth into the economy either by increasing taxes or by redistributing income through other means such as service cuts. However, when the current Government took office it embarked on a combination of cuts to services and asset sales, which immediately placed our economy in a difficult position. Unless there was some unexpected economic growth in this State that was far greater than in the Eastern States, our economy would be in difficulty.

We also had the twin problem of the exodus of many of our tertiary trained skilled and educated people who had to bear the brunt of many of these public sector cuts. Unlike other States, South Australia is a city State, and many of our service delivery programs are based in the city. So, many of our tertiary skilled and trained people who were in the forefront of the public sector cuts were the victims. Some of them tried to re-establish businesses in this State by taking a voluntary package and investing that money in what they thought would be normal growth periods in the economy. However, they found that even investing part or all of their superannuation or package was to no avail.

Many people who started to invest in a new life found that that was impossible because the State had nil growth in new enterprises, not even small ones, and there was no room for them. Unfortunately, many of those people were hit with a double whammy: they were restructured or forced out of the public sector and required to take their superannuation or voluntary package and invest those funds in a new life only

to find that their life was further devastated by a lack of growth in the State to accommodate their new enterprise.

They then found themselves looking at the interstate public sector which was conducting a headhunting exercise. Other States recognised some of the skills that South Australians had to offer, because we had a reputation for excellence right across our public sector. Some of those people were picked up by the private sector in other States. Others chose semi-retirement or started a small business in those States that did not have the cut and burn attitude of this State. New South Wales, Queensland and, in the latter part of the past 18 months, Victoria have been the beneficiary of some of this migration. I was about to say 'transmigration', but not too many people from other States have joined us. There has been a net loss of South Australians for the first time in a number of years. Migrants are not flocking to South Australia to start a new life. Most of them are going to the Eastern States. Those who come here seem to be heading to Sydney, Melbourne or Brisbane and, in some cases, Perth. Coupled with that, the Commonwealth then made a decision in the last budget to cut back migration. So, any hope that South Australia might have had in making up some of the losses it has incurred over the past three years will not come to fruition.

There are some programs with which the Government might try to pump prime the economy in regional areas, if only out of desperation, particularly in an area that we will have to mop up after restructuring the rail industry—and the Bill is currently before us in this Chamber. There appears to be a dire necessity to try to get a restructuring program for the Iron Triangle region based on some growth projects that will soak up the new wave of people who will be unemployed due to the restructuring of the rail industry. If the season does not break soon, we will have the making of the worst drought for a number of years. That will impact on that regional area and other regional areas due to the fact that our primary industries will not be able to bring the rewards that have been brought particularly in the past three years which has assisted the Government to hide some of the deficiencies in our economy in other areas.

The rural industries have been the saviour of the State in relation to filling the coffers in the past three seasons. Certainly, poker machines, which were introduced by the previous Government, have provided a windfall for the Government in the order of $140 million to $150 million.

The Hon. R.R. Roberts interjecting:

The Hon. T.G. ROBERTS: Some would say higher: some would say it is $200 million, but I am not sure whether that figure is correct. The indications are that it could be heading for $200 million. Had it not been for those three good seasons and the introduction of poker machines, the budget certainly would have been in far worse trouble than it is now.

The Hon. R.I. Lucas: You were telling us not to cut back. How can you argue both? You're saying to us that we should not have cut so much and then you say that, if it hadn't been for these wonderful windfalls, we would have been in a far worse position.

The Hon. T.G. ROBERTS: What I am saying is that the Government's time frame for selling off assets and the amelioration of debt was not necessarily the time frame that should have been put in place if there was to be a steady as you go balance the budget project, along with maintaining your skills base, your Public Service and public sector. Once the Government embarks on a program of cuts—cuts to delivery of services—and transfers many of those services to the private sector, it does not necessarily gain an increase in efficiencies in returns in the Public Service. In the first period of negotiated returns for the transfer of either those services or those assets into your budget, in some cases you will get a productive balance to the budget, but in the long term either future generations will have to pay or services ultimately will suffer.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: You can run a deficit that is manageable, and States have run deficits over a long period.

The Hon. R.I. Lucas: How big is manageable?

The Hon. T.G. ROBERTS: Manageable is in line with the GDP, so that the GDP and the interest rate payments on your loans are—

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: Traditionally, budgets have been managed by Treasury in conjunction with Government policies and the ability to pay off whatever the deficit, loans and interest on payments are.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: The deficits have varied in line with the GDP.

The Hon. R.I. Lucas: You know the GDP; what are you suggesting is manageable?

The Hon. T.G. ROBERTS: If you had a reasonable growth figure of 4 per cent a $100 million to $200 million deficit may be manageable, and as interest rates drop your deficit can increase. If you have a deficit of $100 million and market interest rates are 18 to 20 per cent, that may become unmanageable, but if interest rates on your borrowings are as they are now, your deficit can increase. There are ways in which you can make sure that the future of the State is put into a position of a steady economic growth: 3.5 or 4 per cent is generally seen as steady as she goes. If you attempt to increase any more by pump priming, you could end up with some problems.

We have a growth of less than the Commonwealth figures, which means that we can expect unemployment to increase. Economies now have to expand at between 4 and 4.5 per cent for employment opportunities to be maintained and growth and service delivery to be kept at a reasonable level. What we have predicted and may end up with in this State is negative. We may end up with 2 or 2.5 per cent, which means an extra increase in unemployment and a further outflow of our skilled people and those people looking for a quality of life that we will not be able to offer them.

Sometimes you can have windfalls through mineral exploration and finds. Sometimes in the Cooper Basin there is a new discovery, but at this stage the next financial year will be a difficult one for South Australia because the course has been set by the three previous budgets and South Australia is locked into a very dormant economy with little prospect of growth.

When the *Advertiser* has to report that a major project in South Australia like Bob Moran car sales has been tipped over by the introduction of poker machines, your economy is Michael Mouse. I do not believe it, but obviously the people who run their articles past economic specialists must believe that Bob Moran was the basis of the South Australian economy. I am not sure which Bob fell over as there are two Bobs, but when you have to run two major front page articles on the failure of a used car dealer to illustrate how bad the economy is, somebody has got it wrong. Maybe I have it wrong. The cornerstone of the economy should be driven by a vibrant public and private sector investment package with

some public pump priming, and your deficits can vary with the ability to repay payments on the interest rates.

The other way in which State Governments traditionally are able to supplement their economic growth is by Commonwealth receipts for special purposes. There are not enough projects that I can see. Members have noted some of the driving forces of expenditure in the public sector, such as the expressway and projects in relation to the bypass of the Mount Barker Road by the tunnel, as being major projects. They have been on the drawing board for a long time and Commonwealth finance for those projects has been drawn by the State. In the main, the areas in which we have been able to draw on Commonwealth funding have been limited because little or no vision has been shown by this Government in drawing the big picture for the Commonwealth to invest in South Australia.

We have been further isolated from the Eastern States' economies by a Commonwealth Government that is running an economic rationalist view of the world; that is, if your State cannot pay for itself, if your State is floundering, you just let it flounder. Most investment goes into the hot spots in the Eastern States, so in Sydney, on the Gold Coast, on the Sunshine Coast and in north Queensland, projects are running at high levels. Over the past three years, I suspect, there have been more cranes on the Gold Coast than there have been in Adelaide for the sum total of the past 15 years. The economic growth being determined by the Federal Government is not doing any pump priming in South Australia.

If we are to stand on our own (and it appears that we will have to, because we are not able to put up any projects to attract Commonwealth interest), the only obvious way for the Government to move is to raise taxation. It has not done that because the former Premier made some grandiose statement about no new taxes, so the Government has no room to manoeuvre. Consequently, South Australia has a stagnant economy and this Appropriation Bill will not do anything more for this State.

If as a result of the weather our primary producers are put in the position that it appears they will be in, this Government will be in big trouble next year. Regional economies have been surviving solely by pump priming their primary industries, because all Government services have been cut. All the Government instrumentalities that operated out of regional areas have been removed and, if the returns by primary industry are knocked back any more, we will see a double whammy. I support the Bill.

The Hon. BERNICE PFITZNER: In speaking to this Bill, we must not forget that, when the Liberal Government came into office in 1993, we were left with the Labor Government's debt, which spiralled to $9 billion due mainly to massive losses from the former State Bank and SGIC. By June 1997, the State debt had been brought down to $7.5 billion, due to this Liberal Government's management of Government restructuring, asset sales and elimination of waste. State debt has fallen from an unsustainable 28.1 per cent of GSP in 1992 to 20.6 per cent in 1997 and is forecast to fall further.

Let us look at the features of the 1997-98 budget outlays. For health, an amount of $1.4 billion has been allocated, which is an increase of $47 million. That figure comprises an increase of $40 million for hospitals, an additional $5 million for disability services, $108 million in capital works, and $6.1 million for the rural enhancement package.

In education, the allocation is $1.3 billion, which is an increase of $73 million. We have the best teacher:pupil ratio of all the mainland States; there is $15 million to continue the DECStech 2001 strategy; $89 million in capital works; and additional funding for vocational education and training in schools.

For police, $802 million has been allocated. That is an increase of $17 million, and $4 million has been set aside in 1997-98 to achieve 125 extra police staff, including 100 on patrol. For economic development, $70 million has been allocated to cover a range of development and investment attraction programs. For tourist development projects and major events, $40 million has been allocated, and $32 million has been allocated for MFP activities.

In relation to the unique priority funding package of $145 million packaged over four financial years, this funds a number of initiatives and of interest we note: $20 million for the National Wine Centre; $1.5 million for the Festival of Arts; $19.8 million for payroll tax and WorkCover rebates; $3.5 million for stamp duty concessions for first home buyers; and an extra $10 million for health initiatives. In particular, we note the acknowledgment of the vital role played by migrants in South Australia's economy and that the Government has put in $1.6 million for Immigration SA, to attract skilled and business migrants to South Australia in order to expand our industrial base for economic development.

In further recognition of the role migrants play in trade, the Government has also continued to fund the Centre for International Trade and Commerce in South Australia for a further three years. With the passing of the Racial Vilification Act, the Government has further shown support for multiculturalism and has demonstrated firm opposition to racist behaviour and sentiment. Also, we note commitment to the Aboriginal community, with $6 million worth of capital and $1.85 million specifically for individual Aboriginal communities to manage themselves.

Looking further at the economic development of South Australia, we note a recent report put out by the South Australian Development Council entitled 'The Competitiveness of South Australia'. The work is based on annual assessments of the competitiveness of economically significant countries/economies undertaken for the World Competitiveness Report, published annually by the Lausanne International Institute for Management Development and the Geneva-based world economic forum. The first study, undertaken in 1994, concluded that South Australia was only slightly less competitive than Australia as a whole, being about as competitive as a group of countries which include Ireland, France, the United Kingdom, Belgium, Canada and Chile. The second study, undertaken in 1995, confirmed that South Australia remains competitive, and that includes Austria, Finland, France, the United Kingdom, Malaysia, Chile, Ireland and Korea. There is not much difference than with the 1994 study.

Based on the most recent assessment, South Australia is among the world's top five competitive locations, sometimes shared with Australia as a whole, in areas which are:

- important to people—quality of life, long life expectancy, superannuation retirement benefits; and
- important to business—lack of improper practices, efficient stock markets, abundant natural resources, non-protectionist agricultural policies, high literacy rates, good communication networks and computing power.

Of particular note is South Australia's world top ranking—beating Australia as a whole—in affordability and cost of housing, and quality of life compared with major competitive countries. Conversely, South Australia suffers some disadvantages as a business location compared with other possible locations around the world. South Australia is among the world's least competitive locations. South Australia may not yet be No. 1 overall in competitiveness in Australia, but it does have some definite world class strengths to which it can point in attracting and holding businesses. I will quote from the report which states:

With thought, effort and persistence, South Australia can build on its competitive strengths and reduce its competitive weaknesses so as to progressively move up in the Australian and world competitiveness rankings.

Unfortunately, we now have to take notice of the Hanson phenomena and the fact that its racist views and overtones have indeed harmed Australia not only morally but also economically. In regard to this issue, I note an article in the *Advertiser* of 4 July 1997 entitled 'Hanson's campaign hits key projects' which states, in part:

Asian investors have pulled out of a multi million dollar Victorian industrial park because of the fear of Pauline Hanson's supporters. Meanwhile a Chinese company may be forced to scrap a $20 million tourism development in Ballarat following a scare campaign in Asia about Australian racism. The latest shocks come on top of a warning by a Hong Kong consultancy that three multinational companies have dropped plans to set up headquarters in Australia, partly because of racism concerns.

It further states:

Australian diplomats throughout Asia have warned the Australian Government that continuing bad publicity about Ms Hanson is threatening trade, particularly tourism and education services. Australia's top private schools were devastated last month when just 200 people turned up to their exhibition in Hong Kong instead of the usual 1 000 or more. Exhibition organisers said the few parents who turned up said they were worried about the safety of their children in Australia and Hong Kong is the biggest money earner for Australia in selling education places overseas.

How are we to respond to the Hanson racist phenomena when she makes statements such as those in her maiden speech which, by coincidence, was made during debate on a 1996-97 Appropriation Bill? She said:

I believe we are in danger of being swamped by Asians.

She then said:

I and most Australians want our migration policy radically reviewed and that of multiculturalism abolished.

She said:

Present Governments are encouraging separatism in Australia by providing opportunities, land, moneys and facilities available only to Aboriginals. Along with millions of Australians I am fed up to the back teeth with the inequalities that are being promoted by the Government and paid for by taxpayers under the assumption that Aboriginals are the most disadvantaged people in Australia. I do not believe that the colour of one's skin determines whether you are disadvantaged.

I now quote from statements she has made to the press (*Advertiser* 12 June 1997), as follows:

People are getting mixed up with what I am saying. I go to Chinese restaurants.

She further states:

It is a known fact that Asians are pushing drugs out on our streets. We have Vietnamese children and children from Cambodia between the ages of 12 to 14 selling drugs openly on the streets but police feel they have their hands tied.

She says:

Political correctness has destroyed our right to free speech.

She also says:

Does anyone seriously believe it is uniting Australia to spend over $10 million helping new Australians maintain their native language? Is this what multiculturalism is about? Is this what the Government should be doing with our taxes?

A suggested response by one of my colleagues of ethnic origin is as follows:

Pauline Hanson is wrong. Multicultural South Australia is committed to the principles of access and equity for all South Australians, as stated in the Declaration of Principles for Multicultural South Australia.

Furthermore, she states:

Australia needs bilingual and multilingual people in administration, commerce and in business. Knowledge of many languages is an asset, not a drawback. Australia must be forward looking, truly interested in the Pacific region, where many languages are spoken, and not return to a monolingual white Australia policy isolating itself from her region.

She says:

Pauline Hanson uses ethnocentric argument. . . Stereotypes: closed and secretive nature of Asian communities. Many new Australians are used to living with gangs, crimes and drugs. We must protect ourselves. . . Back to the monolingual White Australia policy. They do not assimilate. No need to say more. We want everyone to be Australian. . . not parts of the divided nation. Do not bring your ancestral problems with you. No. Drink beer, go to the footy. Put a shrimp on the barbie, etc.

That is one way of responding. However, I believe that we should not only respond directly to very simplistic and inaccurate assessments but we should hope that white Australians can give a lead in a very hurtful and emotionally charged situation. To this end I am encouraged by a newsletter put out by a group known as the Dulwich Centre Publications entitled 'Comment'. The issue dated May 1997 is entitled 'Racism—How can white Australians respond?' I would like to read some excerpts from it as I do feel encouraged by its tone and its leadership. It states:

The current wave of racism across Australia is having widespread effects in the everyday lives of many Australians. Racist abuse in the playground and streets of Australia's cities and increased violence and hostility in rural areas are being reported throughout the country. Many Australians are now having to brace themselves whenever they go out in public.

Further, it states:

Many Australians have been struggling with how to respond to this wave of racism. These writings have been produced for and by white Australians in acknowledgment of the privileges that we experience because we are white, the ways in which we are prone to inadvertently reproduce racism, and our collective responsibilities to try to address racist beliefs and practices. Currently across the country there are many conversations occurring about race relations, land rights and immigration. These conversations are taking place at a time of high unemployment and increasing financial worries for many Australians—a context in which divisive politics can thrive. Racism is a divisive force. How can we ensure that the ways in which we respond to racism enable us to engage constructively with the issues and with each other?

However, it was overwhelmingly agreed that as white Australians we all experience privileges because we are white. In addition to this it was felt that we experienced the following privileges and others whether we wish to or not:

- Our children are less likely to be taunted or to experience racist violence at school.
- We are less likely to be subjected to prejudice or racial violence and abuse.
- We are less likely to experience discrimination in everyday life, such as when applying for a house to rent or standing in a queue at a supermarket.

But around the country people have been responding to racism in an encouraging and constructive way. There is the Orange ribbon campaign, and this is how it began in Sydney:

I live in Redfern in inner Sydney and just love living in an multicultural environment. I am always in the habit of engaging with people in the street—making eye contact and smiling. However, when racist sentiments began to be expressed in the public arena late last year I began to notice that the dynamics on the streets where I live were changing. There was no more eye contact. I wasn't connecting with people any more. Asian Australians in particular were looking down as I passed them. I was standing at a bus stop, waiting for a bus, and I looked at the people around me who were from every culture you could imagine and I felt, as a white Australian, very implicated. How could they know that I don't agree with racist views? How could they know that I love everything about multiculturalism? How could I find a way to reconnect?

There are other ways of responding in constructive ways, for example, the 'Respect Campaign' in Perth; the 'Celebrating Diversity' campaign here in Adelaide; the 'Creative' conversations that are going on, and I quote some of them:

These are some questions to explore our responsibilities as white Australians in relation to talking about racism:

- How can we respond to racist views and practices in ways that make it clear that we reject these views and practices while at the same time avoiding blaming individuals for what are collective issues and responsibilities?
- How can we show our commitment to anti-racist action without adopting an attitude of self-righteousness or showing hostility to other white people?
- How can we find respectful ways to talk with other white people about racism which do not lead to increased alienation from each other?
- How can we find ways to talk with other white people about racism which keep the conversation potentially always open?
- In what circumstances and after what time and effort is it appropriate to leave certain conversations alone and to put energy on the issue of racism into other areas?

In relation to immigration, recent debate has proved confusing. These are some facts and figures. Statistics cited from 'Face the Facts' produced by the Federal Race Discrimination Commissioner in 1997 indicate:

Over the last 209 years, wave upon wave of immigration has created the country that we now call Australia. Prior to 1788 the inhabitants of this land were indigenous people, Aboriginal Australians and Torres Strait Islanders. All non-indigenous Australians are by definition immigrants or the descendants of immigrants. Now people from over 160 different countries live here within Australia making up a truly multicultural country.

Multiculturalism is a policy endorsed by the Australian Government. It replaced the previous official policy of assimilation. Multiculturalism seeks to recognise the rights of all Australians to enjoy their cultural heritage, including language and religion, and the right to equal treatment and opportunities for everyone regardless of their backgrounds.

In a poll conducted on 20 April 1997 and commissioned by *The Weekend Australian*, 78 per cent of those surveyed stated that they believed that multiculturalism had been good for Australia.

In relation to migration population:

At the 30 June 1995, 23 per cent of the Australian population was born overseas, 7 per cent was born in the UK and Ireland, 6.4 per cent in Europe, 4.8 per cent in Asia, 2.1 per cent in Oceania, 1.2 per cent in the Middle East and Africa, and fewer than 2 per cent in other regions. Most settlers in 1995-96 came from New Zealand, the United Kingdom and China. In the previous financial year, the major source countries were the United Kingdom, New Zealand and countries of the former Yugoslavia.

What is the breakdown of categories in the migration program:

The 1996-97 migration program provides:

- 44 700 places for family migrants sponsored by family members already in Australia
- 28 000 skilled migrants who gained entry because of their work skills
- 1 300 special eligibility migrants.

In relation to the change in policy from the past from unskilled to skilled migrants:

In the past 50 years the focus of immigration was on bringing unskilled workers to Australia to assist the expansion of the manufacturing industry. Other migrants came with skills but their qualifications were generally not recognised. Thus many had no option but to work in unskilled or semi-skilled positions.

More recently, over half the migrants from non-English speaking countries have arrived in Australia with post school qualifications. Nearly 18 per cent of migrants who came to Australia during the period 1981 to 1990 held a tertiary educational degree. Overall 11.8 per cent of migrants have a tertiary degree compared with 8.5 per cent of those born here. Recognition and acceptance of overseas qualifications remains a problem for many migrants.

What are the current economic effects of immigration to Australia? Most of the research in the area of the effects of immigration on Australia has been about the economic effects of immigration.

Research has shown that immigration stimulates the economy through:

- increased tax revenue
- contribution of funds from overseas
- participation in employment
- spending on housing and
- increased consumption of goods and services.

Business migrants inject significant funds into the Australian economy. They are expected to transfer $856 million to Australia in 1996-97. Research indicates that immigration enhances Australia's export possibilities and is also likely to increase exports through tourism.

A hot issue is immigration and employment:

In short, according to available research, migrants create at least as many jobs as they take. There is no evidence to show that immigration causes higher unemployment in the longer term. Although rates of unemployment for recent arrivals are higher than for those people who have been in Australia for some time . . . research indicates that these rates do not have a significant impact on the overall unemployment rate. The rates of unemployment for recent arrivals drop dramatically as length of residency increases.

Research into Australia's last three recessions shows that migrants are less reliant on social security than people born in Australia. During 1990-94 migrants were less likely than those born in Australia to be receiving either JobSearch allowance or the Newstart allowance. It is relevant to note that people of non English speaking background have less access to training and promotional opportunities, that the process for the recognition of overseas qualifications is often slow and difficult and that this results in 34.8 per cent of non English speaking background migrants being over educated for their jobs and underpaid for their skill level, compared with 11.6 per cent of Australian born workers.

On the Aboriginal issue, some Aboriginal statistics to remind us of how disadvantaged our Aboriginal community is and why Aboriginal people must be given special privileges are contained in the Aboriginal Heritage Support Group's document entitled 'Human rights abuses in Aboriginal Australia'. In the area of criminal justice:

- Aboriginal prisoners account for a total of 22 per cent of the entire prison population in South Australia.
- Aborigines are over-represented in juvenile detention centres by 10.4 per cent in the 18-22 year age group and by 23 per cent in the 10-17 year age group.
- In general Aboriginal people are over-represented in police custody by 20.9 per cent and in correctional institutions by 21.4 per cent.
- In the last five years almost half of all Aboriginal men in their 20s have been arrested at least once.

In the area of housing:

- 31 per cent of indigenous people rely on public rental housing in comparison with 6.8 per cent of the non-indigenous population.
- Aborigines are 20 times as likely to be homeless as non-Aborigines.
- 17 per cent of all Australian families are in housing need, while 38 per cent of indigenous families live in housing need.

With regard to employment:

- Aboriginal unemployment was estimated at 34-36 per cent in 1993 and in 1996 stood at 38 per cent.
- Unemployment rates for Aborigines are three to five times that of the general population, and income levels fall well below the national average.
- Hourly earnings of Aboriginal people are 65 per cent that of the general population.
- Over 60 per cent of adult indigenous have annual incomes of less than $12,000.

In the area of health:

- The rate of Aboriginal death is three to six times the general population.
- Aboriginal infant and perinatal mortality rates are three times that of the general population.
- Aboriginal life expectancy is 18 to 20 years less than that of the general population.
- From age 15 to 29 years, Aboriginal people are twice as likely to commit suicide as non-Aborigines.
- Aboriginal children are 40 times more likely to die of Rheumatic Heart Disease than non-Aboriginal children.
- Diabetes affects 30 per cent of people in some Aboriginal and Torres Strait Islander communities, which is four times the non-Aboriginal rate. It is eight times more the primary cause of death.
- Trachoma is a significant cause of blindness and visual impairment in remote areas.
- Chronic ear disease is common in many Aboriginal communities.
- Chronic renal failure is far more common in Aboriginal and Torres Strait Islander communities than in non-Aboriginal communities. There is an excessive mortality rate from the end stage of renal disease. In South Australia it is estimated to be 12 times higher in Aboriginal men than in non-Aboriginal men, and 25 times higher in Aboriginal women than in non-Aboriginal women.
- Aboriginal adults are 10 times more likely to contract leprosy, TB and hepatitis A than non-Aborigines.

With respect to education:

- The Aboriginal population are three times less likely to complete secondary education than non-Aborigines.
- Aboriginal youths are more likely than non-Aboriginal youths either not to attend school or to leave school before the age of 14 (9 per cent as compared to 2 per cent respectively).
- Only 49 per cent of Aborigines 15 to 19 years, as opposed to 90 per cent of the general population, attend school.
- In 1991, 2.2 per cent of indigenous Australians had tertiary degrees as compared to 12.8 per cent for all Australians.
- 45 per cent of indigenous primary school students have significantly low levels of literacy and numeracy skills as compared to 16 per cent of other primary school students.
- Only 25 per cent of indigenous Australians stay at school until 12, as opposed to 77 per cent for all Australians.

In conclusion, if our main priority is towards economic development, the racism of the Hanson phenomenon will hurt us financially, let alone the hurt that racism engenders in the individual. However, we are all encouraged that most white Australians have the attitude that 'we are all in it together', and that they do not have the attitude as encapsulated in this terse verse by Pastor Martin Niemöller:

> In Germany they first came for the communists,
> and I did not speak up because I wasn't a communist.
> Then they came for the Jews,
> and I did not speak up because I wasn't a Jew.
> Then they came for the trade unionists,
> and I did not speak up because I wasn't a trade unionist.
> Then they came for the Catholics,
> and I did not speak up because I was a Protestant.
> Then they came for me—
> and, by that time, no-one was left to speak up.

So, Mr President, I support the Bill.

The Hon. J.C. IRWIN secured the adjournment of the debate.

ELECTRICITY (VEGETATION CLEARANCE) AMENDMENT BILL

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

The Hon. R.I. LUCAS (Minister for Education and Children's Services): 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.

This Bill amends the Electricity Act 1996 to make provision for vegetation schemes to be agreed between electricity entities and metropolitan councils and provides procedures so that, in the absence of agreement, the Technical Regulator can determine the contents of such schemes.

The Bill balances the benefits of transferring the duty from the electricity entity (ETSA), where it currently rests, to the councils with the need to address the concerns of the councils. There is an argument that the councils who own the trees and who seek to have a say in the management of those trees should also be the ones to perform the relevant management tasks. Currently the duty for vegetation clearance rests with ETSA to sustain the integrity of their system and to ensure its safety and councils have expressed concerns at taking over that duty in some circumstances.

The provisions within the Bill are the result of extensive consultation with ETSA as an electricity entity and the Local Government Association representing metropolitan councils. The Government would have preferred to see the provisions of the initial Bill enacted as providing a clear and definite division of responsibilities between electricity entities and metropolitan councils. However, as a result of opposition and resultant consultation it has become necessary to shift the emphasis to negotiation between the individual councils and electricity entities involved.

The cost of vegetation clearance in a particular council area and its allocation between the council and the electricity entity will be the result of direct negotiation between those two parties. Schemes may include arrangements:

- as to how the electricity entity will carry out its duty in the particular area (for example, by pruning more frequently but less extensively than the regulations provide);
- as to a council acting under a delegation from the entity (for example, carrying out the work on behalf of the entity at a specified cost); or
- providing for the entity's duty to be transferred to the council.

A Scheme could consist of different arrangements for different parts of the council area.

Where agreement cannot be reached in negotiating terms of a Scheme the Technical Regulator is empowered to determine appropriate terms including the determination and allocation of costs. In determining the terms the Regulator must consider the views of the parties to the dispute and take into account criteria specified in the legislation.

It is important to note that the Technical Regulator can transfer the duty to the council only in limited circumstances and that the transfer may be in respect of specified power lines in the council area.

In exercising powers in relation to vegetation clearance Schemes, the Technical Regulator is to be independent of the parties and of Ministerial direction. The purpose of these new legislative arrangements is to focus on negotiation between the parties and in the event of the parties' failure to reach agreement, to enable the Technical Regulator to look at the particular circumstances of the matter before him or her and reach an impartial and sensible resolution.

While the Government would have preferred to see the provisions of the original Bill enacted, as indicated previously, with the provision in this Bill for the Technical Regulator to become involved as an independent arbiter where there are difficulties in reaching negotiated solutions, the Government expects that the legislation will be a workable compromise. The provision of a role for the Technical Regulator in the event of a dispute should both encourage councils and electricity entities to reach agreement and also provide for fair and sensible solutions where those negotiations break down.

The legislation seeks to achieve the complex balance in vegetation clearance between safety,the integrity of power supply and quality, visual amenity and self determination by local governments through the use of negotiated agreements as the first preference and

the use of determinations by the Technical Regulator only where that fails.

The legislation reaffirms that the duty for the safety and integrity of the electricity system remains with the entity with control of the power lines, as in the Act in its present form, while at the same time allowing councils to take over that duty in the interests of their achieving control over the management of their assets, namely the trees in their area.

The legislation should clear the way to resolve the outstanding issue of a number of trees which currently fail to meet the requirements of the Act.

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 4—Interpretation

The clause inserts definitions of—

- "council officer"—a person authorised by a council to exercise powers conferred under the legislation on a council officer; and
- "vegetation clearance scheme"—a scheme agreed or determined under Part 5.

Clause 4: Insertion of heading to Part 5 Division 1

Part 5 is divided into 3 divisions—the first dealing generally with duties in relation to vegetation clearance, the second dealing with vegetation clearance schemes in prescribed areas and the third containing miscellaneous provisions.

Clause 5: Amendment of s. 55—Duties in relation to vegetation clearance

This clause recognises that a vegetation clearance scheme under Division 2 may impose a duty on a council whose area is wholly or partly within an area to be prescribed by regulation. The duty is to take reasonable steps to keep vegetation clear of specified public powerlines in accordance with the principles of vegetation clearance prescribed by regulation. The powerlines are those that are—

- designed to convey electricity at 11 kV or less; and
- within the council's area and an area prescribed by regulation; and
- not on, above or under private land (that is, according to the definition of "private land" contained in section 4 of the principal Act—public powerlines on, above or under land vested in, or under the care, control or management of, council and dedicated, or held for, a public purpose).

The councils having this duty are empowered to remove vegetation planted or nurtured near public powerlines contrary to the vegetation clearance principles and to recover the cost of so doing.

The electricity entity having the control of a powerline may carry out vegetation clearance work that a council has failed to carry out in accordance with its duty and may recover the cost of so doing and the cost of repairing any resulting damage to the powerline from the council.

Subsection (6) of section 55 of the principal Act is amended to apply to the duty that may be imposed on councils. Under subsection (6), the provisions of section 55 operate to the exclusion of common law duties, and other statutory duties, affecting the clearance of vegetation from powerlines (whether the work is carried out by the councils or by a contractor or other agent).

Clause : Insertion of Part 5 Division 2

The new division governs the terms of vegetation clearance schemes between councils and electricity entities in prescribed areas. It provides for the Technical Regulator to determine the terms of a scheme or modification of a scheme if the parties cannot agree and it provides certain powers to the Technical Regulator to assist, at the request of a party to the scheme, in resolution of a dispute that arises under a scheme.

DIVISION 2—VEGETATION CLEARANCE SCHEMES IN PRESCRIBED AREAS

SUBDIVISION 1—CONTENT AND NATURE OF SCHEMES

55A. Vegetation clearance schemes

This section contemplates agreement of a scheme between an entity and a council that may—

- govern clearance work carried out by the entity;
- delegate the duty to clear around lines up to 11 kV to the council (with an indemnity to the entity from the council);
- transfer the duty to clear around lines up to 11 kV from the entity to the council (and if the duty is transferred the council is exempt from the limitations on vegetation that may be planted near powerlines);
- exempt the council from the limitations about planting and nurturing vegetation near overhead powerlines;
- impose other obligations on the council or entity, such as undergrounding lines and payments.

The clearance distances set out in the regulations remain compulsory requirements that cannot be varied by a scheme. The 3 yearly interval between clearance work set out in the regulations can be shortened but not lengthened.

SUBDIVISION 2—DISPUTES ABOUT SCHEMES

55B. Vegetation clearance scheme dispute

This section enables an entity or council to ask the Technical Regulator to determine a dispute about the terms of a proposed vegetation clearance scheme or modification of a scheme.

55C. Circumstances in which Technical Regulator not obliged to determine dispute

Usually the parties will be required to have negotiated for 6 months before going to the Technical Regulator. If one party will not negotiate reasonably and constructively the Technical Regulator may be asked by the other party to step in at an earlier stage. The Technical Regulator may refuse to determine a dispute in the circumstances set out in subsection (2).

55D. Determinations

This section limits the circumstances in which the duty to keep vegetation clear of powerlines may be conferred on a council. The duty may only be transferred with the consent of the council or if the Technical Regulator is satisfied that it is appropriate to do so in view of failure by the council or electricity entity to carry out properly, or at all, vegetation clearance work in the area.

The section also makes it clear that a council may have the duty in respect of some of the powerlines in the area of the council while the entity retains the duty in respect of other powerlines in the area.

55E. Principles to be taken into account

This section sets out the matters to be taken into account by the Technical Regulator in determining the terms of a scheme or modification of a scheme.

55F. Conduct of proceedings

This section covers various procedural matters. Essentially the Technical Regulator is required to proceed as quickly as possible and to ensure that, as far as practicable, the proceedings are open and informal.

55G. Giving of relevant documents to Technical Regulator

This section ensures that confidential documents may be given to the Technical Regulator.

55H. Power to obtain information and documents

This section provides information gathering power to the Technical Regulator.

55I. Confidentiality of information

The Technical Regulator may be asked to take steps to ensure certain information is kept confidential. It is a serious offence to contravene conditions imposed by the Technical Regulator for the purpose of keeping information confidential.

55J. Termination of proceedings for determination

This section sets out the circumstances in which the Technical Regulator may bring an end to the proceedings without making a determination.

55K. Procedure for giving determination

The Technical Regulator is required to provide a draft determination to each of the parties for comment and then to provide the parties a copy of the final determination.

55L. Costs

The parties are to bear the Technical Regulator's costs.

SUBDIVISION 3—ENFORCEMENT OF SCHEMES

55M. Enforcement as contract

This section provides that a vegetation clearance scheme is enforceable as a contract between the parties.

SUBDIVISION 4—RESOLUTION OF DISPUTES UNDER SCHEMES

55N. Resolution of dispute by intervention of Technical Regulator

This section enables a party to a vegetation clearance scheme agreed or determined under Division 2 to ask the Technical Regulator to assist in the resolution of a dispute under the scheme. The Technical Regulator may give directions to the parties, appoint a mediator or determine that a scheme is to be modified. The matter is to proceed in the same way as the resolution of a dispute about the terms of a proposed scheme or modification of a scheme.

Clause 6: Insertion of heading to Part 5 Division 3

This clause places sections 56 to 58 in a miscellaneous division.

Clause 7: Amendment of s. 56—Role of councils in relation to vegetation clearance not within prescribed areas

The clause amends this section so that it spells out that the arrangements contemplated by this section between electricity entities and councils do not apply to public powerlines within the prescribed areas. In prescribed areas delegation to the council is achieved through a vegetation clearance scheme.

Clause 8: Amendment of s. 57—Power to enter for vegetation clearance purposes

Clause 9: Amendment of s. 58—Regulations in respect of vegetation near powerlines

Clause 10: Amendment of s. 74—Review of decisions by Technical Regulator

Clause 11: Amendment of s. 82—Application and issue of warrant

Clause 12: Amendment of s. 83—Urgent situations

Clause 13: Amendment of s. 96—Evidence

These clauses make amendments to the principal Act consequential on the amendment to section 55 of the principal Act and the insertion of Part 5 Division 2.

The amendment to section 58 contemplates limiting existing regulations about vegetation clearance schemes to council areas not within a prescribed area.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

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

The Hon. R.I. LUCAS (Minister for Education and Children's Services): 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.

This Bill seeks to expand the electorate for elections for a member or members of the South Australian Superannuation Board, and make a number of other minor technical amendments which will ensure the Act and the two schemes covered by the Act operate as originally intended.

In relation to Board elections, the Bill proposes amendments to provide that contributors under the Superannuation Act; members of the scheme established by the Superannuation (Benefit Scheme) Act 1992; and the members of the scheme established by the Southern State Superannuation Act 1994, be eligible to vote at an election for a member or members of the South Australian Superannuation Board. At present only the contributors of the two schemes covered by the Superannuation Act are eligible to vote at an election, and yet the Superannuation Board is also responsible for the administration of the schemes established under the Superannuation (Benefits Scheme) Act 1992, and the Southern State Superannuation Act 1994. This amendment will therefore ensure that all the members of schemes for which the Superannuation Board is responsible have a say in who they want to represent them on the Board.

The other technical amendments being proposed in the Bill deal with issues which have arisen in the administration of the Act. One of the amendments proposed is in respect of members of the closed defined benefit lump sum scheme who elect to "roll over' their accrued benefits to some other scheme on resignation. As private sector superannuation schemes are now well regulated by the Superannuation Industry (Supervision) Act 1993 (Cth), which is administered by the Insurance and Superannuation Commission, there is no need for the Superannuation Act to have its own set of criteria to determine 'approved schemes' to which an accrued benefit can be transferred. The discrepancies that currently exist between the two sets of regulatory controls will be removed enabling members to more easily transfer their accrued benefits from the lump sum scheme.

The unions have been consulted in relation to these amendments and general support has been indicated.

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

Clause 2 provides for the commencement of the Bill. Clause 8 of the Bill amends the definition of 'n' in the formulas in section 34(1) and (2) of the Act. The value of "n" is determined by the number of contribution points accruing from 1 July 1992 to the date of retirement. Clause 8 rectifies a problem caused by the fact that a contributor who is over the age of retirement may cease contributing and thereby cease to accrue points (see section 23(7) of the Act). Clause 8 needs to operate retrospectively from 1 July 1992 to cure this problem.

Clause 3: Amendment of s. 4—Interpretation

Clause 3 inserts a new factor 'P' in the formula in section 4(5) of the principal Act. The new factor caters for a contributor all or part of whose employment has been part time employment.

Clause 4: Amendment of s. 8—The Board's membership

Clause 4 amends section 8 of the principal Act to provide that the two elected members of the South Australian Superannuation Board will be elected by members of the superannuation benefit scheme and the Southern State Superannuation Scheme as well as contributors to the two schemes under the principal Act.

Clause 5: Amendment of s. 20A—Contributor's accounts

Clause 5 amends section 20A of the principal Act so that the phrase 'rate of return' used in that section encompasses both positive and negative rates of return.

Clause 6: Amendment of s. 28—Resignation and preservation of benefits

This clause makes the amendment relating to the rollover of accrued benefits already discussed.

Clause 7: Amendment of s. 31—Termination of employment on invalidity

Clause 7 makes a minor drafting amendment to section 31 of the principal Act.

Clause 8: Amendment of s. 34—Retirement

Clause 8 amends section 34 of the principal Act. Section 23(7) of the principal Act provides that an old scheme contributor who has passed the age of retirement (60 years in most cases) and who has the required number of contribution points is not required to continue contributing which means he or she does not accrue further contribution points. For the value of 'n' in the formulas in section 34(1) and (2) to work as intended points need to be credited in these circumstances. The amendment addresses this problem.

Clause 9: Amendment of s. 38—Death of contributor

Clause 9 amends section 38 of the principal Act. Subsection (1)*(a)* requires a person who was not the spouse of a deceased contributor when he or she stopped work to be the spouse of the contributor for at least five years before the contributor's death in order to be entitled to a benefit. The provision applies to both legal and putative spouses. The amendment clarifies the position where, during the period of five years, the spouse ceases to be a putative spouse and becomes the contributor's lawful spouse.

Clause 10: Amendment of s. 39—Resignation and preservation of benefits

Clause 10 amends the definition of 'NM' in section 39(7) of the principal Act.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

ENFIELD GENERAL CEMETERY (ADMINISTRATION OF WEST TERRACE CEMETERY) AMENDMENT BILL

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

The Hon. R.I. LUCAS (Minister for Education and Children's Services): 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.

This Bill is concerned with the administration of cemeteries owned and operated by the South Australian Government.

There are four major cemeteries in metropolitan Adelaide; Centennial Park, Cheltenham Cemetery, Enfield General Cemetery and Smithfield Cemetery.

West Terrace Cemetery is the original major cemetery, but is now little used due to lack of capacity.

There are several other public and church cemeteries which do not contribute greatly to the capacity for burials.

Of the cemeteries mentioned, three belong to the Government. Cheltenham and Enfield are owned and operated by the Enfield General Cemetery Trust under the Enfield General Cemetery Act, while West Terrace is owned by the Minister under the West Terrace Cemetery Act and operated by the Department of Housing and Urban Development.

The Enfield General Cemetery Trust is under the control and direction of the Minister.

The Enfield General Cemetery operates efficiently and at a profit. It has accumulated a substantial surplus of funds which, pursuant to the Enfield General Cemetery Act, can only be applied to its cemeteries.

On the other hand, the West Terrace Cemetery has substantial maintenance commitments for its heritage—listed graves and generates insufficient revenue from services to cover costs.

Cemeteries and burials are sensitive issues. There are current reviews of legislation pertaining to the disposal of human remains and to Council control of cemeteries other than those provided for under their own Acts.

This Bill has no effect on any matters of policy of the disposal of human remains or the conditions of operation of cemeteries. It is purely concerned with the rationalisation of management of existing State cemeteries.

The Government intends, as a separate measure, to present changes to the regulation of disposal of human remains at a later date. There will be ample opportunity to participate in that debate, which is entirely separate to the administrative change to be facilitated by this Bill.

The management of West Terrace Cemetery has been an issue for successive Governments. There are sound arguments for the amalgamation of existing State cemetery management into a single enterprise.

Under the current legislation, such an approach is not possible, as Enfield General Cemetery can not apply its funds to a cemetery that is not 'acquired' by Enfield General Cemetery pursuant to the Enfield General Cemetery Act.

The Government is advised that Enfield General Cemetery cannot 'acquire' West Terrace Cemetery under this Act. The West Terrace Cemetery would have to be both an 'Enfield General Cemetery' and the cemetery described and controlled under the West Terrace Cemetery Act. There are several minor points of difference which render that position impossible.

Accordingly, this Bill seeks to amend the Act, to allow the Enfield General Cemetery Trust to administer the West Terrace Cemetery as a complementary part of its operations.

There are provisions of both Acts which confer special powers on Councils and religious groups and determine the character and layout of the cemeteries. These provisions and the operational rules that are based on them are not to be touched by this amendment.

The distinct character of the cemeteries and specific rights of individuals and groups will not be affected in any way by this Bill. Examples are the availability of perpetual burial rights in West Terrace Cemetery and the lawn character of Enfield General Cemetery.

The Bill will not affect the position in the market of the subject cemeteries. The management reforms do not constitute a change in either the market position of the State owned cemeteries or the conditions under which they operate.

The proposed Bill is not intended to lead towards privatisation or commercialisation of the cemeteries. The Government's position is not to sell existing cemeteries.

The current Enfield General Cemetery Trust is comprised of:

- a chairman and two members nominated by the Minister;
- two members nominated by the Port Adelaide Enfield Council;
- one member nominated by the Treasurer; and
- one member nominated by rotation to represent religious denominations in South Australia.

Given that the three cemeteries are in three different local government areas and that together they represent the whole of the State Government's cemetery assets, it is reasonable that the Trust membership should be expanded to reflect the Trust's greater role.

Accordingly, the Bill proposes to increase the membership of the Trust by two; one each nominated by the Minister and the Treasurer.

I commend the Bill to the House.

Clause 1: Short title

Clause 2: Commencement

Clause 3: Amendment of s. 3—Interpretation

West Terrace Cemetery is defined by reference to the *West Terrace Cemetery Act 1976*.

Clause 4: Substitution of s. 5—Membership of trust

Two additional members are added to the Trust—one nominated by the Minister and one by the Treasurer. References to Enfield council are updated.

Clause 5: Substitution of s. 6a—Vacation of office of member nominated on basis of council membership

This amendment is necessary because of the amalgamation of the Enfield council with the Port Adelaide council. The provision is substantively the same.

Clause 6: Amendment of s. 12—Quorum

The quorum is altered from 4 members to 5 in light of the increased membership of the trust.

Clause 7: Insertion of s. 20A—Administration of West Terrace Cemetery

This is the central provision of the amending Bill. It requires the trust to administer and maintain West Terrace Cemetery and sets the parameters for that administration. The revenue of the trust from other sources may be applied to West Terrace Cemetery. The *West Terrace Cemetery Act* is to continue to govern interment rights and fees.

SCHEDULE—Miscellaneous Amendments and Transitional Provisions

Clause 1 converts references from chairman to chairperson and removes an outdated reference to the Enfield council.

Clause 2 provides that the current members of the trust remain in office.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

STATUTES AMENDMENT (COMMUNITY TITLES) AMENDMENT BILL

Returned from the House of Assembly without amendment.

ELECTORAL (COMPUTER VOTE COUNTING) AMENDMENT BILL

Returned from the House of Assembly without amendment.

ADJOURNMENT

At 10.52 p.m. the Council adjourned until Wednesday 9 July at 2.15 p.m.