## HOUSE OF ASSEMBLY

Tuesday 3 November 1987

**The SPEAKER (Hon. J.P. Trainer)** took the Chair at 2 p.m. and read prayers.

### ASSENT TO BILLS

His Excellency the Governor, by message, intimated his assent to the following Bills:

Appropriation,
Business Franchise (Petroleum Products) Act Amendment,
Constitution Act Amendment,
Education Act Amendment,
Jurisdiction of Courts (Cross-vesting),
Planning Act Amendment (No. 2),
Real Property Act Amendment (No. 2),
Summary Offences Act Amendment,
Technical and Further Education Act Amendment.

### DEATH of Mr W.P. McANANEY

**The Hon. J.C. BANNON (Premier and Treasurer):** I move:

That this House express its regret at the recent death of Mr William Patrick McAnaney, former member of the House of Assembly, and place on record its appreciation of his meritorious service and that, as a mark of respect, the sitting of the House be suspended until the ringing of the bells.

Having moved the motion, I support it on behalf of all members of the Government, although I personally did not know Mr Bill McAnaney well, as he had left the House before I became a member. However, I knew him both as a member and subsequently when he remained an active member of the parliamentary bowls team and could be seen around the House at various times keeping in contact with those with whom he had served in Parliament.

Mr McAnaney became member for Stirling in 1963 and retained that seat until 1970 when, as a result of the redistribution on which the 1970 election was conducted, he became member for Heysen in the first five years of the existence of that seat. So, in all he was a member of Parliament for about 12 years. During much of that time he served as a member of the Public Works Standing Committee.

Although never becoming a Minister, he was one of those members who played a vital role in the work of Parliament, both in the Party room and in the Assembly itself. I have asked some of my colleagues on this side who served with Mr McAnaney and it was interesting that all of them responded with warmth and affection. Indeed, it was clear that, as a member, Mr McAnaney got on with his job and obviously served his Party and his electorate well so as to maintain good relations with those on both sides of the House. He was very much part of a tradition in that respect.

Born in Strathalbyn in 1910, Mr McAnaney died there. Obviously, he was closely identified with the area from which he came and which he represented so well as a member. I am told that he had a number of great interests but that invariably, whenever Bill McAnaney spoke, the question of the railways came up. I had occasion to look at some of the remarks he made in his final Address in Reply speech in this House in which he and the member for Alexandra differed somewhat on the future of the Victor Harbor railway, Mr McAnaney believing that other more important railway development work could be undertaken. This was one of his great preoccupations: the cost of transport, and the effective network of railways and roads throughout the State. Mr Speaker, on behalf of the Government I would like to express condolences to his widow Teresa and the family, and mark with respect the service of an honest and well-serving back-bencher of this House.

**Mr OLSEN (Leader of the Opposition):** I second and support the motion moved by the Premier, that the House express its regret at the passing of Bill McAnaney. Bill had a long and comparatively recent involvement in this place: as the Premier has said, he was first elected to the House of Assembly seat of Stirling, later the seat of Heysen, serving about 12 years in all as a member of this House.

Prior to his election to Parliament, Bill McAnaney was Chairman of the Strathalbyn District Council and the district hospital board, and he served on a number of primary industry related committees. Bill was also an adviser to Rural Youth within his local community, was involved in his local church, and was a key member of the Strathalbyn Racing Club. Although he had spent about 28 years as a farmer prior to entering this House, he held a commerce degree from Adelaide University, providing a mix of experience and training that stood him in good stead during his time in Parliament.

His service in this House was very much dedicated to the needs of his constituents, and he always worked to ensure that their views were heard. Bill was always a person of independent mind in this place, expressing his views as he saw them on many issues—not infrequently the railways—as the Premier has referred to. While in Parliament, Bill McAnaney served for about seven years on the Public Works Standing Committee.

Bill also had a very keen and ongoing interest in the Liberal Party, which he served and which he believed in so strongly. He was elected as House of Assembly Party Chairman in 1968, and was involved in Party politics at a challenging time in the Liberal Party's history. His chairmanship and ability to relate to all members of the parliamentary Party were of great importance at that time. As well as his love of the Liberal Party and his will to see its policies and philosophy put into action, Bill McAnaney was a keen sportsman who took a personal interest in many forms of sport. His own participation in sport extended to his involvement with the parliamentary bowls team. He was one of the founding members of the Former Members Lawn Bowls Team, participated annually in competitions with the team and, I understand, was due to participate again in Perth early next year. Indeed, I understand that Bill McAnaney had been on the bowling green on the day that he passed away.

Bill McAnaney's greatest love was his family, a large but very close family of six children in all, and he took a keen interest in all their activities, their development, and their well-being. Mr Speaker, I therefore ask on behalf of the Opposition and the Liberal Party that you convey the condolences of my Party to Bill McAnaney's widow, Tess, and to his children, Janet, Patricia, Terence, Claire, Ann, and Sue.

**The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition):** I would like to be associated with this tribute to Bill McAnaney. He was one of those people whom it was

impossible to dislike. Indeed, members on both sides of the House regarded Bill with affection, and any members who have any trouble in linking up their remarks in any debate on a Bill should read Bill's speeches. It did not matter what legislation was being discussed, he could always link up the railways. If any member has trouble convincing you, Mr Speaker, that his remarks are relevant, I refer them to Bill's record. He was a likeable man. As my Leader said, he was a good Chairman of the Liberal Party. He served the Party loyally and, as has been said, with a certain independence of mind that was quite refreshing. I would like to be associated with this tribute to one of our former members.

**The Hon. G.F. KENEALLY (Minister of Transport):** I appreciate the opportunity to be a part of this motion. Bill McAnaney was a very good man; of that I do not think there is any doubt. Certainly, in my time here, he was one of the most popular members of Parliament on either side of the Chamber. Some of my fondest memories—and I am sure some of the fondest memories of my colleagues who served with Bill McAnaney—of the Parliamentary process have Bill McAnaney as a key figure with (conscious sometimes and unconscious at other times) his great humour and wit. He certainly brightened up the proceedings. He will be sadly missed by all those who knew him well.

**The Hon. B.C. EASTICK (Light):** I very briefly add my tribute to the memory of the late Bill McAnaney, who played a very significant role in the agro-politics of South Australia over a long period of time before he came into the South Australian Parliament. He prided himself on his commercial background and the fact that he had been involved in banking. He had a very keen interest in financial matters and, although they were not always modern day finance, the end results he was able to demonstrate on more occasions than one were beneficial.

I mentioned his long involvement with agro-politics; he was also, along with his family, quite supportive of the activities of the Department of Agriculture. In fact, work undertaken on his property at River Murray Lakes in relation to liver fluke finally brought that problem to an end and allowed commercial enterprise for both sheep and cattle to proceed without the problems that were associated with it.

He was a mulish man in some respects, as members will recall. If he got an idea he stayed with it, come hell or high water. One of the most interesting few minutes I have ever experienced in this place was an occasion immediately after he had been named when his attendance was required outside this place but it was not his intent to go. The Sergeant-at-Arms was summoned to assist in the operation. It was interesting to see him taking steps towards the member for Heysen's seat; the Sergeant-at-Arms' steps became shorter and shorter the closer he got to the immovable mass.

His wife Tess played a very vital role in the whole of the activities associated with Bill and his parliamentary experience. She has continued that association with members of the Party over a long period of time. To Tess, and all the members of the family whom he held very dear to his heart, I express my condolences.

**The Hon. D.C. WOTTON (Heysen):** I wish to pay a tribute as successor to the former member for Heysen, the late Bill McAnaney. He was known to people in South Australia as a primary producer and later as a member of this House, where he served for 12 years until he retired in 1975. He was a highly regarded, honest and likeable person and, particularly, a great family man. He worked tirelessly for his community, loved his bowls, and had a very keen sense of humour. He was always ready to assist whether the involvement was for a constituent with personal problems, whether in relation to community support, or it simply concerned a need for some hard physical work.

He always had an interest and involvement in accounting and financial management. In fact, it was his very strong belief that if a business, State or country could not first, and most importantly, manage its finances, there had to be serious consequences. Bill McAnaney had a wide interest in world affairs and politics, as well as the politics of his own State. He was receptive to new ideas and a better and different approach to any problem. During his lifetime he travelled extensively, always noting different methods of application and operation concerning anything that related to Government, financial management, farming, or whatever. On behalf of my family I acknowledge the help that Bill McAnaney gave to us on many occasions. Personally, I acknowledge the considerable assistance that he gave me when I first entered this Parliament. I extend my very deepest sympathy to his widow Tess, to their children and their families.

**Mr S.G. EVANS (Davenport):** I wish to add my condolescences on the sad loss of Bill. He was a friend, a person who helped me when I first came to this place, and was faithful and loyal at all times, whether to his philosophy or to those who were near him. He had a sense of fairness and his family would swear to that—all of his family were treated equally. He carried that sense of fairness through to all aspects of society with which he worked. He was a farming man; he was a practical man. He warned the State on many occasions that, if we kept on spending more than we earned, not only the State but the country would be in trouble. I suppose if there was one good thing about his living until he was 77, it was that he was able to live to say, 'I told you so!', because we all know that we are experiencing that situation now.

With that Scottish/Irish—more Irish—background, Bill had that determination and single mindedness not to give in because somebody had tried to corner him. He would fight and battle on. On behalf of my family, all of the electors whom Bill represented over the years, and the people with whom he worked, including those groups that he attended throughout the metropolitan area while supporting the Party—and he was one of the few members who went everywhere and supported all groups—I say to his family that they can live in peace, knowing that he gave his best, not only to them as a family, but to his church, the local community and the broader State community. I would be happy, Sir, if you would pass on to his family my condolences, those of my family, and those for whom he worked.

**The SPEAKER:** I will ensure that the *Hansard* record of the tributes paid to our departed colleague is conveyed to his family.

Motion carried by members standing in their places in silence.

[*Sitting suspended from 2.18 to 2.25 p.m.*]

## PETITION: TRANMERE MOTOR REGISTRATION OFFICE

A petition signed by 98 residents of South Australia praying that the House urge the Minister of Transport to reject

any proposal to close the Motor Registration Division office at Tranmere was presented by Ms Cashmore.

Petition received.

## PETITION: ELECTRONIC GAMING DEVICES

A petition signed by 11 residents of South Australia praying that the House reject any measures to legalise the use of electronic gaming devices was presented by Mr Lewis.

Petition received.

## APPROPRIATION BILL

The Speaker intimated that, in accordance with the resolution of the House of 22 October, the Bill, which had been returned from the Legislative Council without amendment, had been presented to His Excellency for assent, which had been formally notified in His Excellency's message.

# QUESTIONS

**The SPEAKER:** I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 5, 22, 141, 201, 209, 251 to 253, 256, 261, 266, 270 to 274, 279, 287, 288, 294, 308, 310, 315, 316, 318, 321, 322, 325 to 328, 330, 331, 333, 337 to 339, 346 to 348, 356, 358, 365, 366, 374, 382, 386, 400, 401, 406 to 418, 419, 422; and I direct that the following answers to questions without notice and questions asked during the Estimates Committees be distributed and printed in *Hansard*.

## GOVERNMENT EMPLOYEES GENDER

In reply to **Hon. D.C. WOTTON** (16 October).

**The Hon. J.C. BANNON:** Each agency is asked by Treasury to provide information on the number of persons and full-time equivalents employed at the last pay day in June. All agencies keep detailed records, including gender, on their core workforce. However, agencies employ temporary and casual staff, often on a very short-term basis, and the same detail is not kept on these staff. As a consequence, agencies in reporting staff levels in terms of full-time equivalents include the casual and temporary employees to give an accurate estimate of the employment level, but do not always have the details on the gender of every person employed. The figures reported in the Annual Report of the Commissioner for Public Employment reflect this.

At the last pay day in June 1987 there were 71 full-time equivalents listed as employed in administrative units and 3 281 full-time equivalents employed in statutory authorities, where the actual number and gender of employees could not be determined due to the limitations of the payroll/personnel systems of individual agencies in detailing the gender of casual and temporary staff. This problem is being addressed by the Public Sector Wide Workforce Planning Committee, which is aiming to collect gender information on all employees in the public sector. It should be noted that the number of employees whose gender was not recorded is less than last year.

## PAROLE SYSTEM

In reply to **Hon. E.R. GOLDSWORTHY** (15 October).

**The Hon. J.C BANNON:** I refer the honourable member to the answer given by my colleague the Attorney-General to a similar question posed by the Hon. K.T. Griffin in the Legislative Council. (Please refer to *Hansard* of 15 October 1987—pages 1193 and 1194).

## *ISLAND SEAWAY*

(Estimates Committee B)

In reply to **Mr D.S. BAKER** (22 September).

**The Hon. R.K. ABBOTT:** SAFA has provided bridging loans to the Minister of Marine for construction of the vessel. The interest rate applied was the prevailing 30 day bank bill rate and interest was capitalised monthly. The vessel was sold for $16 million to a nominee of a National Bank partnership between National Australia Bank Limited and National Australia Savings Bank Limited. It is considered extremely unlikely that any profit over principal and capitalised interest will eventuate. Of course, it is very likely that the ferry service will need to be subsidised by the Government and this will be handled by parliamentary appropriations to the Highways Fund, as in the past.

## PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. J.C. Bannon):

South Australian Housing Trust—Report, 1986-1987.

By the Minister for the Arts (Hon. J.C. Bannon):

History Trust of South Australia—Report, 1986-1987.

By the Minister for Environment and Planning (Hon. D.J. Hopgood):

Coast Protection Board—
Report, 1983-84.
Report, 1984-85.
Report, 1985-86.

Planning Act 1982—Crown Development Report on Division Land Martindale Hall.

Department of Environment and Planning—Report, 1986-87.

By the Minister of Emergency Services (Hon. D.J. Hopgood):

South Australian Metropolitan Fire Service—Report, 1986-87.

By the Minister of Water Resources (Hon. D.J. Hopgood):

Engineering and Water Supply Department—Report, 1986-87.

By the Hon. D.J. Hopgood, for the Minister of Forests (Hon. R.K. Abbott):

South Australian Timber Corporation—Report, 1986-87.

By the Minister of Transport (Hon. G.F. Keneally):

Committee Appointed to Examine and Report on Abortions Notified in South Australia—Report, 1986.

Chiropractors Board of South Australia—Report, 1986-87.

Occupational Therapists Registration Board of South Australia—Report, 1986-87.

Medical Practitioners Act 1983—Regulations—Practice Fees.

By the Minister of Education (Hon. G.J. Crafter):

Office of the Commissioner for the Ageing—Report, 1986-87.

Court Services Department—Report, 1986-87.

Non-Government Schools Registration Board—Report, 1987.
Supreme Court Act 1935—Rules of Court—Companies Rules—Gazetted:
Schedules of Alterations made by the Commissioner of Statute Provision.
Industrial Conciliation and Arbitration Act 1972.
Industries Development Act 1941.
Classification of Publications Act 1974—Regulations—Exemption.
Criminal Law (Enforcement of Fines) Act 1987—Regulation—Community Service Order.
Education Act 1972—Regulations—Registration Fee.

By the Minister of Labour (Hon. Frank Blevins):
Department of Labour—Report, 1986-87.
Occupational Health, Safety and Welfare Act 1986—Regulations—
Power Driven Machinery.
Logging Industry.
Construction Safety.
Pesticides.
Proceedings.
General.
Industrial Safety.
Workplace Registration.
Rural Industry Machine Safety.
Health and Safety Representatives.
Work Related Accidents.
Commercial Safety.

By the Minister of Recreation and Sport (Hon. M.K. Mayes):
Racing Act 1976—Rules of Trotting—Studmaster, Registration and Fees.

## QUESTION TIME

**The SPEAKER:** Questions that otherwise would be directed to the Minister of Lands will be taken by, I understand, the Deputy Premier.

### MINISTER OF MARINE

**The Hon. E.R. GOLDSWORTHY:** Will the Premier explain the absence of the Minister of Marine in Question Time? The Minister was on radio this morning talking about the *Island Seaway* and he could have been expected to be questioned on it today. His name appears on today's Notice Paper as presenting papers to the House preceding Question Time. No satisfactory explanation has been given to us about his absence, nor has any request been made in writing for a pair. This belated attempt to shield the Minister from questioning needs an explanation.

**The SPEAKER:** Order! The Deputy Leader is straying clearly into comment.

**The Hon. J.C. BANNON:** I understand that no formal request for a pair was made. I do not know whether the Minister of Marine will be back in time for Question Time, but he is down at Port Adelaide representing the Government in unveiling both the South Australian crest and the City of Adelaide crest on the HMAS *Adelaide*. It is a naval activity. I would have thought that relations between the South Australian Government and the Royal Australian Navy are one of the most important things we should be developing in this State.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** I was asked to perform the ceremony. Normally I would do so, and it would be very proper that I should, because relations between the South Australian Government, the community and the Royal Australian Navy are fundamental to a number of very important projects, in particular the submarine project and its development. It is those relations that have been so carefully cultivated which aided us in our case to be the appropriate site for submarine construction. I could have done that job, but I felt it was more appropriate that I as Premier should be here for Question Time although, looking at both the level and quality of questions put to me as head of the Government, I guess I probably made a mistake.

*Members interjecting:*

**The SPEAKER:** Order!

**The Hon. J.C. BANNON:** It would be totally inappropriate for the Government not to be represented at ministerial level. The Minister of Marine was stipulated to take on that duty. I am sorry if the Deputy Leader feels robbed by that, but that is the situation.

*Mr Rann interjecting:*

**The SPEAKER:** Order! The member for Briggs is out of order but does have the call for the next question.

### GRAND PRIX

**Mr RANN:** Will the Premier inform the House of the results of the latest research of a possible link between road accidents and the Fosters Formula One Grand Prix? At the time of the 1986 Grand Prix a report was released suggesting that the race could be responsible for an increase in road accidents in Adelaide. The report suggested the so-called 'hoon factor', that is, young people—mainly young males—driving more recklessly in an attempt to emulate Grand Prix drivers. This information was used to disparage the Grand Prix. I understand that further research has been conducted into this theory, and I ask the Premier to advise the House of the results of this research.

**The Hon. J.C. BANNON:** The honourable member is correct in reminding us that the analysis of the 1985 Grand Prix—the first and inaugural Grand Prix—contained some suspicion because there had been a much higher than expected report of accident and injury on the roads at that time than the normal statistical values would suggest. There was some evidence perhaps of a so-called 'hoon factor'—an attempt to emulate Grand Prix driving—but it was quite wrong in suggesting that it was fast and reckless—faster, maybe, but certainly not reckless. The Government was somewhat concerned about that and the Road Safety Division undertook a further detailed evaluation of the 1986 Grand Prix.

They made the point at the time, of course, that these findings on the 1985 Grand Prix were very much preliminary findings that needed validation, and a series of events, to see whether or not there was a pattern and whether or not one could ascribe some particular circumstances of the Grand Prix to that particular accident experience. I am pleased to say that the report which has just been presented to me and the Minister of Transport based on a more detailed analysis around the 1986 Grand Prix conducted into driver attitude, vehicle speeds, volume, weather conditions, and so on, has in fact come up with conclusions that are very encouraging.

First, there certainly was some increase in accidents in the weeks around the 1985 Grand Prix that could not be explained by annual trends and random factors. However, in analysing the 1986 situation, there was again some increase. It was confined to the week of the event, but it was much lower than the 1985 Grand Prix and only marginally higher than one would have expected on the normal basis of annual trends. Secondly, the increase in casualty accidents in 1986 was consistent across both sexes and all age groups, with the one important exception among 16 to

19 year old male drivers who were particularly being singled out as being influenced by the so-called 'hoon' effect, where accident numbers were reduced, not increased, in the 1986 Grand Prix period. So, that was a very encouraging finding indeed.

There is no evidence, the report concludes from the 1986 analysis, to indicate any direct psychological connection between the Grand Prix and drivers' behaviour: that is, the 'hoon' effect, or media hype or to whatever other reasons that could be ascribed simply could not be validated. There is no evidence to suggest an overall increase in speeding at the time of the 1986 Grand Prix (speed increasing at some survey sites, reducing at others). Overall that is the pattern that one would expect in the absence of such events.

The weather may have contributed to the accident trends in both years. It may be that the particularly fine weather leading up to the 1985 event resulted in additional social activity, vehicle kilometres travelled, traffic accidents, and *vice versa* in 1986. There is no evidence to indicate any increase in 1986 in drink driving, either, despite the comments made about the Fosters sponsorship. There is an indication of a causal connection between the accidents and the event itself that would show up purely because of the increased volume of traffic on the roads at that time, in terms of kilometres travelled and so on, but that is nothing out of the statistical ordinary.

Having said that, and having said that these findings are encouraging, obviously a further detailed analysis will take place in 1987, but these statistics should not make us relax our road safety effort during the period of the Grand Prix. We are again mounting over that period a major safety campaign in which a number of drivers in the Grand Prix have already agreed to take part; the campaign has in fact been worked up and filming will begin when they arrive in Adelaide. So, we are going to ensure that we remain very vigilant. But I think those figures or statistics in the findings from the Road Safety Division's evaluation fortunately put aside any concept of the Grand Prix creating some major problem in terms of reckless driving, speeding or drink driving.

## SATURDAY TRADING

**Mr S.J. BAKER:** I direct my question to the Premier. In deciding to support union claims for a $25 a week wage rise, penalty rates at time and a half and the 3 per cent superannuation payment as part of a deal to open shops on Saturday afternoons, can the Premier say what will be the impact of such claims on retail prices and retail sales, in which South Australia's performance has been the worst of all the States for the past three years and, if the Government has not made such an assessment before endorsing these outrageous claims, why not?

**The Hon. FRANK BLEVINS:** Mr Speaker—

**Mr S.J. Baker:** Who's captain of this ship? My question was to the Premier. Who's running the ship?

**The SPEAKER:** Order—or the honourable member will be in the brig! The honourable Minister of Labour.

**The Hon. FRANK BLEVINS:** We must go back into the history of the extension of shopping hours, but not too far. This is an important and serious question and it warrants the following frank reply. I want to point out whence the initiative for the extended trading hours has come. It has certainly not come from the trade union: the union traditionally has been totally opposed to extending shopping hours. It has not come from the consumers. For the three years during which I have been Minister of Labour I have had no approaches from even one consumer to extend shop trading hours. In every survey result that has been published, where the question has been asked, 'Would you like an extension?' the majority have said 'Yes' overwhelmingly. However, no-one has marched in the street or come to me. So there have been no requests from either consumers or unionists. The push has been from the Retail Traders Association, which has said that it wants extended shopping hours. Indeed, it has pressed me strongly, as it has pressed the Premier and the union strongly, for extended trading hours.

My view has always been, 'That's fine. I don't disagree with an extension of shopping hours. If you come to an arrangement with the union I shall be happy to take the matter to Cabinet.' Discussions eventuated between the parties but, unfortunately, the parties did not agree. Subsequently, two applications have been filed in the Industrial Commission for a variation of the award. On some calculations, the application by the Retail Traders Association can be seen to be a reduction in the wages and certainly in the conditions applying to shop assistants. So, the RTA by filing the application wants an extension of shopping hours at a cheaper price and no self respecting union would accept that. Having filed an application for an alteration of conditions and an increase in pay and also for an extension of shop trading hours, the RTA has eventually persuaded the shop assistants union as to the merits of extended trading hours.

It may well be that the RTA will get its fingers burnt and that the call for the extension of trading hours will result in increased pay for shop assistants. If that happens within the framework of the Industrial Commission and the commission says that those workers are entitled to an increase in pay, who are we to argue with that? It is entirely up to the commission. There may be increasing costs, but that depends very much on competition. If certain shops increase their charges excessively, such is the nature of the cutthroat competition in the retail area that, if other shops do not increase their charges, the latter shops will get the trade. So, by how much increased costs can be passed on to the consumer is the question that the market will answer eventually. It is impossible to quantify, because we do not know what the Industrial Commission will decide.

The Industrial Commission may decide on no increase. If it does, I will regret that because I believe that the shop assistants are entitled to a significant increase. In my 48 years, I have met many people including some wealthy retailers, but I have met no wealthy shop assistants. We are talking about a group of workers who have low pay and conditions. There is within the national wage fixing framework provision for an increase to be granted to shop assistants in accordance with a specific provision where special circumstances apply. We feel that that is an appropriate avenue for shop assistants to go through to test their claim for increased wages and improved conditions. However, it is entirely a matter for the Industrial Commission to decide. We will express a point of view in support of an increase. The Opposition is reported as saying that it opposes a wage increase for shop assistants, but we do not oppose it: we support it. Whether we support it or whether the Opposition opposes it, is somewhat irrelevant. The Industrial Commission will decide whether the increase is warranted, and the market-place will decide whether any additional cost incurred in providing extended shopping hours will be passed on to the consumer.

## GRAFFITI PENALTIES

**Mr HAMILTON:** Will the Minister of Transport confer with the Attorney-General and the Minister of Correctional Services on the possibility of the Government's encouraging the courts to order graffiti offenders and vandals to clean up their mess as part of the court punishment? As a consequence of the *News* article of Friday 20 October I have received strong public support from many sources supporting this reparation concept.

**The Hon. G.F. KENEALLY:** I am sure that there has been or would be general community support for this proposition. I am happy to take up the matter with the Attorney-General to see whether the courts may be encouraged to apply a penalty to so-called graffiti artists who vandalise property (of particular interest is STA property) and to see whether the courts will apply a community service order scheme or penalty as part of the overall penalty. I will speak to the Minister of Correctional Services to see how such an order can be implemented if it is imposed by the court. The STA advises me that the cost of graffiti to its operations annually is about $100 000. It is a serious matter indeed, and is a considerable cost to taxpayers in South Australia. It is a type of vandalism that, if possible, needs to be stamped out.

The STA transit squad has been effective to some degree in minimising vandalism, and is having some impact upon graffiti. I understand that, since October 1984, 160 suspects have been detected by the transit squad for illegal graffiti. Many of these people, who have been caught at it, have appeared before the appropriate courts or tribunals. This is a matter that the STA and the Government take seriously, and it is one that I intend to proceed with in discussions with my colleagues. When we are in a position to have a final decision as to the appropriateness of the penalties mentioned by the honourable member, I will bring down a report.

## *ISLAND SEAWAY*

**Mr OLSEN:** Before the *Island Seaway* goes into full service, will the Premier order that it undergo extensive all-weather sea trials in Investigator Strait? The waters between the mainland and Kangaroo Island through which the *Island Seaway* will sail can be amongst the roughest and most dangerous in the world, yet we are informed that the new ferry has not been put through sea trials in Investigator Strait. There are growing concerns, and these are being expressed within the Department of Marine and Harbors, as well as by independent experts, that the *Island Seaway* may not be safe in rough weather in the strait because of its flat stern.

I have been told that the so-called Pearson committee within the Department of Marine and Harbors determined the concept plans and other planning criteria for the vessel, and refused to listen to warnings about potential steering and safety problems. I also have documents in my possession which show that, in the middle of September, three weeks after the vessel was launched, a marine surveyor had identified 38 outstanding deficiencies in the vessel.

**The Hon. J.C. BANNON:** I can assure the House and the community that this Government is certainly not going to be responsible for putting an unseaworthy vessel into service anywhere. We would be totally irresponsible to do so. It can only go into service if it has had the proper certification that—

*Members interjecting:*

**The Hon. J.C. BANNON:** It will require the appropriate certification as to its running before it goes into service. A vessel cannot operate without conforming to that certification and those rules. That is a fact of life. I understand that, as there is with most vessels, all sorts of small matters have needed correction in the course of trials. Anyone who has had any experience in this area would know that that is the case. Those things have to be corrected, and work is being done in order to correct them. All I can say is that if, in fact, next week it is determined that the *Island Seaway* is to ply its trade between Kangaroo Island and Adelaide—and the sooner it does the better—it will be because it has had the appropriate clearances and it has been regarded as being worthy of operating on that route. If there are any doubts about that and if it does not get those proper clearances and accreditations, it will not run.

## MOBILONG PRISON

**Ms LENEHAN:** Can the Minister of Employment and Further Education say what education and training programs will be offered by TAFE to prisoners at the new Mobilong prison? As one of the members of this Parliament who attended the opening of the new prison, I, along with others, was shown over the excellent facilities which included workshops and classrooms. Following publicity given to the opening of Mobilong and the showing of programs behind closed doors, I was approached by a number of constituents who expressed concern about the incarceration of prisoners without rehabilitation and education. What education and training programs will be offered in this enlightened new prison?

**The Hon. LYNN ARNOLD:** I thank the honourable member for her question. Extra funds have been made available for the commissioning of an education and training program at Mobilong prison. I believe that the figure is about $125 000 but I will obtain specific information as to the exact figure and the disposition of that figure between education and training programs. That money will be put into three distinct areas. First, into some support work for helping prisoners obtain basic skills in numeracy and literacy; secondly, into enabling prisoners to partake other study programs, for example, matriculation studies or other programs through distance education; and, thirdly, through various training programs. However, I will obtain information in relation to how each of those elements is being catered for by the funds that are being provided.

It is worth noting that in this year's budgetary provision for the Department of Technical and Further Education there is no net overall reduction in the funds available for course delivery, as with every other year there has been a reallocation between different areas (and that situation has happened every other year). That means that funds have been made available from that resource to provide the funds for Mobilong. Where the significant cuts in the TAFE budget have taken place in terms of real reductions have been in head office expenditures, as I detailed prior to and during the Estimates Committee. There have been growing and changing expectations in relation to prisoner education. First, while there have been increases in recent years in the resources allocated to this area, they perhaps have not matched what has been the demand in prisons for the education needs of prisoners. The honourable member is quite correct in her question that very often it is lack of skills and lack of training that compound the problems that those prisoners may bring onto society when they are released.

Then there is the question of whether or not education within a prison is a right or a privilege: is it a privilege which can be withdrawn in terms of a punishment for misdemeanours in prison, or is it something that should be seen as a right of prisoners to ensure that the prison is trying to rehabilitate them so that they can take their place back in society once they have served their sentence? Then there is the question of who can best be regarded as administering education within prisons. Should, for example, the TAFE Department be the prime administering agent, or should it be the deliverer of education at the direction of the Department for Correctional Services?

These are fundamental questions, and it is in the light of those questions that my colleague the Minister of Correctional Services instituted a review into prisoner education, that review having representation from myself and my colleague the Minister of Education. That review has now finished its report and has given it to the Minister of Correctional Services, and the Minister and Cabinet will further consider that matter upon which direction we should go. The short answer is that extra money has been made available, and I will provide the details as to the disposition of that extra money.

## *ISLAND SEAWAY*

**The Hon. E.R. GOLDSWORTHY:** Will the Minister of Emergency Services, representing the Minister of Marine, who was suddenly called away, table in Parliament the line plans and specifications of the *Island Seaway* so that an independent marine surveyor can assess whether the vessel will be safe in all sea conditions? A large question mark hangs over the *Island Seaway*—and I refer the Minister to the report in the stop press in the *News* which has just been distributed that Eglo have now washed their hands of the problems with the ship and state that this trouble plagued vessel—I think that is the way it is described—is not their pigeon, but that it was built to plans and specifications drawn up by the Department of Marine and Harbors. I advise the Premier, who is raising his eyebrows, to read the stop press. Just to put everybody's mind at rest, will the Minister in this open Government table the plans and specifications so that they can be checked out independently?

**The Hon. D.J. HOPGOOD:** The question has an assumption built into it, and the assumption is that the Government would not take every step to ensure that the ship was safe before it was put into commercial operation. I completely reject that assumption. However, I will refer to my colleague the specifics of the question.

## COUNTRY FIRE SERVICE

**Ms GAYLER:** Can the Minister of Emergency Services advise the House of the state of preparedness of the CFS for the impending bushfire season, both across the State and in the high risk Adelaide Hills area (north-east), in terms of CFS vehicles, CFS volunteers and fire prevention work undertaken through local councils? The *Advertiser* yesterday reported Australian Democrat claims that:

> CFS volunteers would revolt against the service's administration.

The report went on to say:

> The main issue was mounting pressure on the association from district councils urging it to act over the defecting of more than half the State's 750 CFS units.

Those statements are at odds with information I am receiving locally regarding the best ever state of readiness in the Tea Tree Gully hills area. I wish to allay any concerns of my constituents having a mistaken impression following recent publicity.

**The Hon. D.J. HOPGOOD:** I find it bizarre in the extreme that any volunteers should criticise steps taken to ensure their safety in fighting fires. I can only assume that where people have such criticisms they have misunderstood the nature of the exercise, which is to ensure that vehicles are able to get to fires when these people are called out. I remind the House that in the last Ash Wednesday fires something like 30 vehicles did not make it to the fires, and that a very timely and relevant exercise was initiated by the Chairman of the CFS (Mr Macarthur) to ensure that that would not happen again.

It is better vehicles not be on the road than that they be on the road in a defective condition and, therefore, placing at risk the very people who are driving them. The exercise was undertaken initially by an officer of the CFS. The Local Government Association wrote to the CFS and suggested that the matter should be handed over to the transport authorities so that they could do the work with their expertise. We have proceeded with the exercise and 72 vehicles have been defected, not something like 300 as was reported one day in the popular press. At least half of those 72 vehicles are now back on the road and I am reliably informed that most of the remainder will go back on the road. Some will never do so, and nobody should be upset about that because they would only put people at risk.

In response to any suggestions that the inspectors from the Road Safety Division have been over-assiduous, there were some cases in which vehicles were not presented for inspection because it was known beforehand that they could not pass the test. I will quote in part from a minute to my colleague the Minister of Transport from the Director of the Road Safety Division, as follows:

> The first inspections were scheduled for 6 October 1987. Fourteen vehicles were scheduled for inspection. Of these, 7 were not presented because the local councils which owned the vehicles decided to deregister the vehicles because they believed that they were in such a condition that they would not pass any roadworthy inspection. Of the seven vehicles presented for inspection, three were defected.

I need only point to last weekend's unseasonable conditions and the way in which the CFS was able to meet that situation to indicate that things are in good shape. I believe that the CFS is in a better condition than it has ever been to meet the menace of the coming bushfire season. As a result of this exercise, we know that the vehicles that these people will drive will be safe.

The honourable member referred to her own electorate. Very briefly, I point out that at present there are three vehicles at the Haines Road station at Tea Tree Gully, two at the Seaview Road station, one at Paracombe and two at Hermitage. The city of Tea Tree Gully has been very thorough in issuing section 51 notices, and something like 3 051 have been issued. There is a mechanism to ensure that they will be complied with. Reserves in that area include an SPA reserve and the Black Hill and Morialta Conservation Parks. Trittering has been carried out in those parks. In the next couple of weeks, access tracks will be regraded, and the possible menace from those areas will have been reasonably addressed.

*An honourable member interjecting:*

**The Hon. D.J. HOPGOOD:** Sheep have been grazing in the SPA reserve for some time to keep down that possibility of concern. The steps that have been taken have been timely and appropriate in order to protect CFS personnel and, although some vehicles will not come back on the road, we are still well covered in that respect.

### *TROUBRIDGE*

**The Hon. P.B. ARNOLD:** Can the Deputy Premier, representing the Minister of Marine, say whether the Government is paying the new owners of the *Troubridge* $3 000 a day to retain the ferry until the *Island Seaway* goes into service? If it is, from what date was this commitment entered into and how much is the total cost expected to be?

**The Hon. G.F. KENEALLY:** The Government through the Highways Department is paying $3 000 a day to the new owners of the *Troubridge*. The Government was prepared to do that to ensure that the good South Australian residents who live on Kangaroo Island continue to have a ferry service. I would assume that in asking the question the honourable member is not suggesting that we should cease that service. If he is I would ask him to check with his colleague the member for Alexandra to see what his priority would be. The *Island Seaway* was expected to come into operation on 9 October, so the $3 000 a day has been paid since 9 October. We do not know what the cost of the rental will be because, while we expect the *Island Seaway* to be commissioned and in operation next week, that will depend on the vessel obtaining all clearances. It would be necessary for those clearances to be given before the *Island Seaway* goes into service. I thought that the honourable member, having asked me the question, would like to hear the answer, but obviously he does not like the answer he is getting.

In terms of the overall cost of the *Island Seaway*, whilst these additional costs are regrettable they are not huge. Seen in isolation they can be regarded as such, but the Government is subsidising the capital cost of the *Island Seaway* operating to Kangaroo Island to the value of $1.9 million per annum. That is without taking into consideration the operational subsidy that currently applies. So, in providing a service to Kangaroo Island, the Government is spending about $5 500 per day for capital subsidy plus operational subsidies that currently apply and will be reduced in the next decade or so. Added to that is the rental cost of the *Troubridge*. I have been reliably informed by people who know about these things that $3 000 a day is a very competitive rent for a vessel of that size.

*Members interjecting:*

**The SPEAKER:** Order! I call the member for Bragg to order.

### RAILWAY STATION RAMP

**Mr DUIGAN:** Will the Minister of Transport advise the House of the timetable for the completion of the redevelopment of the Adelaide railway station ramp? Access to the Adelaide railway station concourse is now limited to the station steps on the western side of the building or the escalators in the building on the corner of Bank Street, giving access to the underpass. Whilst these two entry points are satisfactory from a temporary viewpoint, those people with children, prams, pushers, large parcels and bicycles are being inconvenienced while the familiar ramp entrance is closed.

**The Hon. G.F. KENEALLY:** I will obtain for the honourable member details of the conclusion of the work that will be undertaken on the Adelaide railway station ramp. Cabinet has approved a tender submitted by S.J. Weir Pty Ltd for the work on the ramp which hitherto had been the main access to the Adelaide railway station. The fact that it has been out of service for some months has caused considerable inconvenience to a number of Adelaide commuters, and it is right and proper that the honourable member, as the local member for the area, should raise the issue. The total cost of the work, which includes mechanical and electrical work, will be $600 000, the funds for which are available in the 1987-88 STA budget. That ought to give the honourable member and the House some idea of the time scale involved for this work.

The work to be done includes repair of ramp walls, ramp paving, construction of new concessions—the existing concessions have been moved to alternative sites within the precinct—and there will be improvement of lighting and installation of fire detection equipment. When the work is done I believe the general aspect of the Adelaide railway station will have been improved enormously, to the benefit of all those commuters of the STA who use our rail service.

### *ISLAND SEAWAY*

**Mr INGERSON:** I direct my question to the Minister representing the Minister of Marine. Will he explain why the *Island Seaway* has what this morning's *Advertiser* describes as 'a long scar down its port side'?

**The Hon. D.J. HOPGOOD:** I have no knowledge of that, nor has my colleague. We will get the information.

**Mr Ingerson:** Everyone else in South Australia does. It ran into the bridge.

*Members interjecting:*

**The SPEAKER:** Order! The Premier, the Minister of Transport and the Deputy Leader of the Opposition are completely out of order, as is everyone else who is chipping in at the moment.

### PUBLIC HOUSING

**Mr FERGUSON:** Will the Minister of Housing and Construction confirm whether 45 000 people are waiting for public housing in South Australia and, if that is correct, why is the figure at such a high level? In an edition of the *News* on 22 October, Mr James Porter, Federal member for Barker, is quoted as saying that 45 000 people are waiting for public housing in South Australia and that only New South Wales has a higher level. Quoting Mr Porter, the report went on to say:

> The past financial year was one of the worst years on level for housing starts with 30 000 fewer than the originally forecast 147 000 new houses being built. This—and high interest rates—had squeezed out low income earners trying to buy, Mr Porter said, despite a fall in housing prices in Adelaide. The cutbacks had hit the poor looking for public housing harder than the States, he went on. 'In order to cut its previous extravagant expenditure, the Government has looked around for scapegoats and chosen public housing,' he said, 'At a time of unprecedented long queues of families seeking housing, the Government has cut $468 million from its public housing program.' Mr Porter claimed a shortfall in housing funds came through cutbacks in Loan Council funds (down from $585 million to $386 million) and capital grants (down from $476 million to $207 million) intended specifically for public housing.

**The Hon. T.H. HEMMINGS:** I thank the honourable member for that question, and I welcome Mr Porter's belated interest in the problems facing those people seeking public housing accommodation or those existing tenants. His interest is rather belated and totally unexpected, but Mr Porter is right: about 45 000 applicants are waiting for trust accommodation in South Australia. This in fact represents 100 000 people waiting for trust housing. He is right again when he says that only New South Wales has a higher number of public housing applicants than South Australia. The reasons for this are well known by those who are well versed in

public housing matters and one hopes that, when he gets to grips with his portfolio and forgets that he comes from the 'silver spoon' set, Mr Porter may be able to understand those reasons. But I think it is well known that South Australia, through the South Australian Housing Trust, has the best public housing in this country. It builds the best houses, offers the best services, and is the most humanitarian. Because of this, people are more inclined to apply for housing in South Australia because of the trust's image.

Also, public housing is part of the historical fabric of our State, and there is no stigma attached to it as there is elsewhere. The Federal funding cutbacks to which Mr Porter refers have been a great problem for the State Government, and everyone is aware of that. Two years ago we received $130 million under Loan Council borrowings for public housing, whereas this year we will receive only $51 million although, allowing for normal increases, we should have received $180 million. It is to the great credit of the State Government that it has reacted positively to this situation. Whereas the Federal funding cuts meant a reduction of $75 million in real terms to the State, the State's housing budget for 1987-88 is $150 million—only $50 million less than last year.

In other words, we at a State level absorbed $25 million worth of cuts to cushion the impact. We should like to build more trust homes annually and return to our previous average of 3 000 a year instead of the 2 130 that we will provide this year. Of course we would. However, Mr Porter's statements are the height of hypocrisy. After all, it was his Party, the Federal Liberal Party, which at the last election (and this policy was eagerly endorsed at the State level) advocated the abolition of the Commonwealth-State housing agreement. The Liberal Party also said that we should get out of nominated funding, the cheap method of funding, and promote the selling off of invaluable public housing stock at reduced rates—about 60 per cent of true value.

So, we have the hypocrisy of Mr Porter, the official Liberal spokesperson on housing, when the Liberal Party, which set out on a policy of getting out of public housing, has the nerve to criticise the Hawke Labor Government. My advice to Mr Porter and to others who have some concern for those seeking public housing is to get their act together, change their policy, and convince their Federal counterparts that the Liberal Party has a part to play in public housing. Only then will Mr Porter perhaps be able to make his criticisms with a clear conscience.

## UNION BAN

**The Hon. JENNIFER CASHMORE:** Can the Premier say whether the Government was aware that industrial action by Public Service unions would deny delegates to the SKAL conference, the world's largest and most prestigious gathering of travel agents, now being held in Adelaide, the opportunity to visit the Art Gallery and Museum during their lunch break and, if it was aware, what action, if any, has the Government taken to overcome the extremely poor impression that is being created among delegates by the closure of key institutions in the much promoted North Terrace cultural precinct?

Yesterday, when four delegates from Italy, Mexico, and Argentina asked me for the location of a nearby restaurant for lunch, I escorted them along North Terrace to the conservatory at Ayers House, using the opportunity to reinforce the words of the Lord Mayor and the Minister of Tourism about the importance of North Terrace as a cultural precinct. Having suggested a quick detour into the Art Gallery and Museum, I was extremely embarrassed to find that both were closed during the lunch hour due to industrial action. During the walk to Ayers House and back, I noted that several delegates from the conference were turning away in disappointment, having been induced by the Minister of Tourism to explore the cultural heart of Adelaide, only to find that it was closed.

**The Hon. J.C. BANNON:** I was not aware that this had caused a problem for the SKAL delegates. Obviously, however, it would cause a problem for people seeking to enter those institutions during their lunch hour, and that is to be regretted. I guess that the fact that it is causing a problem and raising interest and attention in the issue is the reason why the bans have been imposed. I guess that those who imposed the bans would feel gratified at the honourable member's question, because it indicates that in some way those bans are having an adverse effect. As far as I understand it, the bans have been imposed in pursuance of a claim for 4 per cent—

**The Hon. Jennifer Cashmore:** We know why the bans have been imposed.

**The Hon. J.C. BANNON:** Well, the honourable member can therefore understand why the Government is not prepared simply to say, 'We will pay, and you keep it open. Please make sure that these institutions are not closed because the SKAL delegates may be coming.' That would be totally irresponsible, and we would be rightly condemned for doing so. Strenuous efforts and major negotiations are taking place to try to resolve the situation, which I think is deplorable. The bans are most unfortunate, but the Art Gallery and the Museum are not closed all day: they are closed only for the lunch hour, and I hope that there will be other opportunities for those delegates to visit them. However, we will not be held to ransom by these means.

*Members interjecting:*

**The SPEAKER:** Order! Will the honourable Premier be seated. The Chair has been most indulgent while the honourable member for Coles has continued with a variety of interjections during the Premier's reply. This will not be tolerated. The honourable Premier.

**The Hon. J.C. BANNON:** Those members on the other side who bray at the Government about caving in to the unions, giving in to their demands, and that sort of thing, when it suits them turn it round on such an occasion as this and ask why we are not fixing it all up so that these people will not be disadvantaged. However, we understand what is going on, and it would be irresponsible for us to be held to ransom in this case. I am not prepared to do so, neither is the Minister of Labour. It is outrageous that the member for Coles and her colleagues can be so hypocritical in their approach to these issues. In any other circumstance the very same honourable member would be braying at us to ensure that we stood firm and did not give in. What is going on? The answer is to be found in the sheer opportunism of those opposite.

*Members interjecting:*

**The SPEAKER:** Order! I call the honourable Leader of the Opposition to order, and I warn the honourable member for Victoria that Standing Orders and the practices of the House preclude the brandishing of documents or newspapers. The honourable member for Price.

## HOUSING TRUST QUESTIONNAIRES

**Mr De LAINE:** Can the Minister of Housing and Construction say whether questionnaires regarding incomes are sent to all tenants renting Housing Trust accommodation?

To assess rent increases or reductions, questionnaires are sent to pensioners to assess their financial assets. One of my constituents has informed me that this does not apply to all rental tenants. If this is so, can the Minister say why?

**The Hon. T.H. HEMMINGS:** The honourable member's constituent, the person referred to, is correct: questionnaires are not sent to all trust tenants. Tenants who pay full rents are not required to supply information regularly on their income. Questionnaires on income are sent only to tenants paying reduced rents, because the rents of tenants are set according to a rent-to-income scale. Therefore, a tenant paying a reduced rent will have his or her rent raised or lowered according to changes in income. Pensioners do not pay full trust rents, therefore they are subject to a rent review on the same basis as all those on reduced rents.

Tenants paying full rents are not subject to income questionnaires because they are already paying a level of rent determined by the Government as fair on a cost-rent basis. Those tenants paying full rent provide a significant and necessary flow of rent revenue, without which the trust would be less able to offer 64 per cent of its tenants a reduced rent. The Government has increased South Australian Housing Trust rents by a real 20 per cent over two years. This is still being implemented, and a third stage of 5 per cent is due in February. The new cost-rent structure means that tenants pay a fair price for accommodation, while those in need continue to get a reduction.

## TUNGKILLO POWER LINE

**The Hon. D.C. WOTTON:** Can the Minister for Environment and Planning say what is the real reason for the delay in releasing the results of the environmental impact assessment relating to the 275kv power line between Tungkillo and Cherry Gardens? Also, when, if the Government still insists on pressing ahead with this project, is it expected that an announcement on the selected route for this transmission line will be made? I have been advised several times that an announcement would be made: in May I was advised that an announcement would be made within a matter of weeks—and that is six months ago. As the Minister has been advised on a number of occasions, many people will be adversely affected if the Government insists on proceeding with this transmission line, whichever route is selected. In the meantime, the delay in releasing this information is having an extremely detrimental effect on personal health, and has resulted in considerable uncertainty regarding land values etc.

**The Hon. D.J. HOPGOOD:** From what the honourable member is saying, it seems that he does not want a line to be built at all.

**The Hon. D.C. Wotton:** That is right.

**The Hon. D.J. HOPGOOD:** That is a rather interesting piece of information, not only for members of the House but also for the people of South Australia, I would have thought. Either we have electricity reticulation or we do not have electricity reticulation. It is interesting that the honourable member should be broadening the debate. I would assume that he was taking a reasonably responsible attitude and that there had to be some corridor for reticulation, and the question was only to do with which was the more or the less environmentally acceptable route. I cannot answer the honourable member's question. The matter of the assessment of proposals is a professional responsibility of officers in my department, and I do not interfere in that in any way whatsoever.

My role is to take the assessment, once it has been made, and use it as the basis of the Government's decisions. I will not interfere in that professional process while that assessment is going on. The honourable member must understand that what happens in all of these processes under sections 49 or 50 of the Planning Act is that first an EIS has to be prepared. That takes a considerable time, and then that EIS has to be assessed. That also takes time. Once I am in a position to have all of the relevant facts before me I will, of course, be putting appropriate information before my colleagues.

## FENCES ACT

**Mr ROBERTSON:** Will the Minister of Education ask the Minister of Consumer Affairs to consider amending the Fences Act to allow the non-contracting party in an agreement under the Fences Act some form of legal redress against a contractor employed by the other party? This question has arisen from a constituent inquiry, and has already been drawn to the attention of the Minister, but I seek some formal indication that the Act will be reviewed and that in the review some consideration will be given to giving legal redress to the second party, if you like, to an agreement under the Act in the event of a dispute between a contractor and the parties entering into that contract.

**The Hon. G.J. CRAFTER:** I will certainly pass on the honourable member's question to my colleague for his consideration.

## CFS VEHICLES

**The Hon. TED CHAPMAN:** Will the Minister of Emergency Services provide this House with vehicle registration numbers and the names of the respective councils responsible for those vehicles that failed to turn up to the Ash Wednesday fire in 1983 when called upon to do so by the Director of the CFS or his officers? During the past couple of weeks the Director of the CFS in South Australia, apparently with the authority of the Minister, has made certain statements on this subject, and has said publicly that one of the reasons why vehicles are being subject to inspection by officers of the Department of Transport is that those vehicles are not in a tidy and safe mechanical order.

To support the thrust of his argument he has said publicly on more than one occasion that many vehicles failed to turn up to the Ash Wednesday fires when called upon to do so, clearly implying that those vehicles were not mechanically able to make the trip. Today, in his answer to a question from this side of the House on this touchy subject, the Minister actually nominated a figure of 30 vehicles that failed to turn up apparently for exactly the same reasons—that they were allegedly mechanically unsound and were therefore unable to attend the fires. In conclusion, I have had reported to me that a number of councils and authorities in the field on Ash Wednesday 1983 refused to release vehicles from their districts for reasons unrelated to the mechanical order of their vehicles, that in fact they took conscious decision at the local level in view of the fire dangers, risks, and temperatures etc., not to release the vehicles from their home towns, a practice that has been adopted at the discretion of local communities for a long time in this State.

**The Hon. D.J. HOPGOOD:** I am sure that Mr Macarthur will be only too happy to furnish me with the information that I can furnish to the House. Should anyone believe that the exercise that we have just done has been unnecessary, I invite them to look at the results of that exercise. Surely

the fact that so many vehicles had to be subject to a good deal of work to put them back on the road indicates how important it was that this exercise should have been undertaken.

## RACING ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

## SITTINGS AND BUSINESS

**The Hon. D.J. HOPGOOD (Deputy Premier):** I move:

That the time allotted for—

*(a)* all stages of the following Bills:

National Parks and Wildlife Act Amendment Bill,
Motor Vehicles Act Amendment Bill (No. 2),
West Beach Recreation Reserve Bill,
Architects Act Amendment Bill, and
Supreme Court Act Amendment Bill.

*(b)* consideration of the amendments of the Legislative Council in the Road Traffic Act Amendment Bill (No. 2)—

be until 6 p.m. on Thursday 5 November.

Motion carried.

## MOTOR VEHICLES ACT AMENDMENT BILL (No. 3)

**The Hon. G.F. KENEALLY (Minister of Transport)** obtained leave and introduced a Bill for an Act to amend the Motor Vehicles Act 1959. Read a first time.

**The Hon. G.F. KENEALLY:** I move:

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

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

Leave granted.

### Explanation of Bill

Its object is to allow the Registrar of Motor Vehicles to refuse to register a motor vehicle if the vehicle does not comply with laws relating to the maintenance of the vehicle, as well as its design or construction. Also, if a vehicle complies with all relevant provisions of Australian Design Rules, the Registrar can still refuse registration of the vehicle if he is satisfied that the vehicle poses a threat to the safety of persons using a road.

All other States and Territories have a general safety provision in their legislation which enables them to refuse registration of such vehicles. The Commissioner of Police has similar powers under section 161 of the Road Traffic Act to suspend the registration of a motor vehicle where he is satisfied that such a vehicle is unsafe for use on roads.

Clause 1 is formal.

Clause 2 provides two further grounds for the refusal of initial registration of a motor vehicle. Paragraph *(a)* makes it clear that if a vehicle does not comply with any laws relating to the maintenance of vehicles (for example, brakes or emission control equipment), then the Registrar can refuse to register the vehicle in this State. Paragraph *(b)* provides that even if a vehicle complies with all relevant laws, the Registrar can still refuse to register it if satisfied that the vehicle poses a threat to the safety of people on the road (for example, the windows are unduly reflecting, particularly dangerous bull bars are attached, etc.).

**Mr INGERSON** secured the adjournment of the debate.

## NATIONAL PARKS AND WILDLIFE ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1520.)

**The Hon. JENNIFER CASHMORE (Coles):** The Opposition supports this Bill, which introduces new developments that have been called for by various sections of the community concerning various aspects of the operations of the National Parks and Wildlife Act. It also introduces what has been variously described as a creative concept, namely, the establishment of regional reserves or, alternatively, that same concept has been described as a downgrading of the Government's commitment to conservation and protection of the environment.

Having consulted with a large variety of bodies, on this occasion I must commend the Minister, as I was unable to do in relation to the Aboriginal Heritage Act, for what appears to be a genuine attempt to consult with the various interests involved. However, I must add that conservation groups, as distinct from the pastoral and mining groups, were not happy with the nature of the consultation in that they felt that, every time they developed a view on this Bill—and I understand that this is the sixth if not the seventh draft—before they had a chance to really present that view to the Government, yet another draft came forward.

Nevertheless, it is clear that the Bill has been the result of extensive efforts by the Government to ensure that all interests that are to be affected by it have had at least some opportunity for input. The Bill is exceptionally important, because it reflects, in essence, the changes that have taken place in the 15 years since the principal Act was introduced. There is no doubt that there have been extensive changes both in land use and in community perceptions since 1972.

In looking at this Bill and at the principal Act, it is important to identify the purposes for which national parks are established. It has been said that national parks are the highest environmental expression of human self-restraint; that their existence is testimony to the recognition by ordinary people that without them our materialistic, technological way of life could continue unchecked and wreck the very fabric of our existence. I think that we would all recognise that the existence of national parks provides—particularly for those of us who need it (and today that is the majority)—an opportunity to escape from cities and literally recreate life, in the true meaning of the word 'recreation', by coming again into contact with nature. Nature refreshes the human spirit, it reasserts our place in the whole scheme of things, and it inspires us with natural beauty. Unless people living in the cities have access to that kind of recreation, life can become a dispiriting affair.

It is essential that we have access to parks, and that was recognised in this State in the last century. However, it was not until fairly late in the last century that it was recognised anywhere in the world. It was a different world then; it was a world in which large populations still lived in the country and the city populations were nowhere near as vast as they are today. Most people would find it difficult to put into words their feelings towards the natural world and wildlife, but instinctively we are drawn to it. One only has to look

at the patronage of our most popular near city parks to understand why.

National parks in South Australia preserve the best of our State's natural environment, although not all of it by any means. They are meant to contain sufficient of that environment—and particularly sufficient representative areas of that environment—to enable us to retain the original state in which South Australia was discovered. That is important for a vast variety of reasons, by no means all of them aesthetic. Many of them are distinctly practical reasons that relate to our very survival, both in terms of food production and in terms of our place in the whole ecological system.

It is worth looking at the principal Act to see what categories of parks were established when it was introduced in 1972. There were four categories: national parks, which are limited to areas of national significance judged by their occupying wildlife or the natural features of the land; conservation parks, namely, areas with valuable wildlife or interesting natural features but of lesser national importance; game reserves, that is, areas suitable for the management of game species, usually ducks, whilst conserving species native to the area (during restricted periods shooting of some species may be permitted—hence the title 'game reserves'); and recreation parks, which are set aside and are managed primarily for public recreation and enjoyment, and many of these were formerly managed as national pleasure resorts.

Before looking at the provisions of the Bill, I will give a brief background of the acquisition of national parks and reserves in South Australia. I am indebted to a paper presented to the Royal Geographical Society of Australasia and reproduced in the proceedings of that society, volume 78 of 1977, by Colin Harris, a senior officer in the Department of Environment and Planning. In that paper Mr Harris tells stories of how interested individuals and various pressure groups intervened and patiently lobbied successive and basically unsympathetic Governments to achieve national parks. The first national park in the world was Yellowstone National Park in the United States of America, established in 1872. Some years later, in 1891, the South Australian State Government enacted national park legislation that established the Belair National Park (formerly known as Government Farm). That park was the second in Australia, the first having been the Royal National Park south of Sydney which was set aside in 1879.

At the outset it is essential, I believe, to acknowledge the committed work of the Field Naturalists section of the Royal Society of South Australia in achieving the acquisition of Belair and its dedication as a national park and its work over subsequent decades, and still today, in pressing Governments, with unrelenting determination, to care for nature and to set aside portions of it in the interests of the whole community. The whole question of parks in South Australia has, from the outset, often been a conflict between conservation interests and mining interests. Popular conception may think that this is a relatively recent development—it is not. It was happening in the last century and, because of the nature of South Australia's resources, it undoubtedly will continue to happen as long as this State remains a State. Certainly, the Field Naturalists' Society became recognised as the champion of moves to set aside areas for national park purposes.

The next area that was sought by conservationists in terms of a haven for endangered mainland species was western Kangaroo Island, which subsequently became the Flinders Chase National Park. In the 1890s key members of the Field Naturalists' Society and its Royal Society parent body put an extraordinary amount of time, effort and money into the struggle for Government approval for acquisition of that park. At the time there were deputations of up to 100 people. It is most important that those of us who see the conservation movement as something that developed gradually in the 1950s at the time of Rachel Carson's books, *The Sea Around Us* and *The Silent Spring*, should realise that it is not the contemporary political phenomenom that we think it is. This struggle has been going on for a long time, and anyone engaged in it can look to the pioneers of the movement in South Australia and learn many lessons from them.

Following the dedication of Flinders Chase as the climax of a 27-year campaign—not a short effort by any standards—attention was turned to the West Coast and the Murray Mallee of the State to protect areas of mallee scrub which were believed to be vulnerable. I would like to mention some of the key names in those early struggles. They included the Rev. W. Howchin, Professor Ralph Tait, J.G.O. Tepper, Professor E.C. Stirling, Dr Joseph Verco, Samuel Dixon, W.H. Selway and Edwin Ashby, all of whom were remarkable for their tenacious lobbying. As a result of that continued lobbying and as a result, in particular, of Ashby's concern to preserve the mallee scrub near Murray Bridge as an area for the breeding population of the mound building mallee fowl, the Government subsequently, and following the promise of a gift of land from Robert Sweet McDonald, acquired land for an area that has become known as the Ferries-McDonald Conservation Park.

**The Hon. D.C. Wotton:** A magnificent area.

**The Hon. JENNIFER CASHMORE:** It is a magnificent area, and one that is a striking tribute to the foresight, astuteness and tenacity, as Mr Harris describes them, of those men and women who worked for the acquisition of that park. Following that acquisition, it became clear that the Government had no expert advice on flora and fauna conservation and, as a result, the Flora and Fauna Advisory Committee, which could be described as the forerunner of the bodies that today advise the Government on conservation matters, was set up.

In the 1930s, South Australia was undertaking a thorough reappraisal of agricultural prospects in its so-called marginal lands, and on the West Coast, Upper Eyre Peninsula, Upper North, Murray Mallee and Murray Flats people started to look not so much at creating parks but at reclaiming some of the land that had already been dedicated to park for expanding agricultural purposes. In 1940, the Peebinga and Billiatt reserves, which were uncleared areas of mallee scrub in some of the most erosion prone country of the Murray Mallee, were acquired. A secondary reason for their acquisition was the suspected presence of the rare mallee whipbird. After the acquisition of those parks, the Mount Lofty Ranges were examined and Obelisk Estate, immediately west and north of Mount Lofty, was acquired as a national pleasure resort in March 1945. Then followed the spectacular Wilpena Pound in the Flinders Ranges in October 1945, Horsnells Gully in September 1947, Mount Rescue in the Upper South-East in 1953, and Kellidie Bay on Southern Eyre Peninsula in 1954.

It must be recognised that in many cases the reasons, as Mr Harris says, for dedication had little or nothing to do with flora and fauna conservation. It was often an acknowledgment that the land was of no commercial use. In the case of the acquisition of Hambidge and Hincks national parks, it was made quite clear by the Government of the day that they were flora and fauna reserves only for as long as the land was not in demand for agriculture. I think it was really believed by some in the Government and in the

community that those reserves were useless in economic terms and, at the very worst, were a hindrance to the State's continuing development. I believe that that attitude today would be recognised as absolutely untenable, but that does not alter the fact that the conflict in terms of priorities regarding land use exists just as intensely today as it did 20 years ago, or indeed 100 years ago. In fact, there was enormous pressure to resume the Hambidge National Park and it was only the extraordinary efforts of the Field Naturalists that resulted in the retention of the park.

In 1960 the Government set up a committee to reappraise fundamental issues such as why reserves should be set aside, how they should be managed, and who should manage them. A report was prepared by Sharman, Speck and Cleland, all highly respected South Australian conservationists and naturalists, and a key recommendation of that report was that the care, control and management of flora and fauna reserves be transferred from the Flora and Fauna Advisory Committee to the Commissioner of National Parks and Wildlife Reserves, which was a statutory authority set up to administer the Belair National Park. In March 1982 that formal transfer took place, and that was a real watershed in the development of parks in South Australia.

Since then, acquisition has speeded up and become more diverse. For example, Torrens Island, Port Gawler and Clinton were established to protect mangrove communities; Elliot Price, the Simpson Desert, the Gammon Ranges and a huge (still unnamed) park in the north-west of the State were set aside to protect arid communities in the inland.

Land has been acquired over the years to protect individual species of plants and animals. Calectasia in the South-East was set aside to preserve the blue tinsel lily; Swan Reach was acquired to protect the Murray Valley population of the hairy nosed wombat; and Innes National Park was acquired in the early 1970s to protect a particular bird native to Southern Yorke Peninsula. I am not sure whether it is an endangered species, but the land was acquired to ensure that its habitat was preserved.

*The Hon. D.J. Hopgood interjecting:*

**The Hon. JENNIFER CASHMORE:** Indeed, there was assistance from the holders of that mining tenement. Throughout the 1960s, farmers and farmer organisations continued to urge the resumption of parks and reserve land which was considered suitable for agricultural development, and there were battles then, there are battles now, and there will be battles into the future. Certainly, the enactment of the Native Vegetation Act in 1984 was a watershed in conservation in this State. In fact, it was a world first, I understand, in terms of legislation to compensate landholders for their inability to clear vegetation regarded by the community as a whole as being essential in the interests of the State. I think many South Australians are not aware that that was a world first, and something of which we can be proud.

Along with all of these acquisitions, which have continued in a quite significant fashion since then, but which are not covered in Mr Harris's report to the Royal Society in 1977, a Bill was introduced in mid-1972 for the consolidation of all that had gone before, and the National Parks and Wildlife Act was proclaimed. Amongst other things, this Act consolidated flora and fauna conservation measures formerly administered under separate legislation. It established important park management procedures, a new nomenclature system for parks and reserves, abolished the National Parks Commission and replaced it with the National Parks and Wildlife Service, which was a division of the newly created Department for the Environment and Conservation, subsequently renamed the Department for the Environment.

That represents briefly the background to the acquisition of parks in South Australia. I have referred principally to farming interests but it must not be forgotten that much land was cleared for mining. The Burra and Kapunda mines, which literally saved the State from economic ruin, depended on the cutting of much timber, and the hills around Burra and Kapunda are completely bald and denuded as a result of those mining operations. I admit that they have a strange, understated beauty in their present state but I would love to see a reafforestation program on those hills. That would be to the benefit of farmers if it could be established, because protection for stock and prevention of erosion are very important considerations. So much for the history of acquisition.

The condition of the parks today needs to be examined. It is fine to have the parks but it is quite another thing to have them in a degraded or neglected condition. Unfortunately, that is what has been allowed to occur. It is impossible for the Opposition to debate this Bill without making reference to the failure of the present Government to provide resources that will enable our national parks to be managed properly. It has been said time and time again by the Minister and his loyal officers that the first priority must always be acquisition because opportunities do not often or readily occur for the acquisition by the Government of environmentally important areas. That is not disputed. However, to continue along the path of acquisition without providing resources for proper management is irresponsible in the highest degree. When the Government's own friends and supporters start seriously criticising the way in which the Minister is administering the parks and the Government is failing to give priority to resources for those parks, surely it is time for the Government to sit up and take notice. In the *Public Service Review* of July 1986 it was stated:

> The National Parks and Wildlife Service, however, is expected to do increasingly more with decreasing resources. As fast as new demands are placed on the service, e.g. land clearance, positions that fall vacant are not filled and funds are not provided to maintain existing projects or adequately develop new schemes. Staff in the service have constantly demonstrated a dedication and commitment to their work, well in excess of their remuneration and outside normal working hours.

I am sure that all members, particularly members of the Liberal Party whose electorates are adjacent to or embrace many of the national parks in this State, warmly endorse that statement. We all know of the enormous dedication of park rangers and of the extremely difficult conditions under which they are expected to work. The *Public Service Review* goes on to say:

> Parks and game reserves throughout the State are suffering from varying degrees of neglect, which in some cases may prove to be irreversible. At Cleland, the Waterfall Gully to Mt Lofty trail lost three bridges and all the sign posts during Ash Wednesday. None have been replaced. Erosion damage is now widespread along the trail. There are no funds for maintenance of newly constructed open area animal displays of dingoes, wombats and euros. Service buildings are also badly neglected. This is the condition of a conservation park which is promoted throughout Australia and overseas.

It is to that park that this week many of the 2 000 delegates to the SKAL International Congress of Travel Agents will be taken to see Australian flora and fauna within 20 minutes or so of the city. The visitors will be delighted by the flora and fauna but they will not be delighted or impressed by the condition of the park, and the Government must address that problem.

It is all right for the Government to say, 'Yes, but where will we get the money from? Is it to come out of hospitals, schools or the Police Force, about which the Opposition

has expressed concern?' We say that the funds could come from improved management, and on numerous occasions the Opposition has cited amounts of money that have been demonstrably wasted by the Government in pursuit of some of its more airy-fairy objectives. I have not forgotten the tens of thousands of dollars that were allocated to the Storemen and Packers Union caravan park as an example of an area from where money could be directed to a more appropriate and responsible use.

Those were the comments of the Public Service Association about the Government. I turn now to the AGWA and FMWU which, in 1986, issued a newsletter, on the front of which was a rather pathetic picture of an emu and a kangaroo knocking on the door of Don Hopgood, MP. Out of the window was shown a balloon, 'Go away. I'm too busy.' That tells an interesting story. The summary of what the union thinks of the Government's action is very interesting and worth reading into the record. The newsletter refers to fire breaks and the fact that ground fuel reduction or burn-offs are not attempted, through lack of staff.

In the House today, the Minister gave what appeared to be a reassurance about the preparedness of the CFS for the coming fire season. He did not make any reference to the readiness or the preparedness of the national parks for the coming fire season and, if it is to be like last year and, more particularly, the year before that, the situation is very serious indeed and we run a great many risks through lack of resources in the National Parks and Wildlife Service.

The union newsletter stated that fire access tracks are not maintained for vehicle access through lack of staff. This is not a Liberal politician speaking; this is George Young, Branch Secretary of the AGWA and FMWU. Recreation facilities are not maintained—they are either closed down or simply not upgraded through lack of funds and staff. Erosion control programs are non-existent as a result of lack of resources, and this will have long-term and irreparable effects on the parks. Weed control and revegetation programs are only carried out on a token basis through lack of staff and funds, and this does not meet pest and plant commission requirements. In other words, the Government cannot even observe its own statutes when it comes to the management of the national parks of this State.

That is a deplorable situation and one for which the Minister holds full responsibility. He and his colleagues have simply failed to give the National Parks and Wildlife Service the facilities, resources and support that is essential. What is happening is a rundown and the degradation of the parks which, as has been admitted by the relevant unions, could in some cases be irreversible, particularly when it comes to erosion and bushfires. The unions are concerned that inadequate resources have led to a lack of assured safety to the public and the staff. The newsletter's final point is about roads in the national parks, and all of us on this side of the House would have something uncomplimentary to say about such roads.

They are deteriorating rapidly. They are causing damage and accidents to vehicles driven by members of the public and, as the union states, this situation is caused by lack of funds for repairs. This is the sort of thing that has to be examined in light of the Minister's commendable attempts in this Bill to establish a structure that will ensure conservation in South Australia through a park system. It is absolutely futile to have a piece of legislation like this, admirable though it may be, unless we have the resources to back it up and make it work. I say to the Premier, the Minister and members of their Party that, unless they are prepared to give more resources to national parks, the Government's so called commitment to conservation and the environment will be seen as nothing but a sham.

The Minister would well know (and I will refer to this later in my speech) that groups of people are evolving who are thoroughly familiar with virtually every tree, stick and stone in some of the parks. They are the public's watchdog and they are keeping an eye on the parks and putting in their own resources, but at some stage they will say, 'We've had enough. We must demand that the Government matches its rhetoric with some kind of resources.' I looked through my files and found that in March 1986, just before the Easter break, I pointed out that national parks were at crisis point as a result of scandalous neglect. I referred to Wilpena Pound and the Government's repeated broken promises to establish a toilet block in the caravan park.

I referred to Morialta Park in my electorate where native vegetation is being choked by olive trees and where tables and chairs in picnic areas are falling to pieces. Effluent from antiquated toilets was flowing into Fourth Creek, although I believe that that situation has been corrected. After a very hot summer there was not a blade of grass in the picnic area because the National Parks and Wildlife Service had no money to pay for reticulated water. It simply could not afford the pumping fees, because of increased electricity costs, to water the picnic area. That is the most basic facility that a visitor to a metropolitan national park would expect to find.

In Black Hill native flora park trees were dying from heat stress. In Flinders Chase, where visitor numbers had doubled in the previous three years, there had been no increase in staff despite a huge increase in demand for information, camp permits and the maintenance of facilities, including the upkeep of existing shelters and toilets. Farmers on south-eastern Eyre Peninsula are continually complaining to me and my colleague about the poor condition of fire tracks and fire breaks. Regional tourist associations are very concerned indeed about the poor presentation of the parks and the lack of information and proper management. In the Minister's own electorate at Hallett Cove—

*The Hon. D.J. Hopgood interjecting:*

**The Hon. JENNIFER CASHMORE:** It used to be in the Minister's electorate. That area contains a geological monument of international significance but it is overrun with thistles. The beach at its edge is just a degraded mess and it is virtually in the heart of the Adelaide metropolitan area, yet the Minister does not seem able to allocate resources to ensure that that conservation park is properly maintained. When we look at the staffing ratios it is absolutely ludicrous, and it is no wonder the rangers are demoralised and depressed.

In Belair, the oldest, most historic and most visited park in the State, the septic system for the public toilets is 50 years old and raw sewage flows into the creek system. A number of the tennis courts are closed because of resurfacing costs and one only has to look at the surface to know that nobody could possibly play on them. There are enormous erosion problems, which can only be cured by expensive mitigation and planting programs. Many of the roads are in a state of disrepair with increasing incidences of vandalism, which always happens unless there is proper management and a presence by park rangers.

The Government's priorities are all wrong. It can find almost $2 million for the Storemen and Packers; it can find $1.7 million for an entertainment centre which will not be built; it can find $13 million to aquire a New Zealand timber company in extreme financial difficulties, but it cannot find resources for the staffing of national parks. If we look at the staffing establishment for the parks as at

January 1986 we find that the number of Public Service Act and weekly paid positions should have totalled 270. In fact, there was funding for only 249 positions. The situation has not improved in the subsequent year.

I happen to have an extract from a Department of Environment and Planning document entitled 'Future Direction for the National Parks and Wildlife Service' dated 17 December 1980. That document referred to a Cabinet submission on the matter stating that an assessment of desirable staff levels, including appropriate support staff and the establishment of regional offices, indicated that 279 additional staff would be required by the end of June 1981. As the Minister knows, my colleagues and I were in Government at that time. The total number of staff then was 164, so 443 was seen as the desirable level. Cabinet recognised the financial situation and recommended 124 positions and approved 129 positions. The imposition of staff ceilings stopped any progress on improving staffing levels. The Government at that time was being much more responsible in its general expenditure of public moneys than is this Government. I do not believe that there are many, if any, examples of waste, let alone gross waste and incompetence, that could be directed at the door of the Tonkin Government.

It is interesting to look at the figure of 443 and at the figure which pertains today in terms of staffing levels in the Department of Environment and Planning. Too few people are being asked to do too much, and it is an impossible task. There is, however, one very bright spot in this rather gloomy picture of the Government's neglect and degradation of national parks. I refer to the group known as the Friends of National Parks, established with the encouragement and under the auspices of the Ministry of my colleague the member for Heysen, who was then Minister for Environment and Planning. As a result of his efforts in that direction South Australia has 37 groups who have befriended national parks and conservations parks throughout this State.

I recently had the privilege of attending a seminar held by the Friends of Parks and found it very touching indeed, in fact inspiring, to hear the stories—often simple stories—of the people who have come from all over the State including the Barossa, Belair, Black Hill, Brownhill Creek, Butchers Gap, Canundra, Beachport, Sturt Gorge, Troubridge, Whyalla, Windy Point, Reevesby, Simpson Desert, Innes, Ferries-McDonald, Old Government House, Onkaparinga, Cleland, Deep Creek, Fort Glanville and other areas. I hope that I have not missed anyone who was present on that occasion and from whom we heard what they were doing for the parks.

It is worth a brief explanation; I do not want to take too much time of the House, but what I am about to say I believe is important, because it is illustrative of what has been done and what needs to be done. The Barossa Friends of the Park engaged the assistance of the local primary schoolchildren with boneseed control in Sandy Creek. At Belair they are working on education and they have adopted Sir John Cleland's practice of an annual walk around the boundaries of the park. This year's walk was held on Sunday 25 October. This is a classic example of how members of the public, as the eyes and ears of the park, so to speak, observe what is going right and what is going wrong. This is a resource that any Government would be—and should be—pleased to acknowledge, because it provides assistance that could not possibly be provided by the same number of paid employees and it provides information of a kind that is invaluable. However, its value is limited to what the Government is prepared to do with the information.

The Friends of Brownhill Creek have an aim to bring back as much of the park as possible to its original vegetation. They are clearing exotic vegetation and weeds, and planting natives. In Sturt Gorge the friends have planted 10 000 seedlings over 15 hectares and are working on a campaign to eradicate olive trees. At Reevesby the friends' main project is the restoration of one of the original homesteads. They are removing rubbish and photographing the flora and fauna—they recognise a major problem as boxthorn. At Sturt Gorge they have established an awareness program for children and they have planted literally thousands of trees in a cleared area.

Some speakers at that seminar were not the kind of people that some would associate with the conservation movement, perhaps, very highly educated people with some academic interest in the subject. They were ordinary housewives, ordinary men and women, ordinary workers and ordinary children who obviously had a commitment to parks and to nature which was so strong that some of them found it difficult to speak for the lump in their throat when they described the beauty of their parks and what they were doing for them—or more than one park in some cases. This is the commitment that exists. It is spread right throughout the community. What is the Government going to do about it—aside from enacting this Bill? That is the important question and the question that only the Minister and his colleagues can answer. There are, of course, other conservation groups, too numerous to mention, many of them very long established in South Australia.

I turn now to the Bill itself. Its primary purpose is the provision of a new reserve classification to be known as the 'regional reserve', which will allow for the preservation and protection of lands under the Act whilst at the same time allowing for the utilisation of natural resources under agreed conditions in such reserves. The Minister announced his intention in relation to the regional reserves earlier this year, and he used the opportunity of the National Parks Foundation to present to the public of South Australia the concept of regional reserves and the application of that concept to the Cooper Basin region. That region encompasses a large proportion of the north-east of South Australia and represents two conflicting and highly significant areas of importance to this State.

One is the fact that the Cooper Basin has a petroleum potential in a specific area of 3.3 million barrels of recoverable oil and 4 800 million cubic feet of sales gas. In the Cooper Creek State heritage area the potential is 9.2 million barrels of oil and 4 500 million cubic feet of sales gas. Therefore, it is clear that the Cooper Basin area has been, is, and will be of critical importance to the economic future of the State.

At the same time, that area is one of immense environmental significance. There are recordings in the Innamincka area of 500 plant species, 185 bird species, 47 reptile species, and 16 fish species. The area is the habitat of a number of bird species that are regarded as especially significant. These include the plumed whistling duck, the freckled duck, the Eyrean grass wren, the grey falcon, and the black breasted buzzard. The plumed whistling duck has rarely been recorded in South Australia, and the freckled duck, which is one of the rarest water birds in the world, is considered to have its breeding stronghold in the Innamincka wetlands system, which includes the Coongie Lakes which are rated as being worthy of inclusion on the world heritage list.

In the light of the importance of this regional reserve concept and its application to the Cooper Basin area, in particular the Innamincka-Coongie Lakes area, it is worth quoting from the Rangeland Assessment on Innamincka

Station conducted by the Land Assessment Branch of the Department of Lands in May 1986. Commencing on page 88, the summary states:

The long history of grazing by domestic and feral animals on the Cooper floodplain has resulted in reduced plant cover and changes to the soil structure.

Innamincka Station is leased by the Kidman Pastoral Company, which has operated the station for many years and which, I am pleased to say, has indicated its support for this regional reserve concept. The summary continues:

Mining impact, particularly seismic track construction, has promoted severe erosion on the gibber plains (Merninie land system). The influx of tourists to the area poses many potential soil erosion problems including trampling of vegetation, removal of plant litter, formation of erosion gullies through vehicle passage during wet weather and soil compaction.

On page 89, the report identifies problems, as follows:

The major environmentally damaging impact associated with exploration is the grading of seismic tracks (shot lines). These promote soil erosion, alter surface water flows, and allow uncontrolled tourist access. Increased soil erosion may also indirectly affect aquatic fauna and flora through increased siltation and turbidity levels. Oil spillage from pipelines, tankers and sumps poses a potential environmental threat to the wetland habitats. Water blockages caused by the construction of elevated roads and seismic tracks may significantly alter water distribution, especially the flow in the NW branch. Seismic tracks can also disturb and/or destroy historical and archaeological sites, as often these are difficult to identify, particularly Aboriginal stone arrangements in the gibber plains. Finally, tracks degrade wilderness qualities and the natural beauty of the area.

So, it is clear why the Government chose to use what I call this creative approach, although others may call it an ingenious device, to enable the Innamincka-Coongie Lakes area of the Cooper Basin to be brought under the National Parks and Wildlife Act while, at the same time, allowing its continued mining and pastoral use. It must be recognised (and I believe that it is recognised even by the most dedicated conservationist) that, much as we love nature, we must live.

Indeed, we have to survive in a world where tough economic competition makes survival difficult. We also have grown to expect, and in many cases demand, a standard of living that sometimes brings us into conflict with nature and its available resources. We are now starting to learn that we cannot be profligate in our use of natural resources: we must be responsible. At the same time, however, we must recognise that the mineral resources of the Cooper Basin are an asset without which this State would be badly off indeed.

**The Hon. E.R. Goldsworthy:** It's a very good oil scheme.

**The Hon. JENNIFER CASHMORE:** Yes, it is a very good oil scheme, as I am reminded by my Deputy Leader, who is a former Minister of Mines and Energy.

**The Hon. E.R. Goldsworthy:** It was a Liberal achievement.

**The Hon. JENNIFER CASHMORE:** Yes, it was. I must stress the concern that conservation groups feel for the status of the regional reserves. In my discussions over the past week it has been made clear that these groups feel that these reserves will make conservation vulnerable at all times to other multiple use interests. I have been asked to consider moving to amend the Bill so as to ensure that no national park can ever be declared a regional reserve.

I place on record (and I do not doubt that the Minister will reinforce this when he speaks) that regional reserves will not and cannot in any way be used to diminish the status of national parks. If the Government wanted to transfer a national park from national park status to regional reserve status, it would first have to abolish the national park. If it wanted to do that, it would, under section 27 (4) of the National Parks and Wildlife Act, have to get a resolution through both Houses of Parliament.

So, national parks are preserved as much as they ever were from any possible reduction in status as a result of the creation of regional reserves. In short, any amendment designed to ensure that no national park can ever become a regional reserve is redundant in the sense that such inbuilt protection is already in the Act. It is important to stress that and have it put on the record, because that assurance is obviously needed. The other provisions of the Bill include the upgrading of existing flora and fauna protection provisions, which the Opposition warmly supports.

It includes the revision of the provisions of the Act as they relate to the hunting and food gathering by Aborigines both within the reserve system and on alienated land, which we also support. It is interesting to see that the upgrading of both flora and fauna protection and the revision of the provisions in relation to hunting and food gathering reflect the changing attitudes of the 70s and 80s in respect of both of those issues. The establishment of a reserve services fund to enable the Minister to recover moneys from licensed concession holders for what might be described as municipal services is also supported.

In fact, it could be described as somewhat ironic that the Minister is enacting a number of provisions which are much in line with Liberal philosophy and which will make our job in Government after the next election in managing the national parks system much easier. We thank the Minister for his commonsense and foresight in recognising the importance of these issues.

The Bill clarifies the powers of wardens operating under the provisions of the Act. In his second reading speech the Minister said that these powers are similar to those of authorised officers under the Fisheries Act. They may be similar, but that does not necessarily mean that they are desirable. The Opposition fully supports powers for wardens that enable them to carry out their function responsibly and effectively.

However, we do not support powers that are so draconian that they deprive ordinary citizens of what should be fundamental rights. In Committee, I will go into more detail as to what we believe are reasonable modifications that should be placed on those powers which we have sought and I believe achieved in other statutes in recent times. The Bill secures the tenure of all game reserves so that their security is the same as that applying in conservation parks and national parks, and we applaud that initiative. It provides for alteration of the boundaries of a reserve to provide for minor alterations or additions to public roads that may adjoin that reserve.

There is some anxiety among conservationists about this provision, and I am sure that the Minister is aware of that. The fact is that on both sides of the House we recognise the difficulties that have occurred in attempting to make very simple and desirable changes from a conservation point of view to national parks. However, there is a fear—we might describe it as an irrational fear, but to those who hold the fear it is a very soundly based fear—that there is something underhand or a sinister motive afoot when a Government wants to move a road. I believe the Minister himself has had difficulties, and certainly his predecessor did.

There was one instance where the acquisition of a tiny section—something like quarter of an acre of a national park—would have facilitated the change of a road. In exchange for that, there was a willingness to offer nearly 2 000 hectares of land to add to the park, but it was not permitted to happen because of the present arrangements for the alteration of boundaries for reserves. There is a provision requiring submission of any proposals to establish

a new reserve or to alter the boundaries of an existing reserve to the Minister of Mines and Energy.

The Minister administering the Act must consider the view of that Minister in relation to the proposal. The Bill also includes the provision allowing the Minister of Mines and Energy or a person authorised by him to enter a reserve and undertake any form of geological, geophysical, or geochemical survey that does not involve the disturbance of the land. The question here is: who judges what involves disturbance of the land?

We believe that that is a judgment that can be made only by the Minister administering the Act. Therefore, we believe that there should be a requirement for the Minister of Mines and Energy to consult with the Minister administering this Act before the Minister of Mines and Energy undertakes any form of survey. It is simply not possible to expect the Department of Mines and Energy to have the resources and expertise required to judge what involves a disturbance of land in an environmental sense. Often these matters hinge on judgments of such a fine nature that one who is not aware of the significance of certain aspects of the land, the ecological or environmental significance of certain aspects of the land could not possibly be expected to judge that it involved disturbance. However, disturbance it well may be and that disturbance could be damaging in either the short or the long term.

We support the provision in the Bill for the penalty for the possession of native plants taken illegally in this or in any other State. Certainly, we could not argue with the Government's effort to act to deter anyone who wishes to use South Australia for a clearing house for illegally acquired ferns, orchids or other plants. The provision for the responsible Minister to declare open season for the taking of protected animals, rather than the present provision which provides for the declaration by Governor's proclamation, is supported.

The allowance for greater flexibility in declaring open days following consultation with the appropriate bodies and examination of seasonal factors, I think, is one that is very necessary. In Committee I would like to question the Minister whether that power may be used to reduce what have become plague populations of corellas that are threatening crops in some areas and destroying very precious native vegetation in other areas. I am assuming that this kind of provision would give the Minister that power. Precious though they are, and beautiful though they are, corellas when present in plague proportions invariably result from the introduction of exotic pastures and, if that is presenting a problem, it should be dealt with in the interests of conservation. We should be adopting a practical approach to it. Of course, that approach should be taken in consultation with the appropriate bodies and with an examination of seasonal factors.

*The Hon. D.C. Wotton interjecting:*

**The Hon. JENNIFER CASHMORE:** Several of my colleagues are having problems with possums, and I wonder whether the Minister will be using this provision to deal with them.

*Members interjecting:*

**The Hon. JENNIFER CASHMORE:** I think that there is much illegal disposal of possums one way or another. We support increased penalties for illegal hunting without written permission of the landowner, and we support the provision that hunting cannot take place on unalienated Crown land without the approval of the Minister of Lands. The provision for a regulation to restrict or prohibit the removal of wood, mulch or other dead vegetation from reserves is certainly supported. There is no question that, with the increase in open fires and pot belly stoves, wood gathering has become a pleasant recreational pastime for people who want to save on their wood bills. Many of those people do not realise that they are taking away a resource that is essential for the regeneration of vegetation. It is often essential as a habitat for various fauna, ranging from almost infinitesimal in size to quite large, for example, Malleefowl. The Bill needs to be read in conjunction with the Mining Act, the Petroleum Act, the Lands Act, the Pastoral Act, the Heritage Act and, of course, the indenture Acts for Roxby Downs and the Cooper Basin.

**The Hon. E.R. Goldsworthy:** Is it in plain English, or do you need the *Oxford Dictionary*, too?

**The Hon. JENNIFER CASHMORE:** Frankly, it is not as plain as I would like it. During the Committee stage the Opposition intends to move amendments that will clarify, for the lay reader, the intent of the legislation. We also wish to strengthen the Bill in several respects in order to assert the primacy of the conservation purpose of the Bill. After all, that is the essential purpose of the Bill, and we believe that the primacy of conservation should ring through its clauses and make clear to any reader of the subsequently amended Act that conservation is what these amendments are all about.

As I mentioned, the Bill needs to be read in conjunction with these other Acts. The indentures are sacrosanct in so far as they represent a binding statutory agreement between the Government and the developers which expresses the will of Parliament and which must be upheld in all circumstances. Clause 20 refers to the agreements that can be entered into by the Minister with the holders of mining tenements in relation to land that is or has become regional reserves. Those agreements will essentially be the same as management plans for the ordinary national park. Of course, the very word 'agreement' implies that nothing can be done until both parties agree what those plans should be.

While I am on the subject of management plans, and before I conclude my speech, I stress that the Government's record in relation to management plans for national parks is not at all good. In fact, it is very poor. Management plans have been operating for 15 years, and a rather poor job has been done of developing and authorising them. Apparently, draft management plans have been produced for 85 parks and authorised management plans have been produced for barely a dozen parks. That means that only one third of the parks in our system have management plans at all and management, as I said earlier, is an absolutely essential tool of conservation—and only 5 per cent of the total national parks in South Australia have authorised plans. That simply is not good enough. As with resources, it is essential that the Minister acts to improve the situation.

As a result of advice I have been given by conservationists I believe that a useful move for the Minister would be the development of concept plans that identify broad directions for management, leaving the detail to management plans that could be developed at a later date. Most informed people seem to believe that a concept plan, especially for a whole region embracing national parks, is a matter that could be developed in a relatively short time by any well informed person; it is not something that requires untold hours of work, untold members of staff and access to untold expertise. The concept is important, and it is essential that we get that sorted out in the first instance and then move on to the specific details of management plans.

As I have said, the Opposition supports the Bill. We are critical of the Government's management of parks but we certainly wish to support any move that will result in the conservation of greater areas of South Australia and in the

improved management of those areas that we already possess. The fact that the Coongie Lakes area is likely to be listed on the world heritage list makes it imperative that we, in South Australia, recognise, under statute, its significance and ensure that it is properly managed. At the same time we must ensure continuing protection for the rights of indenture holders. I hope that, a result of debate on this Bill in this House and as a result of public debate on the concept of regional reserves and conservation generally, the Government will be forced to realise that it cannot let another year pass without improving resources to national parks, improving the rate of authorisation of management plans and, most importantly, improving the staffing of the parks so that the people committed to doing the job can get on and do it.

**The Hon. D.C. WOTTON (Heysen):** In speaking briefly to this legislation, I do not intend to refer to the provisions of the Bill that have been adequately canvassed by my colleague the member for Coles. I support the Bill. When one considers that the Act of 1972 was proclaimed at the time the National Parks and Wildlife Service was established, and when one recognises the sensitivity concerning the management of those reserves, it is incredible that major amendments have not been brought forward in that time. When looking through earlier files recently I came across a submission prepared after a considerable amount of work following a major review of the 1972 legislation carried out while the Liberal Party was in office. A submission was taken to Cabinet just prior to the 1982 election to ensure that new legislation was drawn up. It is a great pity that it has taken all this time for legislation to come before the House to bring about many of the changes deemed necessary over that long period.

The National Parks and Wildlife Service has had a number of problems. When it was established in 1972, development involved the amalgamation of staff from various bodies such as the National Parks Commission and the Department of Fisheries and Fauna Conservation. Recently I have read of some of the work carried out by the National Parks Commission. As the member for Coles indicated earlier, a number of dedicated people made up that commission and the Flora and Fauna Advisory Committee before that. The objectives of the service, as clearly specified in the 1972 legislation, are to provide for the establishment and management of reserves for public benefit and enjoyment and to provide for the conservation of wildlife in a natural environment. I strongly support the Bill. As indicated by the member for Coles, amendments to be moved in Committee will strengthen the legislation, and I believe they are appropriate and necessary.

I refer to a couple of points made by the member for Coles. I am pleased at the way in which the Friends of the Parks group has progressed in recent years. Again, in looking through some earlier files, I was reminded of some of the significant problems that we had in getting that project off the ground. There was an enormous amount of consultation, both with staff and with the responsible unions at that time. Many times I felt that we would not be able to proceed with that scheme, but I am delighted that that has progressed, and the member for Coles has referred to the success of that program and the very large number of people who are now able to be involved in a voluntary capacity supporting the professional staff of the National Parks and Wildlife Service.

I would like to pay particular respect to one officer of the department, Mr Dean Cordes, who has carried out his responsibilities in that area quite magnificently. I cannot imagine anybody who could have done that work on a more professional basis. He is very well respected throughout the community. He spends an enormous amount of time on his duties and is totally dedicated as, I might say, are the majority of the officers in the National Parks and Wildlife Service. I was always most impressed with the dedication shown by those officers, both at the senior level and particularly those out in the field.

I recall people like Mr George Lonza, who some time ago was recognised for his considerable contribution in the National Parks and Wildlife Service. He was the ranger of the Flinders Chase National Park, Kangaroo Island, for some 32 years. He is quite an incredible person, and if I had a little more time I would refer in detail to some of his achievements. However, he is only one of many who have been extremely dedicated in the service that they have given to the national parks system in this State. I also want to say how delighted I am with the way the national parks consultative committees are working. They were established in an attempt to provide more consultation between National Parks and Wildlife Service officers and the general community.

*The Hon. E.R. Goldsworthy interjecting:*

**The Hon. D.C. WOTTON:** Yes, I was able to introduce that scheme as Minister, and it was during a time when considerable concern was being expressed by landowners about the operations of the national parks. A lot of that concern came about because they did not understand what the officers of the National Parks and Wildlife Service were trying to achieve, what were their goals and objectives, and what were their responsibilities. Creating these consultative committees and bringing together people from all walks of life—those from the land, those representing the Country Fire Service, local government and conservation bodies generally—and enabling them to sit down and talk about the management requirements of the parks in their area has, I think, helped the whole system considerably. Again, I was pleased the other day to receive some information regarding the consultative committees, and I was interested to see how many of those people who were appointed back in 1981-82 are still working as part of those committees and are showing considerable dedication, when it is recognised that they are doing so in a voluntary capacity.

The third area I am particularly pleased to recognise is the formation of the National Parks Foundation. I know that some of the people involved in that foundation have been a little frustrated in that they have not been able perhaps to raise the funds that they hoped to raise. They are still doing a magnificent job and in a voluntary capacity are able to bring to the knowledge of the general public the workings of the National Parks and Wildlife Service and their responsibilities. That was set up just at the conclusion of the Tonkin Government's term in office and, again, as Minister I was pleased to be associated with the formation of that foundation, recognising that it is a totally independent body. I recall very vividly visits I made to New South Wales particularly, and it was during one visit that I became aware of the National Parks Foundation that had been formed in New South Wales and was working very successfully. I came back with that concept and the hope that the same type of foundation might be established in South Australia, and I am delighted that that has happened.

One of the most pleasing aspects about conservation today is the strength of feeling on the part of our younger generation in particular. I am always most impressed when I have the opportunity to visit schools and, even with my own family of four young children, I recognise the commitment that there is to conservation. Our young people

particularly are very fortunate indeed—as are we all—when we recognise the potential and the magnificence of the parks and reserves that we have in this State. As I have said on numerous occasions in this House, one of the greatest pleasures that I had as Minister—and I am sure it has been shared by those other Ministers in this portfolio—was to be able to spend time—and I certainly would have liked to have spent a lot more time—being taken through many of the parks that many people in this State do not have the opportunity to see. I still regard the five days I spent in the Unnamed Conservation Park in the north-west of the State as five of the most magnificent days that I have ever spent in my life.

*The Hon. D.J. Hopgood interjecting:*

**The Hon. D.C. WOTTON:** I am sure it is: I can understand that. I was fortunate enough on that occasion—

*The Hon. E.R. Goldsworthy interjecting:*

**The Hon. D.C. WOTTON:** That is another story. We could relate lots of stories this afternoon. I was fortunate enough on that trip to the Unnamed Conservation Park to take with me one of my sons who now, at the age of 17, is totally committed to the parks system and constantly talks about the five days that he spent in the Unnamed Conservation Park. The Deputy Leader refers to his involvement with Seal Bay. I was delighted when the Deputy Leader agreed to come across and declare open some of the magnificent improvements that had been made to that park and the facilities surrounding it.

I would almost go so far as to say that it was a turning of the tide for the Deputy Leader—the day of his conversion. On that occasion I recall very vividly that we had to tear him away from the opportunity that he took to discuss with national parks officers some of the benefits that all the people of this State can enjoy in the parks. It all boils down to the dedication that is shown by so many people who work in the service.

As the member for Coles indicated, there is plenty of room for concern about problems of mismanagement, the lack of staff and the lack of financial assistance to ensure that these parks are managed properly. That gives me particular concern, and I am sure that it concerns all of us. The other day I had the opportunity to go through some of the areas of Cleland Conservation Park that are not so accessible to the general public. I was particularly concerned about some of the noxious weeds in that park, and I envisage that if something is not done very soon to overcome that problem a lot more will be said by the public and more demands will be put on the Government to ensure that weed infestation is rectified. As the member for Coles said, it is part of our heritage; it is our responsibility. The Government must come to grips with it.

The member for Coles has referred to that matter quite adequately, and I do not need to say much more other than remind the Minister of the responsibility that he and the Government have to ensure that these parks and reserves are staffed adequately and maintained. If that is to happen (and we all hope that it is), it will require a considerable input of finance and an increase in staff. I regret that I will not be here this evening to question the Minister during the Committee stage, but I will be interested to learn from my colleague the member for Coles the answers that are provided to a number of questions that I know she intends to put to the Minister. I support the legislation and only regret that it has taken so long to come before the House.

**The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition):** I will be fairly brief. There is nothing much wrong with the legislation at all, but I want to make a couple of comments that are pertinent to the Bill. As Minister of Mines and Energy between 1979 and 1982, I seemed to have a running battle with certain sections of the conservation movement in South Australia. That was unfortunate because I was a member of the Cabinet that was instrumental in making some very significant changes, which were referred to by the former Minister responsible for conservation (Hon. David Wotton). I supported that legislation wholeheartedly, so I had an ill-deserved reputation. It was a very diplomatic invitation for me to go and open Seal Bay.

**The Hon. Jennifer Cashmore:** Now you are a born-again greenie.

**The Hon. E.R. GOLDSWORTHY:** I have always been a greenie; I did not need to be born again.

**The Hon. D.C. Wotton:** You are a born-again conservationist.

**The Hon. E.R. GOLDSWORTHY:** Yes, a conservationist. I am interested in conserving human and animal life and property. We still have problems with the national parks in the hills face zone. Let me say at the outset that a sensible balance has been struck in this Bill. The interests of people who are about the business of developing the resources of the State, which impinges on the quality of life of the whole community, must be considered. With the way that the stock market is going, this country could be further down the tube and be bankrupt.

It is increasingly necessary that the balance be maintained between the people who are accused of exploiting the natural resources of this country and the conservation lobby. They are constantly at loggerheads over this eternal argument. Obviously we will have to reconcile these two points of view and develop our resources. Otherwise, the vast majority of the population will wallow in poverty and misery and will get their only comfort in contemplating the national parks that they cannot afford to visit or appreciate. My point is a question of balance, and this Bill is reasonably well balanced.

I want to highlight the point raised by the member for Coles about the neglect of the parks. I stress that, in balancing interests, particularly in the hills face zone, we must conserve the life and property of the people who happen to live above those parks. I make no apology for referring again to the derelict condition of those parks just prior to the Ash Wednesday disaster; nor do I make an apology for reminding the Minister and the House that, if anyone should have been taken to court over the fire which burnt out my property and that of a lot of people through that part of the world, it should have been the Government, because of the way in which Government land in the hills face zone had been allowed to deteriorate.

I compliment the efforts of the former member for Newland, who worked for a long time simply to get sheep back on to that bit of land that had been grazed for years before the Government got hold of it about seven or eight years ago—probably a bit longer than that—when it fell into a state of complete neglect. The former member literally had to fight for months to get that land grazed so that the underbrush that had grown in the meantime could be grazed. There has been an improvement.

However, I am appalled at the lack of cooperation from some Government departments. The Minister who is handling this Bill is also responsible for the E&WS Department. I hope that he speaks with the Chairman of the CFS Board, because I am on the same wave length as the Chairman in relation to this matter. I know that he has been a controversial figure and that the Minister thinks his motives are right and is giving him his head to try to come to grips

with the problem of fires. At this stage I have no argument with Mr Macarthur about his wish to come to terms with the enormous build-up of fuel and the danger that it presents to Hills dwellers. Most of the fuel where the bad fires start is on Government land. The E&WS wants to lift its game, and Mr Macarthur knows that.

I notice that the present member for Newland is talking with the Minister, and my next point concerns both of them. I was particularly concerned about the amount of vegetation which has been allowed to grow along the roadside and which has been deliberately planted on Government land to screen quarries and the like. That makes those roads impassable when there is a fire.

I hope that the two people concerned with this—the member for Newland and the Minister—heed what I am saying, because I did approach the present member for Newland, who happens to be my member in this place—believe it or not. I made a couple of representations to my member and she took up the matter, unfortunately without success. I received a good hearing and courtesy from her, but the end result was that she was unsuccessful. She approached the Tea Tree Gully council about this roadside vegetation, without success, so I approached the council myself, as an outsider and not a ratepayer. I did not seem to have any more clout than did the incumbent member. They said that they could not do anything about the trees because of the 'greenies'—their word. It is plain stupid for Governments to require highly inflammable native vegetation to be planted on roadsides, growing on either side of the road.

The Mines Department might have been responsible, in cooperation with the Department of Environment and Planning, for planting highly inflammable eucalypts to screen the quarry. I would far rather look at the quarry than get burnt out, as the quarry's days will come to an end and it will be rehabilitated. Excellent legislation is in place for the rehabilitation of quarries. It is a fact of life that about every 20 or 30 years we will have an Ash Wednesday. To suggest that that will not happen is simply flying in the face of reality. In every generation (or less) we will get an Ash Wednesday.

It annoys me intensely, having been through two 'Ash Wednesdays'—Black Sunday in 1955 and Ash Wednesday three or four years ago—to see the stupidity of the requirements of Government and neglect of Government that allows this to happen. The Black Sunday and Ash Wednesday fires started in the main on Government land which had fallen into a complete state of disrepair and neglect. I hope the Minister continues to give the new CFS Director his head in relation to reducing the fuel load on Government land. He will have fewer problems with me and with any members on this side on that issue than on any other issue before the House thus far in relation to the CFS.

We can learn a lot from Western Australia. I was there in January and its climate is every bit as dry as ours—or drier in the summer. Less rain falls in the vicinity of Perth in the summer than in Adelaide. I have been there in January when they have been doing slow burning on appropriate days simply to avoid a major catastrophe later. We have had all the business about not burning this undergrowth in some of the parks, which are really native scrub all around the State. Nature lights fires in many of them reasonably frequently. Lightning starts fires—

**An honourable member:** For good reason.

**The Hon. E.R. GOLDSWORTHY:** Yes—to help regeneration. Aborigines used to light fires. Inhabitants of Adelaide and surrounds light fires deliberately, and our bushfire was lit by human hands, so we will have fires through the parks. It is far better to have a controlled fire on a suitable day to get rid of some of the underbrush than to wait for an explosive day when the whole of the park will be destroyed, and the damage will take far longer to repair than a quiet burn in selected areas to prevent a catastrophe.

*An honourable member interjecting:*

**The Hon. E.R. GOLDSWORTHY:** Yes, in cool weather conditions when it will not damage the trees but will reduce the fuel load. I am referring to selected areas, and not complete parks. It is done in Western Australia and I have even seen them doing it in January. Mr Macarthur, of the CFS, is on the right track, but he has not had a chance to put his ideas in place. I believe that it is essential, otherwise we will have more fires such as that in the Black Hill park. Someone lit that on a bad day and destroyed the whole park, not just a few wild oats and rubbish on the ground. The arguments against the sensible reduction of the fuel load are quite specious and futile, in my view.

I am glad the Minister referred to the upgrading of tracks into parks. It is essential that, if a fire starts and is detected, it is attacked immediately. The only way one can attack it immediately is to get to the seat of the fire on a safe track. One of the problems with Government land on Ash Wednesday was that fighters could not go down the tracks as they would have gone to their deaths—nothing surer. Fire units were waiting at the top of the hills for the fire to come up, and by the time it did it was absolutely uncontrollable. The Cudlee Creek unit was burnt in the middle of a bitumen road because, by the time the fire got out of the Government controlled land, it was absolutely uncontrollable. The land was under Government control at that stage, although not a national park.

It is essential that that part of management of the parks, particularly in the high fire risk areas such as the Adelaide Hills, is addressed as a matter of urgency. It is every bit as important as every other matter in relation to the CFS being addressed by the current Director and the Minister. I will certainly be looking at what is happening in that area. If we have a disaster fire through the parks it takes years to regenerate. The land to which I am referring looks as though it has been hit by an atom bomb after a fire such as the Ash Wednesday fire. It takes years for the land to return to any semblance of a decent state.

I advise the Minister to get on to the E&WS section and tell it to lift its game. The National Parks and Wildlife people have done a reasonable job in the area of the member for Newland. She was successful in keeping the ranger in the area. I hope that that position still applies.

*Members interjecting:*

**The Hon. E.R. GOLDSWORTHY:** Has he gone? The honourable member has been less successful than I thought—she has not had any success anywhere.

*Ms Gayler interjecting:*

**The Hon. E.R. GOLDSWORTHY:** There is someone there. She has been successful in retaining an officer in that area, so that is good—full marks! He was going to be moved. The E&WS people are there. Big pine trees burnt during Ash Wednesday are still standing, stark and ugly. No attempt has been made to clear the debris. Every other landholder has cleaned up their land, but dead trees and rubbish adjacent to the filtration plant are still there. The Government only needs to get in someone who knows how to work a chain saw to cut down the trees and get rid of them.

The Government needs to take a hard look at grazing sheep to clean up the rubbish. The excuse was that trees had been planted. Sheep will not hurt trees, but if they do a tree guard could be put around the trees. To be fair, progress has been made but much more needs to be done.

Conservation of human life and property is dependent upon a sensible approach to the management of these parks. The Minister now has an appreciation of that, as has his Director of the CFS. I would like to see him get into that area immediately, in conjunction with the National Parks and Wildlife people. I support the Bill, as it is a good one.

**Mr GUNN (Eyre):** I, too, support the Bill. This debate gives me the opportunity to say one or two things about the administration of the 1972 Act. As one of the few members here today who was in the House when this so-called enlightened legislation was passed, I well recall the debate at that time. Let me say at the outset that the Liberal Party has taken a responsible view on this measure. If a Liberal Government had introduced this measure, members opposite and their junior partners, the Australian Democrats, would have been jumping up and down, demonstrating on every street corner, because we know how certain people carried on irresponsibly when the Hon. Peter Arnold was prevented from moving amendments to the Pastoral Act.

We all know what nonsense the residents of Coffin Bay had to put up with and how the Calca Tennis Club was treated when it wanted to extend its tennis courts. On those occasions members opposite acted irresponsibly on those issues, and they would have been jumping up and down on every street corner and egging on the fringe groups that support them. We would have had all the so-called fringe groups around the country jumping up and down and going on to television with Dr Sibley. Where are Dr Sibley and his group today?

*Members interjecting:*

**Mr GUNN:** I am just telling you a few home truths. You know about whom I am talking. I am stating a few realities. Some of us who have memories know what took place then, and now is the time to point out how irresponsible were some members opposite and certain fringe groups.

**The Hon. D.J. Hopgood:** Give us chapter and verse.

**Mr GUNN:** I shall have plenty to say on this.

**The Hon. D.J. Hopgood:** Give us a few examples.

**Mr GUNN:** I will give a few in great detail in a moment. I want to bring members up to date because Opposition members are acting responsibly. I support the provisions of the Bill, except the powers of inspectors which again go too far. We are continuing down the road where there is the mentality of the uniform. When people put on a uniform they suddenly think that all wisdom flows from them and they start to harass the public.

Let me touch briefly on what the Deputy Leader of the Opposition had to say about bushfire control. If there is one area where commonsense has not been applied in the past it has been in the management and control of bushfires in national parks and conservation parks. If there has been one area where the National Parks Service has done much harm to its credibility and its standing in the local community, it has been in the administration of that section. It is high time that the authority was removed and placed fairly and squarely in the hands of the local CFS chief.

From discussions that I have had with officers, I know that some improvements have been made and that local rangers will have more control, with the result that people from afar who do not know the local scene and are not aware of the local conditions will not be brought in to fight fires. Further, contact is to be made with the local volunteers, whose help is essential if fires are to be controlled.

If we have one more repeat exercise of what took place at Mount Remarkable and at Wirrabara, where we had a combination of National Parks and Woods and Forests Department officers, there will be a disaster. I understand that the same thing took place in a certain area of the South-East. If that occurs again, it will mean the end of cooperation from the volunteers, because councils in my district have made clear to me that, unless there is an improvement, the volunteers will not be called in.

The way to control a fire in a national park is to have adequate firebreaks. Some councils compel landholders to have firebreaks, and I do not disagree with that because, if there is a fire, the authorities can at least burn back in order to extinguish the fire. Unfortunately, in such places as this Parliament very few people have had experience in lighting fires in controlled burning off operations. Therefore, they really do not understand what we are talking about and it does make it difficult to convince people.

The second matter in relation to bushfire control in national parks is that there must be controlled burning off. I recommend to the Minister and his officers that they look at what takes place in Colorado, where excellent work is being done. The information that I received a couple of years ago was that if you do not have controlled burning off when you want to do it, it will be burnt when one least expects it, and it will be on the worst possible day.

The member for Coles went into great detail on this matter and also spent time discussing Hambidge Reserve, a matter about which I know a considerable amount. The honourable member expressed the view that those people who were advocating that certain areas of Hambidge Reserve should be let out for agricultural purposes seemed to be somewhat misguided. I was one of those people. We made that recommendation with the best will and intention and there was nothing wrong with what we put forward, and I make no apology for the course of action that I took then. The Minister asked me to give some examples of problems with the existing Act.

**The Hon. D.J. Hopgood:** No, concerning where the Labor Party has been responsible—

**Mr GUNN:** The exercise at Coffin Bay had to be the outstanding exercise of nonsense when the member for Chaffey, as the then Minister of Lands, was prevented from cutting off about 40 hectares so that the town could develop properly. That is the first example. The second related to the application concerning Calca tennis court, which was a classic. The third example occurred some years ago when the District Council of Kimba was prevented from taking rubble from a pit that it had used for years. The stupidity of the exercise was that by deepening the hole it collected much more water so that the native animals at least had a reliable drinking point. For them to survive there has to be surface water. The district council protested vigorously about that matter.

They are three examples, but there are a number of others where commonsense did not apply. I will give the Minister others. I have had people ask me why they have not been allowed to track rabbits in national parks, because no-one else has done anything. One cannot rip them out with a bulldozer because there are too many—it is hopeless. It would require fallow. If anyone has knowledge of the Far North of the State and has seen the situation, they will be familiar with the problem of rabbits. In the closer, settled areas of the Mallee, there were always arguments and problems about the management of vermin and weed control and, unless departmental officers appreciate and understand that the best way to solve this problem is by cooperation and commonsense, there will be a problem.

There was a suggestion of slightly altered boundaries, but that is something that the Labor Party in Opposition would never have agreed to. It would have egged its friends on

and joined forces with the Democrats to defeat many of the clauses in the Bill.

*Members interjecting:*

**Mr GUNN:** It is no good members opposite smiling. I can guarantee that there would have been the greatest public outcry that could have been mustered. The Labor Party would have organised the forces at the university—Dr Sibley and his ilk racing around the country.

*The Hon. D.J. Hopgood interjecting:*

**Mr GUNN:** No. I know the comments he made about the member for Chaffey as the then Minister for Lands. Some of us remember these things and we are not going to be easily put off just because the costs have been changed. People have to be kept abreast of what is happening. The Labor Party and its friends would have raised all hell about these matters.

The Minister should accept that the Opposition has acted responsibly, because we recognise that we have a modern parliamentary democracy and, with the mobile society, it is part of the recreation requirement of people that there be an adequate system of national parks that are properly managed and available to the public. Adequate development must take place in those parks as well. The only way that development can take place is to involve private enterprise and, therefore, it is necessary to have some of these amendments. Indeed, these amendments are long overdue. It is unfortunate that we have had to wait since 1972 to achieve some of the amendments, because they would have made the administration of the department and the job of successive Ministers much easier if they had been in place.

*Members interjecting:*

**Mr GUNN:** It is my nature to be charitable. I am a reasonable fellow until I am provoked.

*The Hon. P.B. Arnold interjecting:*

**Mr GUNN:** That is right.

*Members interjecting:*

**The DEPUTY SPEAKER:** Order! I ask members to come back to the debate.

**Mr GUNN:** I am happy to come back and relate my remarks to the Bill, because I have a number of other things that I want to say. First, I wish to comment on the Country Fires Services. I hope that the new arrangements will carefully take into consideration the need to consult with and include the local community. One of the most amazing spectacles that I have had to face was a meeting at Melrose a couple of years ago when a national parks officer told the assembled gathering that when fighting fires one had to take into consideration environmental considerations and that the first objective was to get the fire out as quickly as possible.

Most people were fairly generous and tried to restrain themselves from laughing, which was difficult. I said that I intended to bring a Bill into Parliament and that gentleman told me it was not necessary. I explained to him that his speech to the gathering indicated to everyone who had any practical knowledge that there was a great need to have legislation on the statutes which gave local CFS people the right to take control because, in each of those fires to which I have referred, the local community told both the National Parks and Wildlife Service and the Woods and Forests Department exactly what was going to happen, but their advice was ignored.

People messed around for days in some cases and eventually the lot was burnt. That did not have to take place. I sincerely hope that the new arrangement with the rangers being involved will be successful. It has to be clearly understood that if the rangers try to impose their will, in whatever capacity, the scheme will fail. Local people are not being paid. We had the spectacle of people staying at the Wilmington Hotel, getting new uniforms on each day, when other people had to sleep for three nights on the hill. That did not do a great deal for good relations.

*Members interjecting:*

**Mr GUNN:** I am referring to the Mount Remarkable fire. The honourable member can laugh, but the first time that he encountered smoke would see the end of him. I do not think that he has had any experience in fighting, lighting, or controlling fires. Like many people of his ilk, the further he stays away from a fire the better, because he would not know the first thing about it. The next matter I wish to raise with the Minister concerns the powers of inspectors. To give one example—

*The Hon. J.W. Slater interjecting:*

**Mr GUNN:** I believe that I am a democract and the basis of democracy is that people's rights are protected. This Parliament has a responsibility to not put draconian powers on the statutes. On Saturday I had the pleasure of listening to an address given by Justice Jacobs. One of the things he mentioned was the dangerous and inappropriate community attitude to over-regulation and over-control, without thought for the end result of inflicting inappropriate penalties on the people who have broken the law; in many cases the opposite result occurred. It was a very good speech. Members should heed what he had to say.

Returning to what I was saying previously, a 70 year old constituent of mine and his family had been fishermen and hunters all their lives; they would shoot foxes to supplement their income. Half their diet would have been kangaroo meat. On this morning, with the 15 year old son, coming back from shooting foxes, they did what they had done every week for most of their lives—they shot a half-grown kangaroo. They were coming out of a station gate just out of Sheringa and they were stopped. I think that this person thought he had caught Ronald Biggs—a half-grown kangaroo. My constituent was told that he would be charged. His rifle, which was part of his livelihood, was seized and he was told that they could seize his vehicle.

*The Hon. J.W. Slater interjecting:*

**Mr GUNN:** They took the kangaroo. The circus then commenced. My constituent was semiliterate, and he and his son did not know what was going to happen. His rifle was taken and their vehicle was an old Holden utility. They were people of very limited means. They did not have the same chance in life as most people in this place. My constituent came to me in a great state and I spoke to the prosecution section. I had sought some legal advice from a friend and the first question I asked was, 'Where is the kangaroo?' I wanted to view it. I was told that the kangaroo was not available but that there were photographs. I said that my constituent would not accept that and asked whether they had been certified. The interesting thing was that my constituent was charged with shooting a red kangaroo, but no red kangaroo has ever been in that part of South Australia. I can say this because I have been to the library and read books about it.

Secondly, when I inquired about the whereabouts of the rifle it took some considerable time to find it; they did not know. It is important that these matters are borne in mind when penalties are increased. I then asked what they thought they were going to achieve by dragging this semiliterate person before the courts. I explained that this had occurred all his life. The prosecution officer and I exchanged pretty strong words. I told him that I had obtained good legal advice, that we would see him in court and that he should be prepared to put a few days aside. I told him that there was no way that my constituent was going to plead guilty.

My constituent had no money to engage a lawyer. One of the problems in our system today is that, unless people have considerable means and can afford to engage legal counsel, they do not have any hope. So they have to plead guilty. If my constituent had not lived close to me he would have been dragged before the court. They could not seize his vehicle because I was responsible for having the Act amended so that only the court could do that. However, there were threats to take his vehicle.

In this Bill I see provisions in relation to taking vehicles, and that does not make me very happy. I support the Bill. I believe that the legislation is long overdue. The Opposition is adopting a responsible attitude and we want to see properly managed parks. We believe that it is essential to have a system of well organised and well managed national parks in this State. The public wants that. The best thing that could happen is for this legislation to pass and for commonsense prevail. The Liberal Party is acting responsibly. The Labor Party would never support an initiative of this nature if it was introduced by a Liberal Government.

**Mr S.G. EVANS (Davenport):** I support the main aspects of the Bill, although I have some doubt about one or two matters. If my interpretation is correct, I do agree with all its provisions. I, and many others who own areas of native vegetation or propagate native plants (particularly orchids), find one area to be rather sensitive. This Parliament has passed some stupid laws in relation to native vegetation and fire prevention—they are in conflict with one another. The Country Fires Act was amended in 1984 to provide that if a person had fire risk vegetation on their property the local council could issue a notice to clear. A fine from $2 500 minimum to $5 000 maximum was provided.

I owned a block of land of about 4.5 acres in the hills face zone and received such a notice. This land had not been used for any commercial purpose for about 30 years (to my knowledge). My brothers and I cut the timber off it at about that time and it was just a mass of native vegetation. Ironically, it did not contain many pest plants because it was so dense with native vegetation, although there was a small patch of blackberries near the entrance off the road. This block of land was virtually adjoining the Belair Recreation Park.

When I received the notice from the council I was in a predicament, because the hills face zone regulations provided that I could not clear the native vegetation without its permission and the native vegetation legislation provided that I could not clear it without the commission's permission. However, the council was telling me that within 30 days I had to clear all undergrowth. Unfortunately, the Act does not describe undergrowth. One does not know whether that is growth that grows under the biggest trees. If that is so, it takes in the medium and smaller trees.

The native vegetation legislation talks about certain things one is able to clear, such as plants that are 150 mm or over in butt size if the property has been used for pasture and if that is the only vegetation on the land. However, where there is other vegetation on the land one can only clear trees that are 150 mm or less, and that is quite clear. Nowhere else in the Acts does it describe what 'undergrowth' is. I contacted the council and was told by the council inspector that, as long as he agreed that I had done what was necessary for fire protection, I was conforming with the Country Fires Act. That is not satisfactory to a person who receives a notice and it is not satisfactory to a Parliament that intends native vegetation to be protected.

If I had the courage to drive the tractor over all the land, I most probably would have cleared the lot in order to conform to Country Fire Service requirements. Unfortunately, however, a two wheel drive tractor on a slope of about 1:2.5 put both the tractor and me at risk. I did clear that which I thought was necessary to protect the neighbouring properties, bearing in mind that nobody had asked that that be done for over 30 years. The point I am making is that it is no good passing laws unless we can give a clear indication to the people what is intended, because I had a bit of an advantage over the other citizens who got those sorts of notices.

If every council set out to issue those notices under the Country Fire Services Act, we would have chaos in this State in relation to the bushland that would be cleared. Although they would be conforming to one law they would not be conforming to two other laws. To seek permission under the native vegetation legislation to clear the land would take too long. I know that that Act is not concerned to any great degree about small areas like that, but here is one area of 150 acres that I know of which falls into the same category. Another one just sold at Cherry Gardens might have been acquired by the department if it had known about it, as it is the best example of a native bush in that area, and the previous owner tried to keep it for as long as he could.

I make the point that we do have a conflict and that we need to describe what is undergrowth when councils send out these notices. I met the council officer on the road this morning, and asked him to have a look at the piece of land and see whether it conformed with the requirements. He made the point that they were trying to ensure that the grass was removed or slashed before it went dry, and that any other plants that were a danger to neighbouring properties were removed. However, it does not involve wholesale destruction. The notice is issued to clear the lot, and you have to clear all of the undergrowth. I re-emphasise: there is no definition of 'undergrowth'. I make the point to the Minister that we really need to look at those three Acts and decide how we will do it, because within the hills face zone there happens to be areas which cannot be seen from the plains. Although they are not really in the hills face zone, they are defined as such, and have examples of native vegetation on them.

The other area that concerns me is similar to that mentioned by the Deputy Leader. It relates to how we handle the hills face zone and any reserves in it. I am convinced that our hills face zone laws are too restrictive. I cannot talk much about buildings here, but I will say that it is foolish to suggest that one can build single storeys only, as some people have virtually to excavate quarries to get a level site. This would interfere more with the natural environment than if it involved a split level house or, in some cases, a two storey home that was built in a less conspicuous spot.

The Minister would know of another occasion when I raised the matter of a property off Weymouth Road, Coromandel East. More particularly, I am convinced that we will have to look at allowing smaller allotments through the hills face zone in the long term. That will happen before the turn of the century, mainly because of the bushfire risk, and I will stick to that opinion in relation to reserves that are on Government owned land. We do not maintain those lands in the proper way. The Government does not clear the noxious weeds from them or remove pests that are declared vertebrate pests. It is not done because it is too expensive, but we expect the landholders to do it. So, we are saying that the Government on behalf of the people cannot afford to do it to its land (it keeps on taking more—and I do not necessarily object to that), yet the private

owners should do it to theirs. That is a double standard, and Parliament and the Government should tackle it and at least show by example what it means.

We are also considering changing the provisions in the Bill in relation to any variation that is proposed to the boundaries of parks. I take it that that also includes the Belair Recreation Park. I have a particular interest in that, because for over 12 months the Government, particularly the Minister of Transport and the Minister for Environment and Planning, have had before them a report on what needs to be done when the Upper Sturt Road is upgraded. The Minister of Transport wrote to me and said that he would not let us—that is the people—look at it. This is supposed to be an open Government, yet it is a closed shop when it comes to our seeing a report, which cannot have any great significance because it merely involves the widening of what is at present a bullock track.

I think the snag, as the Minister of Transport suggested, is that there needs to be some variation to the Belair Recreation Park boundaries, as noted in that report. I assume that the variations are many, although I do not think that any of them are significant. The Bill provides that any minor adjustments to boundaries do not have to be brought before Parliament for a resolution to be passed by both Houses. If this Bill passes and becomes an Act, the Government of the day will not have to ask Parliament to approve any small change to the boundaries of parks whereas, at the moment, it has to do it, even for a minor change.

I visualise that this Bill is proceeding for the main reason that a lot of minor changes are to be made to the Belair Recreation Park boundaries. I suppose one can call them minor when talking of hundreds of hectares and taking only little bits off here and there and adding bits on, because I believe that it is a give and take situation. The report shows that at some places the road runs over Belair park land and in other places the opposite applies. As a result, some modifications need to be made. I am not excited about that.

However, I do not condemn it. We have the opportunity to make some changes to achieve a satisfactory and established boundary for the park so that the Minister can go on with his fancy fence. At the same time the Minister responsible for roads can have a satisfactory alignment. However, it will be up to another Minister in the future to do the right thing by the people in that section of the Hills and develop it, because the present Minister says that he will not do it. In his second reading speech, it would have been proper for the Minister to say that the Government has some concerns in an area like this. We might have been able to coordinate certain matters and ascertain why we do not have a report on that road. I have an interest in the road because I travel on it. Melville House, which is part of the park now, was my great-grandparents' property. My great-grandmother was killed in 1888 in an accident on the Upper Sturt Road (they had road accidents in those days, as well), so I have a personal and community interest in this matter.

Another aspect of the Bill amazes me, and I do not know why the Liberal Party accepts it or why the Government has brought it in. It concerns the growing of native orchids. I know people who have been growing native orchids for 18 years, but now it will be difficult to start growing them. Every year on the October weekend I pick native orchids from the family property, and I have done so since I was a boy. I also know that some of the species are quite rare, but one does not have to pick a lot of them. To my knowledge the orchids have grown there for 45 years and a colony of each type of orchid has grown in the same spot all of those years.

The Minister's advisers seem to believe that if somebody picks the orchids they will disappear or that there is some harm in picking them on one's own property. The feeling seems to be that the orchids will become extinct if it is possible to pick those that fall into the category that the Minister's office believes are threatened. It might pay the Minister's officers to speak to the people who have lived in those places all their life and ask about the types that are grown there. I am not sure whether this is accurate, but I have been told that one type of orchid that grows on a property close to the Minister's property is only found elsewhere at Mt Tottenham in Tasmania.

If people are told that they cannot grow, sell or handle orchids without a permit, they may become discouraged from trying to grow them. I do not mind the rule that says that the orchids cannot be removed from somebody else's land, including the Minister's, or that they cannot be marketed from that area: that is quite proper. That goes a long way down the track that the member for Eyre would get excited about, but I accept it. It is not like keeping kangaroos and birds in captivity: growing plants is entirely different. If people want to propagate native orchids and look after them on their own property and already do so, keeping the species the same, they should be able to sell them if they wish. However, if somebody wants to engage in this activity in the future, I do not disagree with their having to have a permit to do so.

I do not mind if the Minister says that anybody doing so must notify the department, but to say that they have to take out a licence or a permit suggests to me that people will tire of that. One can graze sheep where orchids grow and they will not touch most of the orchids. It is an amazing thing. Put goats in, and they take the lot. Cattle and horses do not touch orchids in the more open areas. I am not talking about dense scrub but about open areas. I cannot speak for other areas, but that is the case with the species on my property.

I hope that the Minister will look at this provision and let people who have been growing native orchids continue to do so, on the understanding that if they try to take other species or move into a new area, they must obtain a licence or permit to sell or cultivate them. That would not worry me. All this provision will do is make some people say, 'To hell with the regulations.' Without anybody else knowing, they will destroy what they already have to the detriment of what the Bill seeks to achieve, and that will be a loss to all. I hope that the Minister answers the points made about the Belair park, and about people who want to grow native plants, and say whether he will look at the native vegetation laws, the hills face zone restrictions, and the provisions of this legislation as they may apply to the Country Fire Service. I support the second reading.

[*Sitting suspended from 6 to 7.30 p.m.*]

**Ms GAYLER (Newland):** I support the National Parks and Wildlife Act Amendment Bill before the House tonight, particularly the new provision for regional reserves to be created under the Act. I am especially pleased with this new category of reserve, as it will enable expansion of the national parks system within this State, and thereby greater management planning and management arrangements within newly created regional reserves. I look forward to the creation of the first regional reserve in the Coongie Lakes/Cooper Creek area of the Innamincka station in the north-east of South Australia. It is a wonderful arid wetland area—a fresh water system of environmental significance currently listed under the ARMSAR wetland international treaty, and also on the

register of the national estate and an area suggested for world heritage listing.

Anyone who saw the *Burke and Wills* movie on television the other night will have seen quite a lot of this area and the wonderful wildlife landscape heritage and connection with the Aborigines in that area and with the explorers Burke and Wills. It is an area already of multiple use, taking in tourism, conservation, the use of natural resources in oil and gas exploration, and it does have very diverse habitats, including a unique system of arid zone wetlands. The scheme of arrangement for regional reserves will enable this area to be brought under the National Parks and Wildlife Act with a proper system of management, recognising the exploration and resource extraction activities there, the pastoral uses in parts of the station area and the growing tourism interest alongside the conservation needs which the area well deserves.

I will set down a number of features of the regional reserve concept that will be important for the future. First, these reserves are an additional classification and not a substitution for other classifications of reserves under the National Parks and Wildlife Act. Therefore, this additional classification increases the options for reserving lands with unique conservation qualities and which currently are subject to some other form of use. Secondly, the regional reserve concept provides a way of reserving additional lands without the Government having to find scarce public funds for total acquisition of these lands. The system is also a way of reserving some lands in an interim sense pending the exhaustion of the use of natural resources such as mining, oil and gas resources before outright acquisition can take place some time in the future. It is not an end classification in itself and does not prevent part or all of the area within a regional reserve being reconstituted as a national park or conservation park.

The new reserve classification gives recognition to the concept of multiple use of land where appropriate. Of course it will not be appropriate in a wide range of areas which already have exclusive conservation significance, but will be appropriate for some areas. The proposal allows the use of existing legislation, that is, the National Parks and Wildlife Act, providing for management of conservation values and public enjoyment on multiple use land which otherwise would not be subject to protective legislation. For example, at present we have no system by which areas such as the Coongie Lakes can be protected and managed for their conservation values. As distinct from existing and likely future Crown lands legislation, the National Parks and Wildlife Act does provide the best and most relevant means of establishing a management regime for particular areas with unique conservation values but which are also subject to recognised and legal prior uses.

The National Parks and Wildlife Act is appropriate because of the prime intent of the Act being conservation, the management planning provisions and the security of tenure for lands reserved under the Act, and subject, of course, to provisions for this Parliament to have a say if any change is to take place. The concept will enhance the potential for conservation management, particularly in the arid zone areas which are so important also for the economy of this State in its mineral and oil and gas development. The concept provides a strategy which can have the effect of reducing the use of section 43 (5) of the present Act which allows for exploration of mining activities within the present reserve system, provided declarations are made at the time a new reserve is created. We will not have to use that system presumably so frequently in the future.

The Bill provides for the use of agreements between the Minister for Environment and Planning and land users, as I have already mentioned in the case of the Coongie Lakes/Cooper Creek area. These agreements can prescribe the way in which natural resources of the land will be utilised within regional reserves in specific recognition of the conservation value of these areas. I am pleased to support the concept and am also pleased that in the speeches on this Bill to date there has been bipartisan support for it.

I turn now to comments made today by the Deputy Leader in relation to an area of land in my electorate under the responsibility of the National Parks and Wildlife Service. The Deputy Leader was very critical of the Government agencies holding land such as national parks and of the Tea Tree Gully council, as I understood it, in their responsibility along road reserves, national parks in relation to Anstey's Hill and the E&WS, with some reference along the way to the greenies. His comments were somewhat tempered, so I will treat them accordingly. People may not realise that the Tea Tree Gully council in its bushfire prevention work in the hills face zone and in the rural part of its council area has, over the last five years, undertaken a major fire prevention program which is now a very successful model for councils elsewhere and is being advocated as such by the Country Fire Services. The scheme provides for notice to landowners leading up to the bushfire season accompanied by, in the first instance, a bushfire 'planning for property protection' leaflet from the CFS giving practical information to landowners.

That goes out in early September and it is not until October-November that section 51 notices under the Country Fire Services Act are issued to require landowners to undertake fire prevention work on their properties. In the early days of this scheme, following the Ash Wednesday II (1983) bushfires, between 60 and 80 landowners appealed against those notices. Each of those has now been dealt with in an appeal to the Minister and the scheme is now so successfully run in cooperation with the council, with the CFS, and with the landowners that appeals against those notices are down to about 12 a year. The council officer (Bill Usher and the coordinator Andrew Oakley) should be congratulated on their work.

**The Hon. E.R. Goldsworthy:** What are they doing about Anstey Hill?

**Ms GAYLER:** I am coming to that. Those requirements go out to about 3 055 owners of vacant land, including about 1 000 in my hills face zone and the rural areas within Tea Tree Gully district. The requirements vary depending on the nature of the property, accessibility, and so on, between primitive fire-breaks, protection for farmhouses and/or dwellings and sheds and, where access is more difficult, for machinery and stock grazing. Arrangements are negotiated with individual landowners where that is needed.

Regarding Government landholders the Deputy Leader of the Opposition made a number of critical comments. In relation to Anstey Hill national parks area, notices are now sent to all Government landowners by the Tea Tree Gully council, so this applies to Anstey Hill and to the Engineering and Water Supply Department. Therefore, the Government landowner also gets a notice at the appropriate time. This should also improve the arrangement. I am told that the Engineering and Water Supply Department is cooperating to a high standard and, in the words of my informant, the department has been a credit to the Government as regards its fire prevention work. The Woods and Forests Department also provides good equipment, back-up facilities, and cooperation.

In respect of Anstey Hill, I am advised that work is due to commence soon, that the area has been under sheep grazing around the perimeter, and that the track has been graded and partly widened and the verges trimmed back. A bulldozer and grader are to commence work over the next two weeks regrading all the tracks in preparation for the bushfire season. I, too, have some concerns about the work carried out up to the present on Anstey Hill this year. I have discussed this matter with the Deputy Premier and will follow progress there. I am pleased to learn that further work is to be carried out during the next two weeks.

In the case of preparedness in that high risk area of my hills, I am also pleased with advice from the Tea Tree Gully CFS that all its vehicles have passed the first inspection and therefore do not need a follow-up inspection by the Department of Transport Vehicle Engineering Branch. I also note that the volunteers are well prepared: 110 have completed a Level 1 Firefighting Course and others have attained other levels of qualifications. Planning for fire-breaks and fire access tracks is also under way in the Golden Grove development area, and I am pleased to hear about that. The CFS bushfire prevention officers have run training sessions in fire prevention planning for officers of Hills councils.

Finally, I again congratulate the Tea Tree Gully council staff on their work, the residents on the cooperation that they have shown in respect of the relatively new arrangements, and the CFS on the work that it has put into those arrangements.

**Mr ROBERTSON (Bright):** In supporting the Bill, I wish to draw to the attention of members some clauses in the Bill which I particularly support. Clause 14 requires a resolution of both Houses for the removal of land from game reserves. It seems to me that this gives game reserves an additional security of tenure within the meaning of the Act, and I heartily support that. It also seems that one of the weaknesses of the reserve system hitherto is that game reserves have been a little more threatened in their security of tenure than have reserves in other categories, and I am pleased to see that this clause gives them additional security of tenure.

Clause 15, which has already been referred to by previous speakers, relates to the regional reserves. It is probably about time in this country that we recognised that in fact most countries around the world, both in the Eastern bloc and in the western world, recognise reserves of this kind within their national parks and reserves system. It is not unusual. Indeed, I understand that it is the done thing in most parts of northern Europe, where the concept of native vegetation is pretty much an anathema because most of the land has been acquired and reused. Where landscapes are particularly cultured, the whole concept of a wilderness area or indeed a national park in our sense of the word, is very much a meaningless term.

So, the idea of a multi-purpose multi-use reserve is not new, although it may be new in this country. It is about time that we recognised the reality of multiple land use in certain areas. I welcome the establishment of a third category of reserve simply because it allows the co-existence of a whole range of land uses, including mining and pastoralism, while at the same time enabling us to preserve areas such as the Coongie Lakes, which are very much subject to visitor pressure and will clearly suffer if the amount of visitation by four-wheel drive vehicles and the like were to increase in the near future.

So, this is a timely recognition of the multiple use of our arid land systems and I sincerely welcome it. It raises the question whether in fact we have enough conservation categories in this country. It may well be that there is an argument for adding yet another category to the present reserve system—the category of wilderness reserve. Instead of working off the present five tier system of regional reserves, sanctuaries, game reserves, conservation parks and national parks, we need to add a special category of wilderness reserve to give us the option of preserving such areas as the Great Victoria Desert, south-western Tasmania or the tropical forests of North Queensland. It may be that soon Australian States will need to recognise the justification for the inclusion of yet another category of reserve.

I welcome clause 22, which is an interesting provision. It allows for the minor alteration of park and reserve boundaries to accommodate such things as road widenings and the rerouting of roads. Although it appears to be only a minor amendment, it is important for some country councils and I again welcome that innovation.

Clause 24 specifies that mining can take place only in the regional reserves previously mentioned with the authority of the Minister for Environment and Planning. It is most important that it be recognised that that permission is required before such development can take place. I welcome that. In this instance the Minister ought to have an overview of the use of regional reserves, and I think it gives us an additional buffer or insurance that in fact any new mining that takes place in these areas will be subject to scrutiny.

**The Hon. Jennifer Cashmore:** It would be useless if you did not have the Minister for Environment and Planning in control of the Act.

**Mr ROBERTSON:** Exactly, and that is the point that I am making. Clauses 29 and 30 tighten up the protection of native plants in all classes of reserves and also on Crown land and forest reserves. I welcome that. In Australia, probably in some ways South Australia has been a little behind the norm in the protection of fauna and native plants. Aside from the marvellous and pioneering native vegetation legislation that we have, there have been instances where native plants have not been given the protection that they have been afforded in Western Australia, for example, where it is an offence to take a native plant off any reserve or Crown land.

It is clearly the intention of clauses 29 and 30 to protect vegetation from commercial and scientific exploitation by people who wish to cut flowers in nature reserves and the like. However, it does raise a difficulty (and it is a point that I wish to bring up later in Committee) faced by people who wish to identify plants by breaking off small specimens of buds, leaves and fruit. That method provides, particularly with eucalypts, a very easy method of recognising plants in the field, and I would not like to think that clauses 29 and 30 forbade enthusiasts, bushwalkers, campers and the like from identifying eucalypts by being able to take dead or living specimens of nuts, buds and leaves. That is a question that I intend to ask the Minister later this evening.

Clause 31 outlaws the sale of plants obtained illegally from other States. There is a temptation in a land mass like Australia, with relatively easy communication between the States, for people to rip off ferns, epiphytes and various rainforest plants in the eastern States and sell them in South Australia and the west. Presumably, this will close that loophole so that the ferns and epiphytes of Gippsland, Tasmania and Queensland can rest a little more easily at night. This provision should provide an additional hazard for the traffickers and hopefully control in some way the traffic that appears to exist on a reasonably large scale between the southern States.

Clause 32 allows people to keep certain restricted plants. That is a recognition of reality and is a provision that I

welcome. Clause 34 deals with animals that are on various schedules and enables the Minister to declare open season on various protected animals. Those of us who come from farming backgrounds but who understand the necessity for that know that this provision is clearly a recognition of reality in pastoral districts. The provision enables the Minister to declare open season on various native species that might in some season be threatened but might in other seasons be there in numbers rather too large for the good of the economy. It is a provision that I most certainly welcome.

*Mr Lewis interjecting:*

**Mr ROBERTSON:** Yes, I acknowledge that. Clause 36 forbids the release of protected animals outside their normal range. To the non-biologists, that does not appear to be a major problem but, in a land mass the size of Australia, with the number of geographic and climatic barriers that the Australian continent offers, a number of subspecies, of very similar animals have developed across the continent, and these species tend to be divided from one another by barriers such as deserts and mountain ranges.

Because most of these deserts and mountain ranges tend to run north-south, we get a zonation, particularly among the macropod species, of the species themselves from one another and, indeed, divisions between subspecies within the species. There are thus longitudinal bands of, say, the eastern grey kangaroo, the western grey kangaroo, the Kangaroo Island kangaroo and so on which are all subspecies of the same species. They need to be kept apart for quite good biological reasons—to preserve the integrity of the breeding stock—and it is quite clear that the prohibition of certain protected animals from certain areas is a necessity if one wishes to maintain the purity of various species and subspecies on this land mass.

Clause 36 also offers protection to island populations of various species, which have been set up in most cases in South Australia on offshore islands. Of course, the most prominent examples would be the stick-nest rat (which has been established on an offshore island off the west coast), the rabbit-eared bandicoot and the bilby. It seems to me that with scores of offshore islands, we have the potential within South Australia to enlarge our island populations, our breeding colonies, of various rare animals, in preparation for reintroduction of those species, and I welcome the protection given to them by clause 36.

Also, I suggest that with a little time, more development and an input of money and effort by the National Parks and Wildlife Service we may extend the reintroduction program to species such as the eastern native cat, the tiger cat and the koala with a view to reintroducing those species to their former habitat in the Mount Lofty Ranges. In the final analysis, we may even look forward to having pinkies back on Pinkie Flat. I know the Minister has a particular penchant for pinkies on Pinkie Flat. Certainly, it a subject close to the Minister's heart and I hope that he will closely consider the subject when the question of reintroduction next raises its head.

Clause 43 should also be welcomed by the farming and grazing community of this country as it relates to the protection afforded to various landowners from macho urban persons—rambos—who go hunting at weekends on farmlands, particularly around Adelaide and various regional cities. The provision enables landholders to forbid city hunters from coming onto their properties and shooting indiscriminately at all kinds of animals, domestic and otherwise, such that hunters will now require express permission of landowners before that activity is pursued. Again, native creatures and otherwise of the Mid North can rest more easily in their beds as a result of that.

Clause 43 also prohibits hunting on unalienated Crown land without ministerial approval. It is interesting that most States of Australia and certainly most countries in Europe and North America have a provision allowing for hunting on unalienated Crown land. I believe that, rather than being a sign of Australia's having been somehow behind the herd in this respect, it would seem that maybe that is a rather progressive thing and something that we should be fairly steadfast in defending.

I do not believe that just because someone in the city owns a gun that person has the right to go shooting indiscriminately on unalienated Crown land at weekends. I have been told by people in Los Angeles that it is possible to drive for an hour from the city and find oneself in the middle of a large tract of Crown land in which people can shoot to their heart's content. I believe, as a non shooter, that that is a dubious blessing, and it is not something that I would necessarily want to see in this State.

Clause 44 exempts Aboriginal owners to enable them to pursue traditional hunting and food collection practices both in and outside the parks system. It enables them to take native animals and plants in such quantities as they need for food and cultural purposes. As someone who has recently spent a week in the Far North of the State, in the Maralinga lands, I welcome that provision. I encourage the people of the Maralinga and Pitjantjatjara lands to take full advantage of it. It seems to me that if Aborigines are to live on their own lands with the degree of dignity and independence which we and they wish for them, they need this provision so that they can hunt in the traditional or modified traditional way on their own lands and in the reserve system.

It is interesting to note that the major national parks we are talking about are the Unnamed National Park in the west of the State (which would be used by the people of the Oak Valley community and perhaps Yalata) and the Gammon Ranges National Park (which is adjacent to Nepabunna and which would probably be used by those people for traditional hunting and cultural purposes). I suggest that that will be welcomed by these people concerned.

Clause 50 concerns the removal of dried wood, mulch, leaves, and the like, from national parks and reserves. It is meant to prevent the denudation of the roadsides in the more heavily trafficked tourist areas of the State, such as the Flinders Chase National Park, the Flinders Ranges National Park and, to a lesser extent, some smaller national parks in the Mount Lofty Ranges. Those who fancy themselves as weekend campers and are lazy tend to drive their four wheel drive vehicles along the road, pick up anything they can carry, toss it on the vehicle and make a campfire.

The impact on populations of small mammals, lizards and various soil organisms which depend completely on the breakdown of wood, mulch and leaves for their habitats, food and reproduction is disastrous. If we are interested in preserving national parks and offering a meaningful sanctuary for all animals (and it does not necessarily just have to be large and spectacular macropods) we also need to protect soil feeding birds, ground nesting birds, worms, butterflies, insects and the like, because they are part of the natural biota and deserve the same level of protection as the larger and more spectacular animals.

Again I make a plea for those who collect, for identification, dried material off trees in the field, that consideration be given to exempting those who wish to be amateur naturalists and identify various species of plant by their seed pods. I intend to raise this matter in Committee and I am not sure about the intent of the Bill in this respect. I

suspect that it is aimed at preventing the marauding hordes from denuding the roadside of burnable vegetation. However, I would like to think that there is a small exception for those of us who wish to identify eucalypts in passing.

**Mr BLACKER (Flinders):** I support the Bill. It can be seen as a slight easing of what some would consider to be very rigid requirements in the original Act, and to that end a more practical Bill will result. I will use this opportunity to raise a couple of issues that have come to my attention from time to time, and I refer first to the management of bushfires in reserves. I believe that a bushfire is still alight in the Hambidge Reserve and that some equipment and council officers are involved in fighting it. It has always been arguable as to whose responsibility it is to fight a fire in a national park and whether it is good national park management to put out a fire that was started by natural causes (namely, a lightening strike). I raise that point, because for 10 years I lived immediately adjacent to the Hincks National Park and in that time 10 of the 13 fires that started in the park began by lightening strike. There was always an argument, particularly for farmers on the eastern side of the park, for they were in the firing line if there was a westerly wind—

**Mr Lewis:** Literally.

**Mr BLACKER:** Literally, and it was obviously a nerve-racking position. At that time my property was on the south-east corner and only on two occasions did a fire get within a mile of it. Needless to say, when a fire was meandering around in a park, in one case for a fortnight, and people were not allowed to go in and push the edges in to extinguish it, it was nerve racking from a neighbouring landholder's point of view. No doubt the Minister will be able to give me up-to-date information about what is happening in that reserve at the moment. This morning that was still a problem for landholders in the immediate area.

The Bill also raises the question of the alteration of boundaries of parks, and in the past that has been a complete no-no. No-one was able to alter the boundary of parks, and it seemed almost to be sacrosanct that, once the line had been drawn and approved by Parliament, the only way it could be changed was by support from both Houses. The Minister's explanation, I think, is obviously logical. If for road purposes it is necessary to make minor alterations, surely commonsense should prevail. However, it goes a little wider than that, but I am not sure how far the Minister envisages it should go.

I appreciate that the Minister has commented that he does not envisage it will go too far. However, I raise the matter of the Coffin Bay township which is totally landlocked by national parks. For the immediate future it is perfectly okay. However, in the longer term, maybe in 20, 30 or 40 years time, the town boundaries may need to be extended. It is only a matter of conjecture at this time, but I believe that Coffin Bay is one of the very few places in South Australia, if not Australia, that is totally landlocked by national parks. The problem is perhaps for a future Government, but there should be some recognition of the fact that somewhere along the line something will need to be done.

Also in relation to Coffin Bay I raise the matter of a joint use facility for the provision of an effluent pond. When Coffin Bay was being planned it was proposed that the effluent pond could go out in the national park. That was fought by departmental officers as being an undesirable practice. Personally, I cannot see that that is necessarily undesirable, because it would be out of sight from the general public and would still require appropriate safety fencing. There was a good case to be made for the department accepting the view that an effluent pond could be sited in that area. I believe that there is room for some compromise in that way.

The Bill provides for the establishment of regional reserves. This is a different classification, and some would say it is a change of stance by the Government. In the past it has been very rigid in its views and, quite frankly, if this Bill had been introduced by the Opposition, I believe that the Government's natural stance would have been to oppose it violently. However, in this case, it comes from the Government so it is seen in a somewhat different light.

I just raise a word of caution here: although the Government might be seen to be supporting the idea of regional reserves and therefore the joint use facilities as such, this measure could also be used as a weapon in order to encompass greater tracts of land under the guise of regional reserves. Ultimately, larger and larger areas of the State could be encompassed within the framework of national parks, yet at the same time it would not be possible to service them in that way. Maybe I am being a little cynical in my view, but I think the concept of being able to allow mineral and oil exploration within reserves is one which we should have recognised earlier, and I am not averse to the idea of mining in reserves where it is adequately controlled, with restoration of the landscape, and so forth, afterwards.

In the main, mining companies are now fairly responsible in that regard, and more particularly Governments have the power to force mining companies to be more responsible. My limited association with mining companies indicates that they have taken responsible action, in the main, and in these circumstances appropriate contractual arrangements can be agreed upon between Government and the users of the area, be they mining in various forms, to the benefit of everyone. I include every South Australian in this respect, because obviously, if mineral wealth is present and this State can benefit from it without unnecessary degradation of our natural heritage, in my view it should be mined, provided it is not excessive or to the detriment of our general community.

I raise one question under clause 44 concerning the hunting and food gathering by Aborigines, and I point out that I have received correspondence on this matter from the Aboriginal community. However, I acknowledge that in the case of the traditional tribal Aborigines, and I am referring to the Pitjantjatjara and other tribes, this provision is quite a good one. I do not believe, however, that it should necessarily be extended to Aborigines who have become westernised to a third or fourth generation and who in the main have no direct descendant contact with Pitjantjatjara people or the traditional tribal Aborigines. Such people should not be allowed the same rights as are proposed in this case for tribal people. I do not doubt for one moment that the true tribal Aborigine should come within the provisions of this Bill. I have some 640 Aborigines in my electorate, and I do not think that they should necessarily be able to exercise certain rights to the extent that they have detailed in this legislation.

One could envisage every one of these Aborigines, whom I have said are third and fourth generation living within a western community, out in the Hincks Reserve or the Coffin Bay Reserve, for instance, exercising the opportunities provided in this legislation. Perhaps the Minister can answer that, and maybe he intends in some way to make a distinction between such people. I guess I am trying to draw lines now between various standards of culture and various degrees of race within the Aboriginal community. However, I think it is a point that needs to be addressed, because most of

the Aborigines in my community are probably as accustomed to the traditions of western civilisation as anyone in this Chamber.

I raise those points because, as I mentioned, this Bill is basically a Committee Bill with some 51 clauses and a series of schedules, all of which could be quite complicated. However, I believe in the main that it is a slight relaxation of the law as it previously stood and a measure which can, if managed properly, arrive at a more workable arrangement between national parks and potential users of those areas, be they miners, oil exploration people or, for that matter, any other operator concerning whom a joint use can be recognised and agreed upon.

**Mr LEWIS (Murray-Mallee):** Without delaying the House unduly, I nonetheless believe it important to make a few points about this Bill. Some aspects of the proposed amendments to the principal Act of 1974 have not yet been canvassed by members in terms of future implications in legislation of this kind for all South Australians, particularly those with specific interests. Those interests are interests which I have and which may not be shared by other members of this place. At the outset, let me say that I support the measure. It provides us in the first instance, as other members have said, with the threshold interface, in legislative terms, between the State's mining interests and conserving the national resource of its various ecosystems, many of them quite unique.

It will, of course, in the fullness of time, progress beyond the threshold, I am sure, and provide us with a framework of a more comprehensive nature within which the mining industry can effectively, sensibly and sensitively co-exist, and that will be as objective as it is subjective. By that, I mean there is a clear need for the mining industry to be able to function. We all derive great benefit from obtaining access to raw materials provided by miners, whether we look at that in a direct sense as royalties, or otherwise contemplate the cost savings that we will enjoy if we are able to mine the raw materials here more cheaply than we can import them, and thereby derive profit in the form of dividends as well as jobs for people in this State engaged in extracting these essential raw materials for further processing, manufacture and ultimate use in our daily lives. It is foolish of us to presume that this measure will completely satisfy either miners, who may wish to pursue that activity without restriction, or conservationists of the 'greenies' brand, who simply see absolutely no ground for compromise when it comes to 'saving that twig'. However, I welcome the measure. It is probably a little overdue: I would like to have seen it incorporated with the amendments of 1980 or earlier than that.

Let me refer to another area in which I believe we need to establish the flagstone of yet another threshold, that is, between this principal area of policy in legislation and another of Government—apart from mining—in the area of fisheries. In this Bill we see that there are species included which are clearly aquatic, many of them from marine environments. However, we do not yet have a mechanism by which an established interface can be developed with professional or recreational fishermen. Just because the species is below the waves is, in my judgment, no ground for us to ignore its importance and its relevance in the overall spectrum or fabric of living organisms on this planet, of which we are an essential part.

So, it is a pity that we still have not been able to come to terms with that. If nothing else, I hope that my remarks, although perhaps not the first attempt made to establish such an interface but nonetheless a first attempt to grapple with it in terms of debate in this place, will trigger some further effort by both the Minister for Environment and Planning and his department and the Minister of Fisheries and his department in achieving that desired result.

As yet, we do not know enough about the effects of trawling, whether for prawns or for any other species, on the ecosystem on which it is carried out. To my certain knowledge, some small species of cowrie, which rely on sponges for their habitat and which were really not very common but could be found (albeit with some difficulty) in the gulf waters, are now extremely difficult to find because the sponges have been ripped up, not intentionally or with any malice aforethought by prawn fishermen but as a consequence of the techniques used. Where the prawns were thickest is where the ecosystem provided them with their food and whatever else it was that attracted them to that location. So, that is where the greatest impact has been. No study has been made of that impact and, therefore, we have no understanding of which species have been affected by it.

I am not saying that trawling should be stopped. I am simply saying that there is still yet another area that needs to be looked at if we are to be serious about our commitment to ensuring survival in perpetuity of as many species as possible. Some of those species will eventually disappear as a consequence of the impact of natural evolution upon them, although we should not seek to be—and should do everything in our power as *homo sapiens* to avoid being—the agent by which those species meet their demise. I will leave that measure about conservation and fishing now and hope that it is debated here in future.

I turn to another aspect of the legislation that has some relevance to my interests in a unique way. In recent times I have become involved in a business (I declared this interest at the outset) which is engaged in preparing for sale and selling gem stones, particularly opal, from Australia. That has attracted my attention to the sources of this unique queen of gems, in world accepted vernacular. The legislation includes provisions that will restrict the extent to which prospecting can be carried out in that huge crescent of opal bearing strata in Australia, much of which does not yield sufficiently stable material for it to be used commercially. We do not know where all the fields are, and the Mining Act is presently inadequate to provide incentives to go and discover them. It is far too risky and expensive to go out wild-cat drilling.

However, the Bill restricts the capacity of people in the future to go and prospect for opal because of the way in which the regional parks are to be determined. The relevant provision in the Bill restricts the capacity of people who have a precious stones permit from staking a claim in that area without the permission of the Minister. I guess that simply means that claims will be refused if they are seen to be in an area that is regarded as being likely to end up inside a park of a category other than regional. This measure is to be found in new section 43a (5) of the principal Act, as follows:

> The holder of a precious stones prospecting permit under the Mining Act, 1971, cannot peg out a precious stones claim on a regional reserve without the approval of the Minister administering this Act, or if the Minister refuses to give approval without the approval of the Governor.

It is unlikely that the Governor would overturn the Minister's decision and, in all sincerity, the Minister would have to acknowledge that also. It is proposed that the Coongie Lakes be included, and that is right smack in the middle of the crescent of opal bearing material that I have spoken about, at least in geographic terms if not geomorphologically. Nobody knows, because nobody has done any serious drilling for common or precious opal.

It would distress me if an industry which at present produces arguably in excess of $200 million for this State as income for the miners (it is probably more than that) were to be hampered in the future, if the capacity to prospect and discover further reasonable deposits of the material were simply ruled out by that provision. Commonsense should prevail. In my estimation, the black economy in the opal industry is many times greater than the actual statistical information that is kept on the record about the economic worth of the industry. That matter does not need to be canvassed in this debate; I merely make the point.

I turn now to another aspect of the legislation to which I can bring some useful insight, namely, the schedules. Schedule 7 covers endangered species, and in some instances there is more optimism and nostalgia than realism. I will illustrate the point. The list of animals in the endangered species schedule includes the thycaline. People have claimed to have seen that animal.

**Mr Robertson:** Is that the Tantanoola tiger?

**Mr LEWIS:** That is exactly what I am talking about. It is perhaps a little more nostalgic, to say the least, and more optimistic than realistic to include that species on the endangered list. It might more properly be put in the list of those species for which we have a wake and formally acknowledge that they are lost forever. The schedule includes other lesser known but equally controversial species, and I have spoken to people who say that they have seen them but they are unable to identify the species sufficiently for me to accept that their claims of sighting such animals or plants are legitimate.

To many, my contribution might seem to be a bit of a dog's breakfast. However, I am trying to be relevant without repeating what others have said. I refer to clause 3, which amends section 5 of the principal Act, where quite wisely the Minister has included in the definitions that of 'aircraft', which includes a glider or balloon capable of carrying a person. I wonder why a hovercraft was omitted. I make that specific inquiry deliberately and I would like the Minister to take particular note of that, because I believe that hovercraft have a relevant and realistic place in the mechanisms we use to provide people with access to some parts of our parks system. Hovercraft would do much less damage in otherwise unstable and wetland verges, marshes, and the like. Four-wheel drive and other vehicles as well as jet boats, capable of carrying people (rather than their walking or wading) across such an environment do great damage, unlike hovercraft.

I believe, therefore, that we need to define it and specify where we can use it. This year I have taken a particular interest in the way in which the New Zealand people have developed suitable vehicles for tourists in their country to expand that industry of their economy, thereby providing access to the unique environmentally sensitive areas in their country without damaging such areas. I know, for example, that they are contemplating building a railway system somewhat similar to that used in Switzerland to provide tourists with access to the otherwise inaccessible parts of the rain forests in Fiordland whereby they have tracks on which the carriage runs and a third track on which the motor pulls itself along. I see the wisdom and good sense of what they are doing in that regard.

They developed the jet boat as well and a propellor driven boat that relies not on water but on air for its propulsion, something like a hovercraft. Those vehicles have shown that they can be used effectively without destructive impact of an unacceptable kind in an environment that otherwise would remain inaccessible to many people. I do not think it is fair that we should simply say that those environments are out of bounds to everybody who is not in the age group of 10 years to 45 or 50 years and very fit and capable of backpacking through those environments. It should be accessible for people with young children or older people who do not have the capacity, fitness or endurance to hike through these environments. It would enable people to get in and out again without having to take too much in with them and, accordingly, the risk of pollution and litter is thereby reduced.

The next point I wish to make of some substance relevant to the amendment before us in this Bill is the way in which in the past we have had to obtain or provide professional skills for the people who administer such Acts and indeed manage the areas to which they relate. Land management as a science is what I am referring to. In the past there has been no question about it, whether or not it has been well understood or well known. The two most likely sources of people to manage such areas are those who have done either a course in science and forestry—they were the experts in managing ecosystems up until very recent times—or those who have done courses such as that now provided at Roseworthy, in South Australia, on land management and natural resources. The students there fondly refer to themselves as the natrats.

That has been an outstanding innovation and the people responsible, particularly Dr Williams (the then Principal of the college), are to be commended for the bold and wise step in accepting and promoting the establishment of such courses of training. We will now reap the benefits of that, not only in South Australia but nationally, as we are turning out young men and women who have the ability to identify and understand the natural ecosystems and the way in which they can be interfaced, if at all, with other activities without destroying or putting them at risk. The House should be alert to the fact that we do have a spectrum of professionally qualified people available to us for that purpose.

**The Hon. D.J. HOPGOOD (Minister for Environment and Planning):** I will not speak at length in response to the debate. I thank members for the consideration given to the legislation at this stage of its progress through the Parliament. I do not imagine that members expect me to respond to every point that has been raised. However, I will respond to several individual points and also to one or two of the general comments made by members.

I will say something generally about the position of mining in the environmental scene in South Australia because, for example, the member for Coles mentioned in her remarks that there has been an element of conflict over the years between environmentalists and mining interests, and nobody can deny that that is the case. When one considers, however, the range of human activities that can be brought to bear on the natural environment and the productive activities, one would have to say that for the most part mining has a fairly minor impact on that natural environment. Quite obviously, of the productive activities with which we must be involved, agriculture has the maximum impact on the environment because the only way one can sensibly and productively carry out our mono-culture system of agriculture—the extensive system we have these days—is to clear extensive tracts of land, thus completely altering the nature of that environment. That was undertaken by our forefathers and is now drastically controlled under legislation to which the member for Coles referred.

By way of interjection I probably misled the House. The honourable member was right—it was 1985 when we brought in the Act. I was thinking of the regulations that I previously

brought down which, from recollection, was about a year earlier, in 1984. With pastoral activity we would have to say that, because of its extensive nature, pastoral activity must have a far more drastic impact on the natural environment than does mining. Of course the difference is that with agricultural activity we are removing all species from the environment and replacing them with other species artificial to that environment. With pastoral activity, it depends on how intensively the beasts using the species of that environment are placed in that area, with the old argument about the extent to which perennial shrubs tend to be removed completely, so it is only the annual species which recur. That is by no means irrelevant to a matter raised when, by way of some disorderly set of interjections, certain members opposite and I were talking about the record of the Labor Party in Opposition. I will return briefly to that later.

Further down on the scale of impact comes mining, its impact depending on whether we are talking about open cut mining (which we tend to talk about nowadays) or underground mining, and whether there are ancillary activities. The member for Coles mentioned that the hills around Burra had been denuded by the copper mining or activities ancillary to copper mining and smelting in the early days. These days that would not be allowed, nor would it be necessary because of the technology available to us.

So, although mining has an impact on the environment, an impact that must be controlled as all human impacts must be, nevertheless we must concede that its impact will be less drastic than some of the other productive activities that we undertake. Indeed, we are talking about exploration activity rather than the mining process and in many cases the impact of that activity will be less than the impact of the tourist activity on many of these areas.

In considering the range of controls that we must apply, we must consider these impacts and just how drastic they may be, hence the decisions that have been taken by Governments in this State since 1969 to provide for joint proclamation of some parks both for mining and for conservation purposes and also the amendment to the Act which I urge on the House in this debate and which would provide for the regional reserve. The regional reserve picks up that rather more drastic impact that is involved with pastoral activity in an area that is seen as being of great conservation importance. Because of that, I would not canvass that the regional reserve nexus is one that we will widely or indeed aggressively use in future. I would see it rather as a mechanism that enables the important control mechanisms in the National Parks and Wildlife Act to be applied to certain regions of the State where it is not possible to get those controls in any other way.

The National Parks and Wildlife Act is there basically to control human activity. Kangaroos, wombats and the various other species that are referred to in the schedule of the Act are not particularly concerned with the statutes that we pass in this place. It is human activity that brings all the problems in the national parks system, therefore it is that one species whose activity we seek to control. So, I see, for the reasons that I have outlined, that the regional reserve concept will have limited application, but an application that will be useful to use because we shall be able to get some controls over human activity that are not possible under any other form of legislation.

For example, a colleague of members opposite, a member in another place, on one occasion returned from the north and said that we should ban the use of chainsaws north of Hawker. That is something with which many people would have sympathy, but, once we look at the system of legislation available to us and indeed the system of policing that would be required, we would have to concede that either we run off in all sorts of novel directions or concentrate our activity on certain designated areas and ensure that the proper controls existed in those areas.

Regarding the Cooper flood-out plain, to have gone further than the regional reserve concept would have involved the buying out of a lease that still has many years to run and the excising from that lease of the watered areas (the Coongie Lakes, the Cooper, and the North-West Channel), and that would have rendered the lease absolutely worthless. The Government believed (and this has already been fairly widely canvassed publicly) that indeed to apply the National Parks and Wildlife Act to that area in the way canvassed by the regional reserve concept would enable us to get that control over human activity while at the same time allowing for a continuation of that pastoral and mining activity which traditionally has been associated with that area and which, particularly in relation to the mining industry, is absolutely critical to the economic future of this State.

Picking up one or two of the points made by members during this debate, I recall that the member for Flinders talked about the whole question of Aboriginal activity on reserves. When we get to clause 44, we should consider new section 68e, which seeks to control the rights which are now given in this legislation by considering the purpose of the activity rather than the individual concerned. I am not sure how at the margin one distinguishes between a person who is tribalised and one who is detribalised. I suppose that, if one looks at the extremes, it is not all that difficult, but my officers believe that, if one tries to distinguish as to the individual, it is difficult indeed whereas, if one looks at the purpose of the activity, which is set out in new section 68e, it becomes a little easier to police.

There have been situations in the past where this issue has arisen. Some years ago I had to withhold permission for the taking and cooking of a wombat at the Rotunda for some ceremony that was to take place. On balance I believed that, although this action would have no impact on the survival of that species, it would not be well received by the people of South Australia, including at the time my 13 year old daughter, but that is another story.

The member for Murray-Mallee raised an interesting area of debate and really put his finger on something. Marine reserves are provided for in the legislation that is administered by the Minister of Fisheries but, so far as I am aware (and I stand to be corrected), there is no mechanism in that legislation for the protection of individual species, nor is there in the schedules to this Act any protection for any marine species other than mammals—the pinnipeds and cetacea.

**Mr Lewis:** You have the whales in here.

**The Hon. D.J. HOPGOOD:** Yes. The mammals (the pinnipeds and cetacea) are protected, but the fish species and invertebrates are not, nor are any amphibia listed if we consider water species, although basically they are terrestrail. The same is the case in respect of all Acts around Australia. Part of the problem is that our inventory of species (and perhaps this is something about which we should look to the academic community) is not yet in a condition where we could easily prescribe specific species as we prescribe the mammals, birds and reptiles. I thank the member for Murray-Mallee for raising the point, because it is an interesting one in the total environmental debate and cannot be ignored for much longer.

Regarding the definition of 'reserve', there are problems about the definition of the marine boundaries of the terrestrial parks or the terrestrial boundaries of the marine parks,

and we are continuing to investigate that in order to determine how in the next round of amendments to this Act, as inevitably there will be amendments, we might consider it.

The member for Davenport raised the whole question of the identification of native species, especially plant species, and I believe that we should be preparing brochures and other such material to enable easier identification of species. He raised the matter of people currently cultivating native plants for commercial reasons. With this legislation, we have tried to provide that in general terms we should have the same sort of control over the propagation of native plants as over the keeping and breeding of native species, but I can give an undertaking that we would be sensible and responsible in relation to those people who, by their track record, have demonstrated that they are sensible and responsible and I would not expect that such people would have any great difficulty in obtaining permission to continue in the way in which they have been proceeding.

This touches on a point raised by the member for Bright about the casual taking of seeds here and there. I think that that is probably covered by the famous legal principle *de minimis non curat lex* (the law is not concerned with trifles). However, where a person consistently collects seeds for propagation, he or she would probably be well advised to register an interest with my department. The person might then find that much assistance and advice could be made available by my officers in that respect.

The member for Davenport raised a couple of other points in respect of which I believe, with respect, he needs to look a little more closely at the statutes. The CFS Act, for example, overrides the Native Vegetation Management Act, and that in itself should largely, provided that both pieces of legislation are responsibly administered, settle his concerns there. In relation to the hills face zone, I remind the honourable member that in law the hills face zone involves a set of regulations which control changes of land use and not land use itself. It is only at the point where a person proposes to change land use that the whole concept of the hills face zone comes alive and, for that reason, I do not think that the points that he was making, relevant though they may be to a different debate dealing with different legislation, are relevant to this Bill.

The member for Coles spent some time talking about resources in the national park system, and by no means is that a topic irrelevant to any sort of debate at all. I believe that most of the points that the honourable member made were a year out of date. If one likes to consult *Hansard*, one will see that in fact that is the case. The honourable member reminded us that she told everyone a little more than a year ago that the national parks were at crisis point. If they were at crisis point then, I am not sure why the whole system has not broken down by now. What I can say is this: no matter how one plays with figures, one has to come back to the point that right now there are more people in the field—in uniform—than there have ever been, and let us not go back to those old debates about the number of vacancies and all that sort of thing, because really that is meaningless. The imporant thing is the number of people in the field.

Additional resources have been put in—modest, indeed—but they have been put in and there has been a restructuring of the system in such a way as to ensure that more people get into the field. Thirdly, there has been a good deal of discussion and agreement about clause 49 of the Bill and the additional resources that will be made available to the system through the reserve services fund. All of that has lifted morale considerably. It has meant that our people have been able to begin to think entrepreneurially. It means that, though everyone knows that in the next few years there will not be any great additional accession of resources to any area of Government activity, there is the opportunity to be able to use the parks responsibly and productively within the over arching requirements of environmental considerations to get additional resources into those same parks.

I do believe that at present morale is very satisfactory so far as the parks system is concerned. A good deal more can be done. I join with members opposite in welcoming the initiative of groups like 'Friends of the Parks' and, indeed, we have been able largely to give them their head in many of these ways. It simply illustrates the way in which people recognise that the parks are not simply a Government or a national parks responsibility—they are a total community responsibility, and long should that remain the case.

There were several members in the debate, not the least the member for Eyre, who first made the assumption that the Opposition was approaching this very responsibly indeed, and I agree with him. He then went on to make the suggestion that this contrasted with the attitude that the Labor Party had taken when we were in Opposition. I interjected on the member for Eyre and suggested that he give us a few examples of this whole business and, although I believe I have a good memory, I crossed my fingers in case there were one or two things that might have occurred in the past that I had completley forgotten about. What did we get? We got the Calca tennis court and the Kimba rubble pit. But one or two other matters were raised. As to Coffin Bay, the plain fact is that Coffin Bay was purchased for national parks purposes by money provided by the Whitlam Government and, when we came back into office in 1982, it still had not been placed under the National Parks and Wildlife Act.

I made sure that one of my first priorities was to place it under the Act and I believe that, in so doing, I did what was required with land for which the necessary funds had been expended right from the very beginning. Members opposite also talked about the attitude to the change of park boundaries and suggested, by implication anyway, that if this legislation had been introduced by them, we would oppose it. I would reject that.

*The Hon. Jennifer Cashmore interjecting:*

**The Hon. D.J. HOPGOOD:** I do not have too many quarrels with the member for Coles about this, but I gather that the member for Eyre was giving it a slightly different slant. In Opposition, we said that we would be opposed to the concept of a motion going through both Houses, because it would set an undesirable precedent that might be misused in the future. My guess is that if we were taking that route now, if I was introducing a motion to go through both Houses to change the boundary of a park, members opposite would say exactly the same thing. The issue is not the triviality of the boundary change involved: it is, as it were, that the unthinkable is happening and there is an opportunity once one has driven that wedge for someone in the future (and we cannot rule out the possibility that some Party might control both Houses of Parliament at some time in the future) to use that process for other purposes.

We have searched long and hard for a mechanism, and I believe that this is a responsible mechanism which will enable some of the minor problems that have arisen in the past to be addressed responsibly without going through the whole business of the motion going before both Houses of Parliament, which can only raise all sorts of fears that I believe are unnecessary. Members have canvassed several reasonably specific amendments in the debate. I hope that they will find me not unreasonable in my attitude to them,

but I think I should limit my remarks until we get into Committee. I commend the Bill to the House.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation.'

**The Hon. JENNIFER CASHMORE:** I ask the Minister what he defines as 'minor alterations or additions to a public road'. The definition in this clause states:

'minor alterations or additions to a public road' means alterations or additions by way of realignment or reforming of a public road that are desirable in the interests of safety;

The word 'minor' is a reassuring word but it does not have a great deal of meaning unless it is defined more closely than that, because it is a comparative term and, as members of the Conservation Council pointed out, 'realignment' or 'reforming' of a public road in the interest of public safety could involve a significant reduction of park area. Although the Highways Department or local councils might consider it minor, it could have a drastic effect on a park, especially a small park. I appreciate the difficulty of defining 'minor' in terms of what the Minister has in mind, but I am sure that equally he can appreciate the fears that this amendment can be exploited to the point where a small park could be significantly disfigured as a result of such an alteration.

The development of a formula to constrain the operation of this definition in the relevant clause has been suggested. I acknowledge that I do not see a formula as being a workable solution to this, but I would like the Minister's response as to what limits he would place on the word 'minor' in reference to this definition.

**The Hon. D.J. HOPGOOD:** I think that I am right in saying anything one can see on other than the smaller scale map would not be minor. If it can be picked up on a Shell road map that is not a minor change, it is a major change. If one is talking about a 1:50 000 map, it may just be possible to pick it up. The Act requires that this could not occur except within the overall purposes of the Act and according to a plan of management, and any plan of management, of course, is subject to public comment. That ties it up fairly effectively. What we have in mind is roadworks that may alter the camber of a road to slightly change a curvature to make sight lines a little easier than might otherwise be the case; that is all we really have in mind. I suppose that it would be open for an individual to take a Minister or the Government to court where they felt that this had been exceeded, and I guess that in those circumstances the courts would decide. Of course, I would hope that Ministers would be responsible and ensure that the possibility that they might be accused of a breach of the Act could not at any time arise.

Clause passed.

Clauses 4 and 5 passed.

Clause 6—'Repeal of ss. 13 and 14.'

**Mr M.J. EVANS:** I move:

Page 4, line 16—After 'repealed' insert 'and the following section is substituted.

Minister of Mines and Energy not to administer this Act.

13. The Minister responsible for the administration of the Mining Act 1971, the Petroleum Act 1940, or the Pretroleum (Submerged Lands) Act 1982 must not assume responsibility for the administration of this Act.'

This amendment is perhaps moved out of an abundance of caution, but it precludes the Minister who is also responsible for the administration of any of the mining or related Acts from ever administering this Act. I moved the amendment because I believe that it is fundamental to the operation of the Bill that we have before us that in fact there should be a check and balance between the responsible Ministers, that is, the Minister responsible for the administration of the environment and national parks and the Minister responsible for the mining Acts. I believe that if that balance and check is to be properly maintained, it is essential that the two Ministers are separate physical personalities as well as separate legal personalities.

**The Hon. D.J. HOPGOOD:** If accepted by this Committee this amendment will not be altogether unique in legislation, because the Constitution Act provides that the one individual cannot be both Minister of Lands and Minister of Agriculture. Therefore, it is not all that novel. I can see the point that the honourable member is driving at. To be absolutely consistent, we should probably also write out the Minister of Marine, but since this piece of legislation hardly addresses that (although the member for Murray-Mallee did invite us to look at these matters) I would not want to canvass that any further. I am quite happy to accept the amendment and urge it on the Committee.

**The Hon. JENNIFER CASHMORE:** The Opposition supports the amendment, and I am pleased that the Minister supports it, too. It is one of those things which, when pointed out, becomes obvious; without such an amendment there is a potential for conflict. I congratulate the member for Elizabeth on his characteristic farsightedness and ingenuity in picking up this point. Clause 24 also comes immediately to mind, and under this clause the Minister of Mines and Energy must not grant an application without the approval of the Minister administering this Act, and that would place the Minister of Mines and Energy in an invidious position. Nevertheless this is sound management practice; it is very proper, and the opposition supports it.

**Mr BLACKER:** I totally agree with the sentiments that have been expressed and the motives behind the amendment. However, I wonder whether we might be creating a problem for a future Premier or Government establishing ministerial portfolios. In this instance the reason is legitimate and should be supported as such, but I see some problems. There is a motion before this House to move that the Constitution be changed in relation to why the Minister of Lands shall not be the Minister of Agriculture, or vice versa, in which case the Premier of the day would have absolute discretion as to which persons shall hold each of the portfolios. I am happy to support it as it is, but I wonder whether a future Government would be tied down. The reasons are right, and I hope such circumstances as are envisaged by the member for Elizabeth could not occur.

**The Hon. D.J. HOPGOOD:** Realities change. The matter to which the honourable member refers is probably quite unexceptional now because perhaps nobody can remember the reasons for the amendment to the Constitution Act in the first place. I think that it was once explained to me and went in one ear and out the other. It is not all that ancient. I believe that the amendment occurred during the time of the Walsh Government, and if not then certainly during the very late years of the Playford Government. Obviously, the reality for which it was tailored, if it ever was there, has certainly gone. Who knows? Things could alter in the future in relation to this as well, in which case the Parliament has its remedy.

I spoke to my colleague about this amendment when I was considering it and he could see no great problems with it. Of course, the Premier in this Government has always been absolutely scrupulous that, if a Minister is to be away for more than about three days, an acting Minister is made available. I do not recall any occasion when the Minister of Mines and Energy has occupied the acting position of Minister for Environment and Planning, or vice versa, despite the fact that I was once Minister of Mines and Energy when we were all very much younger. I appreciate

the point that the honourable member is making, but I do not see that it is any great problem to us.

Amendment carried; clause as amended passed.

Clause 7—'Appointment of wardens.'

**The Hon. JENNIFER CASHMORE:** I move:

Page 4, lines 25 to 28—Leave out these lines and insert 'warden must produce the card for inspection by the person against whom the warden proposes to exercise any of the powers conferred by this Act'.

The Opposition believes that the warden should be obliged to produce his or her card whether or not a request is made by a person against whom the powers are exercised or are proposed to be exercised. Members would know that rarely individuals with no legal training or experience of the statutes are aware of their rights under law. Young people, particularly teenagers, or elderly people who are stopped in a national or conservation park and who may be about to commit or have committed an offence would have no idea of their rights and would probably be too disconcerted to ask the warden for identification. However, if we are to enlarge the rights of citizens or even recognise basic civil liberties, we should be writing into this Bill this modification which puts a discipline on the warden which is in the interests of everybody, including the warden.

**The Hon. D.J. HOPGOOD:** I am happy to accept the amendment. It is in line with the spirit of the Bill.

Amendment carried.

**The Hon. JENNIFER CASHMORE:** This is the first clause in the Bill which mentions wardens. Will the Minister explain the present procedures for appointing wardens and the training required for a warden, and whether he envisages any alteration to those procedures or that training in regard to the regional reserves? As was made clear in the second reading debate, the wardens and rangers have earned the respect of members on this side of the House and, I believe, of all members. However, we want to know who are currently being appointed as wardens, what training those people are given and whether any alterations are proposed in respect of the enlarged responsibilities that will occur as a result of the passage of this Bill?

**The Hon. D.J. HOPGOOD:** All police officers are *ex officio* wardens. The people from the National Parks and Wildlife Service can be made wardens by the issuing of a card signed by me with their photograph on it for identification. However, that does not occur until they have completed a special course. There is nothing in the Act about it—I do not think it is necessary—but administratively that is the procedure. We also have an arrangement with the Customs Department and the Department of Fisheries for wardens. In the case of the Department of Fisheries, its officers are not *ex officio* and therefore would have to be subject to the same constraints as are the people from National Parks. The Customs people are in the same category. They would also be required to do the course before they were issued with the card. It is not proposed at this stage to change that system, which seems to be working satisfactorily.

Clause as amended passed.

Clauses 8 and 9 passed.

Clause 10—'Forfeiture.'

**The Hon. JENNIFER CASHMORE:** I move:

Page 5, lines 42 and 43—Leave out ', or is intended to be used in the commission,'

The clause presently reads:

Section 23 of the principal Act is repealed and the following section is substituted:

23. (1) An object is liable to confiscation under this section if—

*(a)* It has been used in the commission, or is intended to be used in the commission, of an offence against this Act.

This clause deals with the confiscation of objects used or intended to be used in the commission of an offence. 'Object' includes a vehicle which, under the definitions, includes a caravan, trailer, aircraft, ship, boat or vessel. The Opposition believes that where a warden suspects on reasonable grounds that an object is liable to confiscation, he may seize the object. However, if proceedings are not issued within three months of the date of seizure, the object must be returned to the owner. If the proceedings are commenced and the owner is convicted, the court may order forfeiture of the object. The question of 'is intended to be used in the commission' is really a highly subjective one and a judgment which the warden is making and which obviously will have very significant consequences for the person whose mind has apparently been read by the warden.

The Opposition does not have any quarrel with objects being liable to confiscation if they have been used in the commission of an offence against the Act, but to confiscate something as big as an aeroplane on the grounds that it is intended to be used in the commission of an offence is, we believe, draconian.

**The Hon. D.J. HOPGOOD:** The sweetness of life could not last, of course. I will have to oppose this amendment. I will put at least two considerations before the committee. The first is that the person involved may admit to the intention to commit an offence: stranger things have happened. The ranger comes across somebody with a gun in a park, introduces himself as a ranger and asks, 'What is the purpose of this gun?' The person then replies, 'I intend to shoot bandicoots, mate.' In those circumstances, should not the possibility of confiscation be available to the warden?

The second situation, by way of an example, involves what is called a mist net, which is used for the catching of birds. If a warden comes upon an individual with a mist net all set up but there is no bird in it, under the amendment which is urged upon the committee by the honourable member confiscation could not take place; therefore, the possibility of an offence actually being committed is very strong indeed. It is not unreasonable in those sorts of circumstances that confiscation indeed can take place. After all, what we are concerned about here is not so much prosecution but the protection of fauna, which is the reason for setting aside these areas in the first place; otherwise, it involves fauna which gets an honourable mention in one of the schedules to this legislation.

I can see that it is not in every case an easy section for the wardens to administer, but wardens learn by experience and by the outcome of cases that go to the courts. I do not think there is any lack of a remedy available to people who have their property confiscated in this way. I think it is a reasonable provision, and I urge that it remain in the legislation.

Amendment negatived.

**The Hon. JENNIFER CASHMORE:** I move:

Page 6, after line 6—Insert subsection as follows:

(1a) A vehicle is liable to confiscation under subsection (1) only in relation to an offence that is punishable by imprisonment.

The Opposition believes that confiscation of vehicles should be limited to the more serious offences, for example, where a period of imprisonment is provided for a particular offence, and I am pleased to learn that the Minister has indicated his willingness to accept this amendment.

**Mr S.G. EVANS:** I do not speak against the amendment, but I believe that it should go further. My concern is that in this day and age when people steal motor vehicles, or illegally use them on a regular basis, quite often to commit an act against the law, sometimes so that they are not

identified, it is possible for my motor vehicle which is not very valuable to be stolen and used to commit an offence, and for me to lose the control of that vehicle for a long period of time.

We should be able to write into the law a clear indication that, where that is the case, the Crown takes all the details it needs, such as fingerprints or soil type, from the vehicle, which is possible nowadays with modern science. The vehicle should then be returned to the original owner. This gets back to the point that I raised in the debate on another Bill where people who have nothing to do with the offence may lose the use of their vehicles. The Crown will have the opportunity to make the decision, and I may have missed the provision in the Bill that covers this aspect, but if it is not covered in the Bill I ask the Minister to take up this matter.

**The Hon. D.J. HOPGOOD:** I can see the point that the honourable member makes, and further consideration should be given to that. However, at this stage I simply indicate that I am happy to accept the amendment moved by the member for Coles.

Amendment carried.

**The Hon. JENNIFER CASHMORE:** I move:

Page 7, line 11—After 'object' first occurring insert 'legally'.

The Opposition believes that this new section ought to provide that, where a person has been convicted for having possession of an object without the approval of the real owner (in other words it is stolen property), the court may not order forfeiture to the Crown but order the return of the object to its real owner.

**The Hon. D.J. HOPGOOD:** I support the amendment and urge it on the Committee.

Amendment carried.

**Mr M.J. EVANS:** In relation to the seizure of objects, it seems to me that new subsection (1) defines which objects are liable to confiscation, new subsection (2) relates to which objects may then be seized by a warden, and new subsection (3) relates to the forfeiture of objects that are appropriately seized. It seems to me by that chain of logic that, in fact, an object that is not lawfully seized at the appropriate time cannot subsequently be ordered to be forfeited, because only objects that progressively fall under the provisions of new subsections (1), (2) and (3) end up in the position of being liable to forfeiture.

If a warden is not able immediately to seize an object and himself take control of it, how do we subsequently create the conditions under which a court may order its forfeiture? I can foresee circumstances under which a warden is unable or considers it inappropriate to seize a vehicle, weapons or nets because they might be too large for him to deal with, he might be on his own, or it might be too remote. He might consider it inappropriate because a person may have no other form of transportation, or may need the weapon for protection. A number of scenarios are feasible. The warden may decide at that time that seizure is not necessary. Subsequently he may decide that forfeiture is appropriate. I cannot see from this chain of events how it will be possible for the court to order forfeiture of an object that was not seized at the very time of commission of the offence. If I have missed that in the Bill, I would appreciate it if the Minister could point it out. It would be appropriate to order forfeiture of objects not seized at the instant of the offence.

**The Hon. D.J. HOPGOOD:** Certain remedies are available to the warden. A situation could arise in which one warden alone would be unable to address a situation. He would be like any other police officer faced with an infringement of an Act involving resources ranged against him which are too much and for which he cannot attempt to get reinforcements or assistance. He can address it in that way. The second way is where the nature of the object itself is such where the warden could ask the individual to accompany him to the local police station where necessary arrangements can take place.

I see the force of the honourable member's argument but I am not quite sure how one could get around it in the legislation before us except by those sorts of logistic consideration that I have tried to explain to the Committee. I will get some more information on the matter for the honourable member. In the past, we have not had too many problems with the way in which our wardens have operated and I hope that this does not create additional difficulty. I do not think that it will in practice.

Clause as amended passed.

Clauses 11 and 12 passed.

Clause 13—'Immunity from personal liability.'

**The Hon. JENNIFER CASHMORE:** I move:

Page 7, line 40—Leave out ', or purported exercise or discharge,'.

The Opposition believes that the words 'or purported exercise or discharge' go rather too far in giving power to a warden. Whilst I accept the Minister's argument in relation to a previous amendment that he did not support, namely, the net stretched ready to snare an endangered species and no endangered species visible, it is hard to see how anyone can give an officer who is charged with enforcing this legislation a power that goes beyond what he is actually doing into what he purports to be doing. To the Opposition that seems to go too far and gives quite undue power to wardens.

**The Hon. D.J. HOPGOOD:** It is necessary for the protection of the warden, provided that he or she is acting in good faith. It relates to that warden's concept of the responsibilities that are enjoined upon him or her by the legislation. In some way it is the more important part of the clause because it relates to those situations that could arise where there is some disagreement as to exactly what happened and the circumstances in which it happened. The important thing is that the warden was acting in good faith in pursuance of the aims of this legislation, whatever the facts of the matter might be. To remove those words from the clause would be to remove an important protection for an individual, provided that individual is acting in good faith. If that last qualification is not there, there is no protection at all from this legislation; nor should there be.

**Mr S.G. EVANS:** I take it from this clause that any liability that would normally attach to the warden will now be held against the Crown. That allays one of my fears. The other point I raise is that we never seem to put in legislation the opportunity for one automatically to recover costs and, in circumstances such as these, we are exempting a warden against any action if he becomes over-zealous and goes too far, as long as what is done is done in good faith.

It is very difficult for a person who challenges or finds that the warden is wrong. In this case the Crown will be liable for compensation, but it cannot always cover costs. Will the Minister look at that aspect, so that a person who is found to be right in challenging what a warden has done can claim not only compensation for the loss of a vehicle, for example, but also costs. Court costs are dramatic these days and it can put ordinary invididuals in a position of not being able to challenge because of the fear of cost structure.

**The Hon. D.J. HOPGOOD:** I can draw on my ministerial experience in fields other than environment and planning, if need be. Almost invariably the Crown Law Department advises the Government to settle in cases such as this. I

can recall various cases that occurred when I was Minister of Education and when there were injuries with children in schoolyards, and so on. That is not really my concern here because it is adequately covered by Government practice in this area. The concern I would have would be where, for example, a person bogs their car somewhere on a conservation reserve and the local ranger comes out and tries to pull the car free using his or her own vehicle and some misadventure occurs such as the rope breaking or the car running into a tree. In certain circumstances claims could be made against the Government and in other circumstances it would be most unreasonable for that to happen. I simply want to protect in the situation of a person operating in good faith but where something nonetheless goes wrong.

The more general point the honourable member raises is largely covered by Government practice over many years that almost invariably Crown Law says that we should pay out rather than go to court. The Government does not want to go to court any more than the individual does, and for the same reasons.

**Mr S.G. EVANS:** I have raised this point several times, namely, that we have a habit of referring to previous practice and saying that there is no problem. When an individual sees a lawyer he is told that if he loses he may not be able to claim costs. People are taking legal action in all sorts of areas and those in the middle income range who do not get legal aid are the ones who really suffer. Therefore, we must look at their position and try to make the law clear, so that they have a chance of claiming costs, instead of referring to previous practice. We all know of instances where costs have not been paid and it has been a disadvantage to individuals. If I keep raising this matter, one day some Government will take up the challenge and correct it.

Amendment negatived; clause passed.

Clause 14 passed.

Clause 15—'Constitution of regional reserves by proclamation.'

**The Hon. JENNIFER CASHMORE:** Clause 15 is obviously a key clause because it establishes the power to create regional reserves. I have a number of questions about this clause and, as I have only three opportunities under Standing Orders to do so, I will try to group them together. The Minister would know that some conservationists are not happy with this clause as they do not believe it gives sufficient privacy to the conservation purpose of regional reserves. Indeed, one might describe clause 34a (1) *(a)* as a clause that is equally balanced in terms of the interests of conservationists and development. It states:

> 34a. (1) The Governor may, by proclamation—
> *(a)* constitute as a regional reserve any specified Crown land for the purpose of conserving any wildlife or the natural or historic features of that land while, at the same time, permitting the utilisation of the natural resources of that land;.

Did the Minister at any stage consider extending the operation of regional reserves beyond Crown Land and, if so, what are his reasons for not extending the regional reserve concept to any land that is not Crown land? Does the Minister believe that a need exists to put something in the clause to cover the possibility of phasing out the regional reserve if its multiple use becomes so much in conflict with conservation objectives that the whole notion of regional reserves becomes untenable?

Also, did the Minister consider, or will he consider, the suggestion of allowing or providing for public advertisement for comment and consideration thereof in respect of the abolition or alteration of boundaries of regional reserves? Those three aspects have been raised with me on many occasions and are considered by conservationists to be very important aspects of this regional reserves clause.

**The Hon. D.J. HOPGOOD:** Let us remember that the regional reserve is being created to take on board the concept of pastoral use. If our concern is only the conflict or otherwise between conservation and mining, we already have the power under the Act and have exercised it, beginning in 1969 with the Simpson Desert. So it is only to take on board a third form of land use—pastoralism—that the regional reserve needs to be written into the legislation.

**The Hon. Jennifer Cashmore:** And tourism.

**The Hon. D.J. HOPGOOD:** Some degree of tourism is clearly not incompatible with the species of reserve that we currently have.

**The Hon. Jennifer Cashmore:** But you need the Government to be able to control, for example, the Innamincka tourist and Coongie Lakes tourist.

**The Hon. D.J. HOPGOOD:** That could have been done under the Act without creating a regional reserve. What I am building up to by way of answer is that, as pastoral activity of the extensive type occurs only on Crown land of one sort or another, it has not been felt that the need would arise for the regional reserve to apply to areas which had been freehold and had been acquired and gone through the normal process for dedication. I could have given a very technical answer, but I do not think that the Committee would allow me to get away with it, and that is that under the legislation you cannot create any of the four or intended five categories until the land has become Crown land.

For example, if I acquire the honourable member's property, freehold as it is, and I want it to become a national park, first of all it has to go through a process of being Crown land before it can be made a national park. So in a very technical sense I could easily answer the honourable member's question, but I think what the honourable member is getting at is whether it is intended for this type of reserve to extend into the agricultural regions of the State. My answer would be 'No', because the only multiple use that could be considered there, as I see it, that would be relevant to the sorts of things that we are talking about is mining and conservation and we have the mechanism in the existing Act without the need for an amendment to occur.

**The Hon. Jennifer Cashmore:** Forestry?

**The Hon. D.J. HOPGOOD:** I would not see forestry as being at all appropriate, because that gets into an area usually in our situation of clear felling, which is little different from agriculture in its environmental impact. That was one of the general points I made in reply to the second reading debate.

Consideration has not been given to any change of status of regional reserves, nor to the boundaries of regional reserves, except in the mechanisms which are in the parent Act and in the minor in its impact amendment to boundaries which are being considered here. I think that is something which should be looked at some time in the future. I think it would be unnecessarily provocative to those people with whom we have negotiated to be writing into the Act at this stage some sort of suggestion that at some stage down the track the regional reserve could be changed to a national park, conservation reserve or one of the other categories. If that is the way we have to go in terms of the existing legislation, and the legislation once amended by this Bill, we would have to go through the time honoured process.

**The Hon. Jennifer Cashmore:** What about public comment?

**The Hon. D.J. HOPGOOD:** Anything which has to be secured by way of a management plan or change of a management plan would of course have to go through a public comment process. Management plans will be as relevant to regional reserves as they are to the other four categories and we see them very much as being the key to the way in which the future environmental management of these areas will go.

**The Hon. JENNIFER CASHMORE:** This question may be more appropriately asked under clause 20, but the Minister has referred to management plans and there is some concern that there is no opportunity for public comment in new section 34a. The Minister has just said that management plans for regional reserves would be subject to public comment in the normal way. Does he include in that agreements which are, in effect, management plans, and is he suggesting that they be open for public comment?

**The Hon. D.J. HOPGOOD:** I think it would depend a little on the nature of the agreement. If we are talking about the whole of the Cooper Basin there are a large number of agreements, some of whose whole provisions are guaranteed by Acts of this Parliament, which I do not think would be appropriate to change by management plan or anything like that. Indeed, Parliament would see it as being quite inappropriate that it be changed by Act of Parliament for that matter. They were negotiated in good faith some years ago and therefore should remain in force.

However, it is not impossible for those agreements to be—and I understand will be—worked into the framework of the management plan itself and to that extent it will be the subject of the public process that is involved in a management plan. As the management plan is drawn up for the Innamincka area obviously one cannot ignore the nature of the agreements, complicated as they are. I recall from my time as Minister of Mines that I was involved at the beginning of the unitisation agreement, as it was called, between I think 11 different companies that were involved in the Cooper Basin. Much of that material in a general form will be worked into the fabric of the management plan by agreement with the holders of those tenements on the field at present or in the future.

**The Hon. JENNIFER CASHMORE:** That is interesting to me and it will be encouraging to conservationists. I take it that the agreement would be incorporated in the management plan after it has been signed and agreed to by both parties—the Government and the lessee—and not before? I seek to clarify that its inclusion in the management plan is a *fait accompli* and that all the public comment in the world would not alter it, because it would be a signed agreement.

**The Hon. D.J. HOPGOOD:** Yes, that is the case.

Clause passed.

Clause 16 passed.

Clause 17—'Objectives of management.'

**The Hon. JENNIFER CASHMORE:** This clause deals with the objectives of management and includes a series of requirements. It has been suggested to me that there should be a requirement in this clause to cover the question of rehabilitation, should that be necessary—it is always necessary, if we are talking about conservation, if there has been land use: rehabilitation is required for conservation purposes. However, there is no specified requirement for rehabilitation in this clause. Can the Minister give the Committee an assurance that rehabilitation is covered in respect of the mining tenements, under the Mining Act or under any other Act, or does he agree that there is in this Bill no requirement for rehabilitation, nor is that requirement covered under any other Act of Parliament, indenture, and so on?

**The Hon. D.J. HOPGOOD:** It is covered now much better than it once was. Indeed, there are one or two unfortunate cases around South Australia where, had the Mining Act or the Mines and Works Inspection Act been in the sort of condition it is in now, we would not have, say, acid water running down creeks. The honourable member's colleague, the member for Heysen, could say one or two things more about that in relation to Dawsley Creek. There has been a good deal of attention given to this in recent times and the Mining Act, the Mines and Works Inspection Act and the Petroleum Act now provide for all the powers that we would need. They can be exercised by the Minister of Mines and Energy.

In the case of quarrying, there is the Quarry Rehabilitation Fund, though in most cases I do not think it would be applicable to the sort of lands that we are talking about here, because quarrying is not normally the sort of activity likely to be the subject of joint proclamations or regional reserves, but I cannot rule out the possibility that from time to time we could have access to that fund also.

Clause passed.

Clauses 18 and 19 passed.

Clause 20—'Agreement as to conditions.'

**The Hon. JENNIFER CASHMORE:** I move:

Page 9, after line 25—Insert subsection as follows:

(1a) The purpose of conditions imposed by an agreement referred to in subsection (1) must be to conserve wildlife or the natural or historic features of the land while, at the same time, permitting the utilisation of the natural resources of the land.

This is another key clause, since proposed new section 40a (1) provides:

The Minister administering this Act and the Minister of Mines and Energy may enter into an agreement with the holder of a mining tenement granted in relation to land that is, or has become, a regional reserve imposing conditions limiting or restricting the exercise of rights under the tenement by the holder of the tenement and by his or her successors in title.

The Opposition believes that the word 'agreement' should be qualified, so that the meaning of this provision can be readily understood by any person reading it. The amendment simply mirrors the wording used in proposed new section 34a (1) *(a)*, which outlines the purposes of a regional reserve. The Opposition believes that the inclusion of the wording in proposed new section 40a (1) identifies the purpose of the agreement which, in effect, as the Minister has just described, is a management plan for the operators of mining tenements in regional reserves.

**The Hon. D.J. HOPGOOD:** I have taken advice on this matter, and I can see what the honourable member is getting at. However, I rather think that the result of the wording suggested would be that we would finish up with something other than what the honourable member wants. My concern is with the words 'while, at the same time, permitting the utilisation of the natural resources of the land'. This agreement pursuant to proposed new section 40a (1) is to be entered into because of the situation of wanting some utilisation of natural resources, but does 'permitting . . .' allow for some conditions to be placed on the agreement?

My advice is that the verbiage suggested would make it more difficult to prescribe the utilisation of these resources. If, on the other hand, all the words after 'while' were left out it seems to me that there could still be difficulties in that some pain might be caused to those people who see the whole point of this provision as being about the utilisation of natural resources. At this stage, I advise the Committee to oppose the amendment but to undertake to look very closely at the possibility of some other wording, which would obtain the principle for which the honourable mem-

ber is striving while at the same time not running across possible dangers that might arise from the amendment as drafted.

**The Hon. JENNIFER CASHMORE:** I take the point that the Minister has made. It is obvious that he has taken my point as indicated by the undertaking that he has given. Because the Minister has given that undertaking, I will not divide on this clause, about which I feel quite strongly and about which conservationists feel quite strongly. I think the matter is important. I have tried, and I know that it is not easy and so I wish the Minister good luck in his efforts. I know that my colleagues in the other place will make efforts of their own to find a form of words that specifies the nature of the agreement. While the wording of the provision as it stands might be meaningful to the Minister and his officers, as well as the Minister of Mines and Energy, it is meaningless to any lay person reading the Bill, and I believe that the purpose of the law should be to clarify the intent of legislation to the ordinary intelligent reader of that legislation. As it presently stands, this clause does not do that.

**The Hon. D.J. HOPGOOD (Minister for Environment and Planning):** I move:

That the time for moving the adjournment of the House be extended beyond 10 p.m.

Motion carried.

**Ms GAYLER:** I am concerned about the suggested amendment to clause 20. I wonder whether it will defeat the purpose that the conservation movement has in mind. For example, if a condition imposed by an agreement was such as to preclude the utilisation of the natural resources of an area of land, such as portion of the most highly significant Coongie Lakes area, it seems to me that it would not fall within the purposes of the conditions set out in the clause. If I am right in thinking that, then the proposed amendment serves no good purpose, particularly bearing in mind that the objects of management in relation to regional reserves set out the broad purpose (that is, permitting utilisation of natural resources while conserving wildlife and the natural or historic features of the land). I wonder whether it is not best to leave the conditions to deal with the relevant circumstances relating to the particular reserve.

Amendment negatived.

**The CHAIRMAN:** The member for Coles has an amendment on file to page 9, line 35, which seeks to alter the last line of clause 20. I will put the question in relation to the member for Elizabeth's amendment in two stages, first, only up to the point at which the member for Coles' amendment will have effect. If that question is passed, the member for Coles' amendment is lost and the remaining part of the member for Elizabeth's amendment will be put. However, if the first part of the member for Elizabeth's amendment is negatived, his amendment is lost and the member for Coles' amendment will be put. Therefore, I will put the question that all words on page 9, lines 26 to 35, up to and including the word 'Act' in line 35 be deleted. If the member for Elizabeth proceeds to explain his amendment in the normal way, we will then put the first part of his amendment.

**Mr M.J. EVANS:** I move:

Page 9, lines 26 to 35—Leave out subsections (2) and (3) and insert the following subsection—

(2) If a person contravenes, or fails to comply with, a condition imposed by agreement under subsection (1) in relation to a mining tenement, the Minister of Mines and Energy must, at the request of the Minister administering this Act.

I have moved the part of the amendment we are considering on the basis that I believe that, in any consideration of punitive action to be taken against the holder of a mining tenement who fails to comply with the condition or contravenes the condition of the agreement, either the Minister administering this Act or the Minister of Mines and Energy must have the final say—one of them must make the final decision.

It has to be one Minister or the other and it is my view that in a normal situation involving a mining tenement outside a park as defined by this Act, obviously the Minister of Mines and Energy would have the first and only decision. Because in this case these mining tenements are located on a regional reserve, I believe that the priority ought to be given to the Minister for Environment and Planning as the administrator of the relevant Act, because primarily the conditions relate in this context to protecting the heritage, wildlife and historic circumstances of the park.

Therefore, I think that the decision hinges on questions that are best decided by the Minister for Environment and Planning rather than by the Minister of Mines and Energy, because his considerations historically and primarily will be those that relate to the normal administration of such a mining tenement, whereas the unique circumstances of this mining tenement are such that the juxtaposition of the tenement and the reserve itself must be considered. In my view, the management of the reserve must be the primary consideration and therefore the Minister for Environment and Planning should make that decision.

Given that one Minister or the other must make that decision, I believe it is appropriate to remove the discretion that currently is vested in the Minister of Mines and Energy and to give it instead to the Minister administering this Act so that when he considers it is necessary to cancel the mining tenement because of the failure to comply or the contravention of a mining operation, his decision should prevail and the Minister of Mines and Energy should act on that decision accordingly as a matter of formality.

**The Hon. D.J. HOPGOOD:** I make clear the reason for my interjection a little while ago about which you, Mr Chairman, admonished me and other members in the Committee. My concern is that I should be in a position to be able to support both the amendment that is being urged on the Committee by the member for Elizabeth and also the remainder of the amendment that is being urged on the Committee by the member for Coles, because both appear to be reasonable in terms of policy. I have to accept direction as to whether there is any conflict in terms of the actual verbiage which is before us.

**The CHAIRMAN:** If the Minister wishes to proceed with that and the member for Elizabeth's amendment is carried, we would then want an amendment to the amendment.

**The Hon. D.J. HOPGOOD:** In relation to what the member for Elizabeth has put to us, I do not see this whole section of the Bill really relating to which Minister is or is not pre-eminent. The important thing here is that both Ministers are custodians of certain environmental and mining resources. In those circumstances, what is important is the nature of the agreement that is entered into under new section 40a (1). That is the point at which the important requirements of the utilisation of resources on the one hand and protection on the other hand must be fully covered and entered into. Where there is a breach of that agreement—and it is not a trivial breach—obviously some remedy must be available. In the circumstances, I do not think it matters very much, but that which is being urged on us by the member for Elizabeth is certainly within the intent of the Bill and I cannot see any problem with the Committee's accepting the amendment in the form in which it is drafted.

Again I put this important interpretation on what we are doing here: the important thing is the proper exercise of the respective responsibilities as Minister for Environment and Planning and Mines and Energy in the negotiation of these agreements in the first place and really I think there will be no problems there.

**The CHAIRMAN:** Before we go any further, can we clarify the form of words that the Minister would require? They seem to me to be to delete from the amendment moved by the member for Elizabeth the last three words 'cancel the tenement' and insert in lieu thereof 'serve notice' etc. and the remainder of the amendment moved by the member for Coles. Is that what the Minister is looking at?

**The Hon. D.J. HOPGOOD:** That is okay by me if it is okay by the member for Coles and the member for Elizabeth.

**Mr M.J. EVANS:** That was my difficulty, because I also agreed with both in principle. It seems to me that my amendment could simply amend one word of the amendment moved by the member for Coles. If the member for Coles' amendment was given primacy and adopted, my amendment to her amendment would simply delete the word 'may' on the last line and substitute 'must'. That would involve the change of only one word in the amendment of the member for Coles. That would seem a little simpler, but I respectfully agree with whatever we can come up with to adopt both.

**The CHAIRMAN:** I think we will go back to square one. The amendment of the member for Elizabeth is before the Chair, and we will take that, but it has been suggested that it should be put in an amended form. Does the member for Elizabeth wish to leave out new subsection (2)? The amendment of the member for Coles does not leave out new subsection (2).

**Mr M.J. EVANS:** I am quite happy with the amendment of the member for Coles except where it says 'may' in the last line. In the spirit of my amendment, the Minister 'must' cancel the agreement. That would quite adequately meet all of the points I have put forward.

**The CHAIRMAN:** This is pretty irregular. I ask the member for Coles whether she is happy with that amended proposition.

**The Hon. JENNIFER CASHMORE:** I must say when my amendment was devised, the word 'may' which reflected the Bill as introduced by the Minister was retained because I believed that some kind of graduation was needed. As the Minister has indicated that he will accept the amendment of the member for Elizabeth, any opposition that I might have chosen to make to it will not have any practical effect. Therefore, I do not object to what is proposed. I am just concerned about the principal substance of my amendment.

**The CHAIRMAN:** I cannot sort this out. You really need to confer.

**The Hon. JENNIFER CASHMORE:** Are you asking me to alter the word 'may' to 'must'?

**The CHAIRMAN:** Yes. If the honourable member agrees to that, I believe that the member for Elizabeth and the Minister agree, and we can move it as the amendment.

**The Hon. JENNIFER CASHMORE:** I have not had an opportunity to consult with my colleagues. I regret that I wish to retain the word 'may' even though I expect that the Government and the member for Elizabeth will have the numbers to require the word 'must'. Therefore, I ask you as Chairman to devise whatever procedure is necessary to ensure that the Minister and the member for Elizabeth achieve what they want and that, subsequently, the substance of my amendment which does not hinge on the words 'may' or 'must' but which inserts a new ingredient can then be put.

**The CHAIRMAN:** In that case, I will accept the member for Elizabeth's amendment. Does the honourable member for Elizabeth wish to speak to his amendment again?

**Mr M.J. EVANS:** I am happy with whatever can be organised. I understand that the Minister could take the matter under further advice and make any necessary consequential changes in another place if the result of tonight's proceedings did not meet with immediate approval as a result of the complexity with which we are now faced. I will proceed on that basis, and I am sure that we can resolve it in the long term.

**The Hon. JENNIFER CASHMORE:** I move:

That the member for Elizabeth's amendment be amended by leaving out the words 'cancel the tenement' and inserting the words 'serve notice on the holder of the tenement requiring the holder to rectify the contravention or failure in the manner and within the period (which must not exceed three months) set out in the notice'.

My proposed amendment after line 35 includes the word 'may' but, in effect, that word will become 'must' under the amendment moved by the member for Elizabeth.

**The CHAIRMAN:** The word 'may' in the amendment moved by the member for Coles has not been affected by the amendment of the member for Elizabeth, so the honourable member can proceed or not as she desires.

**The Hon. JENNIFER CASHMORE:** In that case I will proceed with the amendment as it stands, but I trust that it will not result in a nonsense as a result of the member for Elizabeth's amendment. At the moment the clause provides:

If a person contravenes, or fails to comply with, a condition imposed by agreement under subsection (1) in relation to a mining tenement the Minister of Mines and Energy must at the request of the Minister administering this Act cancel the tenement.

We believe that in reality it is unlikely that a Government would cancel a mining tenement. We are dealing with major companies with major ventures which have a profound economic impact on the State and often bring it important economic consequences. The possibility of cancellation is therefore remote, if not almost impossible. However, that is the only sanction in the Bill at the moment for anyone who contravenes or fails to comply with the condition imposed by an agreement under new subsection (1).

It is unsatisfactory to have a punishment so draconian that it will never be put into effect. However, we believe that it is important that there be graduations of sanctions which can be imposed if there is any contravention of an agreement. We have what could be regarded as an unusual situation in relation to this clause whereby conservationists want graduated sanctions because they see the virtual impossibility of a tenement ever being cancelled.

At the same time, the mining industry recognises the reasonableness of this amendment, because in much legislation there are graduated penalties and it is therefore appropriate that, in this critically important legislation from a conservation point of view, there should be an opportunity for the Minister to warn under statute before cancellation. This will lead to a much more satisfactory relationship between conservation and development and will empower the Minister to do what really is his function under this legislation, namely, keep his management agreements under proper scrutiny and control.

**The Hon. D.J. HOPGOOD:** Some things are becoming a little clearer. My advisers and I have been working off an earlier draft of the amendments of the member for Elizabeth, and I now find that the amendment to page 9 of this clause in front of us is a little wordier than the original very succinct wording that the honourable member had. That is

the source of some of the confusion that I have experienced in looking at this business. I support the thrust of the amendment of the honourable member for Coles, and I recommend to the Committee that it be supported, and whatever effect that that may have can be given further consideration before it is taken up in the other place.

I certainly support the concept of graduation of penalties where possible. I make absolutely clear that it would be in a very remote circumstance that a tenement would be cancelled. I had seen that this whole matter would largely be properly fixed up by the way in which the two Ministers were involved in the agreement entered into under clause 20 (section 40a (1)). The best way for the Committee to proceed is to accept the amendment now urged on it by the member for Coles.

**The Hon. M.J. EVANS:** I support the amendment moved by the member for Coles. I apologise to the Minister if, in my haste to acquaint him with my propositions, I did not point out to him that the amendment had undergone a degree of legal evolution in the distributed copy that was circulated in the House. I accept his proposition in relation to whatever the amendment of the member for Coles may do to mine in the future.

**The CHAIRMAN:** I am now accepting the amendment to the amendment by the member for Elizabeth, as proposed by the member for Coles, and I will put that to the Committee.

Ms Cashmore's amendment to Mr M.J. Evans's amendment carried.

Mr M.J. Evans's amendment, as amended, carried.

**The Hon. JENNIFER CASHMORE:** I move:

Page 9, after line 35—Insert subsection as follows:

(4) If the holder of a tenement on whom a notice has been served under subsection (3) fails to comply with the notice, the Minister of Mines and Energy may cancel the tenement.

I must seek the advice of the Chair before I proceed to put the case for this amendment, notwithstanding the fact that I know that the Minister will support it. Does my word 'may' now automatically become 'must' as a result of the amendment of the member for Elizabeth, or is it possible to retain the word 'may' in respect of first serving notice to rectify the contravention within a set period, and then still have the possibility rather than the requirement to cancel a tenement?

**The CHAIRMAN:** From the Chairman's point of view it is possible to move the amendment containing the word 'may', but what the Committee does is up to the Committee.

**The Hon. JENNIFER CASHMORE:** Thank you, Sir. The justification for this amendment has already been put, namely, the importance of enabling the Minister to have a graduated penalty for the breaching of conditions of a tenement. I have moved the amendment accordingly.

**Mr S.G. EVANS:** On the point of this 'may', 'shall' and 'must', I think there has been enough debate in this place and in the Federal Parliament. I believe that it also arose in a court action, in which it was argued that 'may' means 'shall'. To me 'shall' is the same as 'must'. Also, it was argued as meaning the same thing in a recent Federal case. I do not think that we need to get hung up about the words 'may' and 'shall' because in other Acts it is taken to mean the same thing. I think we lose nothing by leaving in 'may'.

**The Hon. E.R. GOLDSWORTHY:** I heard this debate on the intercom and wished to come down, because to me the words are incompatible. Will the Minister explain to me how the amendment moved by the member for Elizabeth, which says that if there is any contravention of a condition of an agreement the tenement must be cancelled, is tenable or can stand alongside the amendment of the member for Coles, which provides that if there is a breach of a condition of an agreement there shall be graduated penalties? All that the member for Coles has said is predicated on the fact that there is a breach and that there will be a series of penalties; in such a case the Minister may cancel the tenement. It seems to me that, unless some point has escaped me, the two are incompatible. It is either 'may' or 'must'.

**The Hon. D.J. HOPGOOD:** We are now discussing an amendment to the amendment that we have carried.

**The CHAIRMAN:** That is not quite right. The amendment to the amendment has been carried and we are discussing the amendment as proposed by the member for Coles after line 35.

**Mr M.J. EVANS:** In relation to the point that has been raised by the Deputy Leader, I think that the essence of my earlier amendment—whatever be the fate of that—is that either the Minister for Environment and Planning has the discretion to determine whether or not the tenement should be cancelled as a result of the breach, or the Minister of Mines and Energy has that final discretion at the request of the Minister for Environment and Planning. So one Minister or the other must make the decision. The tenement need not be cancelled compulsorily in either case. In one case the discretion as to whether to take that action rests with the Minister of Mines and Energy under the original Bill.

In the case of my amendment, that discretion rests with the Minister for Environment and Planning, and the Minister of Mines and Energy then acts on his request. Naturally, the Minister for Environment and Planning need not make such a request if he feels that the breach is not sufficient to warrant termination. However, if he feels that it is and makes that decision, the Minister of Mines and Energy acts on that decision under the amendment that I have moved. So, the discretion would simply shift from one Minister to the other, according to the priority that should be placed on it. In neither case is it mandatory for the tenement to be terminated. It is only discretionary, and it is simply a question of in whose discretion the matter rests.

Amendment carried; clause as amended passed.

Clause 21—'Approval of proposal for constitution of reserve.'

**The Hon. JENNIFER CASHMORE:** This clause requires the Minister to submit any proposals to constitute or alter the boundaries of a reserve to the Minister of Lands for approval and to submit any such proposal to the Minister of Mines and Energy and consider the views of that Minister in relation to the proposal. Why are these key matters being referred to individual Ministers rather than to the Cabinet or to the Governor in Executive Council (as would have to be the case in this Bill) for consideration and judgment?

**The Hon. D.J. HOPGOOD:** First, the parent Act requires submission to the Minister of Lands. That has been the case since 1972. We are now embarking on legislation whereby, in a very limited number of cases, we are involved with areas of land where not only the conservation but also the natural resources aspect of those areas are to be taken into account. It seems to be consistent with the spirit of that new adventure in which the Minister of Mines and Energy, who is involved in the natural resources question, should also be involved.

The thrust of the clause is, I believe, perfectly satisfied by a submission to Cabinet. As I understand it, no provision exists in any legislation for a matter to be referred to Cabinet. It is a convenient fiction. We have the Governor in Executive Council and individual Ministers. This is a consultative process that is perfectly and reasonably completed

and satisfied by the matter being referred to the Cabinet, provided that both the Minister of Lands and the Minister of Mines and Energy are there on that day.

Clause passed.

Clause 22—'Alteration of boundaries of reserves.'

**Mr S.G. EVANS:** I raised this matter in the second reading debate, and my concern is to get a clear indication of what the present Minister intends in relation to the interpretation of this provision. Until now, if the boundaries of a reserve were to be changed (and by 'reserve' we are talking about a regional park, a recreation park, national park or any other type of park), even if the change was minor, it had to be done by a resolution passed by both Houses of Parliament.

Under this provision, by proclamation—and we must realise that a proclamation cannot be defeated by one or both Houses of Parliament; a proclamation remains once the Governor, at the will of the Government, has implemented it—the Minister of the day with Cabinet approval can change the boundaries of a reserve which, as I said, includes all forms of parks that we are considering in this Bill. In particular I raise the matter of the Belair Recreation Park—which most people still call a national park and which I believe it should be—where the Government, this Minister and the Minister of Transport have before them a report—there may be more than one, but there is at least one—that looks at the upgrading of the Upper Sturt Road connecting Hawthorndene to Crafers and the more densely populated Stirling area.

The Minister of Transport wrote to me saying that I could not have a copy of the report because it was still confidential to the Government and the departments. One of the main reasons for the report was to clarify the boundaries of the road reserve as against the Belair Recreation Park boundaries. Several modifications needed to be made because in places the road reserve transgresses onto the Belair Park Reserve and, likewise, the Belair Park Reserve and other places encroach onto the road reserve. The Belair Recreation Park, being recognised by most people, as I said, as a national park, has been fenced in the areas that have been most affected by man, that is, on the north-western side and on the northern side, which is natural bushland. But on the Upper Sturt Road side the boundary has not been fenced and the Minister has stated it is intended to fence it. I wonder whether the delay in releasing the report has been because this Minister would like to get this Act through Parliament and then by proclamation say that these are the bits that we are going to cut off the Belair Recreation Park, knowing that if they are major pieces there might be a significant protest.

I am not going off at a tangent and saying that there does not have to be significant encroachments in one or two places—there might have to be; I have not seen the plan of the Belair Recreation Park. As much as I have a great love for the park—as a boy I played there—I would not say that the Minister should not follow the route that has been picked by the engineers and the environmentalists as the best route along that park, but I believe that tonight the Minister should give an indication of the proposed changes, whether they are significant or major or whether they run into hectares or are only 10 or 20 minor bits. We should be told whether in fact those amendments to the boundaries of Belair Recreation Park and the road reserve are considered to be minor and are covered by this Bill or are they in a category that would still have to go before Parliament as a resolution to go through both Houses.

**The Hon. D.J. HOPGOOD:** I know nothing of my colleague the Minister of Transport's ambitions for that road—absolutely nothing. I suppose I could talk to my colleague—as no doubt I will do if he has a serious proposition that he wants to put—but I can only answer the question in the way I answered a question from the member for Coles when she raised this matter in relation to lines 17, 18, 19 and 20 on page 2 of this Bill which talks about minor alterations or additions to a public road, meaning alterations or additions by way of re-alignment or reforming a public road that are desirable in the interests of safety. There is no intention here that other than the most minor of changes are necessary.

This matter arose in my time in relation to very minor changes that should have taken place to a road in the Upper South-East. Everyone agreed, including people from the conservation interests, that it was sensible that it should happen. Everyone also agreed that it would be most unfortunate if it should be secured by way of motion through both Houses because of the unfortunate precedent that that creates. I invite the honourable member to look closely at the contents of page 10 of the Bill and the requirements on the Governor and the Minister as to publication in the *Gazette*, the consideration of submissions and the other matters that are there.

As I said in answer to that earlier question, it is not impossible for a Minister to be taken to court where an individual feels that the Minister is in breach of the Act at this point. Then, where there was any concern about definitions, the courts would decide. I can certainly assure the honourable member that Machiavelli is not at work here, because I have been given no details whatsoever by the Minister of Transport about those roadworks, and no submissions have been made to me at all.

**Mr S.G. EVANS:** I thank the Minister for that. There is one area of notification that I believe is omitted—the local paper. The Bill talks about a daily paper or a broader based paper than the local paper, but many people who do not read public notices in daily papers will read them in the local paper—the provincial press, the throwaway press—in the Mitcham hills area. I make that point to the Minister, although he need not comment now.

As to the report, I will go back to a letter that I have and read it to the Minister in the House on another day. Either I have been misled or I have misread a letter from the Minister of Transport saying that the matter was in the hands of the Minister of Environment and Planning. If I am wrong in my interpretation of the letter, I will apologise to the House. If I am right, someone has misled me—I was sure about this, and I am sorry that I do not have the letter with me tonight. Certainly, I am happy if it does not include matters such as Belair National Park. If it has to go through both Houses, I am sure that would please many people who take a keen interest in one of the most historic parks in this State. I am happy to leave the matter there, but the Minister might want to check with his colleague between now and a later date to ensure that no-one else has been misled.

Clause passed.

Clause 23 passed.

Clause 24—'Insertion of new sections 43a and 43b.'

**Mr M.J. EVANS:** I move:

Page 11, lines 3 to 6—Leave out subsection (1) and insert the following subsection—

(1) The Minister of Mines and Energy must not grant an application for a mining tenement in relation to a regional reserve unless—

*(a)* the applicant has provided the Minister of Mines and Energy with an environmental impact statement (prepared in conformity with the regulations) in relation to proposed operations under the tenement;

*(b)* the Minister of Mines and Energy has submitted a copy of the application and the environmental impact statement to the Minister administering this Act;

and

*(c)* at least two months before the application is granted an advertisement giving notice of the application and the place or places at which a copy of the environmental impact statement is available for public inspection has been published in the *Gazette.*

This is one of the most crucial clauses of the Bill in that it sets out the process whereby a mining tenement in relation to a regional reserve may be granted. While the process as set out is reasonable as far as it goes, I believe that it omits important steps in that process which are essential if the amenity and environment of the regional reserves is to be preserved and its intentions in relation to protecting wildlife habitat and native flora are also to be achieved.

The amendment inserts a new provision in relation to this clause providing for preparation of environmental impact statements in relation to mining tenements on reserves. It also requires two months notice of the application and the availability of the appropriate environmental impact statement for public inspection must also be given in the *Gazette.*

I believe that these steps are essential, because one must recognise that the granting of a mining tenement in whatever form, whether for either an exploratory or production licence, effectively removes that area from the regional reserve, and it does so without parliamentary scrutiny or veto. Naturally, once that tenement is granted, the area that we are considering, for all intents and purposes, ceases as far as the public is concerned to be part of the reserve. I believe that if that is to be done it is essential that the public be aware that it is to take place and also that when the Minister considers the conditions that he will impose on the mining tenement he has the benefit of an environmental impact statement and public comment in front of him. After all, there is not much value in the conditions to be imposed if they are not based on a thorough understanding of the surrounding environment and the potential impact that mining will have on it.

My amendment leaves the matter of what is to be in the eis to be prepared by the regulations. I believe that that allows the Minister sufficient freedom to lay down the necessary guidelines for the preparation of the statement. But in my view, without an environmental impact statement and without public notice in the *Gazette,* it will be very difficult for the appropriate processes to be carried through to ensure that the relevant conditions are imposed and that the public has every opportunity to comment on the process.

**The Hon. D.J. HOPGOOD:** It is necessary for me to oppose the amendment. I am not altogether opposed to the sentiments that lie behind it, but I shall make three points. First, I think that to write this into legislation would cause unnecessary concern, and perhaps even distress, in the mining industry and to some of the people with whom we have been negotiating closely, particularly in relation to the Innamincka area. This matter has not been fully canvassed, and it could be seen as a breach of faith by the Government if it were to support the writing of this provision into legislation. Secondly, under both sections 59 and 49 of the Planning Act there is power for the Minister for Environment and Planning to require a procedure very similar to this—section 49 of the Planning Act relates specifically to the environmental impact statement process.

The third point I make is that, if we accept all that the honourable member is saying, it would seem to be a little inconsistent to apply this only to the regional reserve. As I said earlier, I see the regional reserve as being of fairly limited application; nonetheless, a reasonable proportion of the total area under reserve in this State is subject to joint proclamations, under another section of the Act, which allows for some exploration or indeed mining activity in the other categories under the Act, not just in a regional reserve. If we were to accept as valid and timely what the honourable member is saying, I think, to be consistent, we would have to proceed to amend the other categories of the classes under the National Parks and Wildlife Act so that the same procedure would also apply, given that those other categories can also be subject to mining tenement. I want to make absolutely clear here that we are not talking about areas which are currently reserved under the Act and which are not subject to mining tenement. But it is not impossible that in future there will be those areas which will be designated as conservation reserves—not regional reserves at all, but conservation reserves—but which nonetheless may still attract the joint proclamation piece of machinery. So, for those reasons it is necessary for me to urge the Committee to reject the amendment.

**Mr M.J. EVANS:** While I certainly accept what the Minister is saying in relation to the question of other areas, I feel that, given that this classification of reserve most appropriately deals and is clearly contemplated to deal with those areas where joint use is most likely, it is most important to have it in this context, and we would therefore set the appropriate precedent in this area and that would be the best way to go in order to cover the field (so to speak) of the most relevant areas where a mining tenement might well be applied in a reserved area.

It seems to me that, if the Minister proceeds with it in the form in which it is in the Bill, there will be no public notification of application and the discussion between the two Ministers will take place in departmental dockets. Finally, if there is any disagreement, it will be resolved in Cabinet behind closed doors and with the appropriate provisions of Cabinet secrecy applicable keeping the documents confidential for some 30 years (as I understand it), and the first the public would know would be the arrival of the appropriate machinery to dig the exploratory wells and so on. We would then proceed down the track, because there is a degree of automatic follow-through. Once you have the appropriate exploration licence granted you then have a reasonable expectation under the law as it stands to proceed through to full production providing the area works up appropriately and the public would have no right of even being aware of that process until the Government is committed and we have reached the end of the line.

Given that these areas are regional reserves (they are not simply ordinary Crown land which may easily be given over to mining in appropriate areas and where there is no conflict), there is every possibility of conflict, and I believe that the public has the right to know what is proceeding. No way will we ever know any of the arguments on both sides of the case, pro and con, with respect to mining. We will not be aware of the arguments of the Minister for Environment and Planning or the counter arguments of the Minister of Mines and Energy, and we will certainly not be privy to the Governor's final decision until it is actually signed on the dotted line.

I believe that, unless some kind of process of public notification and discussion occurs, we really will not be achieving the desired result. I ask the Minister to take into account the fact that, if the land were to be alienated from the reserve in any other way, it would be subject to parliamentary veto and public discussion. Because the Minister is alienating the land by granting a mining tenement, which is perhaps potentially one of the most destructive ways of alienating the land, he is not required to give public notice or offer the Parliament the right of veto, and he can proceed without the public even being aware of it until it is too late.

I think that that distinction is a little unfortunate. If the Minister alienates the land for some other purpose, he must bring it before this House and give us the right, as two Houses of Parliament, to veto it in the full glare of public scrutiny. Because it is to be mined, that is not the case.

Surely that is one of the worst ways, potentially, of alienating that land. For that reason I appeal to the Minister to consider, either as a short term or long term proposition, some appropriate mechanism for public notification and discussion, even if he does not accept the need for mandatory EIS provisions.

Amendment negatived.

**Mr M.J. EVANS:** I will not move the next amendment I have on file, as it is consequential on the one just negatived.

**The Hon. D.J. HOPGOOD:** I move:

Page 11, lines 24 to 30—Leave out subsections (6) and (7) and insert the following subsection:

(6) Subsection (2) does not apply to a petroleum production licence that the Minister of Mines and Energy is authorised to grant by section 9 of the Cooper Basin (Ratification) Act 1975.

I urge this amendment on the Committee. It makes clearer than the original draft the important requirements of the Cooper Basin (Ratification) Act, and the fact that it is there, it is recognised and it must be respected.

**The Hon. JENNIFER CASHMORE:** I have no objection to the amendment, but why has the Minister chosen to identify new subsection (2) as not applying; in other words, reaffirming the importance and the existence of the Cooper Basin indenture in respect of that section of this Bill? He is not using a blanket affirmation to ensure that there is no derogation of the rights of indenture holders under the indenture by anything contained in this Bill, indeed not only the Cooper Basin indenture but also the Roxby Downs indenture. There is nothing in the offing that we know about that may affect Roxby Downs, but who can tell what will happen in the future? Why is there no clause in this Bill to the effect that indentures of all kinds stand and are not in any way disturbed by this Bill? Can the Minister give an assurance that nothing in any of the indentures is disturbed in any way by this Bill?

**The Hon. D.J. HOPGOOD:** I certainly can give the latter assurance. I think that new subsection (2) must be read also in relation to new subsection (7) which also must be read back into new subsection (6). New subsection (7) provides:

'the Cooper Basin indenture' means the indenture ratified by the Cooper Basin (Ratification) Act 1975:

New subsection (6) provides:

Subsection (2) cannot operate to restrict the exercise by parties to the Cooper Basin indenture of rights, authorities and powers granted by the indenture and the Cooper Basin (Ratification) Act 1975.

In a sense, my amendment is moved out of an excess of caution in order to assure the people with whom we have been negotiating in good faith. I think that I could have left new subsections (6) and (7) to bear the full burden of this matter, but it has been pointed out to us that perhaps there could be some lingering doubts and the amendment rectifies that problem.

**The Hon. JENNIFER CASHMORE:** I am happy with the Minister's assurance that nothing in any of the indentures is disturbed by the Bill, but would it not have been much easier, and certainly a more reliable way of dispelling lingering doubts, if the Minister had inserted somewhere in this Bill a blanket clause which affirmed that the Bill does not disturb any of the indentures?

**The Hon. D.J. HOPGOOD:** Really, we are only concerned here with new subsection (6). Surely the honourable member does not suggest that at this stage the Bill should pick up things like Stony Point, Roxby Downs or any of those areas. If at some stage in the future a Minister may want to apply aspects of the National Parks and Wildlife Act to those areas, the sort of negotiations that have had to take place in relation to Innamincka and are proceeding also will have to take place in relation to those areas and I assume that further amendments to legislation will have to take place. Surely that is the assurance to those indenture holders in those other areas, but that is not what is intended at this stage nor, so far as I am aware, in the foreseeable future. For the time being we are talking in particular of the pre-eminent rights of the signatories to the indenture in the Cooper Basin.

**The CHAIRMAN:** I have lost count, but this must be the honourable member's last time.

**The Hon. JENNIFER CASHMORE:** I stood up in good faith, Mr Chairman. I believed that it was my third question. There is no mention in the Bill of the Innamincka area, so to a reader of the Bill the inclusion of the Cooper Basin has no logical relationship to the rest of the Bill. However, if there was a clause in the Bill asserting the rights of indenture holders generally, then what the Minister is trying to achieve would be achieved in a blanket fashion, and anyone reading the Bill with even a vague knowledge of South Australia would know that indentures affect a significant proportion of our northern areas which fall, in some cases, in the pastoral area, and that that is logical. I do not want to press the point, but simply ask the Minister why he did not do it and why he has selected just this one aspect. As long as he affirms the indentures are not disturbed, then the Opposition is not disturbed.

**The Hon. D.J. HOPGOOD:** Yes.

Amendment carried.

**The Hon. JENNIFER CASHMORE:** I move:

Page 11, after line 35—Insert subsection as follows—

(2) A person who wishes to enter onto a reserve pursuant to subsection (1) must, before doing so, consult the Minister administering this Act.

The reason for this amendment is that I believe it is impossible for the Minister of Mines and Energy to determine whether the investigation or survey will not result in disturbance of the land. It is not the function of the Minister of Mines and Energy to make environmental judgments. That function is committed to the Minister for Environment and Planning. As it stands, this clause is very ambiguous and in our opinion is somewhat messy because it leaves open this qualification, namely, 'if the investigation or survey will not result in disturbance of the land'.

A geologist may think that just driving a truck once over a piece of territory will not result in disturbance of the land, but the reality is that the tyre marks of that truck may break the crust of very fine soil in the arid lands and disturb the surface in a way that leads to destruction and erosion by wind which could create the focus for a run-off for subsequent rain which could then lead to disturbance to the land. I am using that example which may be an extreme example; on the other hand, it is a very common and modest example in terms of damage that can be done.

I simply believe that the Minister of Mines and Energy should consult with the Minister for Environment and Planning, thus enabling the Minister for Environment and Planning to proffer any advice which may be relevant and which may be helpful to the Minister of Mines and Energy in ensuring that there is no disturbance to the land. As the clause presently stands, it is quite unsatisfactory, because there is no-one to judge who will disturb and to ensure that such disturbance does not take place. My colleagues and I believe that this is a most important addition to this clause

and one which we sincerely hope the Government will accept.

I think it is fair to say that, if that is acceptable to an alternative Liberal Government, it should certainly be acceptable to a Labor Government. After all, it is entirely within the spirit of the Act. I point out that the amendment is not as strong as it might be. It does not oblige the Minister of Mines and Energy to take the advice of the Minister for Environment and Planning, but it creates the opportunity for him to do so and certainly he would be wise to do that because this clause requires that there should not be any disturbance of the land.

**The Hon. D.J. HOPGOOD:** I thank the honourable member for the implied environmental compliment that she has paid to me and to the Government. I support the amendment, but not altogether for the reasons put forward by the honourable member. I am sure that the Minister of Mines and Energy understands completely what is involved in the disturbance or non-disturbance of land, because he is very much involved with it at all times. I notice, for example, that new section 43b talks about entering onto any reserve. I also recall that in the limited circumstances that this has occurred—in fact the only one that I can bring to mind in my time related to the geochemical survey that took place on the western fringe of the Flinders Range National Park—the mechanism to which the honourable member refers was followed by this Government. In those circumstances I guess I would be pedantic in the extreme to split hairs and oppose the amendment, so I urge the Committee to support it.

Amendment carried; clause as amended passed.

Clause 25 passed.

Clause 26—'Protection of animals and plants in sanctuary.'

**Mr M.J. EVANS:** In this context I draw the Minister's attention to the relationship between this clause and a number of clauses which follow it, and the link between this Bill and the Crimes (Confiscation of Profits) Act. The Crimes (Confiscation of Profits) Act particularly encompasses only sections 51 (1) *(a)*, 55 (1), 56 (2) and 60 of the National Parks and Wildlife Act. In other words, an offence committed against any of those sections can be the subject of an application under the Crimes (Confiscation of Profits) Act to recover the profits which any criminal activity may accrue to a convicted person.

In this Bill and included in this clause particularly we are creating a number of offences and strengthening a number of offences in relation to the taking of animals, eggs or native plants and so on from within the sanctuary. A number of the succeeding clauses also relate to those types of offences. I seek an assurance from the Minister that he will investigate the relationship between the new provisions of this Bill (should it become an Act) and the Crimes (Confiscation of Profits) Act to ensure that the Government is free to take action under that valuable Act to confiscate any profits that may result from any transaction in relation to endangered or vulnerable species under the many new and amended provisions that we are now creating.

**The Hon. D.J. HOPGOOD:** I thank the honourable member for that suggestion; I will certainly do that. I cannot guarantee that the fruits of such an investigation will necessarily find their way into this Bill during its passage through both Houses, but we will almost certainly amend the legislation again in about 12 months time in relation to some other matters.

**Mr M.J. Evans:** The Crimes (Confiscation of Profits) Act will also have to be amended.

**The Hon. D.J. HOPGOOD:** I will certainly look at that and, of course, it will be necessary for me to talk to the Attorney-General about it.

**Mr S.G. EVANS:** I refer to the sorts of penalties that will apply under this clause and the next one, but I will confine my remarks to this clause at this stage. This clause provides that a fine of $10 000 can be imposed on a person who takes eggs of an endangered species; $7 500, a vulnerable species; $5 000, a rare species; and $2 500 in any other case. Terms of imprisonment range from six months to two years. There is only one good thing about this provision: it does not say 'and/or'.

The Criminal Law Consolidation Act states what the maximum penalty shall be in many cases. We have drifted away from that and in many Acts it is left up to the courts to decide. I do not dispute that. However, when compared with penalties applying in other legislation, these are horrendous. In some cases it could be an innocent act. There would not be 100 people in South Australia who could identify every animal and plant species listed in this Bill. It is just not possible. I do not say that a court would fine an individual $10 000 because he picked up the egg of an endangered species in a walk through the bush and did not know what it was. He could explain that off. However, I could understand that such a fine would apply to someone who collected the eggs, tried to hatch them and export the progeny or the egg, which would hatch in another land, someone who was out for big money but was caught. Perhaps through an education program in the schools there can be a better understanding of each species.

Mention is made in the Bill of the red bearded orchid. The plant that comes up after fires is called a fire orchid. I have never heard it called a bearded orchid and I doubt whether most people have. I might be wrong, but, unless I go to the library and read a book about it, I would not have a clue. Neither would most Parliamentarians or the Minister. There may not be a member in this Chamber who knows what we are debating tonight. Although we pass laws about medicine, very few members of Parliament could diagnose what AIDS or other diseases are. That is understandable, but an individual cannot get caught out in that way.

In this situation a person can get caught out. If a person has committed an offence through ignorance (that is not always an excuse under the law) the court can apply a lesser fine rather than imprisonment. I understand that. Penalties for acts against individuals or for stealing property such as motor cars worth, say, $100 000 are less severe than these. They are written off as illegal use or joy rides. The Government has gone overboard with the sort of penalty that might apply under this legislation to a misdemeanour as against those who really set out to flout the system and try to export our native species for big money. They would not be able to sell and trade in this State or the other States because they are moving in the same direction.

Commonwealth law applies anyway. So all I am saying to the Minister is what we have already indicated in the other place. The Attorney-General or one of his officers made the statement that we should be saying in Parliament how we think the law should apply, then the judges should read *Hansard* and get an indication of what Parliament meant. If someone does not make the point I am making, if the Minister does not back it up that we are saying that is going to be the absolute maximum for the most horrendous acts against our native species, and if the judges decide to take the recommendation of some Parliamentarians to read *Hansard* to get an indication of what Parliament meant, it could be a disaster for some individuals in the future.

I am saying quite clearly that we should hit with everything those who exploit the position for profit, but let the Minister say what the Government intends by it; so that, if the Government is expecting the decision makers in the courts system to take notice of what we say and intend, they have a clear indication of what we do intend. That is easy to say that the courts will always do that, but I think it is better if we put it down on paper and make sure that they know what we intend, because the penalties are severe—gaol for picking up an egg or for picking a twig off a plant. That is how it could be read, so I raise that doubt and ask the Minister to give some indication as to how he, as Minister, believes those sorts of penalties will apply.

**The Hon. D.J. HOPGOOD:** I addressed this in part of my summary in the second reading debate. I pointed out that there is the principle of the law not being concerned with trifles, and that there are circumstances in which the Minister would not prosecute because of the trifling nature of what was technically an infringement under the Act. I also pointed out that we are very concerned about disseminating more educational material so that people will be able to better recognise endangered and protected species of both fauna and flora.

All I can add to that is that all of these are maximum penalties. They are now penalties which come into line with the penalties which exist in the legislation of most other States, and I would simply expect the courts to proceed in the way in which they always proceed. I see that the thoughtless shooting of an indigenous endangered species is a very serious offence, and one which ought to be punished with an appropriate penalty. Several years ago, I think about Easter time, our rangers made an arrest of some individuals in the Innamincka area who had been shooting protected species, including a bustard, which is an extremely rare species indeed. In those sorts of circumstances I think the appropriate penalties should apply, and that particular instance is probably a more serious crime than pinching either the honourable member's car or mine.

Clause passed.

Clauses 27 to 29 passed.

Clause 30—'Unlawful disposal of native plants.'

**Mr S.G. EVANS:** My concern is that we as a Parliament may end up doing more harm than good by passing this clause as it stands. I suppose that, if I wanted to protect my family from being charged under this clause, I would need to study what is an endangered species, a vulnerable species and a rare species, and make sure that my family also understood, because on the land we own I have no doubt that there may be some species which would fall into those categories. At least they will fall into the 'any other case'.

This clause provides that a person must not sell or give away a native plant of a prescribed species. A native plant includes any part of the plant under the principal Act and the native plant is one defined in these categories. I do not think the definition explains 'sell'. I have given away orchids right up until the October weekend of this year in this place. I have been picking them since I was a boy of 10 years or so—for over 40 years—from the same spot. They are still there. I know now that I will have to check that they do not fall into these categories. They may fall into the definition of 'any other case'. I do not know how to interpret that under the latter part. It does not say that I am exempt because it is on my own land.

With an endangered species I could accept, if I knew what were the species, that by law I should not take from my own land. I may have to sell the land to the Minister and ask him to look after it as the sheep and goats might eat the plants. My concern is that it is quite draconian. Many members will not be in a position where they have to worry about it. They may not own a piece of land with endangered species on it. I do not know whether or not I do, as I do not know what are endangered, vulnerable or rare species. I cannot pick one of the endangered species, if I do have them, without facing a penalty if I give it away. That clearly is an offence because I have done it deliberately, the fine being $10 000 or imprisonment for two years. I could bash up somebody and not be fined that much.

The Minister said that action will not be taken on trivial offences, but it is trivial if I pick orchids on my own land. The penalty is $2 500 or imprisonment for six months. Few members are worried about it, but there will be some unfortunate incidents against individuals who own land. They know that they do not own the minerals, as the Crown retains mineral rights, but here we are saying that the Crown retains the plant life, but does not define to the individual the particular species.

I wonder whether we do not need a provision where the owner has the right to demand that an inspector should inspect the property and advise which are the endangered, vulnerable or rare species so that persons are protected from exercising a right on their own property. That is how I read the clause. It does not say that if it is on your own property you are not affected. The previous clause refers to taking from private land without the owner's permission. I have no qualms about endangered species if the Crown identifies them, but extending it to vulnerable, rare and other classifications not shown is a bit rough, as most people would be unaware of them. If the news media asked members to identify the species involved here we would not get even a half per cent right collectively, let alone individually. I had thought of an amendment, but I have no chance of succeeding, as other members are not concerned about it.

**The Hon. D.J. HOPGOOD:** The problem arises for the honourable member only when he determines that he wants to sell or give away a native plant. At that point identification will be necessary under the Act. It does not mean that he has to identify every individual plant from the very beginning of the process. I think it is not unreasonable if Parliament believes that the scheme of protection which has applied to fauna in these various categories in the past should also apply to flora. Again, I make the point that identification is necessary only when the honourable member contemplates a move that could possibly bring him in breach of the Act. As long as they are there and they are growing then there is no problem.

**Mr S.G. EVANS:** One might go to the bother of fencing off a section so that the plants are there and can sometimes be given to a friend or passed around so that others can experience them in that way if they can't experience them on your property. I do not say that I have those species; I do not know. If you are to have the risk of a big penalty the alternative is to rip down the fence and let the plants be destroyed because the risk is too great. That is the point I am trying to make. It is very easy if we know what we are talking about, but we do not know what we are talking about—none of us. We cannot identify the plants and I would not have gone to the bother of having them for all these years, nor would my family, if we were not interested in them. But suddenly the Minister says, 'Do you want to give them away?' You have got something growing on your property and you want to pick it, you would normally give it to somebody, but you now have to go to a departmental officer and ask if it is all right to give it away—and then for the next year you will know.

I think it is going too far. It is easy for those who do not have the responsibility; for them it is no problem at all. I make the point again that I hope that someone from another member's family gets caught picking something and handing it over to somebody else and has to face the consequences. I am sure that if there is any risk in my case they will not be there in the future, because it is not worth risking that sort of penalty, which could include a gaol sentence, to hand a bunch of orchids to somebody in Parliament House, as I have done for the last few years, or in my electorate office or somewhere else in the community.

Clause passed.

Clauses 31 to 43 passed.

Clause 44—'Insertion of new Division II into Part VA.'

**Mr BLACKER:** In the second reading speech I raised the potential problem of various Aboriginal communities being involved, and in the Minister's summing up he made reference to the fact that it need not necessarily be the tribal differentiation between Aborigines that would be taken into account but the purpose for which they were undertaking those activities. I point out that probably every Aborigine, if not privately employed and therefore having their own income, would be on social security benefits. Therefore is there ever a need for any Aborigine to take food in this particular way?

I realise that is a subjective sort of question and I do not know the answer, but I see that there are some problems because the Aboriginal community is mentioned here. I am of the opinion that probably none, or at the very least few, of the Aboriginal community living in my area would have any direct tribal descendant connection with, say, the Pitjantjatjara people. When the Pitjantjatjara land rights Bill was before the House and I consulted with eight of the Aboriginal leaders in my community, it was their opinion that there was not one Aborigine on Eyre Peninsula who had direct descendant connections with the Pitjantjatjara people. Yet in this instance we would be allowing Aborigines, because of the colour of their skin, to have access to our national parks, and so forth, for the purposes of taking food or for any other ritual purpose.

**The Hon. D.J. HOPGOOD:** What I had in mind in my summing up is that notwithstanding the verbiage of subsection (6) *(a)* or 68e *(a)*, and the fact that a large number of Aborigines are on social security benefits, nonetheless it would be hard to imagine that an Aboriginal person living in Elizabeth West had the necessity to go out and kill a wombat and eat it in order to satisfy his craving for food or that of his dependants. I know that once one gets into country towns on the peninsula and places like that, that sort of distinction tends to be considerably blurred.

The origin of these amendments relates to the fact that in the parent Act there was something like this, but it was necessary for traditional weapons to be used, which was seen as being quite artificial in terms of even the way in which tribalised Aborigines still live. I do not pretend that we have a perfect solution here, and obviously we will monitor the thing fairly closely, as I am sure the Aboriginal community would want us to monitor it, and that is about as close as I can get in making an assurance to the honourable member that we will try to ensure that the amendment works as well as it possibly can.

Clause passed.

Clauses 45 and 46 passed.

Clause 47—'Defence.'

**The Hon. JENNIFER CASHMORE:** I move:

Page 19, lines 29 to 37—Leave out section 75a and insert the following section:

75a. A person is not guilty of an offence against this Act by virtue only of having acted—

*(a)* in a manner authorised by or under the Native Vegetation Management Act 1985;

*(b)* in compliance with a requirement of the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986;

or

*(c)* in compliance with a requirement of any other Act.

This clause provides for a defence to any charge of an offence under the National Parks and Wildlife Act if the defendant proves that he or she was acting in a manner authorised under the Native Vegetation Management Act or in compliance with the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986. The Opposition believes that rather than putting the onus on the defendant it would be preferable to frame new section 75a on the basis of a positive statement, that in these circumstances, there is no offence, rather than reversing the onus of proof.

**The Hon. D.J. HOPGOOD:** I have had to take advice on this. The advice I have is that it is better to have it as worded as a defence, rather than the verbiage set out in the amendment. I do not know that in terms of intent of the Bill there is much difference between the two amendments, but in the terms of the way in which the courts would operate, the way in which the Crown would bring a charge and the way in which the individual would defend his or her position, my advice is that what is in the Bill is to be preferred, so I must urge it on the Committee.

Amendment negatived; clause passed.

Clause 48 passed.

Clause 49—'Repeal of section 79 and substitution of new section.'

**The Hon. JENNIFER CASHMORE:** My question was dealt with to some extent in the Estimates Committee, but it is appropriate to be put it on the record in this debate. Can the Minister indicate in relation to contributions that will be required from lessees and licensees, how much is estimated to come from that source in the current year? In other words, does the Minister expect that anything will come into the reserve fund in the current financial year and, if so, how much, and from where?

**The Hon. D.J. HOPGOOD:** I am advised that in the current financial year the amount will be some $40 000, mainly from interest charges. The honourable member would be aware of the possibility of the development of a new tourist venture in the Flinders Ranges, and with the possibility of similar sorts of developments on Kangaroo Island and near the Innes National Park on Yorke Peninsula, quite considerably increased amounts of money could be involved, possibly well in excess of $100 000, or even more than that. The present figure is very modest because we are only just moving into this area.

**The Hon. M.J. EVANS:** I move:

Page 20, lines 10 and 11—Leave out 'Where a person holds a lease or licence granted by the Minister' and insert—'Where a person holds—

*(a)* a lease or licence granted by the Minister;

or

*(b)* a mining tenement granted by the Minister of Mines and Energy,'.

The effect of the amendment is to add to the list of people who may be the subject of a request for a contribution by the Minister to the Reserves Services Fund, to include not only lessees or licence holders but also the holders of a mining tenement granted by the Minister of Mines and Energy. I believe that the same arguments that apply to the lessees and the licence holders apply to those people who hold a mining tenement on the land. They make use of the land which is part of a reserve, and no doubt, the Government will incur extra costs as a result of park management. It may be said that the mining companies pay royalties but, of course, lessees and licence holders also pay rent in respect of their properties, and this is a supplementary charge, if you like, on those who profit from the reserves.

I believe that it is not unreasonable that it should not only be those who hold leases or licences who make a contribution to the future development of the reserves but also those who, in effect, have the same kind of proprietary rights over the reserve land as the lessees and licence holders—if anything, additional rights. The royalties that they pay would be the same whether in a reserve or not. I believe this is complementary in the same way as it is to the rents or licence fees paid by lessees and licence holders. I urge the Committee to support the amendment.

**The Hon. D.J. HOPGOOD:** This matter was not canvassed in any way in the consultation leading up to the drawing up of the Bill. It is the policy of Cabinet that in the circumstances where a tenement associated with one of the categories of land under the National Parks and Wildlife Act brings production which, in turn, generates royalties, a proportion of that is to be paid towards the upkeep of the area involved. However, as I said earlier, to write something like this into legislation, or even to go a little further, as the honourable member's amendment does—which I assume envisages that in those circumstances the whole of the royalty would go to the national park area—is well beyond what has been discussed at this stage. Again, I think that for me to urge the Committee to accept this amendment would be regarded as a breach of faith by sections of the mining industry. For those reasons, I oppose the honourable member's amendment.

**Mr M.J. EVANS:** I can understand the Minister's viewpoint, but I point out that I am not really looking at the question of royalties. I would consider royalties as being in the same category as rents or licence fees. They are the base figure: it is applicable whether one mines in a national park, in a regional reserve or in the middle of Rundle Mall.

The royalties are still payable to the State because the State owns the mineral rights. However, in the case of a national park or regional reserve, clearly there are special considerations, and this fee, as I understand it, is over and above the normal payments, just as it would be over and above royalties. I do not see royalties as being a relevant question, and I would have thought that the State was unnecessarily depriving itself of the normal use of royalties in general revenue. If it allocates part of the royalty to the reserves fund it should levy a separate charge (and that is what this clause contemplates) on one group of people as on another group of people who are making the same use of that land, and devote that part of the reserve services fund so as to maintain equity between those groups.

I can understand that the Minister is not taking this into consultation; it may be that he does so in the future. If the Minister sees that as bad faith he does not need to levy a charge; it would simply be that in the case of future areas he might wish to levy a charge. I still see it as a viable proposition but up to his discretion.

Amendment negatived; clause passed.

Clause 50 passed.

Clause 51—'Repeal of schedules and insertion of new schedules.'

**The CHAIRMAN:** In putting this clause I advise members that it includes schedules 7, 8 and 9 which are printed on pages 21 to 34 of the Bill.

Clause passed.

Schedule.

**The CHAIRMAN:** In putting the schedule I draw members' attention to the apparent duplication of pages 35 to 39 and pages 40 to 43. I am advised that the correct version is contained on pages 40 to 43. I will arrange for the excess pages to be deleted in the reprint.

**The Hon. JENNIFER CASHMORE:** The schedules read like an epic poem. They demonstrate clearly the beauties of nature that this Bill is attempting to preserve and conserve, and anyone who wants a real treat only has to read them and they will feel a lot better about the whole procedure.

Schedule passed.

**The CHAIRMAN:** Before putting the title, I wish to draw members' attention to the criticism of my ruling in the way in which clause 20 was put. I draw to the attention of the Committee Standing Order 423 which states:

> No amendment shall be proposed in any part of a question after a later part has been amended, or has been proposed to be amended, unless the proposed amendment has been, by leave of the Committee, withdrawn by the mover.

If any Committee in the future wishes to change the way in which the Committee works, it will have to do something about that Standing Order.

Title passed.

**The Hon. D.J. HOPGOOD (Minister for Environment and Planning):** I move:

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

This Bill, as it comes out of Committee, provides a very sensible and rather visionary charter for the future of the National Parks and Wildlife Service in this State and the reserves that are committed to its charge. In particular, I believe that the regional reserve concept, if it survives the passage in another place, will provide for the setting up of a reserve in a unique part of the South Australian environment, the Cooper flood-out area, and I believe in particular that the trust fund that we will use will provide for considerable additional resources as we are able to be more entrepreneurial in the management of the reserves, which I think will go a long way towards ensuring that in future management is placed on a considerably improved basis. I commend the third reading to the House.

**The Hon. JENNIFER CASHMORE (Coles):** I believe that the Bill as it comes out of Committee is an improvement upon what was a very good Bill that went into Committee. It was good in so far as it strengthened the existing provisions of the Act and introduced new provisions, namely, the concept of regional reserves which will guarantee that there is environmental protection for the precious and unique area of the Cooper Basin, particularly that area known as the Innamincka and Coongie Lakes area.

As a result of amendments, the Bill has now enlarged citizens' rights in respect of the powers of wardens. We have inserted graduated penalties in the form of a warning before cancellation of a tenement. We have expanded the power of the Minister for Environment and Planning to control breaches of agreements. We have inserted requirements for the Minister of Mines and Energy to consult the Minister for Environment and Planning before undertaking surveys on any reserve, and we have reaffirmed the rights of the Cooper Basin producers under their indenture.

We believe that all those amendments have strengthened the Bill. I have no doubt that it will be the subject of further amendments in another place, and I sincerely hope that the result goes some way towards meeting the anxieties of both those in industry who seek to develop the land and exploit it and those who wish to conserve it. There will always be tensions between the two, but I believe that this Bill is a very satisfactory way of resolving those tensions and ensuring that we conserve as much as possible of the beauty of nature in South Australia.

Bill read a third time and passed.

## ADJOURNMENT

At 11.43 p.m. the House adjourned until Wednesday 4 November at 2 p.m.

## HOUSE OF ASSEMBLY

Tuesday 3 November 1987

## QUESTIONS ON NOTICE

### WOOMERA HOSPITAL

5. **Mr GUNN** (on notice) asked the Minister of Transport, representing the Minister of Health: Has the Commonwealth Government made approaches to the South Australian Health Commission or the Minister to take over responsibility of the hospital at Woomera and, if so, what is the policy of the Government on this matter?

**The Hon. G.F. KENEALLY:** In 1986 a joint report of Commonwealth and South Australian officials regarding the normalisation of Woomera Village was provided to both Governments. Since this time, the State Government has decided not to pursue the 'full normalisation' option and has written to the Commonwealth outlining this decision. However, in the Premier's response to the Prime Minister on this matter, dated 8 July 1987, an indication was given that the State would be prepared to negotiate, on a case-by-case basis regarding the transfer of some Commonwealth facilities to the State (e.g. Woomera Hospital).

There has been no further correspondence received regarding this issue either by the Premier's Office, the Minister of Health's Office or the Health Commission.

### *BUDGET OR BUST*

22. **Mr OLSEN** (on notice) asked the Minister of Transport: How much has been spent by the Government Printer on designing, producing and marketing the education board game called *Budget or Bust*, how many of the games have been sold and what is the income from those sales?

**The Hon. G.F. KENEALLY:** The reply is as follows:

| | |
|---|---|
| Total spent | $47 600 |
| Sales to date | 1 050 |
| Income from sales | $28 900 |

### BELAIR-BRIDGEWATER RAIL

141. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Transport: What is the estimated recurrent savings to the STA resulting from the closure of the rail service between Belair and Bridgewater and how is this figure arrived at?

**The Hon. G.F. KENEALLY:** The latest estimate of savings resulting from cessation of the Belair-Bridgewater rail service is provided by the Bureau of Transport Economics in its recently released evaluation. As the BTE (p. 68/.5) states in its report:

> In strict financial terms, the study confirms the STA findings that the pre-July 1987 service to Bridgewater is not viable.

For the full service closure option, the BTE (p.46/.34) estimated savings of $583 000 per year to $600 000 per year respectively. The methodology used in deriving these estimates is detailed fully in the report.

### HEAVY VEHICLES

201. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Transport: Have investigations been carried out to determine whether or not regulations should be introduced to stop heavy vehicles passing on selected sections of roads, such as Mount Barker Road, to remove inconvenience and dangers to other motorists and, if so, what are the results of such investigations and what action is to be taken?

**The Hon. G.F. KENEALLY:** During the period 1983 to 1986, 18 accidents were caused by trucks or semi-trailers changing lanes and these comprised one injury and 17 non-injury accidents. Only 2 per cent of all accidents on Mount Barker Road were caused by a truck or semi-trailer changing lanes. This does not seem to be a problem from an accident point of view. Advice has been received that banning commercial vehicles from overtaking on a major interstate highway has the potential to cause delays and increase costs to industry. It is certain that it would draw strong criticism from various sectors of the transport industry.

It should also be noted that the police foresee considerable problems in enforcing an overtaking ban because there are no locations where offending drivers can be pulled over without causing even more inconvenience to following drivers. A no-passing policy is likely to cause more serious frustrations than those it is hoped to overcome. It must be remembered that the Mount Barker Road is part of a major interstate highway, not just a commuter road.

### FILM VIDEO UNIT

209. **Mr OLSEN** (on notice) asked the Minister of Employment and Further Education: Does the Department of Technical and Further Education have a film video unit and, if so—

*(a)* how many people are employed in the unit;

*(b)* what was its budget allocation for 1986-87;

*(c)* how much did it spend in 1986-87; and

*(d)* for which other Government departments, agencies or authorities did it undertake work in 1986-87, what was the cost of this work, and how was it charged?

**The Hon. LYNN ARNOLD:** The replies are as follows:

*(a)* The Department of TAFE does have a film video unit which is an integral part of the Educational Media Unit of the Adelaide College of TAFE. Eight staff are fully employed in video production. The Educational Media Unit employs a further 18 staff, of whom 10 contribute part of their time to video production.

*(b)* The video unit was allocated approximately $95 000 from the Educational Media Unit's contingency budget of $154 000 for 1986-87.

*(c)* Expenditure was:

| | |
|---|---|
| Video | $98 457 |
| Audio | $26 000 |
| Photographic | $32 000 |

*(d)* Other agencies were Education Department, Commonwealth Schools Commission, TAFE National Centre for R&D, SACAE, TAFE (Western Australia), Department of Agriculture, Department of Services and Supply, Department of Labour, Department of Fisheries, Department of Premier and Cabinet, State Transport Authority, Ombudsman's Office, Aerial Agricultural Association, women's shelters.

Charges were calculated as above-line costs (not salaries) and a depreciation value of the video equipment used. Total cost charged for this video work was $37 756.

## PENSIONER PATIENTS

251. **Mr BECKER** (on notice) asked the Minister of Transport, representing the Minister of Health:

1. Is it standard practice or obligatory to discharge pensioners after one week of treatment in Government hospitals regardless of their condition?

2. What are the guidelines for discharge from hospital of pensioner patients?

**The Hon. G.F. KENEALLY:** The replies are as follows:

1. No.

2. Discharge planning is a generally accepted principle in the quality care of patients. Not all hospitals have formal written guidelines. However, those that do, cover such matters as: preferred time of discharge; communication with carers; timely acquisition of discharge drugs; obtaining subsequent outpatient appointments; transport; preparing summary of admission for general practitioner and other caring professionals; completion of the patient identification form for statistics purposes and to help with research; and accessing service required e.g. domiciliary care or domiciliary nursing. The decision to discharge is based on the clinical judgment of the responsible medical practitioner and does of course include the sociological factors.

## HIRE CAR FEES

252. **Mr BECKER** (on notice) asked the Minister of Transport:

1. Have hire car fees increased recently and, if so, by how much?

2. How do the current fees compare with fees charged in each of the past three years?

**The Hon. G.F. KENEALLY:** The replies are as follows:

1. Hire car fees were last increased on 1 February 1986.

2. Renewal of hire car licence:

| | |
|---|---|
| 1983 | $65 |
| 1984 | $65 |
| 1985 | $65 |
| 1986 | $80 |
| 1987 | $80 |

## METROPOLITAN TAXI CAB ACT

253. **Mr BECKER** (on notice) asked the Minister of Transport: Did the Metropolitan Taxi Cab Board investigate allegations of breaches of the Metropolitan Taxi Cab Act 1956 by Ms Kay Hannaford concerning rental cars and, if so, when, what were the specific allegations against her, what were the board's findings and what action was taken?

**The Hon. G.F. KENEALLY:** Nearly three years ago, long before Ms Hannaford was a member of the board, a verbal complaint was received from a hire car operator concerning an alleged breach of the Taxi Cab Act over the use of rental cars supplied with guides. Investigations by officers of the board found no evidence to substantiate the complaint and no further action was taken. In the normal course of events, the offender would be advised of the breach and warned that continuance of the offence would result in prosecution.

## STOCK LOSSES

256. **Mr BECKER** (on notice) asked the Minister of Education, representing the Attorney-General:

1. What was the total amount of all items of stock lost, stolen or missing from each department and authority under the Minister's control for the years ended 30 June 1986 and 1987?

2. What value of goods, and which, were recovered during each period?

3. Have internal auditing and improved stock controls helped reduce stock deficiencies and theft and, if not, why not?

4. What amounts of cash and/or cheques have been lost or stolen in the same periods?

**The Hon. G.J. CRAFTER:** The replies are as follows:

Attorney-General's Department

1. No items were lost, stolen or recorded as missing from the department for the year ended 30 June 1986. For the year ended 30 June 1987, one Canon electronic typewriter valued at $745 was stolen and library books to the approximate value of $500 were reported as missing.

2. The abovementioned typewriter was subsequently recovered. Several of the missing library books have since been returned and it is anticipated that further books will be returned following publication of the list of missing volumes.

3. Yes.

4. No amounts of cash and/or cheques were lost or stolen during the abovementioned periods.

Corporate Affairs Commission

1. No items of stock have been identified as lost, stolen or missing.

2. N/A.

3. Not applicable in view of answer to question 1. However, the existing asset register system is to be computerised to facilitate improved stock controls.

4. Nil.

Court Services Department

1. Nil.

2. Not applicable.

3. The absence of stock losses or theft may be the result of internal controls and audits.

4. Nil.

Department of Public and Consumer Affairs

1. 1985-86—$151.23; 1986-87—$456.00.

2. No items were recovered.

3. Apart from stationery items, the department does not keep large amounts of stock in relation to its operations. Current audit procedures are considered adequate.

4. Nil.

Ethnic Affairs Commission

1. One electronic calculator, replacement value $26, stolen from the SAEAC Office at the Queen Elizabeth Hospital on 31 January 1986.

2. Nil.

3. No additional controls have been considered necessary.

4. Nil.

Electoral Office

1. Nil.

2. Not applicable.

3. Not applicable.

4. Nil.

261. **Mr BECKER** (on notice) asked the Minister of Mines and Energy:

1. What was the total amount of all items of stock lost, stolen or missing from each department and authority under the Minister's control for the years ended 30 June 1986 and 1987?

2. What value of goods, and which, were recovered during each period?

3. Have internal auditing and improved stock controls helped reduce stock deficiencies and theft and, if not, why not?

4. What amounts of cash and/or cheques have been lost or stolen in the same periods?

**The Hon. R.G. PAYNE:** The replies are as follows:

Department of Mines and Energy

1. 1985-86—approximately $100
   1986-87—approximately $100

2. The figure in (1) above has been estimated from the discrepancy in the stores inventory system.

3. The existing internal auditing and stock control procedures are considered adequate.

4. An amount of $89.43 in cash was stolen from the Suspense Store petty cash tin during the weekend of 13 and 14 June 1987. The money has not been recovered.

Pipelines Authority of South Australia

1. 1985-86—$1 744
   1986-87—$2 271

2. 1985-86—$704
   1986-87—$91

3. Stock deficiencies from the controlled stores environment are minimal. Most losses occur from field work or necessary tools kept at remote sites.

4. Nil.

Electricity Trust of South Australia

1. 1985-86—$12 247
   1986-87—$14 183

2. The figures in (1) above are the net discrepancies in the stores inventory system.

3. The trust has a stock holding of approximately $35 million and the loss is constituted mainly of small items of individual value and, while locally efforts are made to minimise these losses, it would not be cost effective to implement additional measures.

4. 1985-86—Nil
   1986-87—An amount of $121 was stolen during a burglary. The money was not recovered.

266. **Mr BECKER** (on notice) asked the Minister of Agriculture:

1. What was the total amount of all items of stock lost, stolen or missing from each department and authority under the Minister's control for the years ended 30 June 1986 and 1987?

2. What value of goods, and which, were recovered during each period?

3. Have internal auditing and improved stock controls helped reduce stock deficiencies and theft and, if not, why not?

4. What amounts of cash and/or cheques have been lost or stolen in the same periods?

**The Hon. M.K. MAYES:** The replies are as follows:

Department of Agriculture

1. Total items of stock lost, stolen or missing from the Department of Agriculture amounted to $1 748 for the period ended June 1986 and $9 188 for the period ended June 1987.

2. Of the above, a Massport Tiller valued at $396 was recovered in the period ended June 1986 and 8 typewriters valued at $5 215, 1 electric drill valued at $49, 1 grinder valued at $65 and 1 polisher (car type) $79 were recovered in the period ended June 1987.

3. A computerised plant inventory control system has been introduced into the department and all items of equipment are coded with a stock number which is also placed on the item of equipment as an indentifier to reduce stock deficiencies and eliminate theft. Where thefts have occurred locks have been changed and where appropriate of high tensile material purchased. In several instances security services have been upgraded.

4. No amounts of cash and/or cheques have been lost or stolen in either period. Safes have been purchased for all areas where cash or cheques are kept on the premises.

Department of Fisheries

1. 30 June 1986—$2 674
   30 June 1987—$10 494

2. 1986-87—nil.

3. Yes.

4. Cash $74.

Department of Recreation and Sport

1. Nil.

2. Nil.

3. Not applicable.

4. On or about 20 April 1987, $171 in cash was stolen from a departmental safe. Details of the theft were given to the departmental officers, the police and the building caretakers. A report was also submitted to the Auditor-General. The money has not been recovered and appropriate steps have been taken to improve security.

South Australian Meat Corporation

1. Nil to 30 June 1986
   $5 400 to 30 June 1987

2. Nil.

3. Yes.

4. Nil.

Dried Fruits Board (South Australia)

1. Nil.

2. Not applicable.

3. Not applicable.

4. Nil.

Citrus Board of South Australia

1. I am not aware of any lost, stolen or missing stock from the board during the years ended on 30 June 1986 and 1987.

2. Not applicable.

3. Not applicable.

4. No cash or cheques have been lost or stolen during the same period.

The Phylloxera Board

1. Nil.

2. Not applicable.

3. Not applicable.

4. Nil.

Veterinary Surgeons Board of South Australia

1. Nil.

2. Not applicable.

3. Not applicable.

4. Nil.

Stock Medicines Board (SA)

1. Nil.

2. Not applicable.

3. Not applicable.

4. Nil.

Metropolitan Milk Board

1. Nil.

2. Nil.

3. Not applicable.

4. Nil.

Meat Hygiene Authority

1. Nil.

2. Not applicable.

3. Not applicable.

4. Nil.

Betting Control Board

1. Nil.

2. Not applicable.

3. Not applicable.
4. Nil.

Greyhound Racing Control Board

1. Nil.
2. Not applicable.
3. Not applicable.
4. Nil.

South Australian Trotting Control Board

1. Nil.
2. Not applicable.
3. Not applicable.
4. Nil.

The South Australian Egg Board

1. For the year ended 30 June 1987, a stock shortage of $1 674.30 occurred with respect to egg pulp stored externally at premises managed by South Australian Cold Stores Limited.

2. The total value of stock lost, namely $1 674.30, has been recovered from South Australian Cold Stores as negligence on their behalf was established.

3. Stock control procedures are reviewed annually by the Auditor-General's Department, and have been considered satisfactory.

4. Not applicable.

South Australian Totalizator Agency Board

1. Year ended 30 June 1986—14 obsolete telephone betting terminals of zero value.
Year ended 30 June 1987—Nil.

2. Nil.

3. Internal auditing and increased stock control have assisted in reducing occurrence of stock deficiencies and theft.

4. Year ended 30 June 1986—Nil.
Year ended 30 June 1987—Several cases of theft have occurred. In all cases full recovery has been made either through restitution or insurance.
The TAB and the SA Police Force actively discourage the release of details of actual amounts of money involved in hold-ups, break-ins etc., as this could be seen as providing information to other potential criminals.

## MEAT HYGIENE AUTHORITY

270. **Mr LEWIS** (on notice) asked the Minister of Agriculture:

1. What has been the operating cost of the personnel and motor vehicles used to inspect licensed premises in which meat for human consumption is being slaughtered under the terms of the Meat Hygiene Authority Act 1981, to the present time?

2. How many vehicles are used for the purpose of providing transport for:
*(a)* inspectors; and
*(b)* other staff,
employed by the Meat Hygiene Authority?

3. What has been the cost of the Meat Hygiene Authority's function per year since its inception?

4. When will the annual reports for the Meat Hygiene Authority for each of the years 1984-85 to 1986-87 be prepared and presented to Parliament?

**The Hon. M. K. MAYES:** The replies are as follows:

| 1. | Travel ($) | Vehicles ($) |
|---|---|---|
| 1980-81 | 1 589.60 | 1 638.89 |
| 1981-82 | 2 926.06 | 5 920.16 |
| 1982-83 | 4 120.71 | 7 021.33 |
| 1983-84 | 4 942.50 | 8 715.97 |
| 1984-85 | 6 464.25 | 19 514.26 |
| 1985-86 | 7 850.20 | 22 776.00 |
| 1986-87 | 5 778.10 | 22 538.00 |
| 1 July 1987-September | 1 925.30 | 6 532.50 |

2. *(a)* Three.
*(b)* One.

| 3. | $ |
|---|---|
| 1980-81 | 19 457 |
| 1981-82 | 6 615 |
| 1982-83 | 6 388 |
| 1983-84 | 7 910 |
| 1984-85 | 6 813 |
| 1985-86 | 4 533 |
| 1986-87 | 7 152 |

4. For the year ended 30 June 1984—Published and in Parliament.
For the year ended 30 June 1985—Report prepared and ready for submission to the Minister of Agriculture.
For the year ended 30 June 1986—Draft prepared. Estimated completion date: November 1987.
For the year ended 30 June 1987—Draft prepared. Estimated completion date: December 1987.

## HIRE CAR INDUSTRY

271. **Mr BECKER** (on notice) asked the Minister of Transport:

1. Did Hughes Chauffeured Limousines (SA) Pty Ltd receive exclusive preference in the issue of new hire car licences and, if so—
*(a)* why;
*(b)* what criteria did the Metropolitan Taxi Cab Board use to decide that company should be the exclusive recipient of the licences;
*(c)* how many were granted; and
*(d)* was this a change in board policy and, if so—
(i) why was this change not advertised to members of the board;
(ii) at which meeting of the board was it changed;
(iii) on whose advice was it changed; and
(iv) has the impact on the industries ability to act independently without fear or favour been assessed and, if so, what were the results?

2. Were such licences advertised publicly or offered by tender and, if so, where and, if not, why not and will the issue of such licences be advertised in future?

3. What criteria were used by the Board to establish the requirement for and viability of five additional hire car licences?

**The Hon. G. F. KENEALLY:** Hughes Chauffeured Limousines (SA) Pty Ltd (a wholly owned subsidiary of Yellow Cabs (SA) Pty Ltd) placed a submission and application before the Metropolitan Taxi Cab Board for the issue of 10 hire car licences on Wednesday, 13 May 1987; the licences to be non-transferable and issued for the express purpose of developing the domestic and tourist chauffeur drive markets. The submission was discussed at length, with the board taking into acccount the current services being provided by the hire car industry, the proposed services submitted by the applicant and the board's role and responsibility under the Metropolitan Taxi Cab Act. It was the board's decision that five non-transferable licences be issued to Hughes Chauffeured Limousines (SA) Pty Ltd, with the condition that should any other licences in the possession of that

company and/or affiliate company or associated directors within the State of South Australia be transferred, then the five licences be cancelled immediately.

Before the issue of the five licences to Hughes Chauffeured Limousines (SA) Pty Ltd, certain facilities had to be provided as a condition of issue. Those facilities being:

(1) Adjustable reading lamps and foldaway desks.
(2) Telephones.
(3) High fidelity sound system.
(4) Rear facing front passenger seat for interpreter.
(5) Provision for television and bar facilities.
(6) Trained chauffeur in uniform.

The board did not advertise publicly in relation to the issue of the five licenses subsequently issued to Hughes Chauffeured Limousines (SA) Pty Ltd. The board made its decision on the information before it. As for tendering of licences, the board does not have the power under the Metropolitan Taxi Cab Act to tender licences. The board has made no decision on the method of issuing of licences for the future at this time. The board, after assessing the service being provided by the industry, felt there was a real need for the type of service offered by Hughes Chauffeured Limousines (SA) Pty Ltd to fill a gap within the industry in general, with the exception of a minority of the operators. The board is currently conducting an inquiry into the hire car industry.

272. **Mr BECKER** (on notice) asked the Minister of Transport:

1. How many hire car licences are currently approved by the Metropolitan Taxi Cab Board, how do these numbers compare with each of the years 1984 to 1986 and, if there has been any increase, why?

2. Were there any inactive hire car licences in these periods?

3. How many hire cars licences were turned over in each of the past 4 years?

**The Hon. G.F. KENEALLY:** The replies are as follows:

1. There are currently 52 hire car licences and 11 'Wedding Only' licences. Comparison for the years 1984 to 1986:

| | | |
|---|---|---|
| 1984 | 47 hire cars | 12 wedding only |
| 1985 | 47 hire cars | 12 wedding only |
| 1986 | 47 hire cars | 11 wedding only. |

The last increase in hire car licences was to Hughes Chauffeured Limousines (SA) Pty Ltd in 1987.

2. All licencees claim to work their hire cars and all licences have vehicles attached.

3. Turnover of hire car transfers:

| | |
|---|---|
| 1983 | 3 |
| 1984 | 11 |
| 1985 | 8 |
| 1986 | 8 |

273. **Mr BECKER** (on notice) asked the Minister of Transport: Have applications been made to the Metropolitan Taxi Cab Board for hire cars to contain swivel seating for front left hand passengers and, if so—

*(a)* when;
*(b)* by whom;
*(c)* has such seating been approved and, if so, in what format, when and for how many vehicles;

and

*(d)* has such seating been considered by road safety authorities?

**The Hon. G.F. KENEALLY:** In their application for hire car licences, Hughes Chauffeured Limousines (SA) Pty Ltd mentioned the facility of rearward facing interpreter seats being made available interstate. The board, when deciding the application, issued the licences subject to several conditions, one of which was rearward facing front seat. The rearward facing front passenger seats were approved by the State Government Vehicle Inspection Authority, Regency Park.

274. **Mr BECKER** (on notice) asked the Minister of Transport:

1. Is an inquiry currently being held by the Metropolitan Taxi Cab Board into the hire car industry and, if so—

*(a)* why;
*(b)* who are its members and what are their qualifications and, if Ms K. Hannaford is not a member, why not;
*(c)* what are its terms and conditions;
*(d)* what is the anticipated time of the inquiry and will the report be tabled in Parliament and, if not, why not; and
*(e)* what is its estimated cost?

**The Hon. G.F. KENEALLY:** There is at present an inquiry being conducted into the hire car industry as the board is of the opinion that, before further applications are considered, it should be ascertained if the industry is catering to the full needs of the public. The committee consists of Mr J. Linn (Chairperson) and Messrs R. Burridge and J. Crawford. Mr Linn is the industry representative on the board and Mr R. Burridge is the Minister of Transport's nominee on industrial matters. Ms K. Hannaford was originally appointed a member of the committee but resigned on 8 July 1987. Mr Crawford is the Adelaide City Council nominee on the board.

The terms of the inquiry are:

Hire Car Inquiry

(1) The use of vehicles within the hire car industry:
(i) Type, standard and age of vehicles used;
(ii) Types of use i.e. weddings, funerals, other; and
(iii) Hours of use.

(2) The operation of unlicensed vehicles and ownership and the effects on the industry.

(3) The adequacy of services provided by the industry at present.

(4) The promotional and entrepreneurial role adopted by the industry.

(5) To investigate any 'feather bedding' within the industry.

(6) To establish ownership and income derived from operators within the industry.

(7) To advise and report on:
(i) How the industry can improve input;
(ii) If further entrepreneurial practices are required;
(iii) If further licences should be issued; and
(iv) The retention of restricted licences.

The inquiry should be completed by January 1988. The report and a copy of the committee's findings with recommendations will be forwarded to the Minister of Transport. In terms of cost, no board member receives extra remuneration for attending the inquiry and staff carry out inquiries during the normal course of their duty.

## BUILDING LICENCES

279. **Mr S.J. BAKER** (on notice) asked the Minister of Education, representing the Attorney-General: What is the average delay for granting of building licences after the application is submitted and how does this vary between each licence category?

**The Hon. G.J. CRAFTER:** It is difficult to estimate the average delay for granting of builders licences, however applicants for a builders licence are presently being advised

that it may take up to 12 weeks to process their application. All licence categories are treated with the same urgency.

Licences held under the previous Builders Licensing Act have been automatically converted to licences in the appropriate category under the new Act. These licensees were not required to lodge new applications.

The number of licence applications under the Builders Licensing Act 1986 has been much larger than anticipated. It appears the increased penalties under the new Act have prompted a large number of previously unlicensed builders to apply for licences.

To overcome the current delays the commercial tribunal regulations have been amended to allow the Registrar to grant category 2 and 4 licences. In addition, approval has been given to engage additional temporary staff and some staff have been reallocated already from other areas.

## RESIDENTIAL TENANCIES TRIBUNAL

287. **Mr BECKER** (on notice) asked the Minister of Education, representing the Minister of Consumer Affairs:

1. What was the level of activity of the Residential Tenancies Tribunal for the year ended 30 June 1987 in the categories of—

*(a)* public contact;
*(b)* tribunal hearings held;
*(c)* applications for orders;
*(d)* bonds refunded;
*(e)* bonds lodged;
*(f)* files to investigation; and
*(g)* 'ten day letter system' where the dispute does not go to hearing stage, and how do these figures compare with the previous 12 months?

2. Was it necessary for the tribunal to employ additional staff during that year and, if so, under what classifications?

**The Hon. G.J. CRAFTER:** The replies are as follows:

1. The level of activity of the Residential Tenancies Tribunal for the years 1986 and 1987 are as follows:

| | 1986 | 1987 | Variance % |
|---|---|---|---|
| *(a)* public contact | 84 142 | 100 893 | + 19.9 |
| *(b)* tribunal hearings held | 2 074 | 2 575 | + 24.1 |
| *(c)* applications for order | 6 222 | 6 871 | + 10.4 |
| (d) bonds refunded | 26 442 | 28 739 | + 8.7 |
| *(e)* bonds lodged | 29 385 | 30 397 | + 3.4 |
| *(f)* files to investigation | 3 749 | 3 251 | − 13.3 |
| *(g)* 'ten day letter system' | 2 677 | 3 146 | + 17.5 |

2. Yes. One Investigation Officer CO-4

## MOUNT BARKER ROAD

288. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Transport:

1. Who constructed and installed the New Jersey barriers at the Mount Osmond/Mount Barker Road intersection?

2. What was the cost per linear metre to have these barriers constructed and installed?

3. Are other sections of the Mount Barker Road between Crafers and Cross Roads to have similar barriers installed and, if so, which sections and when are they to be installed?

4. Have specific investigations been carried out to compare the difference in the cost of constructing and installing the barriers referred to in No. 1 and constructing similar barriers on site and, if so, what were the results of these investigations and, if not, why not?

**The Hon. G.F. KENEALLY:** The replies are as follows:

1. The work was carried out by contract awarded to Lorenzin Constructions Pty Ltd.

2. $562 (the cost does not include crash cushions).

3. It is proposed to install similar barriers between Mount Osmond Road and the Devil's Elbow and from east of Eagle on the Hill to the commencement of the freeway. The work will be carried out during 1988-89, subject to the availability of resources.

4. The question of whether to install a barrier using precast units, or a barrier constructed *in situ*, received serious consideration prior to work being put in hand.

Considering manufacturing costs alone, the unit cost of an *in situ* barrier would have been cheaper. However, this method of construction would have had the disadvantages listed below, hence the decision was taken that on balance the better option was to construct the barrier using precast units:

- the quality of the precast units is superior to a barrier constructed *in situ*;
- the use of the precast units enabled one lane of the Mount Barker Road, in either direction, to be kept open for traffic. Such would not have been the case with an *in situ* barrier and traffic control would also have been more costly;
- it would have been technically difficult to construct an *in situ* barrier of the required height;
- the precast units can be re-used at other locations, allowing flexibility of future operations.

## ELECTRICITY CONCESSIONS

294. **Mr OLSEN** (on notice) asked the Minister of Transport, representing the Minister of Community Welfare:

Following the revelation by the Auditor-General on page 39 of his 1987 report that in November 1986 he expressed concern at the length of time frame the Department for Community Welfare was proposing to carry out a complete check of the continuing eligibility of people to receive electricity concessions, will the Minister table any correspondence from the Auditor-General on this matter, any replies of the Minister and any report by the department on its review?

**The Hon. G. F. KENEALLY:** The electricity concession scheme introduced by this Government in 1982 involves the Electricity Trust of South Australia maintaining a file of eligible persons, deducting the concession from individual electricity accounts and then claiming reimbursement, in bulk, from the Department for Community Welfare.

Checks on the continued eligibility of most concession recipients could not be easily undertaken until the department concluded arrangements with the Department of Social Security to compare social security records with the file maintained by ETSA. An initial comparison of files in December 1985 revealed a large number of 'mismatches'. A subsequent sample check of those 'mismatches' confirmed that a considerable number of persons receiving the concession were no longer eligible.

The department initiated an on-going check of eligibility from July 1986, six months ahead of the additional staffing approved by Treasury to undertake the exercise. The Auditor-General was advised by the department of the action being taken and the savings being made in the early stages of the exercise. In December 1986 he expressed concern at

the 12 to 18 months time frame envisaged to complete the check of the whole file.

With the support of the Auditor-General, Treasury and the Department of Personnel and Industrial Relations, the Chief Executive Officer of the Department for Commuinity Welfare was able to establish a full-time project team to complete the check of social security records by the end of September 1987. This was subsequently achieved.

There has been limited formal correspondence from the Auditor-General on this matter. There is no ministerial correspondence and no report by the department. However, the results of the exercise have been very effective—6 100 ineligible people no longer receive the concession. representing a recurring saving of over $300 000 per annum. The department will continue to check recipients' eligibility for the concession.

## SOUTH AUSTRALIA'S HERITAGE PUBLICATION

308. **Mr OLSEN** (on notice) asked the Minister for Environment and Planning: What was the cost incurred by the Department of Environment and Planning for:

*(a)* editorial work;

*(b)* design work; and

*(c)* photographic work,

for the publication 'South Australia's Heritage'?

**The Hon. D.J. HOPGOOD:** The replies are as follows:

*(a)* $10 000

*(b)* $6 000

*(c)* Nil. All costs were borne by the Government Printer.

## WORKCOVER

310. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: What is the name of the Minister's spokesman who claimed in the *Advertiser* of 30 September 1987 that Mr Baker was 'white-anting' South Australia in respect of WorkCover?

**The Hon. FRANK BLEVINS:** Written records of such events are not kept.

## SEMI-GOVERNMENT AUTHORITIES

315. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: Which semi-government authorities does the Minister have responsibility for and what are the names and remunerations of board members?

**The Hon. FRANK BLEVINS:** The Workers Rehabilitation and Compensation Corporation is the only semi-government authority which comes within the responsibility of the Minister of Labour. The members of the board are:

L.C. Wright: Presiding Officer

| | Deputy Members: |
|---|---|
| L.R. Birch | J.P. Hughes |
| A.J. Butterworth | E. Baxter |
| G.J. Challans | P.F. Spence |
| A.W. Crompton | R.J. Huxter |
| R.L. Dahlenburg | P.J. Hampton |
| J.L. Drumm | C. White |
| R.W. Hercus | M.T. Dobie |
| R. Marshall | M.R. Farrow |
| T.B. Prescott | P.G. Eblen |
| R.B. Schultz | A.B. Anderson |
| M.S. Shanahan | D.B. Pfitzner |
| B.L. Sones | K. Purse |
| L.M. Sudano | M. Sellstrom |

The Presiding Officer receives an amount of $8 824 per annum and members $551 per session up to a maximum $6 612 per annum.

## DEPARTMENT OF LABOUR PERSONNEL

316. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: How many interdepartmental and intradepartmental committees involving Department of Labour personnel are in existence, and what are they?

**The Hon. FRANK BLEVINS:** The reply is as follows:

1. INTRADEPARTMENTAL COMMITTEES
   - Equal Employment Opportunities Management Planning Panel.
   - Occupational Health and Safety Committee.
   - Staff Development and Training Committee.
   - JIS Computer Systems Steering Committee.
   - Regional Services Branch Training Development Committee.
   - Prosecutions Review Committee.
2. INTERDEPARTMENTAL COMMITTEES
   - The Coordinating Committee for Government Workers Safety, Health, Workers Compensation and Rehabilitation.
   - Government Safety Officers Group.
   - Formal Links Standing Committee—comprising representatives of the Department of Labour, South Australian Health Commission, WorkCover and the South Australian Occupational Health and Safety Commission.
   - Public Sector Diving Committee.
   - ILO Technical Officers Committee.
   - Workers Compensation (Silicosis) Committee.
   - Asbestos Advisory Committee.
   - Superannuation Task Force.
   - Justice Information System Board of Management.
   - Industrial Claims Coordinating Committee.
   - Coordinating Committee on Hazardous Chemicals.
   - Dangerous Substances Standing Committee.
   - State-Commonwealth Committee on Workers Compensation Administration.
   - Federal-State Public Sector Pay Group.
   - Commonwealth-State Liaison Panel on Industrial Democracy.
   - DOLAC Working Party on Wage Determination (a standing committee).

## OCCUPATIONAL HEALTH AND SAFETY DATA BANK

318. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: What information sources will be utilised to establish the Occupational Health and Safety data bank, will computer links be established with Worksafe and what items will be duplicated in the respective data banks?

**The Hon. FRANK BLEVINS:** The replies are as follows:

*(a)* The commission is at present engaged in establishing formal links with other organisations with responsibilities for occupational health and safety in this State and nationally, for example, Worksafe, the Workers Rehabilitation and Compensation Corporation, the South Australian Health Commission and the Department of Labour, among others. After these links have been established and an overall State occupational health and safety policy developed, the issue of establishing an effective occupational health and safety data bank(s) will be addressed in detail.

*(b)* Yes. Computer links will be established with Worksafe.

*(c)* A particular objective will be to ensure that there is no duplication in any of its data bank(s); however, at this stage of the development it is not possible to give a complete answer on this matter.

## MANAGEMENT INFORMATION SYSTEM

321. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: When will the management information system covering insurance claims experienced by Government departments be established and what data will be collected?

**The Hon. FRANK BLEVINS:** A management information system covering workers compensation claims experienced by employees of Government departments has been established to record injuries reported since 1 July 1987. It is planned to transfer to the system claims data from an existing data base recorded since 8 March 1985. The system will produce statistical information compatible with the national data set as published by Worksafe Australia. In summary, information from workers compensation claims relating to amount, type of injury, cause of injury, etc, will be available for each department, broken down to cost centre level.

## NATURAL RESOURCE OWNERSHIP

322. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: What action does the Minister intend to take to increase State ownership of natural resources?

**The Hon. FRANK BLEVINS:** Refer to my speech of 26 July 1987 to the biennial conference of the Public Service Association of South Australia, a copy of which has been sent to the member for Mitcham.

## EMPLOYEE EXCHANGES

325. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: Have there been any employee exchanges between Government departments and private companies in the past year and, if so, how many personnel have been involved?

**The Hon. FRANK BLEVINS:** There have been no staff exchanges between the Public Service and private companies over the last 12 months. There has been one case where a department sponsored a Public Service employee to work in a private company for staff development purposes. In this case the private company did not reciprocate by seconding an employee to the Public Service. There have also been a number of instances where Public Service employees, at their request, have been granted leave without pay to work in their field of expertise with private companies.

## EMPLOYEE RETRAINING SCHEMES

326. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: What employee retraining schemes have been established for State Government employees and how many public servants participated during 1986-87?

**The Hon. FRANK BLEVINS:** A number of retraining schemes have been established or are being developed for State Government employees. These include:

a scheme to retrain a minimum of 35 weekly paid employees as correctional officers by the end of July 1988. 13 weekly paid employees have already been selected for training as part of this scheme.

a scheme to retrain around 20 suitable State Government employees as Computer Systems Officers. There are some industrial and curriculum issues being addressed which may delay the implementation of this program.

a payroll retraining scheme has been established to retrain weekly paid and clerical employees, and a pilot program for 3 trainees which commenced in June 1987 has proven successful.

a program is currently being formulated to create a pool of weekly paid employees for use by the Pest Eradication Unit of the Department of Agriculture when it requires additional staffing to meet infestations. This program is expected to facilitate the retraining of some weekly paid employees for longer term work in this unit or related areas.

The Redeployment Unit of the Department of Personnel and Industrial Relations facilitates the relocation and retraining of public service, weekly paid, and statutory employees. As is evident from my comments above, a number of programs are being developed to facilitate the retraining of groups of employees, and these will have some impact during the current financial year. During the 1986-87 financial year, the emphasis on retraining related to individual on-the-job programs, with additional inputs provided through off-the-job training.

In 1986-87 some 33 clients of the Redeployment Unit participated in significant retraining programs of this nature. It should be appreciated that with the emphasis placed by the Government Managment and Employment Act on the responsibility of departments for redeployment and retraining, a number of public servants also benefited from retraining under the auspices of their own department.

## EARLY RETIREMENT

327. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: What are the conditions under which public servants of 55 years of age or more will be offered early retirement and is this early retirement initiative to be targeted at specific areas or to be made available to the whole Public Service?

**The Hon. FRANK BLEVINS:** Permanent public servants aged 55 years or more will be offered early retirement incentives only in instances where employees, or groups of employees are excess and cannot be effectively employed elsewhere in the Public Service, or where positions are not required on vacancy. Early retirement schemes will be implemented only as a cost effective alternative to redeployment or retraining and will be offered only on a voluntary basis.

Early retirement incentives will not be made available to the whole of the Public Service. Only specific areas, groups of employees or individual employees will be targeted to ensure cost effectiveness. A voluntary early retirement scheme for excess Government Management and Employment Act employees was announced in February of this year. Departments have reported that 54 employees have been invited to participate and 43 have accepted.

## EMPLOYEE APPEALS

328. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: With respect to details supplied via the Industrial and Employee Relations budget line (page 497 of Program Estimates) why are no resources provided for employee appeals?

**The Hon. FRANK BLEVINS:** The Employee Appeals Support sub-program was transferred to the Intra Agency Support Services. Advice to this effect was contained on page 503 of the Program Estimates.

## STATE TASK FORCE

330. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: Which officers are serving on the 'high powered task force' to review unnecessary duplication in Federal and State departments as promised by the Premier in November 1986 and May 1987?

**The Hon. FRANK BLEVINS:** At the Premiers' conference in May of this year all States presented proposals and discussed this issue with the Commonwealth. Since the Premiers' conference the most fundamental restructuring of the machinery of Government at the Commonwealth level has taken place. In particular, the integration of departments into broader functional units followed earlier initiatives undertaken in South Australia with Health and Welfare and Employment, Further Education and Economic Development being integrated. Current initiatives have included the Prime Minister writing to the States seeking further areas for review and South Australia has responded.

In the welfare field, the Social Welfare Administrators' conference is examining new ways of rationalising programs and services in that area. The work is proceeding, with the Director of Community Welfare in South Australia, Ms Sue Vardon, playing a leading role. A review of inter-government councils, advisory and consultative committees is also planned in line with the integration of Commonwealth departments. At this time, the emphasis of reform has not necessitated the establishment of a task force in a manner indicated in the honourable member's question.

## COMMITTEE TO MANAGE CHANGE

331. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: With reference to the *News* of 5 June 1987, which officers are serving on the Committee to Manage Change?

**The Hon. FRANK BLEVINS:** The current membership of the committee is as follows:

John Mayfield (DPIR) Chairman.
Graham Bethune (Treasury).
Adrian Butterworth (PSA).
Graham Dicker (PSA).
Anne French (DPIR).
Alan Herath (E & WS).
Stephanie Keys (UT & LC).
Helga Kolbe (Education).
Dean Lambert (Housing and Construction).
John Ledo (Highways).
Sue McIntosh (DPIR—Formerly Health Commission).
Joan Russell (DPIR).
Carol Treloar (Women's Advisor to the Premier).
Chris White (UT & LC).

## TOKYO/ADELAIDE LINK

333. **Mr S.J. BAKER** (on notice) asked the Minister of State Development and Technology: How far advanced are negotiations to obtain a direct Tokyo/Adelaide link?

**The Hon. LYNN ARNOLD:** The South Australian Government is committed to promoting Adelaide as an international gateway and has been involved in regular meetings with the Federal Government, Qantas and other international airlines concerning the provision of international air services to Adelaide. Recent negotiations have focused on the need for a direct service between Adelaide and Tokyo so that South Australia can capitalise on the substantial trade and tourism opportunities currently being offered by the Japanese economy.

Japanese tourism to Australia has almost doubled over the last two years and Japanese tourists represent one of the highest spending tourist groups. This trend is expected to continue and the South Australian Government has put considerable effort into developing a strategy for the establishment of a direct link between Adelaide and Tokyo. The Government is confident that once a direct air link is established between Adelaide and Tokyo, Japanese tourism to South Australia will incease significantly providing significant benefits to the South Australian economy. The establishment of such a service would also provide a boost to South Australian-Japan trade, particularly in perishables.

As part of the on-going process of negotiations on this issue, the Minister of Tourism, the Hon. Barbara Wiese, will lead a South Australian delegation, which will include the Lord Mayor of Adelaide, to meet with Qantas management. The case for a regularly scheduled service between Adelaide and Tokyo will be restated at this meeting, as will the need for a wider range of international destinations to be served through Adelaide Airport. A date for this meeting has not yet been established.

## BRIDGING FINANCE

337. **Mr S.J. BAKER** (on notice) asked the Minister of State Development and Technology: How much bridging finance was provided by the State Government in 1986-87 to assist local companies to export, how much will be provided for 1987-88 and what rates of interest have been or will be charged?

**The Hon. LYNN ARNOLD:** During 1986-87 the Department of State Development and Technology approved 26 loans (valued at $231 485) under the terms and conditions of the Export Bridging Finance Scheme. The department expects to approve a similar number during 1987-88. Under the terms of the scheme all loans are paid on an interest free basis.

## PORT ADELAIDE INDUSTRIAL ESTATE

338. **Mr S.J. BAKER** (on notice) asked the Minister of State Development and Technology: How far advanced is the establishment of a 700 hectare industrial estate at Port Adelaide?

**The Hon. LYNN ARNOLD:** There is no plan for a 700 hectare industrial estate at Port Adelaide. The Port Adelaide Industrial Land Review Committee in conjunction with the Port Adelaide City Council is carrying out an extensive study of a range of development options for the LeFevre Peninsula. The study is on schedule and will be completed in November. One possible outcome is the development of an industrial estate on approximately 30 hectares of land adjacent to the submarine site.

## PUBLIC SERVICE VACANCIES

339. **Mr OLSEN** (on notice) asked the Minister of Labour: In relation to the invitation to public servants contained in the 'Notice of Vacancies' Bulletin issued 23 September 1987—

*(a)* how many complaints about 'nepotism or patronage' were brought to the attention of the Commissioner for Public Employment in the 1986-87 financial year;
*(b)* which departments were involved;
*(c)* how many complaints were justified; and
*(d)* what action was taken as a result?

**The Hon. FRANK BLEVINS:** The replies are as follows:

*(a)* Only one such case was brought to the Commissioner's attention during 1986-87.

*(b)* The allegations concerned an employee of the Police Department.

*(c)* At the request of the Commissioner for Public Employment, the matter was investigated by the department and the allegations were found to be correct.

*(d)* The decision of the employee concerned was reversed and the employee was reprimanded by the Commissioner of Police.

## COMMISSIONER FOR PUBLIC EMPLOYMENT

346. **Mr OLSEN** (on notice) asked the Minister of Labour: Were any ministerial directions given to the Commissioner for Public Employment during the 1986-87 financial year and, if so, what were the directions?

**The Hon. FRANK BLEVINS:** No ministerial directions were given to the Commissioner for Public Employment during 1986-87.

## INSTRUCTIONS TO EMPLOYEES

347. **Mr OLSEN** (on notice) asked the Minister of Labour: Has the Commissioner for Public Employment issued any instructions to a particular employee or a particular classification of employee and, if so, in each case, what was the instruction?

**The Hon. FRANK BLEVINS:** Since the proclaiming of the Government Management and Employment Act the Commissioner for Public Employment has issued the following circulars and determinations—

(1) Commissioner's Circulars

| | |
|---|---|
| CC1 | Creation and abolition of positions |
| CC2 | Classification and reclassification of positions |
| CC3 | Reassignment and assignment |
| CC4 | The grievance resolution process |
| CC5 | Appointments and filling of positions |
| CC6 | Discipline and disciplinary appeals |
| CC7 | Staff selection in the S.A. Public Service |
| CC8 | Code of practice for redeployment, S.A. Public Service employees |
| CC9 | Administrative and Clerical Officers Interim Award |
| CC10 | Education assistance program—payment of administrative fee |
| CC11 | Appointment on negotiated conditions |
| CC12 | Management of unattached positions |
| CC13 | Voluntary early retirement by invitation |
| CC14 | Recognition of prior service for leave purposes |
| CC15 | Policy of sexual harassment |
| CC16 | Eligibility to apply for positions advertised on the Weekly Notice |
| CC19 | Miscellaneous industrial provisions |
| CC20 | Industrial disputes |
| CC21 | Information for unions |
| CC22 | Salaries Adjustment (Public Offices) Act |
| CC23 | Occupational overuse syndrome |
| CC24 | Smoking in the workplace |
| CC26 | Work experience programs |
| CC27 | Attendance records |
| CC28 | Cessation of deductions from pay |
| CC29 | Piloting of hired aircraft |
| CC30 | Use of Government vehicles |
| CC31 | Guidelines for public servants appearing before Parliamentary Committees |
| CC32 | Guidelines for access by Members of Parliament |
| CC33 | Revised arrangements for filling vacancies |
| CC35 | Resignation, retirement, re-employment |
| CC39 | Rents for dwellings belonging to or leased by the Crown and occupied by employees of the Crown |
| CC40 | Personal files |
| CC42 | Occupational Health, Safety and Welfare Act, 1986 |

(2) Commissioner's Determinations

| | |
|---|---|
| CD1 | Hours of duty/overtime |
| CD2 | Amendments in relation to salaries and allowances for classification structure |
| CD3 | Adjustments to salaries and allowances following determination in State Wage Case |
| CD4 | Locality allowances |
| CD5 | First aid allowance |
| CD6 | Motor vehicle reimbursement rates |
| CD7 | Employment of vacational students |
| CD8 | On call allowances and conditions—Government Management and Employment Act |
| CD9 | Travelling expenses reimbursement |
| CD10 | Meal allowances |
| CD11 | Camp allowances |
| CD12 | Camping out allowances |
| CD13 | Travel and accommodation expenses—medical/dental treatment |
| CD14 | Travel and accommodation allowances—education assistance scheme |
| CD15 | Rents for dwellings owned or leased by the Crown |
| CD16 | Eligibility to apply for position |
| CD17 | Relocation expenses |
| CD18 | Travel costs—employees stationed on Kangaroo Island |
| CD19 | Whyalla/Iron Knob allowance |
| CD20 | Allowance for casual cashiers and paying officers |

The Commissioner for Public Employment has also, pursuant to Division IV of Part III of the Government Management and Employment Act, determined the classification of various occupational groups and the classification of individual positions through the publication of a Classification Return in the *Government Gazette*. Such returns have appeared in the following gazettes—

| | |
|---|---|
| 24 July 1986 | 19 February 1987 |
| 14 August 1986 | 26 February 1987 |
| 21 August 1986 | 5 March 1987 |
| 11 September 1986 | 12 March 1987 |
| 16 September 1986 | 19 March 1987 |
| 25 September 1986 | 2 April 1987 |
| 9 October 1986 | 9 April 1987 |
| 23 October 1986 | 16 April 1987 |
| 30 October 1986 | 7 May 1987 |
| 6 November 1986 | 11 June 1987 |
| 13 November 1986 | 18 June 1987 |
| 20 November 1986 | 2 July 1987 |
| 27 November 1986 | 9 July 1987 |
| 4 December 1986 | 16 July 1987 |
| 11 December 1986 | 30 July 1987 |
| 15 January 1987 | 13 August 1987 |
| 22 January 1987 | 20 August 1987 |
| 29 January 1987 | 27 August 1987 |
| 5 February 1987 | 10 September 1987 |
| 12 February 1987 | 24 September 1987 |

## PERSONNEL MANAGEMENT

348. **Mr OLSEN** (on notice) asked the Minister of Labour: Has the Commissioner for Public Employment reviewed the extent to which the principles of personnel management prescribed by the Act are being observed in administrative units and, if so, in each particular case—

*(a)* which unit was involved;

*(b)* was the review undertaken at the Commissioner's own initiative or at the direction of the Minister;

*(c)* what were the Commissioner's findings and recommendations; and

*(d)* did the Chief Executive Officer responsible for the unit agree with the recommendations?

**The Hon. FRANK BLEVINS:** There are two sets of circumstances in which the Commissioner for Public Employment may review public service personnel management practices. I believe that that question refers to the Commissioner's powers under section 31 of the Government Management and Employment Act to investigate specific aspects of personnel management within an administrative unit. The Commissioner did not have cause to conduct reviews of this kind in 1986-87.

Section 29 of the Government Management and Employment Act requires the Commissioner to 'establish and ensure the implementation of appropriate practices and procedures in relation to personnel management and industrial relations to the public service'. One way in which the Commissioner fulfils this requirement is by conducting an annual program of monitoring departmental personnel practices. Information is sought from all departments, relevant unions and individual employees and feedback is provided to participating agencies in the form of suggestions for management improvement. Specific information on the outcomes of the 1986-87 monitoring programs is provided in the 1986-87 Annual Report of the Commissioner for Public Employment which was tabled on 6 October 1987.

## PROTECTEES

356. **Mr BECKER** (on notice) asked the Minister of Correctional Services:

1. How many inmates and/or remandees are classified 'protectees' and how many are held at each gaol, prison or institution?

2. How many hours per day are protectees kept in their cells and how much exercise time outside their cell are they given each day?

3. Are protectees allowed visitors and, if so, how many, when and how often?

4. When Adelaide Gaol is closed in February 1988, where will protectees be relocated?

5. What assistance, protection and counselling is given to protectees' families?

6. What alternative action is being considered or taken to provide more humane treatment to protectees and their families?

**The Hon. FRANK BLEVINS:** The replies are as follows:

*(a)* There are currently 66 prisoners classified as 'protectee' in South Australian prisons. These are distributed as follows:

| | |
|---|---|
| Adelaide Gaol | 42 |
| Yatala Labour Prison | 2 |
| Adelaide Remand Centre | 14 |
| Mount Gambier Gaol | 4 |
| Port Augusta Gaol | 4 |

*(b)* *Adelaide Gaol:* Prisoners are released from their cells at 8.00 a.m., returned for the period 12.30 p.m.-2.00 p.m. and then locked in their cells again at 4.30 p.m. This is the same as for all other prisoners.
*Yatala Labour Prison:* A special yard has been constructed and protectees can use the yard for a total of four hours per day.
*Adelaide Remand Centre:* Remandees in protective custody follow the same routine as other remandees. That is, they are out of their cells, but in their units, from 7.00 a.m. until 10.30 p.m. They have programmed recreation available in the recreation area in the same way as other remandees.
*Mount Gambier Gaol:* Protectees are out of their cells from 7.00 a.m.-5.30 p.m. They are segregated from other prisoners, but have free access to a separate yard for the above hours.
*Port Augusta Gaol:* Protectees are out of their cells from 8.00 a.m.-8.00 p.m. They work with the main prison poulation, but are segregated during leisure time.

*(c)* In Adelaide Gaol, Adelaide Remand Centre, Mount Gambier Gaol and Port Augusta Gaol protectees have the same visiting rights and privileges as other prisoners. At Yatala Labour Prison protectees have the same visiting rights as other prisoners held in S&D Division.

*(d)* Prisoners who are in protective custody at Adelaide Gaol will be relocated as follows:
Short term prisoners (i.e. those with sentences less than six months) will in the main be transferred to 'E' Division, Yatala Labour Prison.
Reception prisoners (i.e. those awaiting assessment or awaiting transfer in accord with their sentence plans) will be housed in 'E' Division, Yatala Labour Prison.
High Security assessed prisoners will be housed at Yatala Labour Prison, either in S&D Division or 'E' Division as determined by the Manager.
Medium Security assessed prisoners will be housed at Mount Gambier Gaol, Port Lincoln Prison or Port Augusta Gaol.

*(e)* In terms of Department of Correctional Services' services, no distinction is made between protectees and other prisoners.

*(f)* Both 'E' Division and the proposed Segregation Unit have been designed to permit as much 'normalisation' of special category prisoners as possible. The intention of locating medium security protectee prisoners in country walled prisons is to provide a less restrictive, more 'normalised' prison life for prisoners in protective custody.

## LABOR DAY WEEKEND OFFICIAL JOURNAL

358. **Mr BECKER** (on notice) asked the Minister of Marine:

1. What were the production costs associated with the placement of the Department of Marine and Harbors advertisement on page 2 of the current *Labor Day Weekend Official Journal?*

2. What was the cost of the advertising space for this particular advertisement?

3. Were any other costs incurred besides production and advertising space and, if so, what were they and how much was each?

4. Why was this advertisement taken out and at who's authority?

5. What benefit does the Department of Marine and Harbors expect to receive to justify this expenditure?

**The Hon. R. K. ABBOTT:** The replies are as follows:

1. Nil. An existing bromide was used.

2. $159.

3. No.

4. The department authorised placement of the advertisement by the senior publicity and promotions officer.

5. The department has participated in the Labor Day procession over many years going back to 1965. A DMH vehicle and boat and a marine safety officer took part in the last parade, and the department distributed brochures and advised the public on boating safety after the parade.

## OMBUDSMAN

365. **The Hon. D.C. WOTTON** (on notice) asked the Premier: Is it intended to provide the Ombudsman with statutory independence similar to that in New South Wales and, if not, why not?

**The Hon. J.C. BANNON:** When the honourable member refers to statutory independence, presumably he is referring

to a guaranteed security of tenure, of the incumbent of the office of Ombudsman, from Government (i.e. Executive) manipulation or control.

In New South Wales section 6 (5) of the Ombudsman Act 1974 provides:

> The Ombudsman may, at any time, be removed from his office by the Governor upon the address of both Houses of Parliament.

In this State, section 10 (2) of the Ombudsman Act 1972 is in almost identical terms. Thus the Ombudsman can only be dismissed from office by the Parliament of this State. The Government of the day certainly cannot exercise this power. As for any power to suspend an incumbent of the office of Ombudsman, S. 10 (3) of the Ombudsman Act 1972 provides:

> The Governor may suspend the Ombudsman from office on the ground of incompentence or misbehaviour and in that event—
>
> *(a)* a full statement of the reason for the suspension must be laid before both Houses of Parliament within seven days of the suspension if Parliament is then in session or, if not, within seven days of the commencement of the next session of Parliament; and
>
> *(b)* if, at the expiration of one month from the date on which the statement was laid before Parliament, an address from both Houses of Parliament seeking the Ombudsman's removal has not been presented to the Governor, the Ombudsman must be restored to office.

Again, ultimate control over the matter continues to reside in the Parliament and not the Government of the day.

As the Ombudsman now enjoys full statutory independence, no amendment to the Ombudsman Act 1972 is necessary.

## JUSTICE INFORMATION SYSTEM

366. **The Hon. D.C. WOTTON** (on notice) asked the Minister of Education representing the Minister of Community Welfare: What details from the Department for Community Welfare are now being recorded on computer file under the Justice Information System and what format do the questions asked take in determining that detail?

**The Hon. G.J. CRAFTER:** At this time there is no information recorded on the Justice Information System about clients or staff of the Department for Community Welfare. The department intends to initially enter three administrative applications as the first projects. The first client-based application is not expected to be in place until the 1988-89 financial year.

## *GOVERNMENT GAZETTE*

374. **Mr M.J. EVANS** (on notice) asked the Minister of Transport:

1. Prior to the review of the distribution of *gratis* copies of the *Government Gazette*—
   *(a)* how many copies of the *Gazette* were being produced each week;
   *(b)* how many were sold from the State Information Centre;
   *(c)* how many were distributed to Government departments or statutory authorities;
   *(d)* how many copies were mailed to subscribers; and
   *(e)* how many were distributed, free of charge, to members of Parliament and other persons?
2. What was the total cost of producing all copies of the *Gazette* prior to the review and, as a result of the review, what reductions were made in the total print run and what was the cost saving as a result?
3. How many copies are now distributed free of charge and to whom?
4. How many copies are now distributed to Government departments and statutory authorities and how are these paid for?
5. What is the current additional cost of producing another copy of the *Gazette* over and above the number now printed?
6. How many copies remain unsold or are otherwise surplus at the end of an average week?

**The Hon. G.F. KENEALLY:** The replies are as follows:

1. *(a)* 1 900 copies
   *(b)* 150 copies approximately
   *(c)* 118 copies
   *(d)* 1 300 copies approximately
   *(e)* 50 copies
2. Prior to the review, the total cost of production was approximately $22 300. As a result of the review, there is currently a reduction of 250 in the total print run at a cost saving of approximately $350.
3. 3 copies: *Advertiser*, *News*, ABC.
4. 78 copies, paid for by subscription.
5. $1.40 approximately (based on 64 page *Gazette*).
6. 100 copies approximately.

## ROAD SEALING

382. **Mr OLSEN** (on notice) asked the Minister of Transport: Will the Government be contributing $0.5 million this financial year to the sealing of the Sevenhill to Mintaro Road and, if so, when will the work begin and when will it be finished?

**The Hon. G.F. KENEALLY:** A sum of $400 000 has been provided for construction work this financial year. In addition, approximately $100 000 will be spent on land acquisition, other preconstruction work and administration of the project. Construction is planned to commence in early 1988, the actual date depending on finalisation of land acquisition.

The total cost of the project is approximately $1.4 million, hence the completion date will depend on the level of funding which can be provided next financial year. At this early stage, the Highways Department is unable to predict a completion date with any degree of confidence.

## Dr RAMSEY

386. **Mr BECKER** (on notice) asked the Minister of Employment and Further Education: Did Dr Ramsey write to the SACAE President prior to 18 September 1984 requesting leave of absence and, if so:

   *(a)* why;
   *(b)* what was the date of the letter;
   *(c)* has the letter been removed from Dr Ramsey's personnel file and, if so, who authorised the removal;
   *(d)* on what date did Dr Ramsey write to the SACAE President seeking to resign and was the letter of resignation backdated and, if so, why?

**The Hon. LYNN ARNOLD:** Yes and:

   *(a)* The college understands that subsequent to his resignation it was suggested to Dr Ramsey by Commonwealth authorities that his new duties could be undertaken on the basis of some kind of secondment or leave without pay arrangement. One advantage of such an arrangement might

have been in relation to the preservation of his superannuation entitlements.

*(b)* This possibility was canvassed in a letter to the President of council dated 7 June 1984;

*(c)* A copy of this letter is on Dr Ramsey's file;

*(d)* The President reported to council on 19 June 1984 that he had received Dr Ramsey's letter of resignation. Later in the year, when it became clear that the secondment was not a realistic option, Dr Ramsey wrote again to the President to acknowledge this fact.

## NATIONAL PRODUCTIVITY CLAIM

400. **Mr OLSEN** (on notice) asked the Premier: In relation to the 4 per cent national productivity claim in respect of State public sector employees—

*(a)* what is the estimated cost of the claim to the South Australian Government in a full year;

*(b)* when is it anticipated the claim will operate from;

*(c)* which Government agency will administer the scheme; and

*(d)* what is the estimated cost of administering the claim?

**The Hon. J.C. BANNON:** The replies are as follows:

*(a)* The Government's policy is that the 4 per cent second tier is dependent on offsetting productivity savings. No provision has been made in the budget for the cost of the second tier, because that is the basis on which negotiations must proceed. If productivity savings are not achieved the cost of the 4 per cent second tier would be $76 million in a full year. This figure covers employees in the Public Service, the S.A. Health Commission and the S.T.A.

*(b)* Agreements reached with unions on the 4 per cent second tier increase will operate from the date of agreement subject to ratification by the appropriate industrial commission. There is no common date of operation. The principles determined by the Full Bench of the S.A. Industrial Commission in the State wage case on 2 April 1987 state that the 4 per cent may be approved from a date to be fixed by the Commission, and the Commission will not award retrospectivity in relation to any second tier increases.

*(c)* The negotiations with unions are being conducted by the Department of Personnel and Industrial Relations on behalf of the Government.

*(d)* The Department of Personnel and Industrial Relations has an ongoing function to negotiate industrial claims on behalf of the Government. Therefore, the second tier claims are part of that ongoing function and any costs are part of D.P.I.R.'s budget.

## WORK INJURIES

401. **Mr OLSEN** (on notice) asked the Premier: In relation to each case of work injuries incurred by employees of the Department of Premier and Cabinet in 1986-87—

*(a)* what was the nature of the injury;

*(b)* what was the nature of the duties being undertaken at the time the injury occurred;

*(c)* what was the cost of the claim for workers compensation; and

*(d)* for how long was the injured worker unable to undertake his/her normal duties?

**The Hon. J.C. BANNON:** The replies are as follows:

Premier and Cabinet work injuries incurred by employees in 1986-87

CASE 1

*(a)* Right hand shoulder and arm.

*(b)* Project Officer duties.

*(c)* $3 271.90 in medical fees and other approved charges.

*(d)* Unable to undertake duties from 28 November 1986 up to 31 March 1987, when payment was taken over by Government Workers Compensation.

CASE 2

*(a)* Multiple (injuries as a result of accident whilst travelling to work).

*(b)* Clerical duties.

*(c)* $78.95 medical.

*(d)* Absent for one week and one day.

CASE 3

*(a)* Wrists and hands.

*(b)* Enquiries Officer/clerical duties.

*(c)* $61.50 medical.

*(d)* No time lost.

CASE 4

*(a)* Right hand arm, neck and shoulder.

*(b)* Clerical duties.

*(c)* Medical $631.20.

*(d)* Absent for 3 weeks and 1 day.

CASE 5

*(a)* Left eye.

*(b)* Driver.

*(c)* Medical $20.00.

*(d)* No lost time.

CASE 6

*(a)* Right hand should and multiple bruises and strains. (Injuries as result of accident whilst travelling to work).

*(b)* Clerical duties.

*(c)* Medical $281.00.

*(d)* Absent 1 week 2 days.

## ACTS AND REGULATIONS REVIEW

406. **Mr OLSEN** (on notice) asked the Premier: In relation to the following departments—Department of the Premier and Cabinet; State Government Financing Authority; Office of the Government Management Board; Treasury Department; and Department for the Arts:

*(a)* how many reviews of existing and proposed Acts and regulations were completed by each agency during 1986-87;

*(b)* what costs were incurred or savings achieved by revocation, amendment or repeal of existing Acts and regulations; and

*(c)* what costs were incurred or savings achieved by bringing new Acts and regulations into force?

**The Hon. J.C. BANNON:** The information requested by the Leader for the 1986-87 year is not readily available from a central source. The regulation review procedures approved in Cabinet on 21 September 1987 require each agency to provide the Government Adviser on Deregulation with the type of information requested by the Leader. In accordance with the Procedures, the Adviser will then report to the Government on the total cost savings in the public sector of regulation and deregulation initiatives. The first report entailing this information will be for the 1987-88 year.

407. **Mr OLSEN** (on notice) asked the Deputy Premier: In relation to the following departments—Department of Environment and Planning; Auditor-General's Department; Police Department; South Australian Metropolitan Fire Service; Engineering and Water Supply Department;

*(a)* how many reviews of existing and proposed Acts and regulations were completed by each agency during 1986-87;

*(b)* what costs were incurred or savings achieved by revocation, amendment or repeal of existing Acts and regulations; and

*(c)* what costs were incurred or savings achieved by bringing new Acts and regulations into force?

**The Hon. D.J. HOPGOOD:** The information requested by the Leader for the 1986-87 year is not readily available from a central source. The regulation review procedures approved in Cabinet on 21 September 1987 require each agency to provide the Government Adviser on Deregulation with the type of information requested by the Leader. In accordance with the Procedures, the Adviser will then report to the Government on the total cost savings in the public sector of regulation and deregulation initiatives. The first report entailing this information will be for the 1987-88 year.

408. **Mr OLSEN** (on notice) asked the Minister of Education representing the Attorney-General: In relation to the following departments—Court Services Department; Electoral Department; Department of Public and Consumer Affairs; Corporate Affairs Commission:

*(a)* how many reviews of existing and proposed Acts and regulations were completed by each agency during 1986-87;

*(b)* what costs were incurred or savings achieved by revocation, amendment or repeal of existing Acts and regulations; and

*(c)* what costs were incurred or savings achieved by bringing new Acts and regulations into force?

**The Hon. G.J. CRAFTER**, on behalf of Hon. C.J. Sumner: The information requested by the Leader for the 1986-87 year is not readily available from a central source. The Regulation Review Procedures approved in Cabinet on 21 September 1987 require each agency to provide the Government Adviser on Deregulation with the type of information requested by the Leader. In accordance with the Procedures, the Adviser will then report to the Government on the total cost savings in the public sector of regulation and deregulation initiatives. The first report entailing this information will be for the 1987-88 year.

409. **Mr OLSEN** (on notice) asked the Minister of Lands: In relation to the following departments—Department of Lands; Woods and Forests Department; Department of Marine and Harbors:

*(a)* how many reviews of existing and proposed Acts and regulations were completed by each agency during 1986-87;

*(b)* what costs were incurred or savings achieved by revocation, amendment or repeal of existing Acts and regulations; and

*(c)* what costs were incurred or savings achieved by bringing new Acts and regulations into force?

**The Hon. R.K. ABBOTT:** The information requested by the Leader for the 1986-87 year is not readily available from a central source. The regulation Review Procedures approved in Cabinet on 21 September 1987 require each agency to provide the Government Adviser on Deregulation with the type of information requested by the Leader. In accordance with the Procedures, the Adviser will then report to the Government on the total cost savings in the public sector of regulation and deregulation initiatives. The first report entailing this information will be for the 1987-88 year.

410. **Mr OLSEN** (on notice) asked the Minister of Transport representing the Minister of Health: In relation to the following departments, South Australian Health Commission and the Department for Community Welfare:

*(a)* how many reviews of existing and proposed Acts and regulations were completed by each agency during 1986-87;

*(b)* what costs were incurred or savings achieved by revocation, amendment or repeal of existing Acts and regulations; and

*(c)* what costs were incurred or savings achieved by bringing new Acts and regulations into force?

**The Hon. G.F. KENEALLY**, on behalf of Hon. J.R. Cornwall: The information requested by the Leader for the 1986-87 year is not readily available from a central source. The Regulation Review Procedures approved in Cabinet on 21 September 1987 require each agency to provide the Government Adviser on Deregulation with the type of information requested by the Leader. In accordance with the Procedures, the Adviser will then report to the Government on the total cost savings in the public sector of regulation and deregulation initiatives. The first report entailing this information will be for the 1987-88 year.

411. **Mr OLSEN** (on notice) asked the Minister of State Development and Technology: In relation to the following departments—Department of State Development; Department of Technical and Further Education; Office of Employment and Training:

*(a)* how many reviews of existing and proposed Acts and regulations were completed by each agency during 1986-87;

*(b)* what costs were incurred or savings achieved by revocation, amendment or repeal of existing Acts and regulations; and

*(c)* what costs were incurred or savings achieved by bringing new Acts and regulations into force?

**The Hon. LYNN ARNOLD:** The information requested by the Leader for the 1986-87 year is not readily available from a central source. The Regulation Review Procedures approved in Cabinet on 21 September 1987 require each agency to provide the Government Adviser on Deregulation with the type of information requested by the Leader. In accordance with the Procedures, the Adviser will then report to the Government on the total cost savings in the public sector of regulation and deregulation initiatives. The first report entailing this information will be for the 1987-88 year.

412. **Mr OLSEN** (on notice) asked the Minister of Transport: In relation to the following departments: Department of Transport; Highways Department; State Transport Authority; Department of Services and Supply:

*(a)* how many reviews of existing and proposed Acts and regulations were completed by each agency during 1986-87;

*(b)* what costs were incurred or savings achieved by revocation, amendment or repeal of existing Acts and regulations; and

*(c)* what costs were incurred or savings achieved by bringing new Acts and regulations into force?

**The Hon G.F. KENEALLY:** The information requested by the Leader for the 1986-87 year is not readily available from a central source. The Regulation Review Procedures approved in Cabinet on 21 September 1987 require each agency to provide the Government Adviser on Deregulation with the type of information requested by the Leader. In accordance with the Procedures, the Adviser will then report to the Government on the total cost savings in the public sector of regulation and deregulation initiatives. The first report entailing this information will be for the 1987-88 year.

## NATIONAL WAGE RISE

419. **Mr S.J. BAKER** (on notice) asked the Minister of Labour: For which statutory authorities, Government departments or groups of employees have agreements been reached on the payment of the second tier national wage rise and for each:

*(a)* what was the negotiated agreement;

*(b)* how many employees were covered;

*(c)* what trade-offs were secured; and

*(d)* from what date will such rises apply,

and how many employees of the Government remain without a negotiated wage rise?

**The Hon. FRANK BLEVINS:** Listed are awards/groups in Government department and statutory authorities that have had agreements for 4 per cent second tier wage increases ratified by Industrial Commissions as at 26 October 1987.

*(a)* and *(c)* The agreements reached are cost neutral and contained central offsets together with specific offsets relating to individual Departments with employees classified under the awards listed in the attachment. All these agreemets have been approved by either the Australian Conciliation and Arbitration Commission or the South Australia Industrial Commission.

Ratified by Commission
As at 26 October 1987

A. GOVERNMENT DEPARTMENTS

| Award/Group | Operative Date | No. of Employees |
|---|---|---|
| Timber Workers (SAG) Industrial Agreement | 1st p.w. to commence on or after 24 August 1987 | 553 |
| Metal Trades (SAG Departments and Instrumentalities) Award (EWS, DHC, W & F and Highways) | On and from 24 September 1987 (EWS) and 23 October 1987 (DHC, W & F and Highways) | 1 228 |
| Marine Pilots Etc. Award | 1st p.w. to commence on or after 29 September 1987 | 19 |
| Plumbers and Gasfitters Award | 1st p.w. to commence on or after 14 August 1987 | 160 |
| Osborne Bulk Handling Plant Ind. Agreement | On and from 13 October 1987 | 29 |
| Ngerin Industrial Agreement | On and from 19 October 1987 | 4 |
| Govt Stores Employees Etc. Award (M & H, EWS, DHC, Highways and Fisheries Depts) | 1st p.w. to commence on or after 16 October 1987 (M & H) and 23 October 1987 (EWS, DHC, Highways and Fisheries Depts) | 207 |
| Plasterers & Terrazzo Workers (MI) Award | On and from 6 October 1987 | 21 |
| Painters & Decorators (MI) Award | On and from 8 October 1987 | 200 |
| Bricklayers & Tuckpoints (MI) Award | On and from 8 October 1987 (DHC and W & F) and 21 October 1987 (EWS) | 16 |
| Engine Drivers & Firemen's Federal Award | On and from 23 October 1987 | 60 |
| | TOTAL | 2 497 |
| Total Number Employees in Government Departments | = | 52 486 |
| Percent of Employees in Government Departments with 4% 2nd Tier Increase | = | 4.76% |

B. OTHER GOVERNMENT AUTHORITIES

| Award/Group | Operative Date | No. of Employees |
|---|---|---|
| Lotteries Commission | On and from 21 September 1987 | 109 |
| STA Metal Trades | On and from 2 October 1987 | 408 |
| Metropolitan Fire Service Firefighting Awards | 1st p.w. to commence on or after 15 September 1987 | 836 |
| ETSA (Awards Various) | On and from 17 August 1987 | 5 894 |
| Pipeline Authority Staff Ind. Agreement | On and from 26 September 1987 | 133 |
| SA. Film Corporation Industrial Agreement | 1st p.p. to commence on or after 16 October 1987 | 47 |
| Metropolitan Milk Board | 1st p.p. to commence on or after 16 October 1987 | 16 |
| | TOTAL | 7 443 |
| Total Number Employees in Government Authorities | = | 56 788 |
| Percent of Employees in Government Authorities with 4% 2nd Tier Increase | = | 13.11% |

C. PUBLIC SECTOR (A & B)

| | | |
|---|---|---|
| Total Number Public Sector Employees (A & B) | = | 109 274 |
| Number Public Sector Employees with 4% 2nd Tier Increase | = | 9 940 |
| Percent Public Sector Employees with 4% 2nd Tier Increase | = | 9.10% |

*(b)* The number of employees is detailed above.

*(d)* The date of operation for each award/group is detailed above.

The number of employees without a negotiated wage rise as at 26 October 1987, is:

Government Departments—approximately 50 000
Statutory Authorities—approximately 49 000

## COMMUNITY SERVICE ORDER PROJECT SUPERVISORS

422. **Mr BECKER** (on notice) asked the Minister of Correctional Services:

1. Are supervisors of community service order projects qualified in any trade to supervise the offenders with knowledge of the work being carried out?

2. What worker safety rules are observed by offenders whilst working on community service orders?

3. Are protective boots, goggles, clothing and equipment supplied to offenders for the duration of a work order and, if so, at whose expense and, if not, why not?

4. Are the offenders covered by workers compensation whilst working on a community service order project and, if so, at whose expense?

**The Hon. FRANK BLEVINS:** The replies are as follows:

1. Correctional Services supervisors are not required to be qualified in any trade but are recruited on the basis of their thorough knowledge of numerous semi-skilled jobs. The department takes all care to ensure satisfactory performance of offenders but no responsibility can be taken for the quality of the work performed as this depends totally on the skills of the offenders working at the time.

2. Offenders performing community service are not covered by the provisions of the Occupational Health, Safety and Welfare Act 1986, or any other Act or Award in respect of their health and safety. However, the Department of Correctional Services is committed to provide them with safe work places.

Supervisors and offenders are required to observe the following basic safety rules:

- Power tools, such as jackhammers, large electric drills, electric saws, welding apparatus or other machinery shall only be used by offenders experienced in their use or under close supervision of a person experienced in their use. The use of chainsaws shall be avoided.
- Toxic substances shall not be used by offenders unless they:
  —are informed by the supervisor of the health hazards involved;
  —are instructed in the correct and necessary safeguards to be used; and
  —are wearing the appropriate gear.
- Similar procedures to those relating to toxic substances shall be adopted when working in places where offensive fumes or dust are present.
- Scaffolds, ladders and other structures must conform to safety standards laid down by the Department of Labour and are to be fixed securely prior to offenders working on them.
- Offenders must wear appropriate clothing and footwear. It is also incumbent on supervisors, when participating in the work being undertaken, to wear appropriate clothing and footwear.
- Departmental supervisors shall ensure that offenders do not engage in any activity likely to create danger to themselves and/or other people.
- Each departmental vehicle shall be equipped with a complete standard first aid kit at all times when being used for community service work.

3. Protective clothing, sturdy work boots and eye masks are supplied by the department and loaned to offenders for use on work days when certain work tasks require these safeguards.

4. Offenders are not covered by workers compensation. Section 5c of the Offenders Probation Act stipulates that the Minister shall provide insurance upon such terms and conditions he thinks fit for offenders and voluntary supervisors in respect of death or injury arising out of, or occurring in the course of activities associated with the community service order scheme and that the cost of the insurance shall be borne by the Crown.

Appropriate insurance policies are taken out with the State Government Insurance Commission and for 1987-88 the cost of premiums are approximately $100 000 and are paid by the Department of Correctional Services.