HOUSE OF ASSEMBLY

Thursday 23 February 1989

The SPEAKER (Hon. J.P. Trainer) took the Chair at 11 a.m. and read prayers.

MINTABIE OPAL FIELDS

Mr GUNN (Eyre): I move:

That, in the opinion of the House, the Government should immediately ensure that:

(a) adequate health facilities, including a hospital, are constructed at the Mintabie opal fields;

(b) an electricity supply is established at the Mintabie opal fields;

(c) effective and meaningful negotiations commence with the Mintabie Progress Association and Pitjantjatjara Council with a view to extending where necessary the Mintabie precious stone prospecting field so as to allow for its future development;

(d) current and future Mintabie housing allotments are placed on a more secure lease; and

(e) negotiations commence with a view to excising the Mintabie precious stone prospecting field and town from the Pitjantjatjara lands.

This motion is designed to draw again to the attention of the House and the community the difficult situation of the community of Mintabie. Everyone who is fair and reasonable realises that a terrible mistake was made at the time of the passing of the Pitjantjatjara lands legislation. First, the area known as Mintabie opal fields should never have been included in the lands and, secondly, adequate provision should have been made to set aside areas for future mining development. I am advised that, when the Pitjantjatjara land rights legislation was before this House, the Department of Mines and Energy was carrying out surveys of the area and considering extending the fields.

Unfortunately, that information either was not conveyed to those to whom it should have been conveyed or they did not understand it or, for some reason, the advice was not acted upon. I believe that if a mistake is made it should be rectified as soon as possible. It must be clearly understood that up to 1 200 people are operating in the Mintabie area, making a significant contribution to the economy of South Australia. Many people are gainfully employed there, including the Aboriginal community. As I understand the situation from my regular visits and from discussions with people who live there, the local Aboriginal community is very happy to cooperate with the Progress Association and find a source of ready income noodling on the dumps.

However, difficulties always seem to arise when negotiations take place with the advisers from Alice Springs representing the Pitjantjatjara Council. That is not only unfortunate but also contrary to the best interests of the Aboriginal community. At the end of the day, I believe that everyone who has been to the area and who looks at the matter in a fair and reasonable fashion will clearly understand the points I am making.

These things will occur: it is only a matter of time. My view is that negotiations and discussions between all interested bodies should commence immediately. Under the Minister of Lands there is a consultative committee, and in my view that committee should be directed to enter into negotiations and make the necessary arrangement to solve these problems as soon as possible. The role of the committee should not be to allow this continual speculation as to what may take place. Currently there is a great deal of speculation as to what may happen, because it is obvious that people engaged in the mining industry, who have invested large amounts of money in mining equipment, and who have the experience, should not only be allowed but should be encouraged to participate, because they are indirectly employing many people.

Where one has a community of some 1 200 people, one must have reasonable facilities. The community itself has built and established a community hall and recreation area. There are a number of facilities, including a new school put up by the Education Department, which is first rate. Therefore, the Government has a considerable investment there.

The Uniting Church Organisation Frontier Services wants to build a primary health care unit at Mintabie. Although I describe it in my motion as a 'hospital', but I have since made further inquiries and that description is not right. The service wants to establish a primary health care unit, a proper clinic, so that the Mintabie community has access to proper and regular medical services. Mintabie is visited by the flying doctor but there is a need, because of the type of work in which people are engaged, to have a daily service available.

Frontier Services is recognised throughout Australia as providing excellent services in isolated areas in Australia and, therefore, it should be encouraged. Unfortunately, I have been advised that the Aboriginal Health Group, which has responsibility for providing health services to the Aboriginal community, has objected, as it wants control of this organisation. Not only is that unfortunate, but it is unnecessary. If this health facility is built, it will serve all citizens—the Pitjantjatjara, Mintabie miners and tourists passing through the area. The most essential ingredient in the motion is to ensure that adequate health services are provided as soon as possible.

The wrangling should stop, and I hope that the Minister of Health will use his offices to try to bring a semblance of sanity to those people who are purporting to speak for the Aboriginal Health Group in the Pitjantjatjara lands. It is unfortunate that this debate has been allowed to continue as long as it has.

My motion relates also to the need for a regular electricity service in the town. I understand that the Outback Areas Community Development Trust is prepared to assist in this area. However, because the Mintabie consultative committee has not completed its deliberations there is a problem, but that matter should be overcome as soon as possible. If members have had experience with generating their own power, they will realise what an expensive, time consuming and unsatisfactory project it can be when compared with the service that could be supplied by someone operating under a licence from the Outback Areas Community Development Trust.

This service could be provided by Cowell Electric, which has provided power to all isolated communities in outback South Australia and has done an excellent job in the provision of those services. The House can debate the matter, but I hope that the Government will respond to the facts that I have put before it today. I have raised them out of my deep concern for the welfare of people operating at Mintabie. Members who have been to the area will know that people will be mining in Mintabie for a long time in the future.

Indeed, members will realise that some people have established at Mintabie as their main base of operations. It is their permanent residential address, and they are entitled to reasonable title over that land. Prior to the Pitjantjatjara land legislation, people were mining there, people had facilities, and mistakes made at the time of the proclamation of that legislation and its passage through this Parliament have to be rectified.

The Hon. H. Allison interjecting:

Mr GUNN: I certainly made my opinion clear. It was unfortunate that when the legislation was passed there was a great deal of emotive debate, with many red herrings drawn across the whole inquiry. People really lost sense of the correct course to take. That is unfortunate because emotive arguments were put forward which did not relate to commonsense or to the long-term best interests of the community.

The prediction that I made has come true. I said that there would be a need to extend the area. You cannot say to 1 200 people, 'Sorry, ladies and gentlemen, it is all over. You have to go.' There is no way that those people will leave, nor will they be locked into a ghetto. They will eventually mine the areas in which they believe there are reasonable prospects of finding opal. Let us make no mistake about that. The commonsense thing to do is to put this on a proper, regulated basis. The best way to handle it is to extend the precious stones prospecting area so that it can be mined in accordance with the Mining Act. That is what the miners up there want and that is what any sensible person would want to happen. In that way the mining operations can be managed effectively.

We are not talking about digging up huge quantities of South Australia, but about extending a successful opal field. Both public and private facilities have been constructed in the area to cater for the future. We must guarantee that this particular mining operation has a viable future, not only for the Europeans but for the Aboriginal people, for whom it is beneficial. There are those who would say that the Aborigines are exploited, but I do not believe that to be the case. From what I have seen at first-hand, the Aboriginal communities benefit from having access to noodling in those areas where bulldozers and miners have completed their operations.

There are always one or two people who do not do the right thing, but those problems can be solved by enforcing the law adequately. The Marla police make an excellent contribution to maintaining effective law and order in the area and, particularly under the current administration, the officer in charge has done a tremendous job to improve relations between the Aboriginal community, the police and the local community, and he and the Police Force should be commended. The House would be acting in the best interests of all citizens who have an interest in Mintabie if the suggestions that I have put forward in this motion are adhered to. The Government's response will be interesting because, if it endeavours to ridicule the progress association or the miners and if it goes down the track of some of its more extreme members, nothing will be done to solve the problem or to help the Aboriginal community. The matters that I have put before the House will take place; it is only a matter of time.

No matter what anyone says, one cannot override commonsense and logic and any reasonable and fair-minded person who goes to Mintabie will understand clearly what I am talking about. You cannot drive off hundreds of people and tell them that they cannot search for opal over an imaginary line. That is a nonsense because the people will go there anyway. Why not do it effectively and put it on a sound and sensible basis so that everyone will benefit? I commend the motion to the House and look forward to the Government's response. I also look forward to the contribution of my colleague the member for Murray-Mallee who will second the motion because he has had experience and considerable contact with people who visit Mintabie.

A large number of people from the south visit Mintabie to purchase opals and for their business operations and, at one time either last year or the year before that, Mintabie was one of the largest single outlets for diesel in South Australia. The amount of equipment operated there makes it a valuable source of employment. It is an interesting and colourful part of South Australia which has considerable potential for the tourist industry. Facilities have been greatly improved and the Highways Department has constructed a new road which makes access a lot easier.

As I said earlier, the Education Department has made a considerable investment and the Mines Department also has an office there, although the mining warden lives at Marla. There are problems which have to be cleared up in relation to the licensed premises there, but hopefully commonsense will prevail and that matter will be rectified in the very near future.

So, I commend the motion to the House because I am concerned to see that this group of South Australian citizens is given a fair go. I hope that when the Government responds it does not enter into a bashing exercise with respect to the opal miners at Mintabie because that would be of no benefit to the Pitjantjatjara community and particularly the people of Indulkana and Mintabie who wish to continue to participate in the activities in which they are currently involved as they provide many of them with more than a reasonable income. So, I look forward to the support of my motion by the House.

Mr LEWIS (Murray-Mallee): I second the motion and thank the House for the opportunity to make a brief contribution. It must be remembered that the member for Eyre is not just acting out of parochial interest. It is not a parish pump proposition; indeed, the situation at Mintabie is serious. Members need to realise that the population of Mintabie is approaching 2 000 people; indeed, often it has over 1 500 people. As we go into the next phase of the development of our international tourism industry in South Australia, with the expansion of the number of international airline flights into Adelaide Airport, we can expect that those numbers will dramatically increase. At least the demand will be there for people to be able to go there.

For several years Mintabie has been easily the world's largest opal producing centre. By that I do not mean that it is just part of the total spectrum; it is much more important than that. Of the total quantity of opal mined in the world during the past six or seven years, well over 80 per cent has come from Mintabie. Make no bones about it—the vast majority of black opal sold at Lightning Ridge to tourists from America, Japan, Germany or anywhere else has come from Mintabie. I have seen people pass off Mintabie black opal, after it has been cut, as having been found in the fields around Lightning Ridge. You have to be involved in the trade to know anything about that. At this point in my remarks I place on record my personal interest as a dealer in the industry, and it is against that background that I make these comments.

Members should understand that, while the value of Mintabie opal is shown in official records as a guesstimate of about $80 million to $100 million, that is by no means the total value of the opal which comes out of that field. In due course, over the next year or so the way in which the Government can obtain a more accurate perception of the value of opal from any of the opal fields collectively in Australia will be improved, for better or worse—it will be a more accurate figure. However, that is not germane to this proposition.

We need to extend the field by a few square kilometres because the majority of available claims are already staked. Therefore, the member for Eyre's motion is very responsible

in that regard. It will reduce the amount of tension building up among the miners. In fact, some miners are paying so much attention to the detail of the law relating to staking and working a claim that it is irritating those miners who have staked claims. The mining wardens will be confronted with an increasing problem with respect to assertions against those miners who have staked claims and are not working them properly. The wardens will have some difficulty in establishing the truth of assertions made by the disputing party against the miner occupying the claim. The mining warden will not be able to keep tabs on who is there and who is not.

Adequate health facilities are needed and, to ensure that we protect the health of the people, we need better policing facilities. A real problem is brewing. The incidence of physical abuse or assault will increase unless we do something about the situation. Health will suffer and that is not a good tourism advertisement for South Australia in particular and for Australia generally. We would not like to see any tourist assaulted—as unfortunately happened near the south parklands recently. The tension that exists in the community at present must be addressed.

Associated with these remarks, and germane to this point, is the necessity to prevent people who are not permanent residents or citizens of Australia from staking claims in a precious stones field. My God, if the mess that has been created by the disputes amongst the Koreans in that area is not settled very quickly, the problem will not be assault; there it will be homicide. The way in which they are carrying on is not helping the old timers—the traditional miners—who live by a code of ethics that is learnt by rote and not written down. These aliens have no respect for it, no understanding of its existence and, indeed, behave as though they were in contempt of it. That is not helping anything or anyone.

Mr Gunn: Could they be illegal immigrants?

Mr LEWIS: They could well be illegal immigrants and, anyway, they have no business being in the area mining. We should amend the Mining Act to prevent them from being able to stake claims. This measure addresses another problem in no small measure, that is, the conflicts developing between noodlers about the limited tailing stacks or heaps of overburden around the cuts. Until now, the Aborigines have made a substantial income on the black economy from noodling and selling the opal for cash. I have seen parcels of opal which were uncovered by noodling—at least that is what I was told—and which were sold by the Aborigines for a healthy five figure sum. You cannot tell me that those people need a pension if they are collecting that amount of cash.

Therefore, we need more mining wardens and police officers to help address these problems before they become the 'health' problems. We must ensure that the current and future Mintabie housing allotments are placed on a more secure lease. In addition, they should be made available only to people who are permanent residents or citizens of Australia. We need to resolve the conflicts developing between noodlers.

People need a hospital if there are two thousand residents and the nearest medical treatment centre is several hundred kilometres away. It is stupid to even contemplate a future without such facilities. We will never get a doctor to go there unless we have addressed the issue raised in paragraph *(d)* of the motion. We must provide a doctor and, indeed, any other professional people who should be part of such a community, with a secure lease on the land on which they put their dwelling. They also have to be provided with adequate school facilities. That matter has already been addressed: I accept and acknowledge that. However, without a reliable, dependable community-based supply of electricity, none of those ancillary services—services that we in the settled areas take for granted—can be considered to be reliable or available in any real sense. You cannot have a hospital with an electricity supply system that is separate from the system for the school or any other public services or facilities, with separate supplies for dwellings, and expect that those systems will be reliable and efficient. They will not. The electrical plant should be located in one central place in order to make the generation of electricity secure and efficient. Commonsense should dictate that the central location of the plant would aid the safe generation of electricity.

I believe that members opposite should accept the merit of the argument presented by my colleague, the member for Eyre, who represents the area in which Mintabie is located. Further, I do not believe that my remarks on this motion are an exhaustive summary of the justification for the requirements of the people at Mintabie. If we want to avoid disastrous effects on the general health and safety of people at Mintabie and also avoid creating the impression in the minds of overseas tourists (who will most certainly begin visiting the area in their hundreds within a few months) returning to their own countries that we have a low regard for our responsibilities as members of Parliament, we should address this motion forthwith.

Mr ROBERTSON secured the adjournment of the debate.

NATIVE VEGETATION CLEARANCE AUTHORITY

Mr GUNN (Eyre): I move:

That in the opinion of the House the Government should immediately review the operations of the Native Vegetation Clearance Authority.

A number of members would be aware of the annoying difficulties which have been faced by many South Australian rural producers who have presented a reasonable application to the Native Vegetation Clearance Authority to continue a planned program of development of their property. Because some of their constituents have been treated in a manner which one could say was less than courteous or favourable, the members for Flinders, Murray-Mallee, Chaffey and Victoria would be aware of the situation.

The Native Vegetation Clearance Authority has not given adequate or proper consideration to the long-term needs of these farming communities. In my view, the authority operates in a manner which is not conducive to giving people a fair go and the legislation is defective. The authority is part of the Department of Environment and Planning and departmental officers make assessments and recommendations to the authority. In any review of that organisation, the authority should be removed from the umbrella of the department and I believe that it should not only be independent but also have the complete appearance of being independent.

Secondly, on a regular basis, I and other members have presented to that authority propositions which any sensible or reasonable person would have accepted. If that had occurred, the Government would have saved a great deal of money and the continued hassle and controversy would have been avoided. Further, the reasonable demands and expectations of that farming community would have been satisfied.

One of my constituents who lives at Poochera has applied to the authority on about three occasions. I cannot understand why somebody who has about 16 000 acres of land

and wants to clear at the maximum only 4 000 acres—he would be very happy to give the rest—is continually denied the opportunity to do so. When a referee is called in and comes out in favour of that person but the application is still rejected by the Native Vegetation Clearance Authority, how can people have confidence in that authority?

It is quite unfair that the composition of the authority is loaded against the rural sector and it is also quite unfair that no-one on that authority represents those areas where large tracts of native vegetation still need developing. I look forward to the day, in the not too distant future, when this authority is restructured so that it not only gives the semblance of being a fair, reasonable, and just authority to decide people's claims but also operates in a fair and reasonable manner. I know that this is strong and trenchant criticism.

I have no personal problems with the people on it, but I believe that they have failed to properly understand the difficulties of the people with whom they are dealing. It is all very well if you are sitting in a position where you are paid a regular salary at a very high rate and protected by generous superannuation funded by the taxpayer, or if you are farming in the most secure parts of South Australia where there is no need to clear any further native vegetation because your forefathers did it all for you. You can then sit back in comfort and make judgments on the applications without having to live amongst the problems or having personal contact on a regular basis with those who have been so badly treated.

One thing I have always believed is that commonsense should be the criterion when dealing with matters of this nature. I know the Government will say that the farming organisations have cooperated with them on this matter. In my view, the legislation was implemented in such a manner as to act contrary to the best interests of agriculture and of conserving native vegetation. Also, it is contrary to the best interests of the taxpayers of this State, because those problems can be solved if a bit of commonsense prevails. An article in today's *Farmer and Stockowner* quoting Mr Rehn, who lives just out of Cleve in the electorate of Flinders and who was once a constituent of mine, states:

> Mr Rehn said the $11 million spent so far did not include expenditure on property purchases where agreement had been reached with farmers to buy the total property, because a clearance refusal made these properties unviable.

He went on to say:

> Apparently the Native Vegetation Authority is refusing over 95 hectares of every 100 ha applied for.

That is still a very large refusal rate. I have had a chance to look briefly at the annual report of the Native Vegetation Clearance Authority. I have put on notice a number of questions and I am still very annoyed that the community has not the right to know how people voted on each case. Everyone knows how each member of this House votes and how the judges of the Supreme Court, Full Court or District Court vote, and we are accountable. These people are sitting in judgment on, in many cases, the economic viability and future operations of those farmers. Therefore, we should know if they cast a vote in favour or against or if they declined to make a judgment in relation to a particular application. That is another matter that must be addressed, and I look forward to seeing something done about that in the future.

In my view the Government will never have enough money to meet the total compensation that will have to be paid if this legislation is not sensibly amended. Many people have an expectation and desire to complete their development operations, and they want the right to be able to do that. They want to be able to get on and plan their fencing arrangements, water reticulation systems and various other aspects of their farming operations. It is quite disgraceful that there is no right of appeal to this authority. I realise that one can go back to the authority, but you would be dealing with the same people. It would not matter what evidence was put before some people in the authority because some of its members would decline an application because they have a peculiar outlook on life. It would be my judgment that they are not concerned about economic viability because the conservation angle blinds their judgment in these matters. This motion is worthy not only of consideration and debate but also of agreement in this House, thus calling on the Government to review the operation and make it a more effective, reliable and fairer organisation which would give fair treatment to all people. In view of the other matters which I want to put before the House when we next discuss private members' business, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

NATIONAL PARKS

Ms GAYLER (Newland): I move:

> That this House congratulates the Government for almost trebling the amount of land set aside as national parks to 11.28 per cent of the State and particularly welcomes the creation of two new outback parks; the Innaminka Regional Reserve and the Simpson Desert Regional Reserve.

One of the world's largest arid lands reserve systems was recently created in South Australia by the announcement of two new parks covering a total of 4.346 million hectares. The Government in so doing fulfilled an election promise in creating a huge arid reserves system incorporating six parks. The two new parks—Innaminka and Simpson Desert—are in addition to those already created in that outback area, namely, the Lake Eyre National Park, Elliott Price, Witjira and the Simpson Desert Conservation Park. In creating a very extensive area of national parks in the arid North-East, we are incorporating into the parks system a diverse range of features.

The popular misconception of the South Australian outback as simply being a vast area of monotonous and vacant land is quite wrong. In fact, the area includes quite unique wetlands, gibber desert, dry salt lakes, immense sand dunes, mound springs which release water from the Great Artesian Basin, and a wide variety of flora and fauna. I have seen some of the diversity of landscape and the flora, fauna and bird life which relies so much on the Cooper Creek/Coongie lakes area and water from the Artesian Basin.

The Innaminka reserve contains the Cooper Creek frontage and associated Coongie lakes wetland system. In about 1983 I had the good fortune to travel with the Minister for Environment and Planning (Dr Hopgood), in my capacity as ministerial adviser, to see the variety of flora and fauna in that region. That outback trip really convinced us that it was necessary to create a regional reserve or to bring some of the land into the national parks system so that that kind of environmental diversity was represented within the parks system.

It is important to note that the Innaminka/Cooper Creek area is listed under the UNESCO RAMSAR convention as a wetland of international importance. It is appropriate, following that international recognition, that this area has now been brought into the national parks system and, most appropriately, under the new classification of 'regional reserve'. That allows us to recognise the existing land uses and legal rights in the area of both the pastoralists, who

have long used part of the area, and the mining interests, involving the Santos Delhi natural gasfields in that vicinity.

The thing about the regional reserve is that it allows us to introduce conservation measures into the sensitive areas of that pastoral lease and to recognise the need to conserve the flora, fauna and the wetlands system in that vicinity. It will allow improved management of the area, particularly now that a desert parks pass has been introduced by the National Parks and Wildlife Service. This will be of benefit not only to South Australians, but to travellers from interstate who are increasingly coming from Victoria and New South Wales to use the north-eastern outback area of South Australia for their outback holidays, camping, and so on.

The purpose of the desert parks pass is multiple. It will bring in funds which will be devoted to further management measures, both land and wildlife and also tourist management arrangements for those outback parks. Hopefully, the funds generated will be of assistance to the National Parks Service in managing the parks.

The desert parks pass will also provide tourists with valuable information: advice on travelling in the outback, particularly the need for supplies and for letting the local police and national parks people know where travellers are going, and advice on provisions and water. That is vital to those who travel in our outback. We should expect to see safer and more controlled access for the increasing numbers of visitors who will be using the north-eastern outback.

In relation to the Innamincka regional reserve, we have agreed cooperation in the improved conservation of the area while protecting the rights of existing users. Some 11.28 per cent of the State is now reserved under the National Parks and Wildlife Act. That means that the Bannon Government has almost trebled the size of parks in South Australia, giving South Australia the largest area of parks in mainland Australia. The draft management plan for the Innamincka regional park has been agreed and is now out for consultation. I referred to the increasing number of tourists in the region. Last year, it was conservatively estimated that 30 000 people visited the area. That is double the number who visited the area three years ago. More than half of those 30 000 visitors are from interstate.

In addition to the points that I have mentioned about the desert parks system, which will give access to all six parks in the Lake Eyre basin for a period of 12 months, maps showing the roads and tracks in the region will be provided. The passes will be available from agencies in the region and from national parks offices. The charge for the pass will be $40 per vehicle.

We are hoping to increase the staff—maintenance workers and interpretive officers—on a seasonal basis. We do not need them in the middle of summer. Anyone who toured in the north-east outback area in the middle of summer would have rocks in his head. However, it is encouraging to hear of the national parks plan to provide seasonal part-time rangers and interpretive officers who, with their skilled, informed advice, will be able to help those who are travelling to appreciate and enjoy the ecology, the bird life and the variety of landscape that will increasingly be available to them. There will also be improved facilities in relation to signposting of roads. As I mentioned, visitor safety will be improved.

The regional reserve concept now applied in South Australia in these two parks, Innamincka and the Simpson Desert, is an Australian first. It has not been without controversy, but I think that increasingly it will be recognised as a positive step, particularly in areas where long-term existing use rights apply to land like this. As I have said, the important step forward is that it allows for the protection of areas of outstanding conservation significance, while allowing those legally established pre-existing activities to continue.

There is no point in burying our heads in the desert sand, so to speak, and pretending that those existing uses can be simply wiped out overnight. It is a fact that the Innamincka area contains one of the State's major sources of energy, with supplies of petroleum products for domestic and export use. As we know, the Innamincka Station is a very large pastoral enterprise which produces beef cattle. The Government is pleased that it has received cooperation from Santos, Delhi Petroleum and Kidman Holdings in establishing the Innamincka Regional Reserve.

The Simpson Desert Regional Reserve was recommended to the National Parks and Wildlife Service and the Government some years ago. There is already in that area the Simpson Desert Conservation Park, but it became clear, following various surveys of the area, that the Simpson Desert Conservation Park did not encompass all the variety of features in the area, particularly the vast and largely unknown area of parallel rows of red sand dunes, which are so unique to this area. In 1986, Sir Peter Scott, the Honorary Chairman of the Council of the World Wildlife Fund International recommended the establishment of additional areas to be represented in the national parks system.

In the case of the Simpson Desert area, I note, in particular, that investigations were concerned with flora and vegetation, and the myth of this area being desert with little in the way of vegetation and wildlife was again put to rest. The management plan for that area urged that the park be extended to include representation of the extensive area of sand dune habitat which characterises the area within the now proclaimed Simpson Desert Regional Reserve. One of the other wonderful creatures in the area is the Australian bustard.

Mr Robertson: There are quite a few bustards out there!

Ms GAYLER: That's right. Those who are regular readers of the cartoon in Saturday's *Australian* will know of the features of the Australian bustard. It is well represented in this area. Its numbers in southern Australia have been greatly reduced, partly as a result of habitat modifications owing to changes in land use and partly as a result of hunting. Apart from being a large ground dwelling bird, it is also said to be quite tasty. I am pleased that with the extension of our national parks system at Innamincka and the Simpson Desert the habitat will be conserved, including that for the bustard. The draft management plan notes:

> The arguments for conservation of at least part of the stream and floodplain areas are compelling. However, although a number of boundary extensions to the conservation park will be proposed later... they intentionally do not include the floodplain country.

With this latest step that deficiency is overcome. I am delighted to have seen, between 1982 and November 1988, substantial additions to the national parks system in South Australia, making this State first Australia-wide in relation to conservation parks. The South Australian Government made a commitment to increase the areas incorporated in the parks system both in order to include a wider representation of areas of landscape and species that were poorly represented or not represented at all, and in the belief that if areas were not reserved now they may be lost forever as other uses and ownership patterns emerge.

I am proud that this Government has increased the area of national parks. Its original goal was 5 per cent and it is now up to 11.28 per cent. I congratulate the Government on having done so.

The Hon. H. ALLISON secured the adjournment of the debate.

EDUCATION AND CHILDREN'S SERVICES

Mr ROBERTSON (Bright): I move:

That this House acknowledges the very real contribution of the Government towards the provision of education and children's services.

In moving this motion I acknowledge that we live in difficult and dangerous times educationally. We live at a time when about 3 000 secondary schoolchildren per year are dropping out of the education system in this State, partly because of the population structure. It is not because fewer children are staying on at secondary school, but simply because there are fewer children to stay on. In light of that, had this Government retained the same staff/student ratios as it had six years ago, about 3 000 teachers would be currently on the streets without jobs. That has not happened.

As I understand it, there has been a slight gross wind down in the number of teachers but, by and large, the capacity to cut back which was effectively presented to this Government on a platter has been rejected. The Government has kept those 3 000 teachers in the system and, by and large, those teachers are being redeployed in ways which improve the system. So, instead of putting those people on the streets we have retained them. Also, we have employed an additional 100 ancillaries per year throughout the system, and over the past five years the total number employed has been over 500.

That commitment, made back in 1982 and again in 1985, has been maintained, and the ancillaries are still going into the system at that rate. It is interesting to compare the record of this Government with that of the New South Wales Government in this respect. Having made promises to the effect that teachers' jobs would be maintained, Premier Greiner and Minister Metherell have set about cutting back the number of teacher jobs in New South Wales. About 2 700 teachers are for the big jump in New South Wales simply because funding to the system has been cut.

Matthew Moore, the State political correspondent for one of the eastern newspapers, earlier this year wrote an article headlined 'Senior teachers forced out: principals among 250 on Government hit-list'. That article details the fact that 250 senior teachers are being written a curt little letter which says:

Reference is made to your request to continue in the Education Teaching Service beyond the commencement of second term 1989.

I have decided to exercise my right under section 77 (1) (ii) of the Education Commission Act 1980 and retire you from the Education Teaching Service from the end of the current school year. Your last day of active duty will be 16 December 1988.

It adds as a curt little postscript:

I thank you for your dedicated service to the students of New South Wales.

That is the kind of thing that is happening in New South Wales and has happened since the accession of the Greiner Government and Mr Metherell, and 250 senior experienced teachers aged 60 and over are being shoved out the door.

Mr Lewis: That's not a fact.

The ACTING SPEAKER (Mr Duigan): Order!

Mr ROBERTSON: I am reporting from a paper and, like the honourable member, I have to depend on my sources.

Mr Lewis interjecting:

The ACTING SPEAKER: Order! If the member for Murray-Mallee wishes to contribute to the debate he can do so subsequently.

Mr ROBERTSON: I have no intention of deluding or misleading anyone in this State. This Government has been in the situation where possibly 3 000 teachers could have been shown the door and, instead of that, we have kept them on the payroll. We have used them in the system in ways which have enhanced the value of the system and the educational services to our children in this State, and we have not done what the New South Wales Government has done, and shunted those teachers out of the system, closing those opportunities for children.

I contend that the contraction of children towards the top end of South Australian schools has presented us with some fairly unique opportunities to restructure the education system in this State. Whilst there have possibly been a few hiccups in that contraction, the process of contracting and of redeployment has not finished, and I contend that most of those momentary glitches can be overcome. It seems to me that we are presented with a unique opportunity to restructure the system. At this point I seek leave to continue my remarks later.

Leave granted; debate adjourned.

ASBESTOS REMOVAL

Adjourned debate on motion of Mr S.J. Baker:

That the regulations under the Occupational Health, Safety and Welfare Act 1986 relating to licence for asbestos removal, made on 17 November and laid on the table of this House on 29 November 1988, be disallowed.

(Continued from 16 February. Page 1957.)

The Hon. R.J. GREGORY (Minister of Labour): I appreciate the courtesy of members opposite who have patiently waited for me for a few moments. I wish the member for Mitcham were present to hear my remarks; last Thursday he demanded answers from me in such a threatening way as to suggest that I would not be able to provide them. I will refer to some of the questions he asked and then give the answers that I have prepared for him. The member for Mitcham said:

The Minister has seen fit to press for these regulations in order to serve the power interests operating in the industry today. In particular, the Builders Labourers Federation will be a major winner from these regulations, because they will legitimise its role in a wider framework than previously existed.

Last week I said that 10 people had been registered, but I misled the House, because there have been 10 applications and nine people have been registered, one person who sought registration having unfortunately suffered a grave injury in an explosion on a site. Of those who have sought registration on a limited basis for removing asbestos cement in sheet form, only three have workers who are members of the Buildings Workers Industrial Union, or what is now the Combined Minerals and Energy Union; four are members of the Plumbers and Gasfitters Union, and one is a member of the Carpenters and Joiners Union, while the other workers involved are non-union members.

I think the point missed by the member for Mitcham in respect of fibrous cement sheeting used as a roofing material and cladding on the sides of buildings is that the people who would normally be removing it are people who will be replacing it with continuous metal sheeting which is now used in the industry and which facilitates handling and installation, as well as the task of putting insulation under it. More people will be getting their licences because more people will be doing this work. There is an enormous number of deep six asbestos cement roofs. The member for Mitcham said:

I point specifically to the statements made about medical evidence of the impact of fibro asbestos, and urge members to read the various documents concerned. The evidence is quite clear, from all sources which we have tapped, that South Australia is not only out of step with the rest of Australia on this subject but out of step with the rest of the Western world.

I take no pride in that statement, and I do not think anyone else would. Why should South Australia say that it is out of step with the rest of the western world when it is concerned primarily with the safety of workers? As I have said previously in this House, in a number of areas people have argued that these safety measures go too far. One of the problems with the effect of asbestos in the lungs of workers, as we found in Western Australia, and with the lungs of their families, including wives, children and anyone else living in their houses, is that sometimes that effect does not manifest itself for 40 or 50 years after those fibres are in the lung. In the time leading up to death, people have a reduced capacity. When talking about the effect on the lungs of workers in a uranium mine at Lake Elliott, an authority in Canada said that, if we were to remove from people that much of an arm commensurate with the loss of use of their lungs, there would be so many one armed people wandering about that people would have done something about it.

Because it is not visible, people pooh-pooh the idea. The member for Mitcham stands condemned for that because we should take some pride in being world leaders, and what is wrong with that? We have led the world before on other matters involving research, ingenuity and in developing concepts and materials but, because of this type of attitude, we have let things go elsewhere. Plain paper photocopying, which was developed at Salisbury, was given to the world and we lost a significant manufacturing industry and the related expertise. We lost a number of other things, too. We should take pride in being leaders. What is wrong with being the first in the world to protect the lives of workers, and of some employers who do not know any better? The member for Mitcham made another statement, as follows:

Outside that control association we have another group of very adequate asbestos removal contractors who are not associated with the building unions at all, who have a metal trades bias and who are continually being harassed by the building unions.

My advice from the department is that with one exception (an interstate organisation which to date has carried out no work in this State) all holders of a full asbestos removal licence are members of the Asbestos Control Association. Procedures have been set which will ensure the safe removal of asbestos, whether that removal is required to be carried out by a licence holder or not. Any persons who do not work within those procedures deserve to be harassed whether it be by union representatives or Government inspectors. I fully endorse that. People who do not carry out those procedures in accordance with the regulations endanger the very lives of their workers and of those people who live near or pass by the site. The honourable member went on to ask:

Can the Minister explain why contractors using workers involved in unions other than the BLF have been continually harassed by the jack boot brigade of the BLF?

That is another colourful term from the member for Mitcham. The advice from my department is that there is no evidence of this but, rather than making broad allegations, the honourable member should produce evidence of harassment so that it can be investigated by the appropriate authority.

I draw the attention of the House again to the allegations made last week by the member for Mitcham, when he stated that, at the appropriate time, he would give this information to the National Crime Authority. I advised him then that, if he knew and had evidence of any breaches of the laws of the State, particularly activity that could be criminal, he himself would commit a breach of those laws by not giving that information to the appropriate authorities for investigation. If the honourable member stands in this place, constantly making allegations without going to see the appropriate authority, he stands condemned. Perhaps he should be investigated for not carrying out the laws of the State.

Mr Lewis: What did you do about Terry Cameron? We gave you that last April. Nothing!

The ACTING SPEAKER (Mr Duigan): Order!

The Hon. R.J. GREGORY: I ask the member for Murray-Mallee to demonstrate where he may have broken some laws. Another question posed by the member for Mitcham was whether I could explain why DLI inspectors happen to arrive at particular sites after an earlier visit by a BLF representative has been unsuccessful. Inspectors within the Department of Labour are pedantic in saying that the DLI ceased to exist in 1979. In 1979, the Hon. Dean Brown, the former member for Davenport, became Minister of Labour in the Tonkin Government. The present member for Mitcham worked in that department as an adviser. They tell me that he is a bit like Victorians: you can tell him but not very much. He has not realised that, when he worked there, the name changed. I thought he would have known that.

The department's inspectors visit sites as a result of complaints by people, irrespective of who they are, and so they should when people approach the department complaining of unsafe work practices on sites. I can only assume that he is referring to a particular site where a particular individual would not accept advice from anybody—just refused to accept it—and the consequences to him were quite drastic. He states:

I have it on good authority that two firms which seem to have a preferred position in the State never get visits from the Department of Labour.

The comment from the department's Assistant Director, who is responsible for the enforcement of regulations in this area, is:

I can only assume that they have not done work for which the Department of Labour is responsible.

The person who prepared this report has considerable integrity in the business, applies himself diligently to the job and I am confident is doing his job well. As I said earlier, if complaints are made about working conditions on sites the inspectors will go there. One can only assume that the building workers on those sites have made no complaints because I know that building union officials investigate every complaint made to them. The member for Mitcham made some comments about the Emu winery, so I will read into *Hansard* a brief summary of the demolition of that winery, as follows:

Approval was given for the demolition work of the above site on 26 October 1988. Because of difficulties that had been experienced in the past with the contractor on the Anchor Foods and other demolition sites, a visit was made to the site by representatives of the Department of Labour and the South Australian Health Commission. During this visit the proposals for handling asbestos cement and the asbestos lagged pipe were discussed in detail, and the procedures agreed, so that it was clear that the asbestos sheeting was to be removed one sheet at a time by hand, and the asbestos lagging by a licensed asbestos removalist.

I pause here to indicate that the removal of the asbestos sheeting should have been completed in accordance with Worksafe's recently adopted asbestos code of practice. The asbestos lagging should also have been removed by a licensed asbestos removalist. That has been happening in this State for a long time. The summary continues:

Despite frequent visits by an inspector, one asbestos clad building was pulled down with the asbestos cement roofing and cladding in place, thus in clear breach of the condition of approval.

As a result of this, evidence was assembled for a prosecution. However, for a number of reasons, including difficulties concerning the applicability of the Occupational Health, Safety and Welfare Act to self-employed persons, it became apparent that, on the evidence available, a successful prosecution was unlikely.

As a result of regular inspection by the Department of Labour and monitoring of the perimeter for asbestos fibres by Sacon, the demolition was finally completed and the site cleared without risk to the adjacent school and kindergarten.

On 1 February 1989, Mr Martin Bramley used explosives to break up a large concrete base without first obtaining approval of the Chief Inspector as required by regulation. Mr Bramley failed to follow the prescribed procedures and approached the misfire without waiting the specified 30 minutes. The explosives detonated resulting in the death of Mr Bramley.

There are some further comments about Mr Bramley's behaviour with respect to that site. A couple of other questions were raised by the member for Mitcham which cast aspersions on the method of asbestos removal. Those matters are more properly answered in a report provided by employees of Sacon, as follows:

Members of the BLF, or any other union, can obtain notice of successful tenders by inspecting the publicly-displayed lists of those tenders in Sacon's Tender Inquiry Office.

I should imagine that the member for Mitcham could wander down there and have a look from time to time because he assures me that he can read. The report continues:

Sacon uses standard industry conditions of contracts for asbestos removal contracts.

That is a standard of industry—no different. The report continues:

Tenders for major works (greater than $50 000) are called by Sacon by public tender call. Tenders for minor works ($5 000 to $50 000) are usually made on a selected tender call basis, where three or more tenderers are invited to submit offers.

For works of an estimated value of less than $5 000, quotations are sought at the discretion of the Asbestos Liaison Unit's senior officer.

- On only two occasions in the past two years have the lowest-tendering firms not been awarded contracts. One involved a non-conforming tender, the other involved a firm which was overlooked because of poor past performance.
- Over the past two years, Sacon has called a total of 12 asbestos removal tenders, eight being public calls and four selected calls. One tenderer was awarded five, having submitted the lowest offer in each instance. Another was successful in gaining four, having submitted the lowest offer in three instances, and gaining the fourth contract on account of the lowest offer being unacceptable due to that tenderer's poor past performance.
- All major sites are visited by Sacon inspectors. Some sites may be visited more than others due to:
  (a) type of removal work being undertaken
  (b) physical problems encountered
  (c) high asbestos count levels.

I believe that I have adequately demonstrated the reasons why the motion of the member for Mitcham should not be agreed to by this House. In fact, the member for Mitcham has deliberately misled this House with respect to the regulations, because they will provide a very safe environment for the public of South Australia, the workers of South Australia and, particularly, people who may be associated with the problem as a result of living close to buildings which are subject to demolition or removal of asbestos sheeting.

The House divided on the motion:

Ayes (13)—Messrs Allison, D.S. Baker, Becker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Lewis (teller), Meier, and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Blevins, De Laine, Duigan, M.J. Evans, and Ferguson, Ms Gayler, Messrs Gregory (teller), Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Plunkett, Rann, Robertson, Slater, and Tyler.

Majority of 11 for the Noes.

Motion thus negatived.

UPPER EYRE PENINSULA

Adjourned debate on motion of Mr Gunn:

That in the opinion of the House:

(a) the Government should immediately recognise Upper Eyre Peninsula as a natural disaster area due to the continuing difficult situation facing its rural producers and communities;

(b) the Government and financial institutions should provide adequate finances to allow rural producers on Eyre Peninsula the opportunity to sow a crop for the 1989 cereal season;

(c) the Federal Government should change its economic policies to immediately bring about a reduction in interest rates; and

(d) the Federal Minister of Social Security should amend the criteria for social security benefits so as to allow rural producers the opportunity to qualify.

(Continued from 16 February. Page 1967.)

The Hon. M.K. MAYES (Minister of Agriculture): I move:

That all words after the words 'That in the opinion of the House' be deleted and be replaced by the following words:

(a) The Government should be congratulated for recognising the difficult financial situation facing rural producers and communities on Upper Eyre Peninsula, and for putting in place a package of financial measures to assist, including the provision of loans at subsidised interest rates to allow viable farmers to sow a crop for the 1989 cereal season, and for other purposes.

(b) The Minister of Agriculture should be congratulated for initiating an approach to the Federal Government to amend the criteria for social security benefits so as to allow rural producers the opportunity to qualify.

In support of my amendment, I draw attention to the efforts made by this State Government to address the problems on Upper Eyre Peninsula. The initial portion of the member for Eyre's motion states:

(a) the Government should immediately recognise Upper Eyre Peninsula as a natural disaster area due to the continuing difficult situation facing its rural producers and communities;

A number of assumptions in that motion must be put to rest, because I believe that they cause a great deal of misinformation and distress in the rural community. The situation with regard to a natural disaster area is really quite clear cut. Looking at the circumstances of Eyre Peninsula, about 2 100 farmers are located there, slightly more than half of them being situated in the Upper Eyre Peninsula, the area affected by the drought conditions over the past three years.

From the negotiations we have had with the banks, we estimate that about 200 are in a very parlous financial situation, a situation which, if it was related to a business not of a primary producing nature, one would have to say was beyond help. The community takes a more sensitive view with regard to the farming environment, but I would be cynical if I did not say that a certain percentage of those 200 will not survive, even given a run of three or four consecutive good seasons, which is highly unlikely given the history of that region. Research has been conducted back to the days when records were first kept, and a run of good seasons is not likely.

A natural disaster declaration would not assist those 200 one bit. Those who say to the community that a natural disaster declaration would be the panacea, the solution to the problem, could only be termed 'false prophets'. Such a declaration will not solve one iota of the problem. It will not help the situation at all because there is a viability criterion attached to the agreement which the Federal Min-

ister (Hon. Mr Walsh) has instituted. To give the House a clearer picture of this Walsh agreement, which came into effect on 1 July 1988 but was amended in 1982, the criterion, referring to page 2 paragraph *(b)*, states:

(b) a concessional-interest loan by a State to a farmer, or operator of a small business, whose assets (including fodder) have been significantly damaged as a direct result of an eligible disaster—

under the definition of 'eligible disaster'—

and who has no reasonable access to commercial finance but who has a reasonable prospect of long-term viability;

That is a very important part of that criterion. All of the advice and information I have received has been assessed by the Rural Assistance Branch over the past six or so months, and from that it is clear that none of those 200 farmers would be helped in any way by this program. It is the worst kind of cynicism to indicate to these people that they can receive help from a Cabinet decision—and it must be a Cabinet decision—to invoke the natural disaster agreement.

The media and anyone else who promotes this as a scheme to save these people are giving them false hope. I am not in the practice of giving those people false hope. We are negotiating with the banks, and three of the four major banks in principle have adopted the terms of that package in one form or another, and that will allow some of those 200 people to receive assistance. In the very long term and in the most optimistic environment, some of those people may survive, but that is how it must be put. The financial situation of those people is despairing and frustrating. We are negotiating for a package that will offer a good percentage of those 200 people—perhaps even a majority—some hope of survival as farmers in that region.

If we adopt the natural disaster scheme and say, 'That is it. The Government has done the right thing. We are going to invoke a natural disaster, wash our hands and walk away from it', none of those people would be helped. They would have to rely on their own wits and resources to assist themselves. In the not too distant future they will be in a situation of financial collapse, because the banks as secured creditors would obviously pursue their funds and inevitably we would see a winding up of those people's activities. We do not want to see that or a wholesale collapse of the Upper Eyre Peninsula region, and certain events that would flow from a declaration of this sort would inevitably lead to that situation. We have dealt with it with, I believe, a bit of lateral thinking. The community has found it hard to adopt this because of the knee-jerk reaction of the conservative Tory States to declare a drought as the solution to the problem.

If we look carefully at the statistics relating to the circumstances, we can see a lot of social and economic distress emanating from such declarations. So, we have proposed a package offering the same facilities that can be offered through disaster relief and giving greater flexibility, as we have that option under the rural assistance arrangements with the Commonwealth Government. We can offer longer-term loans, a moratorium on payments and arrangements with regard to interest payments which are far more flexible than the natural disaster agreement allows. A whole package addresses the 1 800 or 1 900 viable farmers who can meet the criteria much more successfully than would this disaster relief declaration. That is an important fact.

We are going beyond what natural disaster offers with a far better package. By negotiating with banks in agreement—

Mr Lewis interjecting:

The Hon. M.K. MAYES: The member for Murray-Mallee utters some obscenity about that not being the truth. In fact, it is. If he looked at it carefully and took the time to examine it, he might understand. However, it may be too complex for him. We are going beyond what is offered by natural disaster agreements. Everyone runs to natural disaster agreements as the panacea, the pot of gold at the end of the rainbow. That is not the case. We cannot help those 200 people who are in diabolical financial situations on Upper Eyre Peninsula. Our scheme will offer help to some of those and to others.

I note that Mr Pat McEwen, the UF&S spokesman, acknowledged the reality that some people will have to leave Eyre Peninsula. That is the reality of the situation. We want to provide for those people the most sensitive arrangement, and that is why we are negotiating with the Department for Community Welfare, the Department of Social Security and a range of other authorities to see that those people are assisted properly and appropriately and that they and their families are given support in the circumstances in which they are suffering at the moment. No-one wants to see that but, if they go on farming, any equity, if they have any left now, will dissipate. We have seen that occur in the past; in fact, it happened in Victoria not two years ago. Farmers were given carry-on finance and their equity disappeared because of the lousy season that followed. We do not want to see that happen here or give people false hope. We want to ensure a realistic understanding of their situation and we will offer assistance to those who, we believe, from the most optimistic assessment, can survive.

I want to record the terms of that agreement, as the press has not come to understand it, particularly some members of the rural press who have constantly pursued the natural disaster relief arrangements. It is not what they are promoting it to be and, certainly, what the agreement offers must be made clear. The people who are offered assistance must have a reasonable prospect of long-term viability. I ask those who know something about the West Coast and those in diabolical financial situations whether they believe that they can satisfy the criteria. We know that many cannot satisfy it, so this scheme would not offer them any help. I believe that we have tackled the situation sensitively and in an organised way. We are continuing to look at the options within the package and I call on any member, in this or the other place, who has any concerns about the package or believes that some adjustments can be offered, to notify me so that I can take their comments on board in my consideration of this ongoing situation. I seek the support of the House for my amendment.

Mr LEWIS (Murray-Mallee): If the Minister were fair dinkum about his amendment to this proposition, in addressing the entire matter in the way that he has suggested it should be addressed today, he has made a general case for the abolition of those legislative provisions to which the member for Eyre has obliquely referred in his motion. If the Minister sincerely believes that, then he should move to repeal the Act, but he has not got the guts to do that because he knows that it is relevant to these circumstances. He ducks the issue and runs for cover with his specious amendment.

Most of the problems of these people are a direct consequence not of the drought but of the economic policies pursued by the ALP over recent years. That is why costs have gone up—not just on-farm costs but costs of interest on money. The transfer of consumption expenditure away from export industries to the service industries and the Public Service has been a deliberate strategy pursued by the ALP for two decades to the point where we are destroying the viability of export industries. The demand for money

by people in service industries who are, as it were, living on the blood of export industries is pushing the cost of money beyond the capacity of the export industries in general and of farmers in particular to pay. I am talking about the interest rate.

This Minister and ALP Federal Governments, with their successive attempts at mucking up this country's economy and socialising it, are direct contributors to the problems confronting us. It is not just Eyre Peninsula farmers who have suffered. The first year that we have about average or below average rainfall in my electorate, farmers will be in trouble, just as farmers in the District of Eyre are in trouble. That is not because of their professional incompetence or ignorance of good cultural husbandry practices. It has nothing to do with the viability of their enterprises. It would be different if those enterprises existed in a real market, a fair economy, but they do not—and the ALP is responsible for that. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

SCHOOL AND INDUSTRY LINKS PROGRAM

Adjourned debate on motion of Mr Duigan:

That the House notes with approval the establishment of the school and industry links program to provide students with a better appreciation of the workplace and to bring business and industry closer to the educational sector thus ensuring its continuing relevance to the future of South Australia.

(Continued from 16 February. Page 1967.)

The Hon. J.L. CASHMORE (Coles): In speaking to the motion moved by the member for Adelaide, I propose to canvass a wide range of issues, as did the mover of the motion.

It has always intrigued me that, when I speak to major employers and, indeed, to small employers about issues which concern them, they invariably raise the question of the relationship between the education system and the work force. In moving the motion, the member for Adelaide covered a lot of ground and placed the present employment and workplace situation in its historical context in recent decades and going back as far as the Middle Ages in terms of the world of work being as vastly different in this decade as our modern world is from the Middle Ages.

It is rather interesting that the Middle Ages should have been mentioned, because it was during that period that the apprenticeship system developed, an apprenticeship system which, whilst I suppose it was fundamentally similar to today's apprenticeship system, was vastly dissimilar in terms of its cultural and social impact. Apprentices in the Middle Ages were not only part of the work force of their employer but were also part of the family of their employer. They in fact left their homes and families at a very young age, usually at about 12 years of age, if I recollect correctly, and lived and worked with the family of their employer. Consequently, the values, principles, habits and the attitudes, as well as the skills of the employer, were passed on to the apprentice, virtually around the clock. In all the apprentice's waking hours he or she—and it was invariably a he—was exposed to the continuing education of the employer. This education lasted for a number of years, and during that time the apprentice was living under the roof of his employer.

The situation today is very different. In the main, the employer has access to the employee only during the paid hours of work, and for some considerable time past the employee might have come to the employer directly from school, with no previous influence and no transition period, really, to ensure that the values of the workplace were familiar to that young person before he or she entered the workplace.

Earlier this week, I was having discussions with the senior executives of one of South Australia's major employers. In asking these executives what were the principal problems facing the company, problems which could be addressed by the State Government rather than by the Federal Government or any other authority, the answer given was, 'We need a much more skilled work force and we need a much more disciplined work force. We believe that the education system is not producing the kind of students who readily integrate into the work force.' When I tried to identify the elements that were lacking in the education system, in the view of these executives, there was a response which expressed extreme frustration and which appeared to focus not only on the basic skills of literacy and numeracy, and the deficiency in those basic skills, but also on attitudes.

One of the principal criticisms of the employers seems to be directed to the lack of awareness by students entering the work force of what once would have been expected to be basic attitudes that were well and truly in place by the time anyone entered the work force. They were referring to the discipline of arriving on time, of punctuality, of courtesy, and of responsibility of pursuing a task, when given it, to the end. It seems to me that this ranks as highly, if not more highly, in the minds of the employers than the actual work skills, or the basis of work skills, namely, literacy, numeracy and dexterity—which allegedly are lacking. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

FREIGHT COSTS

Adjourned debate on motion of Mr Lewis:

That this House urges the Federal and State Governments to immediately set about removing the onerous cost burden imposed by legislative protection of the inefficient onshore and offshore transport industries on rural export industries, and the rural communities which depend upon them in particular, all other export industries and the national economy in general.

(Continued from 17 November. Page 1613.)

Mr LEWIS (Murray-Mallee): As reported in *Hansard* (page 1613 of 17 November) I earlier drew the attention of the House to something of the general cases that this motion addresses. Today I want to emphasise those points and give illustrations of them which can be found in the record of literature available to all members, if from nowhere else but right here in our Parliamentary Library, and which will vindicate the validity and relevance of the proposition that we are debating. To remind members, I repeat the motion, which is that this House urges the Federal and State Governments to immediately set about removing the onerous cost burden imposed by legislative protection—and that includes the Arbitration Commission's provisions—of the inefficient onshore and offshore transport industries on rural export industries, and the rural communities which depend upon them in particular, all other export industries and the national economy in general.

If the State and Federal Governments do not attempt to seriously address these cost burdens that are imposed through the legislative and *quasi*-legislative mechanisms that affect transport costs, then our export industries as we know them will continue to lose viability. Firms operating at the edge of viability in their respective markets, with any slight increase in costs which may be attributable to either increasing wages and on-costs for labour or any other work conditions that may be imposed upon them and the cost

structure that they therefore must bear, will go out of business. By degrees, real jobs that could elsewhere have been sustained in the economy have gone and other jobs that could have been created will never be created because the cost structure in analysing those projects in which the jobs might have been established shows them to be non-viable.

The cost stucture is again a direct consequence of the legislative and *quasi*-legislative intervention of Governments into the market place for labour and other arrangements and services. Elsewhere, I have explained what 'cabotage' means and the arrangements for cabotage, for instance, in the national and international shipping industry where it applies, literally provides a feather bed for the bosses; they can simply pass on their costs.

There is no competition between any of the firms involved. They have the rates and the charges set for them, and they have the costs that they incur set for them elsewhere. On the one hand, the rates are set by Government administrative regulation (fiat), labour costs, and so on, which soak up what the union and employers agree is a fair slice of all that are fixed by the Arbitration Commission. That is done in complete isolation from, and in ignorance of, it would seem, the consequences of making the decision. No-one in those decision-making fora seem to give a damn about what happens to the number of jobs that presently exist in the economy. Nobody seems to give a damn, either, about the capacity for this country to establish new enterprises. No account is taken of the economic consequences of those decisions.

So jobs that exist are taken away and jobs that could be created are made impossible. We never get to see them, so we do not know what they are. The IAC, as recently as 20 July last year, completed a very thorough analysis of these onshore and offshore transport costs. I draw members' attention particularly to one part of that, the Coastal Shipping report, which is in three parts. Members would do well to leaf through speed read this volume for some explanation of and justification for my expressions of concern about the problems confronting us.

In other debates in the House, in previous Parliaments as well as in this, I have referred to aspects which are canvassed in this report on coastal shipping. Let me indicate the kinds of things which are imposed upon the user industries of coastal shipping by the feather bed the cabotage produces by incorporating into *Hansard* the table found on page 59 of Part B of the report on coastal shipping. That shows how possible savings in annual crew costs per berth would greatly assist in increasing the viability of the coastal shipping system in this country and thereby enabling it to pass on those costs savings to their customers through competition between the various participants in the coastal shipping industry. That is the market mechanism.

I seek leave to incorporate in *Hansard* table 4.3 from that volume which details those possible savings. I assure you, Mr Acting Speaker, that the table is purely statistical.

Leave granted.

Table 4.3: Possible Savings in Annual Crew Costs Per Berth[a]

Ship type	Crew costs per berth: assuming 2.2 men per berth[b]	Crew costs per berth: assuming 1.5 men per berth	Percentage reduction
	($'000)	($'000)	(%)
General cargo	93	63	32
Bulk carrier	91	62	32
Coastal tanker	102	70	31
Overseas tanker	110	75	32

[a]Figures reported in this table assume that, in terms of the breakdown of crew costs per berth presented in Table 4.4, all elements will decrease in proportion to the change in crewing.
[b]Source: Table 4.4
SOURCE: Commission estimates.

Mr LEWIS: We can see from the table that the Australian costs are calculated on the basis of the number of crew per berth, not their rate of pay (which I will come to later). That is bad enough, God knows. The report explains that, if every seaman spent 365 days a year on board, the manning ratio would be one:one. However, as members would understand, because of various forms of leave such as for recreation, sickness and study—though goodness knows what one studies if one is a seaman—and overlapping during crew changeovers, total crew employment significantly exceeds crew numbers on board at any given time.

In fact, in Australia the net effect of all those factors is that for every berth on a ship an Australian ship operator needs to employ approximately 2.2 people to maintain year-round ship operations, even though the vessel from time to time is actually deliberately tied up, and unproductive. Nothing is happening—it is just tied up—because everyone is allowed to go on leave.

In other words, the manning level of a 26 berth vessel—that is, 26 crew on board—equates to a total of approximately 58 men on award pay and conditions. Compare that to other countries such as the US, Canada, Norway and the UK. They operate on crew manning ratios of 1.5. These are countries which are comparable to us in terms of the extent to which their economies are developed; their law is civilised and the behaviour of people is equally civilised.

There are of course some less developed countries such as Korea, although I wonder about that nowadays. Korea is probably more developed and prosperous than we are. Notwithstanding that, the Philippines operates on crew man ning levels as low as 1.2. I am just not advocating that. I am saying that we should look at our civilised neighbours with similar economies and similar socio-political systems of government. We find that, if we were to implement 1.5 men per berth, as a reasonable change in the conditions of employment on coastal and other vessels operating around the Australian coast, we would have a percentage reduction in the cost of crewing of around one-third.

Mr Peterson interjecting:

Mr LEWIS: How much rationalisation are we getting? How much are we going to get?

Mr Peterson: How much do you want?

Mr LEWIS: The member for Semaphore suggests that we are cutting down the crewing ratio, but at the same time he is not telling the House that the wages cost of each member of the crew is going up by the same proportion. The Seamen's Union has demanded it and the bosses under the cabotage agreement caved in, agreed and passed the costs on. The exporters end up copping it. Australia suffers because we destroy the viability of our export industries. We also destroy the capacity of our industries to produce import substitution goods.

This is the kind of thing that I want the House to understand. One cannot create a feather bed without having the kind of unfortunate consequences it produces. The feather bed in this instance is destroying the viability of existing Australian export industries and preventing the establishment of new export industries, such as a manufacturing industry. Indeed, it is preventing the establishment of import substitution industries. That is regrettable, and that is why we have a balance of payments problem. We continue to slash away at export industries and to destroy the capacity of our manufacturing industries to develop for import substitution, so we go on buying the stuff that we want from overseas and borrowing overseas to pay for it. Worst of all, once we borrow we do not undertake to repay even the interest on the borrowings these days.

We simply are borrowing the money on a fixed deal. It allows for no interest or capital repayment for the next 20 or 30 years. We compound the interest into the principal and make the kids who will be born over the next decade or so pick up the tab when they enter the work force. That is immoral and crooked. It is all about the kind of structures that we have in the cabotage and in the sleazy deals done between the bosses and the unions. Where there is a cabotage or a closed shop operating such as in coastal shipping, in the stevedoring industry on-shore and in the land-based transport industries such as the railway this has been documented chapter, book and verse, yet some people cannot understand it. They will not read and try to understand it. They go on being indifferent, basing their ignorance in their belief that, if they stand up and say that the earth is flat, flat, flat, it must be flat because they have the numbers, and they also believe their own propaganda.

The Hon. T.H. HEMMINGS secured the adjournment of the debate.

[*Sitting suspended from 12.59 to 2 p.m.*]

PETITION: TEACHERS' PERMANENT EMPLOYMENT

A petition signed by 35 residents of South Australia praying that the House urge the Government to grant permanent employment to all teachers was presented by Mr Groom.

Petition received.

PETITION: *ONE AND ALL*

A petition signed by 5 681 residents of South Australia praying that the House consider means of keeping the training vessel *One and All* in South Australia was presented by Mr Robertson.

Petition received.

QUESTION

The SPEAKER: I direct that the following answer to a question without notice be distributed and printed in *Hansard.*

IRRIGATION LICENCE FEES

In reply to **Hon. P.B. ARNOLD (Chaffey)** 21 February.

The Hon. S.M. LENEHAN: The cost structure offered takes into account the time involved to establish the licence in the first instance, that is, checks of property records, liaison to ascertain the appropriateness of the use required and preparation of a legal document to clearly outline conditions. In addition on an annual basis, there are costs associated with accounting procedures and maintenance of computer files. The basis for charging a licence fee in this case lies in the fact that the licence is of no inherent benefit to the Engineering and Water Supply Department. In such instances I am sure the honourable member would agree that it is not appropriate for the taxpayer to bear the costs associated with the establishment and continuation of the licence. I would stress, however, that no profit is being sought: the fee is aimed at recovering administrative costs only. The licensee has been offered two cost options: one which reflects the costs involved on an annual basis and another which averages those costs over a three-year period. Both, however, accurately reflect the costs involved in establishing and administering the licence.

AUDITOR-GENERAL'S SUPPLEMENTARY REPORT

The SPEAKER laid on the table the Auditor-General's Supplementary Annual Report for the financial year ended 30 June 1988.

Ordered that report be printed.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. J.C. Bannon)—

South Australian Finance Trust Limited—Report, 1987-88.

By the Minister of Housing and Construction, for the Minister of Education (Hon. G.J. Crafter)—

Children's Court Advisory Committee—Report, 1987-88.

MINISTERIAL STATEMENT: POLICE DIRECTIONS

The Hon. D.J. HOPGOOD (Minister of Emergency Services): I seek leave to make a statement.

Leave granted.

The Hon. D.J. HOPGOOD: By virtue of section 21 (2) of the Police Regulation Act 1952, the Chief Secretary is obliged to lay before each House of Parliament a copy of every direction given by the Governor to the Commissioner of Police pursuant to that Act. The amending directions that I now table were given by His Excellency in Executive Council this morning. They amend the directions, given on 24 March 1986, that were made in relation to the functions of the Operations Intelligence Section (hereafter referred to as 'the section') which superseded the abolished Police Special Branch. The directions were last the subject of amendment on 23 April 1987.

The amendments are designed to overcome some practical difficulties experienced by the section in its day-to-day operations. From time to time occasions arise when persons need to know whether intelligence, held by the section, is available in relation to a particular organisation or individual. While the directions currently do provide for intelligence to be made available to, say, Ministers of the Crown, some public officers may also need to know relevant information held by the section. However, the inherent delay associated with the requirement for formal communication through a Minister of the Crown may affect the timeliness and value of the information.

The amendment therefore leaves the determination of a person who has a legitimate and proper 'need to know' to the Minister of Emergency Services, acting with the approval or upon the recommendation of the Commissioner of Police. This keeps the question of the practical scope of operation of the directions at the highest level of accountability. It should also ensure that the efficacy and efficiency of the work of the section is not diminished. The independent auditor appointed under the directions (now Mr R.W. Grubb) has full access to the records of the section which, because of the amendment, will now be required to include particulars of any relevant determination, made by the Minister, as to someone's legitimate and proper interest in the information or intelligence of the section.

Since the directions came into operation in March 1986 the Government has been satisfied that the role of the section is being adequately and properly fulfilled. As members will recall, this section was established with clear guidelines to carry out its functions by—

(i) gathering and receiving information;

(ii) assessing the information, and certifying it as intelligence where it relates to a person who is reasonably suspected of being involved in acts or threats of force or violence directed to the overthrow of constitutional government in this country; where it relates to a person who is involved in acts or threats of violence to achieve political objectives; where it relates to acts or threats of violence against dignitaries; and where it relates to violent behaviour within or between community groups;

(iii) intelligence so certified and held by the section can be disseminated only to members of the Police Force in this State, the Federal Police, ASIO pursuant to the agreement of 1982, any Minister of the Crown, or to a person whose life or property is or may be at risk from the activities or behaviour of persons on whom intelligence is held.

The South Australian Police Force thus continues with a proper role relating to threats of violence against the constitutional government of this State and other persons, and may make information available to other agencies, including ASIO where necessary.

The reporting obligations under the directions are being scrupulously observed and it is clear that the directions are achieving what they set out to do. The section activities are important to the security of both the State and affected persons and are being performed well within the limits articulated by the directions. I commend these amendments to the directions, and the ongoing work of the section, to all members.

MINISTERIAL STATEMENT: BOARDING HOUSES

The Hon. F.T. BLEVINS (Minister of Health): I seek leave to make a statement.

Leave granted.

The Hon. F.T. BLEVINS: Yesterday, the Deputy Opposition Leader, Roger Goldsworthy, said that intellectually disabled people were being allowed by the State Government to be housed in buildings which were 'potential fire traps'. In another place the buildings were described as being licensed by the Government to provide accommodation for people who are intellectually disabled. That is quite wrong. The places referred to are in fact boarding houses which accommodate many different people from the community. They are also 'private for profit' organisations and, if there is any control over these premises, then it rests with local government.

The Hon. E.R. Goldsworthy interjecting:

The Hon. F.T. BLEVINS: I am studiously avoiding particular references.

The SPEAKER: Order!

The Hon. F.T. BLEVINS: You will be aware, Sir, that the Government last year instituted a review of boarding houses, and funds have been made available from the social justice program to ensure that the people who live there are provided with additional support. The Intellectually Disabled Services Council does place people in boarding houses, and offers ongoing support for their clients.

The South Australian Metropolitan Fire Board started looking at boarding houses after a succession of fires in the boarding house referred to at Kurralta Park in late 1988. Following discussions with the Intellectually Disabled Services Council, which was concerned about the well-being of its clients living within boarding houses, the Metropolitan Fire Service has been surveying a number of boarding houses, and its reports are being made available to the South Australian Health Commission. The surveys are showing that some of these places have been in clear breach of both the Planning Act and building regulations, as some do not have adequate fire protection arrangements.

I will be taking up the report with the Minister of Local Government since, as I said, many of these matters fall into the arrangements of local government, and I have also been assured by the Intellectually Disabled Services Council that it is trying to find alternatives so that the minimum number of people are being placed in boarding houses. I am concerned that licensing such organisations, or closing them, will invariably drive many people into other accommodation, much of which will also be substandard.

I would just remind members that persons with intellectual disability have lived in such boarding houses for many years, and it was only with the initiative of this State Government, together with the South Australian Health Commission, the Intellectually Disabled Services Council and the South Australian Metropolitan Fire Service, that those issues are now being addressed.

There are, unfortunately, no easy, simple solutions. The Accommodation Task Force, again initiated by this Government, has provided us for the first time in South Australia, and I suspect Australia, with reliable information on the accommodation needs of people with intellectual disability. It is information which will enable the State and Federal Governments to plan the services that are so obviously needed. However, it is a very big task. It costs $40 000 to provide appropriate accommodation for one intellectually disabled person so, to house the 154 people urgently awaiting such accommodation, we will need to spend $6 million. We will do that, but it cannot be achieved overnight.

MINISTERIAL STATEMENT: PASTORAL LAND MANAGEMENT AND CONSERVATION BILL

The Hon. S.M. LENEHAN (Minister of Lands): I seek leave to make a statement.

Leave granted.

The Hon. S.M. LENEHAN: As members will be aware, the Pastoral Land Management and Conservation Bill 1989 was debated from 3.15 p.m. yesterday until the early hours of this morning. However, progress was extremely slow. The Opposition's lengthy list of amendments was tabled after dinner, and that apparently affected its ability to systematically and effectively deal with these amendments.

Members interjecting:

The SPEAKER: Order! The honourable Minister.

The Hon. S.M. LENEHAN: This was compounded by the multiplicity of Opposition spokespersons on the Bill. Under the program—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I call the member for Coles to order. The honourable Deputy Leader.

The Hon. E.R. GOLDSWORTHY: On a point of order, Sir, the Minister is reflecting—not even obliquely—on Parliamentary Counsel. I ask you to rule as to whether this is in order, because that is precisely what she is doing.

The SPEAKER: Order! The Chair did not read any inference into the Minister's ministerial statement that reflected on Parliamentary Counsel.

The Hon. E.R. GOLDSWORTHY: On a further point of order, Mr Speaker, the fact is that the Minister complains to the House that the amendments were not before the House within a timetable which suited her convenience. Now, Mr Speaker—

The SPEAKER: Order! The honourable Deputy Leader will resume his seat. The Chair is firmly of the view that has been traditionally held in the past that members are responsible for their own amendments. The honourable Minister.

Mr MEIER: On a point of order, Sir. The point of order that the Deputy Leader has just raised is quite correct; the Minister prefaced her remarks by saying that, because the amendments were not before this House until after the dinner adjournment, that has caused a problem.

The SPEAKER: Order!

Mr MEIER: She is reflecting on Parliamentary Counsel, which is quite out of order.

The SPEAKER: Order! I do not uphold the point of order. The honourable Minister.

The Hon. S.M. LENEHAN: Thank you, Mr Speaker. Under the program agreed between the Government and the Opposition, the debate on this Bill is due to be completed at 6 p.m. this afternoon. In view of the lack of progress, it appears unlikely that we will satisfactorily debate all clauses this afternoon. All along my approach has been to allow for full consultation and debate on this issue and that, Mr Speaker, will continue. This Bill is a significant piece of legislation—

The Hon. E.R. Goldsworthy interjecting:

The Hon. S.M. LENEHAN: —and it warrants full and adequate debate in the House.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! The honourable Minister will resume her seat. I ask the Deputy Leader to extend a great deal more courtesy than he has shown to the honourable Minister to this point. The honourable Minister.

The Hon. S.M. LENEHAN: Thank you, Mr Speaker. This legislation is much too important to pastoralists and all South Australians to have anything less than full debate on it. I have therefore approached the Leader of the House (the Deputy Premier) and have asked him to amend the agreed program to allow additional time for debate on this Bill. The Deputy Premier—

Members interjecting:

The SPEAKER: Order! I ask the Deputy Premier not to respond to the interjections of the Deputy Leader and I again call the Deputy Leader to order. The honourable Minister.

The Hon. S.M. LENEHAN: Thank you, Mr Speaker. The Deputy Premier has agreed to put the matter before the House by way of an amendment to the motion carried by the House earlier this week that limited debate on the Bill. I seek the cooperation of the House in supporting the Deputy Premier's motion.

MINISTERIAL STATEMENT: KATNOOK 2 GAS WELL

The Hon. J.H.C. KLUNDER (Minister of Mines and Energy): I seek leave to make a statement.

Leave granted.

The Hon. J.H.C. KLUNDER: I would like to share with the House the latest test results from the Katnook 2 gas well near Penola in the South-East. A drill stem test this morning of a 22.5 metre section of sands between 2 877 metres and 2 899.5 metres flowed gas at a rate of 16.38 million cubic feet per day. The test also produced condensate at a rate of 140 barrels per day.

This is an outstanding flow rate and is a new record for South Australia through a half inch choke—exceeding the 14.9 million cubic feet per day flow recorded from a higher interval of the same well some weeks ago.

Despite these excellent test results, we cannot yet draw firm conclusions on the extent of reserves in the Katnook field. This will have to await the drilling of further appraisal wells during the next few months. However, it is probably fair to say that these results will certainly provide the joint venture companies with all the incentive needed to press ahead with further drilling at the earliest opportunity.

QUESTION TIME

ISLAND SEAWAY

Mr OLSEN (Leader of the Opposition): Will the Minister of Transport confirm that invitations issued to five shipbuilders to tender for major modifications to the *Island Seaway* have been withdrawn and revised because the insurers, Lloyds, would not approve them?

The Hon. R.J. GREGORY: I thank the Leader for his question and advise that I have no knowledge of the matter to which he refers. Tenders have been issued on advice and recommendation of Lloyds of London and we are waiting for tenderers to respond to that invitation. Work will then proceed.

TERTIARY EDUCATION POLICY

Mr RANN (Briggs): Will the Minister of Employment and Further Education give his response to the announcement by the Federal Liberal Party's new tertiary education policy? Media reports in advance of today's launch of the policy indicate that, under a Federal Liberal Government, students would have to pay a $600 fee up front.

An honourable member interjecting:

Mr RANN: He will certainly not call the Leader of the Opposition a playboy. About 25 per cent of students would be able to gain free education through a scholorship system based on academic merit.

Mr S.J. BAKER: On a point of order, Mr Speaker. I understand that the honourable member asked for the Minister's response. I understand that that is the same as asking for comment on something that has been said, so I ask you, Sir, to rule the question out of order.

Members interjecting:

The SPEAKER: Order! I call the member for Briggs to order. I do not uphold the point of order raised by the member for Mitcham. I understood that the member for Briggs was seeking a statement on Government policy.

The Hon. L.M.F. ARNOLD: Certainly it is true that the green paper issued last year on higher education contains a number of objectives, and they were agreed upon by all higher education institutions in this State. The objectives particularly related to access opportunities to higher education, and also the purpose of higher education in meeting the social, economic and cultural needs of this country. Despite the diversity of views, the objectives were accepted by all institutions. It seems that the policy laid down by the Federal Opposition would take us back to the 19th century. It attempts to sell out any opportunity for reasonable access for those sections of the community which, to date, have not had good access to higher education.

I draw the attention of the member for Mitcham and other members opposite to the social atlas of Adelaide, which was recently released by the Bureau of Statistics. In it we see graphically illustrated that many areas of Adelaide are under-represented in the higher education sector. Something is wrong in the admission system for that to occur. I give full credit to institutions that are trying to address that issue, and I refer to the Adelaide University with its 'fair way' scheme. The Opposition is suggesting that we go back to a system that would make it even worse.

Today's press report indicates that the Opposition is proposing an up-front fee, and also a scholarship scheme, mostly based on academic merit. The release states:

> ... but with some places allocated on the basis of financial need.

The Liberal attitude is, 'Here are a few crumbs. We will throw them on the floor and that is how we will meet social justice—by allocating a few places to salve our conscience.' What will happen to access to higher education by those in the community who traditionally have been under represented? How many from the Aboriginal community will get in under a Liberal Government? How many women will get into higher education? One can identify other groups that have not been as well represented as they should have been in the past.

The Federal Liberal Party is saying that that is none of its business, that it does not want to know about it and does not believe that a social agenda is important in such an area. The release further states:

> The policy to be issued in Sydney today also removes all quotas on tertiary institutions to allow them to enrol extra students on whatever terms they see fit.

That is a total abrogation by a Party that poses as an alternative government. As a State Government we would be very concerned at that sell-out of social responsibility by the Federal Liberal Party spokespersons in this area. I will be interested in the diversity of views that the State Opposition has on this matter (and it surely will be a diversity of views), but I am particularly interested in the attitude of the Hon. Robert Lucas. He has had a lot to say lately about social responsibility in education. I hope that he has the guts to come out and condemn his own Federal colleagues for their social irresponsibility.

ISLAND SEAWAY

Mr INGERSON (Bragg): Will the Minister of Marine say what is the estimated cost of the modifications made to the *Island Seaway*? When will the vessel be taken out of service for the work to be undertaken, and how long will it take to complete?

The Hon. R.J. GREGORY: I thank the member for Bragg for his question. I advise the honourable member that at this stage the total amount involved, if all the work is carried out, is estimated to be $998 000. I am unable to give the honourable member details of when the vehicle will be back in the water, after all the alterations have been done, because they may be done a lot earlier than anticipated, depending upon the availability of certain castings and the machining of those castings.

STOLEN MOTOR VEHICLES

Mr HAMILTON (Albert Park): Will the Minister of Transport outline to the House details of any measures being taken to combat the significant problem of car theft in South Australia? As honourable members would be aware, I have raised this matter several times before in this House. In August 1984 (page 164 of *Hansard*) I asked a question on this matter and drew to the attention of the Minister of Transport at that time the problem of differing procedures in the various States and Territories in relation to the registration of motor vehicles, and I called for this matter to be addressed on a national basis. At that time I indicated that about 100 000 vehicles were stolen each year throughout Australia. Members would recall that on 14 October 1987 I again asked the Minister a question on motor vehicle security. I would like to refresh honourable members' memories on this. I asked the Minister to address this question—

Mr LEWIS: On a point of order, Mr Speaker, I understand that the member for Albert Park is quoting himself from the record. It is hardly legitimate material to be included in an explanation to a question, in that it does not relate to quoting some request made by another party for him to put the question and nor does it provide facts provided by another authority.

The SPEAKER: Order! I do not uphold the point of order, *per se*; however, I do believe that the member for Albert Park is, in effect, debating the question. The honourable Minister.

The Hon. G.F. KENEALLY: I thank the honourable member for his question. I have no problem with the honourable member putting on the record details of his continued efforts in this House to combat a crime which is of concern to all members of Parliament and certainly to the community at large, that is, the stolen motor vehicle racket. This matter has been of concern to the Government for some time, and we have been attempting to find some resolution to it. I know that there was a feeling a year or so ago that this racket had its central focus in South Australia because of the registration procedures that applied here.

I can assure the House that all the evidence suggests that this is a problem for all States. Each State feels that it is probably worse in its jurisdiction than in other jurisdictions. However, because this is not becoming any less of a problem—in fact, it is probably becoming more of a problem—I have instituted a committee to look at any appropriate action that the Government can take to reduce the possibility of registering stolen vehicles. We have to look at compliance plates, engine numbers, etc.

The Registrar of Motor Vehicles (Mr Hutchinson) will chair the committee, and there will be representation on it from the Insurance Council of Australia, the RAA, the Motor Traders Association, the Police Department, and the Attorney-General's Department. The committee will be charged with the responsibility of looking at existing procedures, of looking at procedures in other States, and making a recommendation to me as Minister, and then to the Government, as to what action South Australia should take. In the course of the committee's examination it will look at procedures in other States, consult other State jurisdictions and, in turn, I will raise this matter at a meeting of ATAC, because it is a matter of concern to all Ministers of Transport throughout Australia.

In instituting this committee I had the complete support of the Minister of Emergency Services and the Police Department. The Police Department shares with the Government its concern about a crime that is difficult to control. If there are ways to reduce the incidence of this crime, through the registration process and through the compliance plate, engine number system, etc., that will occur. I point out to the House once again that we have introduced the vehicle identification number system, a coordinated system in all States in Australia, to ensure that all new vehicles

have a vehicle identification number, reducing the possibility of someone registering a stolen vehicle without that offence being detected.

I can assure the honourable member that we are doing what we can in South Australia in cooperation with all other States to come up with a system that will significantly reduce car theft and, hopefully, ensure that it is no longer one of the major crimes in this society.

ISLAND SEAWAY

The Hon. T. CHAPMAN (Alexandra): My question is to the Minister of Marine. Why has the cost of modifications to the *Island Seaway* blown out by another $98 000 in just two months? In a press release dated 21 December—just two months ago—the Premier said, 'A maximum of $900 000 would be allowed for the modifications.' I happened to be present at a meeting at Kingscote when the Premier reaffirmed the statement that appeared in his name in the form of a press release. However, this afternoon the Minister has revealed to the House that this maximum has been exceeded already by almost $100 000, even though no work has yet been undertaken.

The Hon. R.J. GREGORY: I thank the honourable member for his question, which again has illustrated his ignorance, because a lot of work has been done on modifications to the *Island Seaway*, and that is why there has been some delay.

Members interjecting:

The Hon. R.J. GREGORY: The member for Bragg laughs about this, and that demonstrates the ignorance of members opposite in relation to ship construction, operation and maintenance. They hold themselves up as experts in this, but the reality is that they do not understand. We were given advice by naval architects about modifications to the *Island Seaway*. When we were at Kingscote (and I am quite sure that the member for Alexandra would remember, because he attended that discussion, as did the member for Bragg) there were indications only on cost because at that time no contracts had been sought. Internal costings—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: If the member for Custance wants to ask me a question, he can take his turn with the other members of the Opposition.

Members interjecting:

The SPEAKER: Order!

The Hon. T. Chapman interjecting:

The SPEAKER: Order! I ask the member for Alexandra to cease interjecting.

The Hon. T. Chapman interjecting:

The SPEAKER: Order! I warn the honourable member for Alexandra, and I caution the Minister not to respond to out of order interjections from the Leader.

The Hon. R.J. GREGORY: Since that time there has been considerable discussion between the operators of the vessel, Barnes and Fleck, naval architects, and Lloyds of London as to how best to increase the draught of the vessel. That has reached conclusion and that is the reason for the principal increase in costs.

WASTE RECYCLING PLANT

Mr TYLER (Fisher): I ask the Minister of State Development and Technology: why has the State Government decided not to fund a further study into a waste recycling plant at Peterborough? The Minister has indicated that the Government will not fund a second feasibility study into this proposal. I understand that it is proposed that waste be collected by dealers in Adelaide, and taken by rail to Peterborough, where valuable materials for preprocessing will be extracted. I am told that the proponents, Central Recyclers, say that they are disappointed by what they call the Government's non-interest.

The Hon. L.M.F. ARNOLD: I thank the honourable member for his question and for his interest in this proposition—considerably more interest than the member for Eyre has ever shown in this matter.

Mr Gunn interjecting:

The Hon. L.M.F. ARNOLD: The member for Eyre had the chance to ask a question in this place about the Government's stand. He must have thought that it was part of his erstwhile shadow ministerial responsibilities and, of course, you never ask questions on that. I have received nothing from the member for Eyre asking about this issue. I am interested to hear that he apparently has an interest in the matter. The Government has not decided to fund the ongoing project on this matter.

Mr Gunn interjecting:

The SPEAKER: Order!

Mr Gunn: You are a scoundrel, the way you are going on.

The SPEAKER: Order! I call the member for Eyre to order and I ask him to desist from interrupting proceedings.

Mr Gunn: Tell the Minister to tell the truth.

The Hon. L.M.F. ARNOLD: Well, Mr Speaker—

The SPEAKER: Order! The Minister will resume his seat. If the member for Eyre feels particularly aggrieved, he has opportunities at a later stage by way of personal explanation or other—

The Hon. T. Chapman interjecting:

The SPEAKER: Order!—devices of the House. However, the Chair cannot tolerate his disrupting proceedings in this manner.

The Hon. E.R. GOLDSWORTHY: Mr Speaker, I draw your attention to Standing Order 154, as follows:

> No member shall digress from the subject matter of any question under discussion; and all imputations of improper motives, and all personal reflections on members shall be considered highly disorderly.

I submit to you, Mr Speaker, that that is precisely what the Minister is doing: he is reflecting on the member for Eyre in a most personal fashion, and he is imputing improper motives to him.

The SPEAKER: At this stage I will not uphold the point of order, but I ask the Minister to be temperate in his remarks about members opposite. The honourable Minister.

The Hon. L.M.F. ARNOLD: If the member for Eyre believes that I have imputed motives to him that are not deserved, I do not wish to do that. I have simply gone on the evidence that I have received as Minister, which is that I have heard nothing from the member for Eyre. We have not agreed to proceed with funding this proposal—we have already put State Government money into the consultant's report—because the independent consultant who was funded partly by the State Government, partly by AN and partly by Central Recyclers, which is proposing this waste treatment facility, came down with the following findings:

> The project would be viable only in the most optimistic circumstances.
>
> Viability could not be demonstrated using base figures for costs and revenue.
>
> That it would be more effective for individual waste dealers in Adelaide to recover recyclable waste on site rather than transporting waste to Peterborough or sorting and reprocessing.

Central Recyclers did not have sufficient capital to fully fund further studies or to provide seed capital for the project.

And the company had over-estimated the amount of valuable materials that could be recovered and recyled from waste, therefore over-estimating revenue.

Those are the findings of the independent consultant as advised in the letter that I have received from Adelaide Strategic Consultants. On the basis of that advice, would it be a good use of the $150 000 of taxpayers' money that is being asked for further studies when there is no reason to believe that that further work would come up with any different conclusions from those that have already been made available? It would be irresponsible to spend that money on the basis of the information available to us to date.

I note that the proponent of the proposal has said that he wishes to meet with me on this matter. What I am saying is that, if he believes that he can provide us with figures that prove that the work of this independent consultant—partly funded by him in any event—can be proved wrong, he should send the figures to officers of the Department of State Development. We will look through the figures and, if at that stage the matter merits further discussion, perhaps we can look at it then. The point is that nothing available to date indicates that we should be proceeding with that.

If the work of sorting was done by dealers in Adelaide, that would be a more efficient way of handling this matter. Finally, I note that the proponent has in any event made the following statement, as reported in the *Peterborough Times*:

It would be beneficial when dealing with overseas markets to have Government support. However, if this was not forthcoming, the project would not be jeoparsided.

So, if the project is that viable, why has he not gone out and proceeded with it already?

PUBLIC OPINION POLL

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): Has the Government, or any Government agency, initiated an opinion poll which canvasses public attitudes to the SGIC, the State Bank and WorkCover and, if it has, why and at what cost?

The Hon. J.C. BANNON: Not as far as I am aware.

O-BAHN BUSWAY

Ms GAYLER (Newland): Will the Minister of Transport give a firm commissioning date for the commencement of the north-east busway from Tea Tree Plaza, and will he urgently consider introducing new bus timetables along the lines of the 'pocket and purse' style used in Melbourne? Many of my constituents are asking when the second stage of the busway will actually be in operation from the Tea Tree Plaza interchange, because they will then save 10 minutes in travelling time.

Concerning timetables, the State Transport Authority at present uses a flimsy A4 size timetable, many of which are thrown away almost instantly. An STA survey last year found that 60 timetables were discarded in three hours at four locations. A staggering three million are printed each year. Melbourne has a credit card size timetable for trains, and this is made of more durable card and fits into pocket, purse or wallet. New timetables must be printed for the extended O-Bahn services and this is an opportunity to trial a new form of timetable and reduce wastage.

The Hon. G.F. KENEALLY: I am happy to inform the honourable member and the House that the construction timetable of the O-Bahn is on track and that it will come in on budget. That is a clear indication of the capacity of this Government to manage large construction projects on time and within budget, contrary to the allegations of members opposite. As everyone knows, the initial stage (city to Paradise) was completed some years ago and it has proved to be both successful and popular. However, the time saving over a longer trip has not been apparent and it will not be apparent until the second stage of 8 km (Paradise to Tea Tree Gully) has been completed.

Track construction will be completed by the end of May. Trials will be held on that track during the early weeks of June, and the track itself will be commissioned on 22 July in accordance with the original plan. Subject to the weather, work on the $2.5 million Tea Tree Plaza interchange is expected to be completed, slightly ahead of schedule, by 1 July. That interchange, a project carried out in conjunction with Westfield, is another example of the public and private sectors working together for the benefit of South Australians. If the interchange is not completed in time for the commissioning of the O-Bahn, contingency plans are in place to ensure that the services can be provided if a few weeks extra time is needed to complete the interchange.

However, I repeat that it is expected that the interchange will be completed by 1 July. The 16 new buses required for the O-Bahn will be taken from street routes (Mercedes buses that are currently running) and they, in turn, will be replaced by other buses. So, there will be 16 new buses on the O-Bahn. This very worthwhile public transport system will be completed and in place by the end of July this year.

The honourable member's suggestion that the STA should introduce timetables similar to those provided by the transit authorities in Melbourne is worthy of consideration. There is no doubt that the quality of existing timetables leaves a little to be desired, and I expect that that is one of the reasons why so many of them are discarded. They are bulky and contain a lot of information which may be more than the individual commuter wishes. So, the suggestions that we should trial a new timetable in discreet areas such as the O-Bahn (and, I would suggest, on the rail services to Gawler, Noarlunga, the Adelaide Hills and Port Adelaide) are worthy of consideration.

I happen to agree with the honourable member that one of the ways we can market our excellent STA commuter services in Adelaide is by providing timetable information which is conveniently sized, durable and meets the needs of the commuter. I will take up that matter with the STA, which I am sure will welcome the honourable member's suggestion, and in due course I will respond to the honourable member's question about what we can do to meet the demand which we all know exists within the community.

WORKCOVER QUESTIONNAIRE

The Hon. B.C. EASTICK (Light): Following his answer to the Deputy Leader, and bearing in mind that the Premier has previously assured Parliament that all Government opinion polling must be approved by the State Statistical Priorities Committee, for which he has direct responsibility, I ask the Premier why he is refusing to give Parliament details of an extensive poll commissioned by WorkCover which asks political questions?

I have in my possession the full questionnaire for this survey. It has been commissioned by the ministerially controlled WorkCover and is called the 'WorkCover General

Image Survey'. The second question seeks information about public attitudes to the SGIC, WorkCover and the State Bank—again, issues generating political controversy. The remainder of the survey examines public reaction to an experience with WorkCover—again, issues over which there are sharp political differences.

In 1984, when the former Minister of Health used taxpayers' money to conduct a Party-political opinion poll, the Premier assured Parliament that this would not happen again and he announced guidelines under which all future Government funded polling would be undertaken. However, the Premier's claimed lack of knowledge of this survey suggests either that those guidelines have not been followed or that there is an attempt—

The SPEAKER: Order!

The Hon. B.C. EASTICK: —to cover up—

The SPEAKER: Order! Leave is withdrawn for the remainder of the explanation. The member for Light was clearly debating the matter. The honourable Premier.

The Hon. J.C. BANNON: First, I did not have a claimed lack of knowledge: I had a total lack of knowledge of the matter that was raised. It might have been easier if, instead of trying to set a trap or play tricks, the Deputy Leader had asked a straight question, putting that information before the House. If he had done that instead of trying to lay a little trap hoping to catch me out or something like that, I would not have risen to answer the question because it would have been answered by my colleague the Minister of Labour, who has ministerial responsibility for WorkCover and who would have been able to provide a satisfactory answer. I am able to say that because after the question was asked by the Deputy Leader I received a note from my colleague the Minister of Labour which advised me that WorkCover has indeed conducted a survey of its contributors to determine whether or not its delivery of services is adequate.

That is the first I heard about it. As I say, instead of trying to be really tricky and smart, if they had asked the question as they had wanted to, it would have been answered adequately. Now that I have been advised, I will add something to this matter. First, it is quite proper for the WorkCover organisation to survey its client base. Secondly, WorkCover is not a body under the direct control of the Government: it is in fact controlled by a board.

Mr Olsen interjecting:

The Hon. J.C. BANNON: Members should recall that the Act was passed not too long ago; it was debated day after day in this place. The board has been carefully constructed to provide an equal representation of employer organisations and trade union or employee representatives. Government is not involved in that direct area, so that answers that query. The WorkCover board, comprised as it is in that way, has a perfect right—indeed, I suggest an obligation—to understand its contributors' attitudes.

Secondly, I deny that attitudes to the State Bank and the SGIC are matters of controversy: they are controversial in relation to stirring by members opposite, but there is absolutely no controversy in the wider community. Those institutions are highly respected and are doing a great job for this State. To revert to the question: first, I had no knowledge of such a survey; secondly, I had no reason to have knowledge of such a survey; thirdly, it would not have been required to go to the committee referred to (and, incidentally, that committee, which the Opposition now praises, is one which it wants to abolish); fourthly, it is not a body under the direct control of the Government, in that its composition is constructed by an Act of this Parliament to ensure that it is administered by the employee and employer representatives; and, finally, if the question about WorkCover had been fair dinkum it would have been directed to the appropriate Minister.

NON-PAYMENT OF FINES

Mr DUIGAN (Adelaide): My question is directed to the Minister of Correctional Services. How many people are imprisoned in South Australian gaols for offences relating to debt and the non-payment of fines? What avenues are available for alternative non-custodial penalties for these people? An article in the *City Messenger* written by Ray Light expressed disquiet about the increasing number of South Australians in prisons whose only crime, he said, was being broke. He expressed the view that the substantial cost to this State of imprisoning those people could be avoided and that, if they were not in gaol, their skills could be better utilised by the community.

Mr Lewis interjecting:

The Hon. F.T. BLEVINS: Pardon?

The SPEAKER: Order! I ask the Minister to ignore the unwarranted and disorderly interjection by the honourable member for Murray-Mallee.

The Hon. F.T. BLEVINS: He keeps picking on me, Sir. I thank the member for Adelaide for his question. I, too, saw the article in the *City Messenger*—in, I think, the issue before last—and, whilst I appreciated the concerns—

An honourable member interjecting:

The Hon. F.T. BLEVINS: I get it in my letterbox.

Mr Becker: Do you?

The Hon. F.T. BLEVINS: Yes.

The SPEAKER: Order! I ask the Minister not to engage in a dialogue with his friends opposite.

The Hon. F.T. BLEVINS: Whilst I appreciated that the article was written in a sympathetic way, to some extent it was misleading, inasmuch as the readers could infer that a large number of people were imprisoned for non-payment of fines, and that is not correct.

Mr Becker interjecting:

The Hon. F.T. BLEVINS: Yes. About 64 per cent of the intake in South Australian gaols involves fine defaulters. It is quite a remarkable figure which is by far the highest in Australia. As a comparison, according to the statistics produced by the Australian Institute of Criminology, for the month of December in Victoria that percentage was less than 1 per cent, but here it exceeds 60 per cent, so it is quite a remarkable difference. We have the same fine default legislation, but quite clearly it works differently in the various States.

Of those who entered our gaols in 1988, 2 089 were fine defaulters. On any given day throughout our prison system about 40 prisoners are in gaol for fine default. That is still far too many, but it is not an enormous number because the time that people spend in gaol in lieu of paying a fine is laid down by statute. I am not sure what it is, but there is a formula. If somebody is fined, say, $500, they spend about five days in gaol for non-payment. So every year there is a quick turnover of these 2 000 or so people. However, even 40 people a day is too many. I am pleased to say that the number is gradually declining since the introduction of the community service order option for people who can prove to the court that they cannot pay the fine.

The Hon. P.B. Arnold interjecting:

The Hon. F.T. BLEVINS: The member for Chaffey says that it is a reflection on the economy of the State. It is more likely that it is a reflection on the way the system is administered. We have precisely the same legislation as is

in Victoria, but it is administered differently there. It has proved reasonably successful to date. I point out that at the moment less than 700 people are serving community service orders in preference to going to gaol for non-payment of fines. I would like that number to increase dramatically, but it will not make a great deal of difference to the number of people occupying a cell in our gaols.

Presently we are studying the Victorian administration of its system to ascertain whether we can learn any lessons from them. Its program has been going for many years. Maybe the people administering it are smarter, quicker or simply take a greater interest in it—I do not know. To have 2 000 people passing through the prison system, even for only one or two days in lieu of paying a $100 fine, is still far too many. It is not necessary in my view for all those people to spend time in gaol. If we look at the cost of keeping them in gaol, not only does the taxpayer lose the $100 fine but he must pay $100 or more a day to maintain each fine defaulter in gaol—so he is thumped both ways. It is desirable to reduce the number as far as possible.

In summary, I appreciate the sympathetic way that the article was written in the *City Messenger*. I am delighted that we have a *City Messenger*, which is a new innovation. It is welcome for those of us who stay in the City of Adelaide from time to time. I hope that my answer clears up any misconception that there are thousands of people in South Australian gaols at any given time for the non-payment of fines. That is not the case: the number is reducing, and we hope to reduce it even further.

SCHOOL MARIJUANA CROP

The Hon. J.L. CASHMORE (Coles): Will the Deputy Premier advise what action is being taken to reassure the parents of children at the Dover Gardens Primary School that every effort is being made to uncover who was responsible for the marijuana crop found growing on the roof of the school canteen? Parents in the Dover Gardens area have expressed serious concern to the Opposition about the discovery of some three dozen marijuana plants at the school during the summer holidays. We have been informed that the size of the plants suggested that they had been growing during the last school term of 1988. In view of the Government's claim that it takes a hard line on drugs and the need for education programs in schools, this appears to be an embarrassing find in a State school—

The SPEAKER: Order! The honourable member is clearly commenting. The honourable Minister.

The Hon. D.J. HOPGOOD: This certainly gives a new meaning to the term 'pot plant', I suppose. It is a pity that my colleague the Minister of Education is not here, because he may have some information on this matter. I certainly do not. I will get it for the honourable member.

EGLO ENGINEERING PTY LTD

Mr De LAINE (Price): I address my question to the Minister of State Development and Technology. What are the long-term future prospects for Eglo Engineering, following its announcement of the expansion to its Osborne works? I have been aware of the concerns about the company's long-term prospects, particularly as it is not directly participating in the submarine project, following the Federal Government's decision to award that project to the Australian Submarine Corporation. This concern has been expressed to me by constituents who work with Eglo.

The Hon. L.M.F. ARNOLD: I thank the honourable member for his question. Certainly, it is a very important question. As members will know, an announcement was made by the Premier last week that there is to be a new investment in the Eglo enterprise here in South Australia. It will provide an additional 40 permanent jobs and will give the company the opportunity to take on work associated with the $6 billion frigate project and with the submarine project. That gives further impetus to South Australia's efforts to win a sizeable portion of the frigate project work.

The investment that has been made here is in addition to the previous work done by Eglo over a number of years, and most recently the completion of the first of four naval survey vessels. Further, the company has also won a $10 million contract to build the superstructure of a naval frigate. The current 180 employees, which number will be added to by the 40 people who will gain jobs through this new investment, can be well satisfied that the firm does indeed have a long-term future here in South Australia.

MARINELAND PROJECT

Mr BECKER (Hanson): Will the Minister of State Development and Technology say why the Chairman of the West Beach Trust, Mr Geoff Virgo, failed to consult all other trust members about the decision to scrap the Marineland project? I have been informed that the members of the trust representing the Glenelg, Henley and Grange and West Torrens councils were not advised of the decision to scrap the Marineland project until very shortly before the Minister's public announcement on Monday last week. Subsequently, all these councils have indicated serious concerns about the decision.

I also understand that Tourism South Australia and the Special Projects Branch of the Premier's Department had no knowledge of the new proposals for a hotel on the site, and this raises serious questions about the viability of this hotel and its impact on other projects already in the pipeline.

The SPEAKER: Order! The honourable member is clearly debating the matter. The honourable Minister.

Mr BECKER: I haven't finished yet.

The SPEAKER: Order! I have withdrawn leave because the honourable member was commenting.

Mr Becker: You didn't tell me you were withdrawing leave.

The SPEAKER: Not only did the honourable member not hear the call when he was first called to ask his question but obviously he did not hear the Chair calling him to order, either. The honourable Minister.

The Hon. L.M.F. ARNOLD: The member for Hanson said on a number of occasions 'I understand'. It has been quite clear throughout much of the dealings on this project that the honourable member has understood precious little. At various stages he was busily putting forward entirely inaccurate comments about what was actually taking place. Indeed—

Mr Becker: Caught you out beautifully!

The Hon. L.M.F. ARNOLD: Caught me out beautifully—that is classic, Sir. We had the member for Hanson busily saying that there was going to be a marineland in the project, and then shortly after that that there was not going to be a marineland in the project. That is how much the member for Hanson caught people out! I am advised that there was a meeting of the West Beach Trust on the Monday that the decision was publicly announced, but as to the exact alle-

gations that the member for Hanson is making—it is not understandings, it is allegations—about the way in which that meeting of the West Beach Trust may or may not have been called together, I will naturally refer that matter to the Minister who has ministerial responsibility for the West Beach Trust, namely, the Minister of Local Government, who, of course, is in the other place.

As to other matters, a lot of innuendo about this project has been mooted to cast doubts and to try to undermine it. It is typical of the attitude of many members of the Opposition, who just do not want to have any development in this State. If they think that they can kill it by inneundo, or suggestion, they will certainly try to do so. Here we have another classic example of that about to occur. I can assure the honourable member that we have communicated with tourism officers about this, as have those people in the major projects office who are presently involved in related areas.

The other point is that different niche markets are being targeted with respect to the Marineland site and the Pier Hotel redevelopment. I have been advised by tourism officers that the different niche markets resulting in different marketing strategies should allow both projects to proceed without injuring each other. I think it is about time that people came clean as to exactly where they stand on this. Do they want it or do they not? I think that what has happened is a major coup for South Australia. The Opposition must choose either to file up behind it and support it or say immediately that it does not support economic development within this State.

I do not accept the criticism levelled by the proponents of the Pier Hotel redevelopment that the first they ever heard of discussions about a marineland was the public announcement a couple of Mondays ago. The reality is that there has been discussion in the community for some time about investment with respect to a marineland. Admittedly at various stages it included the concept of a marineland, but the concept of a hotel was there for public discussion for a long time.

Members interjecting:

The Hon. L.M.F. ARNOLD: It is interesting that the Deputy Leader (by one vote) is also niggling away at this and seemingly wants to indicate that he does not support it. Roger, maybe you are trying to lobby some more votes within your own Party, I am not quite sure.

The SPEAKER: Order! The honourable Minister should not have been referring to the Deputy Leader in his remarks in the first place, but referring to him as 'you' is clearly out of order. The honourable Minister.

Members interjecting:

The SPEAKER: Order!

The Hon. L.M.F. ARNOLD: I am full of remorse, Mr Speaker. I was quite out of order on that. The earlier discussion that took place with an investor and the West Beach Trust a long time ago indicated that the project would have a hotel component. That has been public knowledge around Adelaide for a long time. If a proponent of such a major redevelopment as the Pier Hotel project is now claiming that it knew nothing about that aspect, I find that amazing. I cannot believe that to have been the case.

JET SKIS

Mr ROBERTSON (Bright): I direct my question to the Minister of Marine. Do the provisions of the Boating Act enable local councils along the metropolitan foreshore to take action against the pilots of jet skis who contravene that Act? A long standing grievance of many Brighton and Seacliff residents has been the concern about noise, fumes and danger from jet skis. I am advised that jet skis are subject to the Boating Act in that riders are required to be licensed, and jet skiers are subject to speed restrictions in proximity to other beach users. However, I am told that there is some difficulty in enforcing the Act because of the shortage of authorised Department of Marine and Harbors personnel.

The Hon. R.J. GREGORY: I thank the honourable member for his question because the issue of jet skis on metropolitan beaches is causing considerable concern to people using the beaches, particularly with regard to young children using the water.

Members interjecting:

The Hon. R.J. GREGORY: If you want to ask a question about skiers on the river, you are entitled to do that and I will answer it in due course.

The SPEAKER: Order! The honourable Minister should direct remarks—

The Hon. R.J. GREGORY: The issue—

The SPEAKER: Order! The Minister will not direct remarks across the Chamber using the expression 'you'. The Minister should not be responding to out of order interjections but, if he is unable to resist the temptation to do so, he must refer to 'the honourable member'. The honourable Minister.

The Hon. R.J. GREGORY: Jet skis have grown in popularity and use on the foreshore of our beaches, and local councils have approached the department. The department is unable to provide the services to ensure that jet skis are used appropriately. We have suggested to the councils that, if their officers who are trained in other council enforcement procedures are willing to do it, we are prepared to give them powers under the Boating Act so that they can enforce the provisions of the Act with respect to speed, distance from swimmers, and licensing requirements.

There is a belief amongst council officers that some people using jet skis are not licensed. The Department of Marine and Harbors has been involved in negotiations (and that will continue) with respect to appointing council officers to work in this area. We hope that by the middle of March we will be able to appoint a number of people as boating officers under the terms of the Act. They will be fully trained by the Department of Marine and Harbors officers so that they can efficiently and appropriately enforce that Act, consequently making it far safer for the citizens of Adelaide to use our metropolitan beaches.

TRAVEL CONCESSIONS

Mr OSWALD (Morphett): In view of the Premier's statement reported in the *Advertiser* of 12 January that travel concessions for all retired people over 60 will be one of the key items addressed by the Government's task force on the aged, does the Premier now repudiate statements made less than six months ago to the Estimates Committee by the new Minister of Community Welfare that these concessions would not be extended because they would be counter to the Government's objective to 'direct concessions to persons considered most in need'?

The Hon. J.C. BANNON: No, I think that the Minister made a correct statement of our policy, and I would have hoped that everyone in our community would agree that concessions should be directed to those most in need. That is the first priority. It is a question of how one assesses that need and what is the most appropriate way to meet it. The Government announced in January that we had formed a

task force on the aged which is looking in depth at a number of proposals which relate to the aged, including the question of transport concessions. We have been looking at developments in other States and at what possibilities there are here. When we have done a full study of that, when we look at the appropriate pattern of concessions, we will be able to make decisions.

NATURAL DEATH ACT

Mr FERGUSON (Henley Beach): Will the Minister of Health consider the establishment of a Natural Death Act 1983 register for the recording of statutory declarations that have been signed by citizens of our State in accordance with the Act? Since the establishment of the Act in 1983 many citizens, particularly elderly citizens, have signed statutory declarations in accordance with sections of the Act that will ensure that no heroic efforts will be made to maintain their life in the event of certain circumstances. Many of these statutory declarations may never be found at the appropriate time.

The Hon. F.T. BLEVINS: I thank the member for Henley Beach for the question. The problem that he poses to the House is a real problem, but it may well be that, in trying to resolve the problem in the way that he suggests, even more problems will be created. The proposition that he puts to the Chamber was canvassed extensively during the select committee on the Bill. The main problem is that, to some extent, it took the onus from the patient to ensure that the patient's wishes were known right to the last moment.

People might have put their name on the register, say, three years earlier, but the legislation quite properly provides that the desire expressed by someone signing a declaration form under the Act can be repudiated at any moment—and repudiated verbally—so that a person can say, 'Yes, I felt that way three years ago, but that was three years ago, and I do not feel that way now.' The declaration cannot be enforced. There may be a conflict where people voluntarily put down their name (unless the member for Henley Beach was suggesting that that should be compulsory); that desire could be in conflict with what the patient is saying at any particular time to the hospital, the next of kin or any competent person in the hospital. That would create problems as to what the patient's wishes are, and that is not what we want to do.

We have always said that the obligation is on the patient and not on the doctor. The doctor has no obligation to see whether a declaration has been signed, and that is perfectly proper. The obligation was intended (I think properly) to be on the patient to ensure that, if the patient felt strongly enough about the issue, he or she would give the declaration or a copy of it to a number of people—the doctor treating the case, anyone else in the hospital, the next of kin, family friends, etc. If someone felt strongly about the issue (and a number of people do) that would be done, but to have a register with power to be enforced would create, in my view and in the view of the select committee, more problems than it would solve.

The natural deaths legislation is not perfect legislation. Indeed, there is no such thing as perfect legislation, but this legislation has given peace of mind to people who are sufficiently interested and who care sufficiently to ensure that their wishes, rather than the wishes of someone else, are carried out when they are dying. I am sure that in most cases the wishes of someone else would coincide with those of the patient. In fact, that would happen overwhelmingly and there would be no conflict in those cases between the desires of the patient, those of the doctor treating the patient, and those of the patient's relatives.

However, certain people (and I am one of them) would welcome their doctor and relatives agreeing with their wishes, but they would want to ensure that, whether or not other people agreed, it was their wishes that were carried out. That is what the Act does and to formalise the matter any more would, in my view, without hearing more argument, create more problems than would be solved. It is the simplicity of the present Act that is its great strength.

ISLAND SEAWAY

Mr D.S. BAKER (Victoria): Will the Minister of Transport give a date for the resumption of the *Island Seaway* service to Port Lincoln and, if he cannot, why not?

The Hon. G.F. KENEALLY: I cannot give the House a date for the resumption of the service to Port Lincoln because negotiations are still in place. Indeed, the honourable member and the House are well aware that industrial action has been taken by the Seamen's Union that requires the Government to take certain action in relation to the *Island Seaway* before union members will take it to Port Lincoln. The Government is in the process of taking that action. In my experience as Minister responsible for the service between Adelaide and Port Lincoln, I believe it is appropriate for the House to understand that the volume of cargo carried by the *Island Seaway*, and previously by the *Troubridge*, between Kingscote and Port Lincoln, and Port Lincoln and Kingscote was not very great, and it would be in the best interests of the service and of everyone for that business to be increased. Members should understand that I referred to the *Island Seaway* and, prior to that, the *Troubridge*. However, the Government is conscious of the commitment it has to the full *Island Seaway* service to Kangaroo Island and to the Eyre Pensinula market, and it will fulfil that undertaking.

PERSONAL EXPLANATION: *ISLAND SEAWAY*

The Hon. T. CHAPMAN (Alexandra): I seek leave to make a personal explanation.

Leave granted.

The Hon. T. CHAPMAN: This afternoon during Question Time the Minister of Marine, when replying to my question, grossly misled the Parliament and offended me personally.

The SPEAKER: Order! The honourable member may claim to be misrepresented, but to refer to the Minister's contribution in the terms that he is using will merely lead to another personal explanation and then another, which will get the House absolutely nowhere. I therefore ask the honourable member not to do so. The honourable member for Alexandra.

The Hon. T. CHAPMAN: Far be it from me to hold up the working of the House with a series of explanations. I require only one. That concerns the misrepresentation by the Minister of my remarks. In explanation of my question to the Minister I quoted the following passage from the Premier's press release on the subject of the *Island Seaway*:

> A maximum of $900 000 would be allowed for the modifications.

I went on further to explain in my explanation to the question that that quotation had been extracted from the

Premier's own statement which he reaffirmed during a meeting at which I was present with the Premier and the Minister of Marine in Kingscote just before Christmas.

Contrary to the accurately quoted passage, the Minister went on to tell the House that I was wrong and that indeed a $900 000 maximum quote was not that at all but that it was only an indication. Although the subject may not be terribly important to other people, it is very important to me not to be reflected on in this Parliament as having made inaccurate statements, having misled the Parliament, having told lies, or anything else, because that is clearly not the position. I have in front of me a photostat of the Premier's statement to which I referred earlier and I repeat that passage, as follows:

Mr Bannon said a maximum of $900 000 would be allowed for the modifications.

That is a matter of fact and I am offended by the Minister's remarks again this afternoon. I ask him to apologise and not to continue in the fashion that he has adopted since becoming Minister, that is, of being so cynical and so personally reflective on members.

The SPEAKER: Order! The honourable member has obtained leave to make a personal explanation, not to give guidance to other members.

PERSONAL EXPLANATIONS: PETERBOROUGH PROJECT

Mr GUNN (Eyre): I seek leave to make a brief personal explanation.

Leave granted.

Mr GUNN: During Question Time, the Minister of State Development and Technology implied, in reply to a dorothy dix question from the member for Fisher, who would hardly know where Peterborough was—

Members interjecting:

The SPEAKER: Order! The honourable member was given leave to make a personal explanation, not to cast aspersions on other members which would then lead to further explanations. The honourable member for Eyre.

Mr GUNN: The Minister implied that I was interested in or had supported the proposals put forward by a company seeking to locate at Peterborough, in cooperation with the State Government and Australian National, a processing plant for recycling waste which would service most of Australia. A representative of that company contacted me early in the negotiations and I advised him that the concept had my total support. I further told him the names of the mayor and the town clerk and offered my full support because, unlike the Minister who cast aspersions on me, I am aware of the difficulties and the lack of employment opportunities at Peterborough, and I did not vote to move the railways from Peterborough, as did his colleagues.

The SPEAKER: Order! The honourable member is again beginning to launch into a debate and I ask him not to do so.

Mr GUNN: Earlier this week representatives of the Peterborough corporation contacted my office and I am attempting to make arrangements to assist them with that project in the next few days. I will advise the House by way of a grievance debate of my total involvement when I have my file from the Peterborough office in front of me.

The Hon. L.M.F. ARNOLD (Minister of State Development and Technology): I seek leave to make a personal explanation.

Leave granted.

The Hon. L.M.F. ARNOLD: To clarify the statement I made earlier today, I was simply saying that, from the evidence available to me as one of the Ministers of the Government responsible for considering the matter (as the Minister of State Development, with the Department of State Development coming under my responsibility), I have received nothing from the member for Eyre. He may be in full support, but to whomever he is giving his full support it has not been to me.

SITTINGS AND BUSINESS

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

That Standing Orders be so far suspended as to enable me to move a motion forthwith for the rescission of the vote taken on Tuesday 21 February for the limitation of debate.

This motion would establish the machinery to enable me to move a motion to rescind the motion which I moved on Tuesday pursuant to Standing Order 144A. This is the first occasion of which I am aware that a rescission motion has been urged upon the House in relation to that Standing Order, and I think it requires explanation.

In general terms I would see such motions as being undesirable, because once one sets a program it is not unreasonable that it should continue. I point out, however, that this is a concession by the Government to the House and it is for the House to determine whether it wishes to take advantage of this concession. The House sat until 1 o'clock this morning and I guess that is some indication of the interest which members are displaying in a piece of legislation which they have before them. It may well be that the House is happy for the debate on that piece of legislation to terminate at 6 p.m. today. On the other hand, it may be that the House would appreciate the opportunity of having an extra day's sitting on which the Committee stage and the third reading of the Bill could be considered. The concession is therefore offered and the Government is in the hands of the House.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I had intended to speak to the next motion, which the Minister would be moving to rescind the debate. I take it that we are presently debating the motion to suspend Standing Orders but as the Deputy Premier's remarks were considered to be appropriate, I will make mine now.

What has led to this motion has been a completely phoney ministerial explanation by the Minister of Lands which has set the scene for this so-called concession to the House which, of course, we will grasp. But let the Government be honest about what is going on here. The fact is that we have had an arrangement, which has worked quite well until now, whereby the Deputy Premier and I agree on a program for the week and, if necessary, adjust the sitting times to accommodate that program. That is the procedure which we followed this week and, if there is any change to that program up until now the Deputy Premier has done me the courtesy of discussing it with me. But no, we are not going to follow that procedure today; we are going to have a grand flourish from the Minister of Lands showing this sudden new-found wont to accommodate the needs of the Opposition for full debate of the Bill. It has never happened before and is never likely to happen again, but today we have this sudden show of generosity towards the Opposition so that this debate can be extended until the week when we come back. What a phoney performance. How phoney can you get!

These are the facts. I agreed a program with the Deputy Premier on Monday. I have never failed to deliver on an agreement I have made with the Deputy Premier—and he knows it. Last night we sat until 1 o'clock in his absence and the Government was gracious enough to extend the time of sitting beyond 12 o'clock so that we could fulfil our program today.

So what is this charade all about? This charade is about the fact that the Government has nothing to do when we come back in a week's time—that is what it is all about. Instead of the Deputy Premier coming to me, paying me the courtesy of laying his cards on the table and saying, 'There's no rush now, Roger; when we come back after the week off all we have on the Notice Paper under Orders of the Day is one fairly minor Bill called the Animal and Plant Control (Agricultural Protection and Other Purposes) Act Amendment Bill', the Government is bringing in one more Bill, we are suspending Standing Orders, and the Government is rushing something on to the Notice Paper so that we will have three Bills—none of them major—to debate after we have had a week off.

So we have gone through this charade, this phoney, sudden attempt to accommodate the needs of the Opposition for full discussion of a Bill, dressed up by the new Minister in a phoney ministerial statement. The Government is suddenly making concessions to the Opposition. Who's kidding whom? The Deputy Premier knows damn well that we would have stuck to the bargain. We debated fully what we needed to debate and would have been prepared to complete the program by 6 p.m., but the Government has run out of business and has virtually nothing to do when we come back. So, instead of coming along and discussing the matter and coming clean, we have this business of a sudden need to prolong the debate. It has never happened before and will never happen again: the Deputy Premier has told us that—'This is a concession—don't think it will happen again.' It will only happen again if the Government makes a muck of the program, as it has on this occasion. It would have been a lot better if the Government had come clean and told us the real reason for this sudden offer to extend the debate. How phoney can you get!

The Hon. D.J. HOPGOOD (Deputy Premier): I want to make it absolutely clear to the Deputy Leader that I agree with him about the way in which we have been able to manage the Notice Paper and I hope that agreement will continue. I also hope that any decision taken by the Government which might in any way derogate from the rights of the Opposition would be immediately communicated to him. However, on this occasion the Government is offering the opportunity for a lengthy debate on a Bill. If the Opposition does not want that, it should say so, we could finish it by 6 o'clock tonight and we need not sit on Tuesday week. That was the other possibility.

An honourable member interjecting:

The Hon. D.J. HOPGOOD: One of my colleagues is asking me whether this is a conscience vote. I am a bit wobbly on the numbers for this one. I still have to move a motion on the green paper about the House at its rising adjourning to a particular date. I could just as easily move that the House at its rising adjourn until Wednesday 7 March. That would have been derogating from the rights of the Opposition. The Opposition would have missed a day's Question Time, but the Government did not take that course. We offered to extend the debate to that Tuesday. I assume, despite the Deputy Leader's churlish acceptance of the offer, that in fact the Opposition is accepting the Government's offer that we will continue to debate the pastoral Bill on Tuesday week. I urge my motion to the House.

Members interjecting:

The SPEAKER: Order!

Motion carried.

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

That the motion for limitation of debate adopted on Tuesday 21 February be rescinded.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): As a result of the extra time which the Government has now found for the discussion of this Bill and in view of its felicitations and wishes for the Opposition to have a full and complete discussion of the Bill, I would ask the Government to reconsider what I would have thought was its very tenuous refusal to have this Bill go to a select committee. There seems to be some doubt about the Standing Orders regarding the necessity for this Bill to go to a select committee. I think that you, Mr Speaker, described it as a grey area. I know that we cannot debate that matter and it was discussed last night but, if we now have all this time for a discussion of this Bill which we did not have up until Question Time this afternoon when the ministerial statement was made, and surely with this new inclination to accommodate the Opposition and the needs of the electorate, the establishment of a select committee to reconsider this Bill could now be reconsidered.

If we have lost the opportunity for such a reconsideration here, I hope that the Government will grasp that opportunity when the Bill goes to another place. The fact is that not only the Opposition wants to say something about this Bill (and we will have an opportunity to say a little more) but also all the people who it appears will be so adversely affected by the Bill will want to have some input.

The Hon. S.M. Lenehan: You're debating the Bill.

The Hon. E.R. GOLDSWORTHY: I am certainly not doing that; I am debating the fact that we now have more time. Last night the Minister purported to speak for the pastoralists who will be affected by the Bill. It was phoney (I think that was the word I used—and I believe it is still appropriate) and one of the more outlandish claims made by the Minister. This House should accommodate not only members of the Opposition, who are the spokespersons for those who may have some queries about the Bill, but also the very people who will be affected by it. Now is the ideal opportunity for the Government to demonstrate its newfound good faith by sending this Bill to a select committee. I mention those facts so that, before the Bill goes to the other place, during the intervening period the Minister may digest those remarks and, in the same spirit as has so graciously been in evidence today, perhaps she will agree that it should then go to a select committee.

The Hon. D.J. HOPGOOD (Deputy Premier): The effect of this and the other motions which we have before us is that they will delay by one sitting day the passage of the Bill through both Houses. Conceding that is quite different from conceding the whole matter of a select committee which was adequately debated in this place last evening, and I have no desire to add anything to what was said then. I assume that the honourable member supports the motion which I am currently urging upon the House, and I thank him for that.

Motion carried.

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

That the time allotted for all stages of the Arthur Hardy Sanctuary (Alteration of Boundary) Bill be until 6 p.m. today.

Motion carried.

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

That the time allotted in relation to the Pastoral Land Management and Conservation Bill be as follows:

(a) for the completion of clause 35 until 6 p.m. today; and

(b) for the remainder of the Committee stage and the third reading until 10 p.m. on Tuesday 7 March.

Motion carried.

MOTOR VEHICLES ACT AMENDMENT BILL (1989)

The Hon. G.F. KENEALLY (Minister of Transport) obtained leave and introduced a Bill 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 second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Bill

Its purpose is to provide for the introduction of photographs on drivers licences in South Australia. A driver's licence bearing a photograph of the licence holder will assist police with improved identification of offenders and road accident victims. A photograph of the licence holder will go a long way to eliminating the improper use of licences.

The present South Australian licence, being a paper licence, is one of the easiest licences within Australia to duplicate. The new licences offer a very high level of security, with the data and photograph an integral part of the card and virtually impossible to alter or duplicate. The new photographic licence in a plastic credit card format will also be more durable and stand up to wear and tear and will be a much more convenient form for the licence holder to carry. The new licences will be distinctively colour coded. A full driver's licence—blue, probationary driver's licence—red, and a learner's permit—yellow.

Apprehension by the police of unlicensed or disqualified drivers will be made easier than at present. More positive identification of 'L' and 'P' plate drivers will be possible and follow-up procedures within the Police Department and the Motor Registration Division reduced. The licences will be manufactured under a centralised system of manufacture with photographs being taken by existing Motor Registration offices in the metropolitan area and country towns, and a supporting network of agencies throughout more remote locations. The centralised system of licence manufacture offers the highest level of security.

The introduction of photographs on drivers licences will require the large majority of licence holders to attend personally at a photo point at the time of making application for the issue or renewal of a licence. Where a person resides more than 80 km from a photo point, or cannot for good reason, attend a photo point, the facility will be provided to supply a certified passport photograph for use in manufacturing a photographic licence, without personally attending a photo point. Provision is made in the legislation to provide for a person to supply the Registrar with a photograph which is suitable for inclusion on a licence or permit, and the Registrar may refuse to issue or renew a licence or permit if a suitable photograph is not supplied.

The distinctive coloured drivers and probationary licences will replace the existing paper drivers licences. Probationary conditions which are at present endorsed on a full five-year driver's licence will be replaced by a probationary licence issued for the full probationary period. The introduction of discrete probationary licences will remove complaints surrounding the inequity in the loss of all of the licence fee when a five-year licence is cancelled for a breach of probationary conditions. This has been a concern of the Government for some time, and the opportunity is being taken to correct the situation.

The question of compulsory carrying has been the subject of some public debate and media coverage. The legislation provides for compulsory carrying by learner's permit and probationary licence holders to assist with the enforcement of conditions against these groups of drivers. Compulsory carrying by full licence holders is not proposed, as it is anticipated the new format licences may result in a higher level of voluntary carriage due to it being a much more convenient shape and size. Existing provisions of the Motor Vehicles Act 1959 provide for probationary conditions of learners permits and licences to be endorsed on permit or licence. The new credit card format size does not provide space for these endorsements and the legislation will now need to provide for probationary conditions to apply, even though they are not physically endorsed on the licence or permit. Other conditions which may be imposed by a court or the Registrar will be shown on the licence in code form, with a brief explanation on the reverse of the licence card.

Where there is any change to the information shown on a new format licence, it will be necessary to issue the holder with a new card. This will be done for no fee. The legislation provides that where a person, without lawful authority, wilfully alters, defaces or otherwise damages a licence or permit, the licence or permit is void and of no effect. The new format licences will be manufactured at one central point, and will not be available as an over-the-counter item. Accordingly, it will be necessary to provide the licence holder, on payment of the appropriate fee, with a temporary paper licence which will be valid for a period of up to one month, or until the licence holder receives the new photographic licence, whichever is the earlier.

In the case of aged drivers, or drivers being monitored for medical conditions, it has been the practice to issue one year licences. This Bill now provides for the issue of five-year drivers licences to all drivers. The Motor Registration Division will continue to monitor their fitness to drive by seeking medical certificates and practical driving tests, as is current practice. To complement the provisions relating to the compulsory carrying of learners permits and probationary licences, the legislation will require these permit and licence holders to produce their licence forthwith if requested to do so by a member of the Police Force. Provisions relating to the production of full drivers licences will remain the same; the licence holder having the option to produce the licence on request, or within 48 hours to a nominated police station.

Power to require the production of licences in the case of cancellations, suspensions or disqualifications, has been extended to provide for the fact that it will no longer be possible to endorse periods of disqualification on the new format plastic licences. Where the licence holder is suspended or disqualified, the legislation provides for the production of the licence to the Registrar. Where a court imposes a disqualification on the licence holder, provision is made for the court to take possession of the licence.

Provision is made for the surrender of existing full licences where the applicant successfully appeals against cancellation or disqualification of a probationary licence to enable a new 12-month probationary licence to be issued.

Provision is also made for a new licence to be issued where the licence holder has produced the original licence and successfully appeals against a disqualification under the

Points Demerit Scheme. Conditions or restrictions imposed by the court can be endorsed in coded form on the licence.

The opportunity has also been taken to provide that a person must carry his or her licence at all times when seated next to the holder of a learner's permit in a vehicle being driven by the learner. These provisions will extend to motor driving instructors, and provision is also made for the motor driving instructor's licence to be displayed on the instructor's person at all times when seated next to the holder of a learner's permit.

These changes will enable the police to verify that instruction is being given in accordance with the conditions of the learner's permit, in that instruction can only be provided by an appropriately licensed instructor. It will also allow students engaging professional driving instructors to verify that the instructor is properly licensed to instruct.

Clause 1 is formal. Clause 2 provides for commencement on a day to be fixed by proclamation. Clause 3 amends section 5 of the principal Act which is an interpretation provision. The amendment inserts definitions for 'probationary conditions' and 'probationary licence'. Clause 4 amends section 75 of the principal Act which deals with the issue and renewal of licences. The amendment inserts an additional precondition to the issue or renewal of a licence in that the applicant must comply with any requirements of the Registrar under new section 77b of the Act inserted by clause 6 of this Bill (that is, a requirement of the Registrar that the applicant have his or her photograph taken or provide a suitable photograph of himself or herself).

Clause 5 amends section 75a of the principal Act which deals with learners permits. This clause makes three main changes. First, there is inserted an additional precondition to the issue of a permit. As in the case of a licence, the applicant must comply with any requirements of the Registrar under new section 77b in relation to the provision of photographs. Secondly, the amendment provides for the imposition of probationary conditions on a learner's permit by force of section 75a, removing the requirement that these conditions be endorsed on the permit. The section will still require the Registrar to endorse conditions which the Registrar imposes (being conditions additional to those specified in paragraphs *(a)* to *(da)* of subsection (3). Thirdly, the amendment imposes a new probationary condition on learners permits to require the holder of a permit to carry the permit at all times when driving a motor vehicle pursuant to the permit and produce the permit forthwith if requested to do so by a member of the Police Force.

Clause 6 inserts new sections 77a, 77b and 77c in the principal Act. New section 77a provides for the issue of licences and learners permits that include a photograph of the holder. Licences (other than temporary licences) issued or renewed after the commencement of the section must include a photograph of the holder. Learners permits issued or renewed after that date must include such a photograph if the Registrar so determines. Subject to section 77b, on the application of the holder of a licence issued before the commencement of the section, the Registrar may issue to the holder a new licence that bears a photograph of the holder.

New section 77b empowers the Registrar to require a person to attend at a specified place for the purpose of having the person's photograph taken. Alternatively, the Registrar may require a person to supply a suitable photograph. Where a person refuses or fails to attend to have their photograph taken or supplies an unsuitable photograph, the Registrar may determine that the licence or permit not be issued or renewed.

New section 77c empowers the Registrar to issue temporary licences and temporary learners permits pending the preparation and delivery of licences and permits that bear photographs. A temporary licence or permit expires on the day specified in the licence or permit (being not more than one month after the date of issue) or on the day on which the person receives the licence or permit that bears a photograph of the person, whichever is the earlier.

Clause 7 inserts a new section 79ba into the principal Act to provide that where a person, without lawful authority, wilfully alters, defaces or otherwise damages a licence or learner's permit, the licence or permit is void and of no effect. Clause 8 amends section 81 of the principal Act by striking out subsections (1a) and (1b). See new section 139ba inserted by clause 20 of this Bill. Clause 9 amends section 81a of the principal Act which deals with probationary drivers licences. This clause makes two main changes. First, the amendment provides for the imposition of probationary conditions on a licence by force of section 81a, removing the requirement that these conditions be endorsed on the licence. Secondly, the amendment imposes a new condition on probationary licences to require the holder of the licence to carry the licence at all times when driving a motor vehicle and produce the licence forthwith if requested to do so by a member of the Police Force.

Clause 10 amends section 81b of the principal Act which deals with the consequences of contravening probationary conditions. The clause makes a number of amendments that are consequential on the removal of the requirement for the endorsement of probationary conditions on licences. Clause 11 makes a minor consequential amendment to section 82 of the principal Act which deals with the Registrar's obligations to give effect to recommendations of the consultative committee.

Clause 12 amends section 84 of the principal Act which deals with the term of licences. The amendment provides for the expiry of a probationary licence that is issued after the commencement of the subsection on the expiration of the period for which the probationary conditions are effective. A probationary licence may be renewed as a licence not subject to probationary conditions. The provisions requiring the Registrar to issue to a person aged between 67 and 70 a licence that expires when the person attains the age of 70 and to issue to a person aged 70 or more a licence for one year are struck out by this clause, thus enabling the Registrar to issue five-year licences to these drivers.

Clause 13 makes minor consequential amendments to section 85 of the Act which deals with the variation of licence classifications. Clause 14 makes a minor consequential amendment to section 91 of the principal Act which deals with the effect of suspension and disqualification. Clause 15 repeals section 92 of the principal Act. See new section 139ba inserted by clause 20 of this Bill. Clause 16 makes a minor consequential amendment to section 93 of the principal Act. Clause 17 repeals sections 94 and 95 of the principal Act. See new section 139ba inserted by clause 20 of this Bill.

Clause 18 inserts new section 98aa into the principal Act. Subsection (1) requires a person to carry his or her licence at all times when seated next to the holder of a learner's permit in a vehicle being driven by the holder of the permit or when carried as a passenger on, or in a sidecar attached to, a motor cycle being driven by the holder of a learner's permit. The maximum penalty is a division 9 fine ($500). Subsection (2) requires the holder of a motor driving instructor's licence to display the licence on his or her person at all times when seated next to the holder of a

learner's permit in a vehicle being driven by the holder of the permit or when carried as a passenger on, or in a sidecar attached to, a motor cycle being driven by the holder of a learner's permit. The maximum penalty is a division 9 fine ($500).

Clause 19 makes a minor consequential amendment to section 98a of the principal Act. Clause 20 inserts new sections 139ba, 139bb and 139bc into the principal Act. New section 139ba provides that where a licence or learner's permit is cancelled or suspended or becomes void, the holder of a licence or permit is disqualified or the Registrar is required to cancel or suspend a licence or permit, disqualify the holder of a licence or permit or make, vary or remove an endorsement on a licence or permit, the court, person or body making the relevant decision or order, or, in any case the Registrar, may require the holder of the licence or permit to produce it. A person must comply with such a requirement. The maximum penalty fixed is a division 9 fine ($500). Where a licence or permit is produced, the court, person or body to whom it is produced, or, in any case, the Registrar, may make, vary or remove any endorsement on the licence or permit and retain the licence or permit where it is cancelled or suspended or becomes void or a disqualification is imposed.

New section 139bb provides that where an endorsement is to be made or varied on a licence or permit or removed from a licence or permit and the licence or permit is in such a form that that cannot be done, the Registrar may, on production of the licence or permit, retain the licence or permit and issue a new licence or permit bearing the appropriate endorsements. New section 139ba provides for the endorsement of licences and permits in the manner set out in the regulations.

Mr INGERSON secured the adjournment of the debate.

SITTINGS AND BUSINESS

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

That the House at its rising adjourn until Tuesday 7 March at 2 p.m.

Motion carried.

BOTANIC GARDENS ACT

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

That this House resolves to recommend to His Excellency the Governor that, pursuant to sections 13 and 14 of the Botanic Gardens Act 1978, part section 529, hundred of Onkaparinga be disposed of; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

In April 1984 Cabinet approved the disposal of two small parcels of land in section 529, hundred of Onkaparinga as part of a proposed boundary rationalisation for Mount Lofty Botanic Garden. The rationalisation is to reduce fencing costs and maintenance of land which cannot readily be utilised for Botanic Garden purposes. Cabinet, and subsequently Parliament, also approved the disposal of the house and land known as Kooroora (C.T. 2017/108) as an additional part of this rationalisation.

When the disposal of Kooroora was submitted for parliamentary consideration it had been mistakenly thought that the disposal of part section 529 was also under consideration. However, it later came to light that administrative files relating to these two pieces of real estate had been separated and only disposal of the house was submitted for the Parliament's consideration. Under the terms of section 13 (2) *(f)* of the Botanic Gardens Act 1978, Parliament's approval for the disposal of part section 529 is still required.

I commend that this House resolves to recommend to His Excellency the Governor, pursuant to sections 13 and 14 of the Botanic Gardens Act 1978, the disposal of part section 529, hundred of Onkaparinga, designated lots A and B on the attached plan. I point out that, under the terms of the Botanic Gardens Act quoted above, this motion cannot pass both Houses in less than 14 sitting days. I commend it to the House.

The Hon. B.C. EASTICK secured the adjournment of the debate.

ARTHUR HARDY SANCTUARY (ALTERATION OF BOUNDARY) BILL

Adjourned debate on second reading.

(Continued from 16 February. Page 1977.)

The Hon. B.C. EASTICK (Light): The Opposition supports this Bill, which has been introduced after consultation between the Botanic Gardens Board and the known residual family of the late Mr Arthur Hardy. The form of proposed management of this land will be a much better adjunct to the existing Mount Lofty Botanic Gardens than is the case now in its what one might call unkempt form. To the extent that approximately 60 car parking areas will be made available, it will be an intrusion upon that area, but I am assured that, like the intrusion which took place into the original Mount Lofty Botanic Garden, the landscaping will be very delicately undertaken, and that the improvement will be quite beneficial.

More particularly, the replanting of the sanctuary with a mixture of both local and overseas or exotic species will return the area to a much better position than has existed for very many years because, when it was under the control of the Department of Woods and Forests, *pinus radiata* was introduced into the area and, until that was burned out in the 1983 fire, a form of forest which was foreign to the whole area intruded into a section immediately adjacent to the Mount Lofty Botanic Gardens.

I can indicate that quite by chance I was a member of the Botantic Gardens Board between 1970 and 1972 when the original car parking area was provided adjacent to this sanctuary, and I am aware of the area in question without having seen it in the intervening period. I have been made aware by the Director of the Botanic Gardens (Dr Morley) that they have been more than happy with the endeavours of family members and others to assist in this matter. In particular, he has expressed to me an appreciation of the work undertaken by officers of the Highways Department to assist the Botanic Gardens in aligning the roadway entrance off Summit Road into the new area, which will be beneficial to the public, an asthaetic improvement and will indirectly assist the Highways in the control of traffic in that area. It is a highly desirable situation regarding this parcel of land that has come to the Government by way of the beneficence of Mr Arthur Hardy on behalf of the original Barton family.

The Botanic Gardens—in fact, the State of South Australia—has benefited over time from the beneficence of a number of people. One bequest that comes readily to mind is that of Keith Ashby and the making available of Wittunga at Blackwood to the Botanic Gardens Board. His interest is

continued by his son, Mr Eric Ashby of the Victor Harbor region. The area underwent an extensive planting of erica species. It came into the control of the Botanic Gardens at the time of my involvement with that body. I would be remiss if I did not draw to the attention of the House the fact that other people in the community are very interested in seeing extensions of the Botanic Gardens to the benefit of the community, and the Friends of the Arid Lands Botanic Gardens at Port Augusta Inc. is one such group. I recommend the passage of this measure to the House and indicate that there will be no questions on my part in Committee.

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

SITTINGS AND BUSINESS

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

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

PASTORAL LAND MANAGEMENT AND CONSERVATION BILL

In Committee.

(Continued from 22 February. Page 2110.)

Clause 21—'Term of pastoral leases.'

Mr MEIER: I move:

Page 8, lines 10 to 13—leave out clause 21 and insert clause as follows:

21. A pastoral lease will be granted for a continuous term.

It appears to the Opposition, the pastoralists and me that a continuous lease is the only way to go. It is not a new concept. In fact, the Minister would probably be aware that in Western Australia last year its Government indicated in pastoral legislation that there was a valid case for changes in the existing pastoral lease tenure and conditions in order to provide a more secure leasehold tenure in the interest of security of investment.

The Western Australian Government went on to detail that it proposed to grant a continuous or infinite term lease to replace the leases that were currently in existence. Western Australia has more than double the number of pastoralists that we have, and it seems that it appreciates fully the conditions under which pastoralists need to operate. Western Australia certainly would appreciate what infinite term leases can or cannot do with respect to the land. It clearly acknowledges that an infinite term lease is the way to go.

We in South Australia should recognise that the land has been settled for a long time, that family after family in many cases has taken over the pastoral lease, and that we have had an established land settlement pattern for countless numbers of years. We have a very good understanding of how to manage the land, with the proviso that management techniques always need to be considered and, at times, improved. There is no longer a valid reason for terminating leases with the cumbersome, expensive and unnecessary assessment and roll-over procedure envisaged. This is particularly so when the rural sector, particularly on Eyre Peninsula, has gone through, and is still going through, a traumatic time and appealing to the Government for funds to assist it in a variety of ways. In simple terms the Government has said that only a limited amount of money is available and that it cannot assist them unduly. That situation will recur in the future.

Through a continuous lease system, we can save money because, although there will be every provision for assessment and consideration of the condition of the land, it will not require the legislative constraints that are contained in the current Bill or, indeed, so many officers and other people to look after the pastoral lands. In fact, it is quite clear that the Bill contains ample machinery to ensure that the land is properly cared for, as well as machinery for cancellation of tenure in the event of dereliction of duty. By suggesting a continuous lease we are not saying that there should not be a proviso for the cancellation of tenure. That is acknowledged, and we see it remaining in the Bill. The same applies to the provisions for the care of the land.

Let us give a positive indication to the pastoralists that the Government recognises them as important economic contributors to this State. For so many years now a 42-year lease has applied. Even though the conditions of those 42-year leases are very different from those proposed by the Government, nevertheless, the next step forward should be taken, rather than staying where we are or, to some extent, going backwards.

The Minister would be well aware that the Fisher committee concluded that the concept of control of management was separate and distinct from the question of tenure. So, the tenure argument cannot apply to the concept of a continuous lease. This has been appropriately pointed out in the Fisher report. Also, the Minister's predecessor, the Hon. Don Hopgood, said, when he was responsible for this portfolio, that the suggestion that tenure was insecure was a myth. If he meant that, I would hope that the present Minister would stand by those words. In terms of the current wording of a pastoral lease, to some extent the tenure situation is still in a questionable state. A continuous lease would give the pastoralists so much confidence in the future. As I said earlier, the Western Australian example is being followed in other States. We should not lag behind.

The Hon. S.M. LENEHAN: I am not prepared to accept the honourable member's amendment. I have made the position clear to pastoralists, the UF&S, conservationists, and to anyone who has asked me. When first appointed Minister I made it very clear that in introducing the pastoral Bill I would not do certain things. One was that I would not move to freeholding, and the other was that I would not move to a continuous lease. I believe that all the points that the pastoralists have raised with me concerning the need for security of tenure have been met and are covered by the provisions of the Bill.

I will go over those provisions again, in the cold light of day. We are offering a 42-year lease. It is not a terminating lease, as applies under the current legislation. We are offering a form of roll-over lease, which will mean that for pastoralists who are good managers—and this relates to the vast majority of them—there will never be less than 28 years of lease tenure. I am not quite sure how many times I have to say that, but I will keep saying it until people understand what that means. I believe that, as Minister, I must retain lease tenure, which will maintain the Crown's interest, from both an environmental and economic point of view.

I again want to remind the honourable member of the objects of the Bill. They are to ensure the care, management, and good husbandry, if you like, of the land, not just for the people who are working that land today or next year but for future generations of South Australians. Members opposite recognised this fact last night. In fact, the member for Alexandra referred on a number of occasions to the

land as being very fragile. It seems to me to be perfectly reasonable to strike a balance between, on the one hand, the interests of the pastoralists, in relation to some kind of economic security and, on the other hand, the interests of posterity.

In this legislation we are ensuring the preservation of that land and also that, through good land management practices, the land itself will improve. In debate last night I referred to the importance of pastoralists continuing to seek to improve their pastoral leases, and I pointed out the economic benefits for pastoralists as well as the environmental benefits. I indicate that I am not prepared to accept this amendment.

Mr MEIER: Despite what may be said about debating this Bill merely to clause 35 before 6 o'clock this evening, I must admit that I am pleased that the Minister has agreed to the Committee adopting this course. The Minister would be well aware that over the six years that I have been in this place I have consistently been against late sittings. The Minister would also be aware that, through the member for Eyre, we sought to have this Bill put off this week and to debate it the week after next. So, at least we now have a bit more time. At this stage I do not intend to pursue the various matters beyond a reasonable level, because we must move fairly quickly.

The 28-year extension of the lease is acknowledged, although there is even some argument in some circles about that. But the continuous lease would give the pastoralists an even greater length of time and it will be much fairer in that respect. The objects referred to by the Minister in relation to care and management will still apply, whether the lease is continuous, roll-over, or a 42-year lease. Under a continuous lease, the Minister would still be able to ensure the preservation of land and that there is land improvement according to the conditions laid down. If the Government had the interests of pastoralists truly at heart, it would be quite happy to bring in continuous leases. Exactly the same conditions would apply. However, it is clear to me that the Government does not wish to let go of the land to that extent. I urge the Minister and the Government to agree to my amendment.

Amendment negatived.

Mr MEIER: I am certainly disappointed. Whilst we could have division after division again, that would only take up time, and as far as I am concerned it is more important to get through the remaining amendments, which, hopefully, the Minister will accept, and, if not, at least provide an appropriate explanation. In relation to clause 21 (2), what is the situation where there is a subdivision? In that subclause reference is made to 'for the purposes of merger of the leases', but would not reference to a subdivision also be appropriate in that provision?

The Hon. S.M. LENEHAN: The intent of this clause is to give maximum efficiency to the pastoralist. If through a merger a pastoralist acquires another lease which has a different expiry time from the principal lease, this provision provides that, in terms of the pastoralist's management, those two leases be considered in terms of the conditions and expiry dates under one agreement, rather than having two separate agreements. We think that this makes good sense and that it might be advantageous for the pastoralist. In relation to the honourable member's point of having a subdivision into two separate leases, is he envisaging that there will be two separate owners? What is the honourable member asking? I am quite clear as to the intent of the clause, but I am not quite clear as to the honourable member's point about a subdivision.

Mr MEIER: Clause 21 (2) provides:

> Where a lessee surrenders two or more pastoral leases for the purposes of merger of the leases, the term of the lease to be granted to the lessee will be such term as the board, having regard to the terms of the surrendered leases, thinks appropriate.

If pastoralists decide to split up a pastoral lease, will a similar provision apply to the term of the lease?

The Hon. S.M. LENEHAN: That is the intention.

Clause passed.

Clause 22—'Extension of term of pastoral leases.'

Mr MEIER: The list of amendments before the Minister shows that it was my intention to oppose this clause, but that is no longer the case. I now intend to put my amendment. Accordingly, I move:

> Page 8, in lines 15, 21, 27 and 29—Delete the word 'board' in each line and insert 'Minister'.

The Minister will be aware that under the Pastoral Act most of the areas requiring certain actions—such as giving notice about the lessee, the conditions of the term, causing an assessment and, in particular, the discretion not to extend the term of a pastoral lease and refusing to extend the term of a pastoral lease—were in the hands of the Minister. It seems a dangerous precedent to hand over this power to the board. Whilst we fully recognise that the Minister can delegate that authority and is ultimately responsible under the legislation, I believe it would be much more responsible to have the words 'the Minister' stated in the Bill, because then there is no question as to who has the ultimate responsibility. I urge the Minister to accept the amendment.

The Hon. S.M. LENEHAN: I do not accept the amendment. I believe that it would take the whole process backwards into a highly regulated area in which the Minister would have to personally sign and oversee every single aspect of an extension. The Bill seeks to streamline and deregulate the whole process. I remind the honourable member that the board will include a pastoralist representative, so the pastoralist viewpoint will be represented with respect to this provision. The provision is intrinsically related to the board's assessment of land conditions, and that is totally consistent throughout the Bill.

It may be that the Opposition and I have an ideological difference on this, but it would be quite inconsistent to start introducing 'Minister' where I have delegated the power to the board. The board must have the power to assess land. I consider that it is inappropriate to separate the decision making groups in the area of these related decisions. Perhaps the honourable member has not thought through the implications of his amendment, because that is what would happen. There would be a separation of interrelated decisions—one lot to be made by the board and one lot to be made by the Minister. In the spirit of the whole streamlining and deregulation process, I want to retain 'the board' in this context.

Mr MEIER: I believe that the Minister will find that in many other Acts 'the Minister' has responsibility for these sorts of areas. It is a dangerous trend if Ministers decide to transfer their responsibilities to such things as boards. I have made my point and hold to it.

The Hon. S.M. LENEHAN: I do not believe that it is a delegation of responsibility in the sense that the Minister will not take that decision, because the Bill is committed to the Minister. The Minister ultimately is responsible. What we are saying is that a competent board of five people, on which there is pastoralist representation, will make these decisions, because the board is responsible for the management practices, if you like, of the leases. It seems to me quite inappropriate to choose to remove one aspect of the decision-making process from the board and divide it up.

It is just not in keeping with the calls that have come from the Opposition for deregulation, streamlining, cutting

through red tape and ensuring that people have access to decisions that can be taken quickly and effectively. The honourable member would have the board making decisions on one aspect of the whole concept of land management, and would have the Minister making decisions on something else. The Minister retains overall responsibility and, in a sense, overall responsibility for the board, so I do not accept the criticisms of the honourable member.

Mr D.S. BAKER: The Minister does not seem to understand the concerns of the pastoralists.

The Hon. S.M. Lenehan interjecting:

Mr D.S. BAKER: What do you mean?

The CHAIRMAN: Order! The member for Victoria has the call.

Mr D.S. BAKER: The Minister does not understand the feelings of the pastoralists who are concerned at having only one representative on a board of five members. We say that the board should have six members. The decisions of the board will not automatically pass over the Minister's table for signature, so the pastoralists virtually have no say. A quorum of the board does not even have to include the pastoralist. The Minister should understand the pastoralists' concern that the decisions of the board will not go to the Minister for final ratification. That is all we are asking.

Amendment negatived.

Mr MEIER: I move:

Page 8, line 30—Leave out 'may' and insert 'must'.

Clause 22 (5) provides:

If the board is satisfied on an application under subsection (4) that grounds for refusal no longer exist, it may extend the term of the lease by such period as will bring the balance of the term to 42 years.

Why is the word 'may' included? Surely if the board is satisfied, it 'must' extend the lease by such a period. I hope that the Minister will accept the amendment.

The Hon. S.M. LENEHAN: The word 'may' is included to provide the board with some discretionary power. If particular work or conditions were called for and a pastoralist partly completed the requirements and then applied to the board, it might not be appropriate to have the board tied to the word 'must'. This gives the board some discretionary power and it is very clear what the intention of the clause is.

Mr MEIER: This shows again that the power of the board is great. It simply brings home that having only one pastoralist on the board when all these matters are being referred to pastoralists is disturbing for them. I am sorry that the Minister will not accept the amendment.

Amendment negatived.

Ms GAYLER: My question relates to subclause (3). The board has a discretion not to extend the term of a pastoral lease if a wilful breach of condition has occurred. Are there sanctions in the case of other than wilful breaches—for example, neglect by a pastoralist to carry out the various obligations under the Act—that have a lesser penalty than that relating to the extension of the lease?

The Hon. S.M. LENEHAN: Before I clarify the second point I will explain why we have retained the word 'wilful'. It would be unfair to pastoralists who inadvertently, rather than wilfully, breach the conditions. People can do that. They can inadvertently breach the conditions, or it could be a small breach, such as a late payment. Technically, that is a breach of the conditions. However, it seemed important to distinguish between, on the one hand, something that was deliberate and wilful and, on the other hand, something done inadvertently or a minor breach of the conditions. For that reason I have retained the word 'wilful' when there has been considerable pressure—certainly not from the member for Newland—to remove that word.

I emphasise that we must get back to a 'commonsense' approach. The whole aim of the Bill is not to punish or approach it from a point of unnecessary control—we seek a point of reason and logic. Clause 22 (3) *(b)* provides:

that the lessee has, without reasonable excuse, failed to discharge a duty imposed by section 6.

So, if a lessee did not have a reasonable excuse, he would be in breach of the conditions, but it would not be a wilful breach. They might have been negligent, which is different from an inadvertent or minor breach. We have tried to cover all the possibilities in a reasonable and sensitive way.

Mr MEIER: What is the situation with respect to a person who does not obtain an extension but allows a lease to expire? What is the compensation condition? Although compensation is dealt with in a later clause, it should be clearly identified here whether a person is entitled to compensation. In the Minister's opinion would a lessee receive compensation if he did not obtain an extension and the lease expired?

The Hon. S.M. LENEHAN: It is more appropriate to discuss this matter in terms of the compensation provision. This morning we had a total misunderstanding about what will happen to the small percentage of people who may not be offered a new lease under this new Bill. I want to make it clear—obviously the member for Goyder understood this, but other members did not—that we are not going to chop that person off on the spot. They will have the opportunity to allow the lease to terminate at its natural time, that is, when it is due to terminate.

Members interjecting:

The Hon. S.M. LENEHAN: There were other people who did not understand it and, if you read *Hansard,* that will be clearly shown. It is my understanding, and I am happy to debate it fully at the relevant time, that those people would be compensated, particularly for the improvements that they have made to the lease.

Clause passed.

Clause 23—'Variation of conditions.'

Mr MEIER: I oppose the clause. I will not speak long in order to allow the member for Eyre to enunciate the position faced by pastoralists. This clause is crucial as it allows the Government to alter a lease without guidelines applying. Surely this provision should not be in the Bill at all. There is no need for this clause—no need to vary the guidelines—because there are so many other backups. The Minister well appreciates that she has the option of a property plan under which certain conditions will be imposed on the pastoralists. She has the option of a destocking clause and she has the options listed under the general duties of clause 6. Also, she has the forfeiture provisions and, to include this clause, is totally unnecessary. It is a total affront and this is not the place to do it. If there is to be a variation of conditions provision in the Bill, it should have to come back to Parliament. Surely the Bill contains enough provisions as it is without imposing this condition on the pastoralist.

The Hon. S.M. LENEHAN: Parliament is not setting the actual lease conditions, anyway. Why we would have to bring it back to Parliament, I do not know. This is a point which I am not willing to concede. The variations apply to land management conditions and, in the main, they are covered in the current Pastoral Act, including stocking rates, the provision of watering points, drought destocking programs, and so on. It is reasonable that these be reviewed and future management strategies identified. It is perfectly reasonable that that should happen.

The CHAIRMAN: I wish to make it clear where we are going at the moment. There is no amendment. The question

before us is 'That clause 23 stand as printed.' The clause can be opposed in the normal way.

Mr GUNN: I refer to this clause not in an obstructive or aggressive manner. I simply seek information about the opportunities that people will have for input or to have someone act on their behalf when there is a variation to an existing condition. Surely, in a reasonable society, if a group of people is to sit in judgment on one's actions, one is entitled to participate in the process or to some sort of representation. An opportunity should also be given to comment on the final decision before it is imposed on one.

What input will a pastoral lessee have and what opportunity will that lessee be given to be represented when an assessment is being made? Under this clause, the board can really do what it likes. It may be said that there are some protections, but they will be of little value because the board is all powerful. The final decision will be made by the board and the pastoralist must live with the board from day to day. If the pastoralist beats the board on an argument, the board will get the pastoralist next time.

The Hon. S.M. Lenehan interjecting:

The CHAIRMAN: Order! I call the Minister to order. She will have the opportunity to reply in due course. Indeed, I will give her every opportunity to reply. In the meantime, I ask her not to interject. The honourable member for Eyre.

Mr GUNN: Human nature is a peculiar thing. Constituents whose cases I have taken up on their behalf have been told by the people who had to change the original decision, 'Don't go to your member of Parliament again.' So, being rather suspicious, I want a clear and precise undertaking from the Minister that, whenever assessments are made, the people affected can nominate an equal number of people to observe proceedings and to ensure that the information collated is not only fair and reasonable but accurate. This should be done in a decent society that prides itself on allowing people to be represented in such proceedings.

The now Chief Justice, who became a member at the same time as I, said in a debate on one occasion, 'No matter what the offence or the circumstances, every citizen of the State is entitled to proper legal representation and access to legal counsel.' Here, we are talking about the future financial operations of pastoralists both now and in the future and they are entitled not only to participate but to be effectively represented. After all, many of these people are not used to defending themselves against skilled crossexaminers, and cannot record the evidence, so it is essential that they be given the opportunity to be represented. I look forward to the Minister's response.

The Hon. S.M. LENEHAN: This clause is a reasonable provision to allow the conditions of a pastoral lease to be varied. The provisions of the clause are not based on a confrontationist court of law approach such as has been adopted by the member for Eyre: they are based on a cooperative approach in which the lessee would be involved in the assessment process. To talk about the lessee having to line up an equal number of people to make an assessment is absolute nonsense. When I spoke with the pastoralists about how this process could be carried out, they clearly understood that they would be involved. Indeed, they wanted to be involved because it would be to their benefit to have proper quality of land management and proper provisions in the Act. Instead of conferring *carte blanche* powers on the board, subclause (2) provides:

> The board cannot [not can] vary the conditions of a lease pursuant to subsection (1) unless—
>
> *(a)* the assessment of the condition of the land required by this Act has been completed.

Such an assessment will take place in cooperation and conjunction with the lessee of the property. Does the member for Eyre seriously believe that an army of bureaucrats will march on to a property?

Mr Gunn: I will give an example in a moment.

The Hon. S.M. LENEHAN: If the honourable member wishes to continue with his confrontationist approach, that is all right with me. I will not get excited or lose my cool. I know what is intended and the people with whom I and my department have spoken clearly understood what this is about. If some people want to score cheap political points by whipping up fear amongst the pastoralists that is all right. Let them go ahead, but I do not intend to get involved in that scenario. Pastoralists will of course be involved in assessments concerning the conditions that will apply to the land over which they held the lease.

Mr D.S. BAKER: The member for Eyre made some good points. The overriding provision in this clause is contained in subclause (4), which provides:

> Any variation of the conditions of a pastoral lease must accord with the terms of any property plan that has been approved in respect of the lease.

Clearly, if the lessee does not accept the conditions in accordance with the terms of the property plan, the term of his lease will not be extended. In this regard, clause 36 states that the property plan is absolutely important. However, there is nothing in clause 36 to provide that there must be consultation with the lessee. The clause merely provides that a lessee may be required to put in a property plan. We will deal with that provision later. Subclause (4) of the clause with which we are dealing is all important. The whole of the variation of conditions refers to the property plan, so the property plan submitted at the start of the assessment is paramount to clause 23.

The Hon. S.M. LENEHAN: The Committee will deal with the property plan when we come to clause 36. The member for Victoria obviously does not understand what this is about and is trying to introduce a red herring. We will have ample opportunity to debate clause 36 and to deal with property plans at the appropriate time, and I shall be happy to do so.

Mr D.S. BAKER: Subclause (4) of this clause provides that any variation of the conditions of a pastoral lease must accord with the terms of any property plan that has been approved in respect of the lease. That is clear indeed.

Mr GUNN: I am not a confrontationist and the Minister would know that. However, I believe in debating these issues aggressively and in representing my constituents, as I have done for a long time. Unfortunately, I have had to help some of my constituents from Kolendo, Mount Ive, parts of Thurlga and a number of other stations in the Gawler Ranges who have already experienced some of these assessments. An enlightened group from the Department of Environment and Planning went out and produced a two inch thick report. I had to get hold of the report and examine it, because my constituents were perturbed. The report contained grave inaccuracies. Indeed, some comments referred to the wrong leases.

We are told that that sort of assessment will be made all around South Australia under this legislation. In many cases we are to have two assessments. One is to be made by the Pastoral Board and I believe that under normal circumstances that board would do a far better job than the job done by the Department of Environment and Planning. Those departments will be comparing notes.

This document was full of inaccuracies and mistakes, yet it was made public. There it is for all to see. Suggestions were made as to what should be done in relation to these leases. The Minister should appreciate, having been in receipt of that sort of information and knowing the concerns of my constituents, that we are most perturbed about what is

going on. These people, who are supposed to be knowledgeable, went out there, and made these recommendations. If these recommendations about removing certain areas from the leases had been followed, most of those leases would no longer be viable. I suggest that the Opposition is quite right to draw attention to what it believes are problems which could arise in relation to clause 23.

The Hon. S.M. LENEHAN: I do not intend to canvass the points made by the honourable member, because they are quite irrelevant. He is talking about somebody from the Department of Environment and Planning. It is quite clear that the implementation of this Bill will be overseen by the Department of Lands and an assessment team. On two occasions I have said that the lessee will be integrally involved in that assessment. For the benefit of the member for Victoria, who is desperate to talk about property plans before we come to them, I point out that the lessees will also be involved in the development of a property plan.

Is the member for Eyre suggesting that if, for example, the police go on to someone's land and behave abominably, or if someone from the Department of Environment and Planning goes on to a person's land and makes an inaccurate report, Department of Lands personnel will do the same? I do not know the circumstance of this situation. There could have been only one individual concerned. I do not know whether that person was acting officially on behalf of the department. Was he undertaking some kind of academic thesis on lands?

I do not think that this subject is relevant to the debate on this clause because, as I have said on two occasions, it is not the intention that a whole team of public servants will march on to the pastoral lands and ride roughshod over the pastoralists. That is not the intention, and I give the member for Eyre an assurance that while I am Minister of Lands this will not happen. I am equally sure that while any reasonable person is Minister of Lands this will not happen and I am sure that I speak for both sides of the Parliament. Members opposite purport to represent the interests of pastoralists, but I do not believe that this kind of discussion furthers their interests at all.

Mr GUNN: I am quite aware that the Department of Environment and Planning will not make this assessment. I cited the case because it happened only a few weeks ago and is a clear example of why people are concerned. I think it is most pertinent to these discussions. If one cannot support arguments with clear examples of problems, one could say that most of the arguments were hearsay, but I have put before the Committee and the Minister a clear example.

Ms Gayler interjecting:

Mr GUNN: There is grave dissatisfaction with the recommendations and that is why I cited that example. I do not want to stay here one minute more than I have to. At the end of the week most of us are pleased to pack up our cases and go to the various parts of the State. But we have an obligation; I have an obligation on behalf of the pastoralists whom I represent, which is nearly all pastoralists in this State. I have had the privilege of representing nearly all pastoral properties.

The Opposition wants to make sure that before the legislation passes the appropriate questions have been answered and the Minister has responded so that everyone is clear, there can be no misunderstanding and that those people who have are responsible for administering this Bill know the sorts of problems they could come up against. I believe that this is the place where one makes the criticisms, asks the questions and makes the comments. It is not done outside; it is done here. I have always believed in that. I know it is tiresome for the Minister, but that is the reason I cited this example—and for no other reason. I believe it is appropriate to detail this recent personal experience to the Committee and I am pleased to have had this opportunity.

The Hon. S.M. LENEHAN: If that is the reason, I would like to thank the honourable member. I can give him an assurance that, in establishing the Pastoral Board and in any discussions that I will have as Minister responsible for this legislation, I will make it very clear, as I have from day one, that the pastoralists themselves will be involved in any lease assessment. They will not be involved by just being told that this assessment is being done, but they will be an integral part of the whole assessment.

I am sorry that the honourable member has had this recent experience with one of his constituents, but it was not under one of my portfolios, so I am not aware of it. If I had been aware of it, if it had been under one of my portfolio areas, I assure the honourable member that I would have done something about it as quickly as possible. I thank him for raising this matter. I suppose that the same thing could be said to a number of other Federal or State Government agencies whose personnel may not conduct themselves appropriately. This happens to constituents in the city where people come on to their properties for certain reasons and do not behave properly. We must be vigilant to ensure that that does not happen and I give the honourable member an assurance that it will not happen.

Mr MEIER: I wish to restate that there is no need for this clause. The Opposition is emphatic in imposing it. There are plenty of other provisions—such as the property plans clause, the stocking clause, and others—to provide the appropriate controls. I would like to bring to the Minister's attention a document from the UF&S which states:

> In discussion with Government representatives, it has been agreed that under the new Act, there will be no clause which allows for variation of reservations or covenants.

If that commitment has been given, why do we see this variation? The document further states:

> The form of the new lease should be included in a schedule to this Bill and any reservations or covenants associated with the new form of lease should be further discussed with the industry.

It would appear that that has been put to one side and the variations of conditions have been included anyway.

The Hon. S.M. LENEHAN: I say again that the honourable member does not understand the clause. This clause does not contain any provision to vary the covenants and the reservations—I have said that. In this clause we are talking about a variation of land management conditions; we are not talking about the reservations or covenants in the original lease. I have made that perfectly clear and I think that the UF&S clearly understands that. I have told the UF&S and I say it again: it is not contained in the clause. I have to say that I do not think that the honourable member understands the provisions of this Bill.

The Committee divided on the clause:

Ayes (25)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold, Bannon, Blevins, De Laine, and Duigan, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Hopgood, Keneally, and Klunder, Ms Lenehan (teller), Messrs McRae, Mayes, Payne, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Noes (16)—Messrs P.B. Arnold, D.S. Baker, S.J. Baker, and Blacker, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier (teller), Olsen, Oswald, and Wotton.

Pair—Aye—Mr Crafter. No—Mr Becker.

Majority of 9 for the Ayes.

Clause thus passed.

Clause 24 passed.

Clause 25—'Dealing with pastoral leases.'

Mr MEIER: I move:

Page 9—
Line 10—
Leave out 'mortgaged,'.
Leave out 'otherwise dealt with' and insert 'dealt with otherwise than by way of mortgage'.
After line 11—
Insert new subclause as follows:
(1a) The Minister must not unreasonably or capriciously refuse or withhold consent under subsection (1).

The Government seems to insist on introducing unnecessary conditions in relation to the Minister's approval. Whilst such provisos for transfer, assignment or sublet of a pastoral lease could be acknowledged, the proviso relating to the mortgaging of a lease is totally unnecessary. There is no need for the Minister to have to consent to a mortgage and that condition is unnecessary bureaucratic interference. The Minister has the right to terminate a lease anyway, so it will just be a nuisance and troublesome to the pastoralists. I hope that the Minister will see reason and will agree to the amendment.

The Hon. S.M. LENEHAN: I will not accept the amendment for a number of reasons. First, I refuse to remove the Crown's very valid right to consent to dealings in these pastoral leases. Mortgage arrangements are an important part of the land management strategy. Indeed, it was the honourable member himself who, just in the past half hour, alluded to the situations on the West Coast and to some of the problems on the Eyre Peninsula. The mortgage arrangements are an integral part of the total land management concept or strategy into which pastoralists enter.

I believe it is vitally important not to wait until the situation is so bad and decisions have been taken where pastoralists have chosen to mortgage themselves to the eyeballs and that means that they have to embark on overstocking and a whole range of other practices. I do not believe we should wait until that stage is reached and then remove their lease. I would have thought that in every case prevention was better than cure and I believe that the ability to look at mortgages in the whole context of a land management strategy is a way of preventing disasters from occurring. I do not believe that we should follow the path suggested by the honourable member and then walk in when all else has failed and remove the lease. I thought that the Opposition would support this action.

Mr MEIER: That shows clearly that the Minister has no confidence in the pastoralists, and we have seen that right from the start with this Bill. The conditions are more rigid than they need to be. No consideration has been given to a continuous lease; it has to be a restricted and limited lease. In relation to this mortgage proviso, surely the pastoralists, who exercise control over massive areas of land of which we who live in the settled areas do not have any concept, would know the economics. How will it work if people want to mortgage part of their land and they must get ministerial approval? I envisage any financial transactions in that respect taking many extra weeks. They will be absolutely tied by the Government and they will not be free to move in the way that they wish. Just as the rent provisions leave everything up in the air, this provision will cause pastoralists to walk off their land in future years as they did in the 1800s.

They will abandon their properties because of poor and inappropriate legislation which should have been considered in more detail and which should have been referred to a select committee. However, that has not been the case and now, even though the Minister has had a little longer to consider the amendments, she refuses to agree to any commonsense changes.

The Hon. T. CHAPMAN: I understood the Minister to say that she sought to control any debts which from time to time may be applicable to a lease, albeit under mortgage arrangements. I have read very carefully the seven subclauses and I cannot find any reference to the debt. I recognise that, for the purpose of raising a mortgage, over a long period of time Crown leases, whether they be perpetual, pastoral or miscellaneous, have historically been subject to ministerial consent.

A mortgage is not a debt but simply a cover note for protection of the lender. It has absolutely no reference whatsoever to the amount of money constituting a debt that may follow after the delivery of that cover note to a lending institution, whether it be a bank, stock firm or whatever. That is my first question and I ask the Minister to clarify whether she envisages having control over the debts that may accrue or whether she simply seeks to maintain an existing requirement for ministerial consent for the purposes of registering a mortgage. They are two totally different subjects, albeit one contingent upon the other, but totally different with respect to authority.

The Hon. S.M. LENEHAN: The honourable member is being pedantic. It clearly states in the clause that, 'subject to the conditions of the lease, the interest of the lessee under a pastoral lease cannot be transferred, assigned, mortgaged . . .'. The word is 'mortgaged' and is what we are talking about here. If the member for Alexandra is supporting 'mortgaged' and suggests that that is happening now, why is the Opposition moving an amendment to remove the word 'mortgaged'? It seems that the Opposition has no position on this Bill.

The Hon. T. CHAPMAN: I am not raising the subject for the purpose of expressing a view in support of or against an amendment. I simply seek clarification of the Minister's own statement. *Hansard* will clearly reveal that the Minister referred to debts and the fact that and she would, as Minister, intend to control the debt structure. Controlling the debt structure is a totally different exercise from that applicable to a mortgage. I ask her to clarify the point of whether her Bill provides for the control of the mortgage issue or non-issue on pastoral leases, or can we take her at her word and pick up the references to the debt—two totally different issues.

The Hon. S.M. LENEHAN: For the second time, I point out that we are talking about the mortgage, and about some control over the mortgage and not the individual and personal debt structure of the lessee.

Mr MEIER: I am disappointed with the Minister's response.

Mr S.G. Evans interjecting:

Mr MEIER: As the honourable member says, it is expected. I see no reason why consent should be required for a mortgage or charge, or why the Minister has to unreasonably interfere in the matter. I cannot follow her argument so far. The member for Alexandra made additional points. It certainly disappoints me.

Amendment negatived.

Mr MEIER: I move:

Page 9, after line 11—Insert new subclause as follows:
(1a) The Minister must not unreasonably or capriciously refuse or withhold consent under subsection (1).

I hope that the Minister will at least agree to this clause. If she does not, will she clearly explain why she does not agree to words which are commonsense and further clarify the Bill?

The Hon. S.M. LENEHAN: As a perfectly reasonable person I would be delighted to accept the amendment. In this whole matter I have behaved in a very reasonable and acceptable fashion. I am sure that any future Minister will

have no problem in accepting this amendment as it asks the Minister not to unreasonably or capriciously refuse or withhold consent. I certainly will not do that, and I am sure than any other responsible Minister from either side of the Parliament would not want to do that.

Amendment carried.

The Hon. T. CHAPMAN: I am concerned about this subject, having in my lifetime registered a number of mortgages for the purpose of borrowing on land, including lease land. I am acutely aware of what is involved and what Ministers have required traditionally under legislation. However, I cannot recall from my own experience or from that of others an instance in which a Minister has exercised his or her right to refuse an application for the registration of a mortgage on a leased property. In what circumstances would the Minister envisage refusing the registration of a mortgage on pastoral lease land?

The Hon. S.M. LENEHAN: It is not appropriate for me to delineate in a hypothetical situation what might or might not be the circumstances for refusing a mortgage. As the honourable member said, it is quite reasonable to have such a provision within the Bill because, to use his own words, every other lease has this requirement. I can see no cause for concern and to try to hypothesise about what may or may not happen in the future is quite inappropriate. The honourable member seems to be at odds with the Opposition spokesperson, who wanted the provision removed.

The Hon. T. CHAPMAN: Traditionally, lessees of Crown land within this State have been burdened by legislation containing the requirement to register a mortgage in accordance with the consent of the Minister. I repeat: from my experience of leasing land in this country, I cannot recall a Minister's refusal for consent under this provision. Is that not sufficient ground for my Party, through our spokesperson, the member for Goyder, to dispense with that superfluous requirement? Whether it is or not is for us to decide. The amendment is in the member for Goyder's name. He has presented it and he is testing it.

In the meantime, I believe it is a fair question to put to the Minister in her efforts to justify the retention of this clause in the Bill. What the hell does she want to keep it for? It has never been exercised, as I recall, and, if it has, I would like to be told about it. I want to know on what grounds she wants to retain it in the face of an amendment to have it deleted. If she cannot give the Committee any reason to keep it there, obviously there is no reason, and the amendment standing in the name of the member for Goyder is well and truly demonstrated and sustained.

If there are reasons, for goodness sake, tell us. What is there to hide about all this? Why not come clean? I suggest that the Minister consult with her officers and give us the answer. It is a fair question and one whose answer we—and, more particularly, the pastoralists—are entitled to know. It is as a result of representations from outside Parliament that this initiative has been taken by the Opposition to have the amendment put on file. Whether or not the Minister wants to concoct some story about this and make it sound better for the Government is really not the issue. I am not interested in the Party political elements of the subject: all I want is the answer to a fair question.

Why, in this day and age, in the face of a request for it to be deleted, does the Minister want to retain an authority requiring the Minister's consent when, to my knowledge and that of others, it has never been exercised?

The CHAIRMAN: I remind the honourable member that the amendments to which he refers have now been dealt with. One has been accepted in part and the other has been disposed of. The question now is that clause 25 as amended be agreed to.

The Hon. T. CHAPMAN: I do not agree to it, because I have not had a question relating to clause 25 answered. I simply ask the Minister to exercise her authority in providing that answer before we agree or disagree to clause 25 passing in its entirety.

The Hon. S.M. LENEHAN: I reject the argument that, because this has never happened in the past, there may not be a case arising in the future where either I or a future Minister may choose to exercise that power. It is there if someone chooses to exercise it. It might be that someone seeks to have a mortgage, when the Minister is aware of a number of other factors, and that mortgage might well be the final factor that precludes proper land management because of other factors as well as the mortgage. There is a whole range of issues that could be looked at, but the fact that this is contained in other pieces of legislation relates to all other—

The Hon. T. Chapman: Some other.

The Hon. S.M. LENEHAN: Most other, as the honourable member has said. The fact that it—

The Hon. T. Chapman interjecting:

The CHAIRMAN: Order!

The Hon. S.M. LENEHAN: I let the honourable member have his say. The fact that it has not been used in the past, in the sense that the Minister has refused to give permission for the lessee to engage in a mortgage contract, does not mean that that may not happen in future, and I think that it gives greater flexibility to ensure that land management is properly undertaken by the lessee. That is just one aspect.

Mr MEIER: I point out to the Minister that the explanation of clauses states that clause 25:

> . . . repeats the present restriction on transfer of or other dealings with pastoral leases.

Yet, unless I am mistaken, my reading of it indicates that the mortgage does not apply under the existing Act, and it is interesting that the statement referred to should be made, first, during the second reading explanation and, secondly, during this debate. Why has the Minister made this change?

The Hon. S.M. LENEHAN: I have already explained that.

Clause as amended passed.

Clause 26—'Agreements to deal with a lease'.

Mr MEIER: My amendment to clause 26 is consequential, and I withdraw it.

Clause passed.

Clause 27—'Consent to certain share transfers in pastoral company.'

MR MEIER: I move:

> Page 9, line 45—After 'testamentary disposition' insert 'or under a trust *inter vivos*'.

If a person becomes entitled to a controlling interest under a family trust, ministerial consent would not be required. I hope that the Minister will agree to such an amendment.

The Hon. S.M. LENEHAN: Will the honourable member explain his question again? He talked about a family trust, but I am not quite sure how that fits in.

Mr MEIER: If my amendment is accepted, the clause will read:

> Subsection (1) does not apply to a change in ownership of shares affected by a will or other testamentory disposition or under a trust *inter vivos*.

As I indicated, if under a family trust a person becomes entitled to a controlling interest, ministerial consent should not be necessary.

The Hon. S.M. LENEHAN: As I understand the meaning of the term *inter vivos*—and I am not a lawyer—it relates to the lifetime of a person. Therefore, I cannot understand

how 'or under a trust *inter vivos*'—which means during the lifetime of a person—can translate to the word 'family'. It does not mean family trust. At this stage I will oppose the amendment with the proviso that perhaps it can be looked at in another place. My understanding of the meaning of the term *inter vivos* is different from the honourable member's.

Amendment negatived; clause passed.

Clause 28 passed.

Clause 29—'Resumption of land.'

Mr MEIER: I move:

Leave out 'three' and insert 'six'.

This amendment gives the pastoralist some extra time if his pastoral lease is to be resumed. According to the terminology of the Bill, once the gazettal notice has appeared, the pastoralist's land would be resumed within three months. The Minister would be well aware that, because of the problems of distance, more time might be needed for the pastoralist to dispose of items that are his, and the most obvious example is his stock.

The Minister should be aware that stock prices vary significantly during the year and a three-month period often does not reflect a great change in such prices. As a result, the pastoralist could be seriously disadvantaged by being forced to sell at an inopportune time and, by extending the period to six months, at least there would be extra time. Likewise, with respect to other improvements that the pastoralist might have made that could be transferred and sold, this amendment gives him the time to minimise the disadvantages of such actions. Whilst, under normal circumstances, a day's travelling is not that far for those of us who live in the settled areas, it can take a considerable period to travel in pastoral areas—depending on what one is moving. I hope the Minister has no objection to this amendment.

The Hon. S.M. LENEHAN: I am happy to accept the amendment to increase the time from three months to six months. Under the provisions of the Pastoral Act, and in similar circumstances, the pastoralist would be given one month. Therefore, we are increasing it from one month to six months. I am happy to do that. It demonstrates again that the Government has a reasonable and commonsense approach. The provision to increase the period from one month to six months seemed generous, but I am convinced by the member for Eyre's argument during the second reading debate.

Amendment carried.

Mr MEIER: I move:

Page 10—

Line 32—Leave out 'Subject to the conditions of the lease, the' and insert 'A'.

Line 35—After 'Land and Valuation Court' insert 'as if it were determining compensation in relation to the compulsory acquisition of land under the Land Acquisition Act 1969'.

Lines 36 and 37—Leave out subclause (8).

Mr Chairman, I will speak to all the amendments. The amendment to leave out subclause (8) is most important and, if that is carried, I will move on to the amendment to line 32. I cannot emphasise too strongly how important it is that subclause (8) be removed from the Bill, because it could be used to deny any proper compensation. It is important that the Minister appreciates exactly what is in subclause (8). It provides:

A determination of compensation under this section must give effect to the conditions (if any) of the pastoral lease that provide for compensation on resumption.

There could be a situation where compensation, or lack of it, is provided for in the lease. If we have a situation where the compensation provisions are minimal or non-existent, the pastoralist could be seriously disadvantaged under this subclause. He would have no rights at all. It is important to consider this given the Bill's drafting problems, as pointed out before.

I emphasise that a lease can be drawn up to give limited or virtually no compensation. In fact, clause 17 (1) provides, in part:

Subject to this Act, the Minister may grant pastoral leases over Crown land on such conditions . . . and with such reservations as the board thinks appropriate.

So, a lease with no compensation could well occur. For that reason, I urge the Minister to accept the amendment. My amendment to subclause (7) will provide that the amount of compensation will be determined by agreement between the Minister and the lessee, having regard to the Land Acquisition Act.

That certainly should be included because the Land Acquisition Act gives compensation for such matters as disturbance, severance, and even looks at things like value of the land. It is a very fair way of working things out because the code has been given a lot of consideration in the Land Acquisition Act. It is important that that amendment be agreed to, let alone the greater importance of subclause (8). Turning to the amendment to subclause (6), obviously, 'Subject to the conditions of the lease,' needs to be deleted because that is the whole argument under the compensation provision.

The Hon. S.M. LENEHAN: Perhaps if the Opposition would like to get all its points on the table, then I can respond.

The CHAIRMAN: We are in a situation where the member has canvassed them all and he needs to know where the Minister is going before he proceeds.

The Hon. S.M. LENEHAN: I am happy to tell the Committee where I am going. I have already said that I will accept the first amendment, changing it from three to six. However, I will not accept leaving out 'Subject to the conditions of the lease, the' and inserting 'A'. Further, I will not accept after 'Land and Valuation Court' inserting 'as if it were determining compensation in relation to the compulsory acquisition of land under the Land Acquisition Act 1969.' Neither will I accept the amendment to leave out subclause (8). I will explain clearly to the Committee why I am not prepared to accept the amendment relating to line 35.

The resumption provisions that we have in this Act follow identically the resumption provisions in the current Pastoral Act. The reference to the Land Acquisition Act widens the matter of compensation quite considerably to include such things as loss of enjoyment. It could mean compensation greater than in fact the existing market value of the land. I am not sure that that was the intention of the Opposition in moving this amendment. It would mean that there would then be a whole range of other extraneous reasons to be looked at in terms of determining compensation (that could well flow through to rentals) and I would be asking lessees whether they wanted that inevitable flow-through. You could get to a situation where you could have compensation and if you were to widen this to include acquisition under the Land Acquisition Act, because you are talking about enjoyment and a whole range of other things, you could have a situation where compensation was greater than the existing market value.

This is an attempt to widen the grounds of compensation, and I do not think there is any evidence in the current legislation to suggest that the compensation should be widened to include a whole range of other factors that have never been considered in the past. We have taken the sections in this clause to reflect what is in the current Pastoral Act. It was for those reasons that I am not prepared to

accept the last three amendments, but I am prepared to accept the first amendment because it is imminently reasonable.

The CHAIRMAN: We have already disposed of the first amendment. So that the Committee now knows in which direction we are heading, I will take the following matters in chronological order. We will take the amendment to line 32.

Mr MEIER: I seek to differ with your ruling. I think it would be much easier if we could continue to speak in relation to the remaining amendments. I agree that we have dealt with the amendment referring to the change from three to six. That has been agreed to. The amendment to line 32 is consequential on the later amendment. It is very difficult to speak to one without speaking to another that is consequential to it.

The CHAIRMAN: The Chair has no objection to the member talking to the amendments in the broad sense, but they must be put in chronological order.

Mr MEIER: I take issue with what the Minister said about the provision being similar to the existing provision or that it is in the existing Act. I think she said in her second reading speech that this provision is similar to the existing provisions in the present Pastoral Act that deal with resumption. My reading of the Act is perhaps different from the Minister's, but I do not believe that the provision is similar.

Ms Lenehan interjecting:

Mr MEIER: I did not read the Act in that way. I adhere to the fact that the clause does not give any rights to the pastoralists and the pastoralists could lose out on it. The alternative—and perhaps I should ask the Minister this—is: will the compensation provisions be made clear in the lease? If she can give an assurance that it could be fixed by an amendment in the other place that there will be no doubt about the compensation provisions when the lease is attended to, that would be a start. As to her assurance that, while she is Minister, they need have no worries, by the time compensation comes in probably a few Ministers will have come through. I believe that at the very least appropriate compensation provisions should be put into the lease so that pastoralists know what they are looking at. In simple terms, the compensation should be fixed in statute in normal circumstances, not in the way that the Bill is undertaking it.

Ms LENEHAN: I can give the honourable member my assurance that there will be reference to compensation in the lease document.

Mr D.S. BAKER (Victoria): It seems that the Minister is now lauding the old Act. When we wanted to insert clauses on conditions of rent into the new Act, she said, 'The old Act is no good; I do not want to deal with it; it is not relevant.' Now she is lauding the old Act and saying what a good Act it is. I think that the amendments are not only sound, but vital. Clause 29 (8) provides:

> A determination of compensation under this section must give effect to the conditions (if any) of the pastoral lease that provide for compensation on resumption.

It appears that this resumption of land under clause 29 will apply to those leases that the Minister will resume if they are needed, or if she deems that they are not fit for pastoral purposes under the new Act. I should like to know from the Minister, in clarifying subsection (8), what conditions there are in the pastoral leases at present held by pastoralists and whether they will affect the valuation on resumption of land under this Act?

The CHAIRMAN: I shall allow the question, but we will come back to clause 29 as a whole after we have disposed of the amendments. However, I will allow the question.

Mr D.S. BAKER: The reason for the question is that in the amendment we are asking for it to be left out and we want to know why the Minister wants to keep it in.

Ms LENEHAN: I intend to keep this in. What it says is quite clear:

> A determination of compensation under this section must give effect to the conditions (if any) of the pastoral lease that provide for compensation on resumption.

Mr D.S. Baker interjecting:

Ms LENEHAN: I am not prepared to remove it; I am leaving it in. I have explained this to the Committee in response to the member for Goyder, and I do not believe that I should have to explain everything two or three times.

Mr D.S. BAKER: With respect, I will repeat the question. Will the Minister, in her infinite wisdom, explain what conditions in the current leases will affect compensation on resumption for those leases which are required by the Crown and which will not be allowed to go on as pastoral leases?

The Hon. S.M. LENEHAN: I do not have a current lease before me so I cannot spell out those conditions, but I believe that the honourable member is trying to raise the question of wholesale resumptions on the implementation of this Act, saying that somehow there will be wholesale resumptions which will have a detrimental effect on current lessees with respect to compensation. I put to the Committee that that is absolute nonsense. That is not the intent of the new Pastoral Act and the honourable member is raising a red herring. If he reads the clause he will understand what it is saying.

Mr D.S. BAKER: It is quite clear in the Act, which states that pastoral leases can be renewed, after the contract with the Crown is broken, on those leases that are not required by the Crown. We do not know how many are involved—the Minister has not given us any idea whatsoever—but we have heard rumours that quite a few leases will not be renewed.

I refer to those people whose lease will not be continued; what conditions in those leases will affect the compensation payable? That is all I have asked. The Minister says that there will be wholesale resumption of leases. I do not care whether it is wholesale or retail: we want to know what conditions will affect these leases under clause 8 and why the Minister is not prepared to allow this amendment to stand. If there are already conditions under those leases, there will be a severe effect on the amount to be paid as compensation for that land.

The Hon. S.M. LENEHAN: I have already answered the question.

Mr MEIER: I move:

> Page 10, line 32—Leave out 'Subject to the conditions of the lease, the' and insert 'A'.

Amendment negatived.

Mr MEIER: I move:

> Page 10, line 35—After 'Land and Valuation Court' insert 'as if it were determining compensation in relation to the compulsory acquisition of land under the Land Acquisition Act 1969'.

Amendment negatived.

Mr MEIER: I move:

> Page 10, lines 36 and 37—Leave out subclause (8).

Amendment negatived; clause as amended passed.

Clause 30 passed.

Clause 31—'Vacation of land.'

Mr MEIER: I move:

> Page 11, after line 9—Insert new subclause as follows:
> (4) Any surplus proceeds of the sale of the property must be paid to the lessee or former lessee.

This is an important amendment. Where land has been vacated the lessee should be allowed any profits after

expenses following the sale of any items by the Minister. I hope that the Minister will agree to this amendment.

The Hon. S.M. LENEHAN: I am very pleased to accept the amendment. I think it is perfectly reasonable that, after costs have been recovered, any surplus money should be paid back to the lessee or the previous lessee.

Amendment carried; clause as amended passed.

Clause 32—'Penalties for late payment of rent.'

Mr D.S. BAKER: This clause provides that the Minister may, by notice in the *Gazette*, fix a scale of penalties, and so on, and the Minister has taken responsibility for that. However, subclause (3) provides:

> The board may, for proper reasons, remit a penalty under this section . . .

I would have thought that, if the Minister had the power to fix a scale of penalties, perhaps she should take the consequences and, in this case, the glory for remitting some of these penalties.

The Hon. S.M. LENEHAN: This procedure fits in with clause 33. I do not see any contradiction or problems.

Clause passed.

Clause 33 passed.

Clause 34—'Cancellation of lease or imposition of fine on breach of conditions.'

Mr MEIER: I move:

> Page 11, lines 24 to 26—Leave out all words in these lines.

The board has been given very wide powers, and under this clause the board can impose a fine not exceeding $10 000 on a lessee under a pastoral lease. When one considers all the other provisions in the Bill, I can see no justification for including this power. This clause gives the board the ultimate power to cancel a pastoral lease, and we have debated the conditions under which a pastoral lease will be cancelled, why it will be cancelled and what conditions will apply prior to its cancellation. Therefore, the board already has a huge stick, and to give it a second stick with a fine of up to $10 000 is, I believe, totally unnecessary. If a fine needs to be imposed it should be considered in the appropriate area, namely, a court of law. If pastoralists have transgressed to the degree that these fines need to be imposed, surely the cancellation of a pastoral lease is enough deterrent.

The Hon. S.M. LENEHAN: I am delighted to respond to this, because this provision, which is for a gradation of penalties, was included as a direct response from the pastoralists. When I visited Billa Kalina pastoralists raised with me their concern that by the board's having the ability only to cancel leases—and the board had never cancelled a lease—it was like having capital punishment as the only means by which a court could control a range of circumstances. In fact, the pastoralists asked whether there could be a series of penalties that could reflect more appropriately minor breaches under the Pastoral Act. I saw the logic and wisdom of what they were saying and at that time agreed to include, when looking at fines or methods by which we would deal with breaches of conditions, a range of penalties.

It seems to me that this provides for a range of penalties up to but not exceeding $10 000. I believe that this gives the board the flexibility that pastoralists themselves requested. Therefore, I most certainly oppose the amendment.

Amendment negatived.

Mr MEIER: I move:

> Page 11, lines 38 to 40—Leave out '(but the total amount payable under all such orders must not exceed the market value of the lessee's interest less the costs incurred by the board in taking action under this section)' and insert 'and the amount of compensation may be reduced by the costs incurred by the board in taking action under this section'.

I think this amendment is very necessary because, as the clause reads now, it refers to the market value of the lessee's interests where a pastoral lease has been cancelled. Under those circumstances, what is that value to the lessee? I suggest that, if it had been cancelled, it would be worth nothing to that lessee and, therefore, the compensation entitlement would be nothing because we would assume that a proviso had been transgressed and that it had got to that stage. The present wording is totally inadequate.

Any person who reads this Bill in the future will be able to argue that the person is not entitled to any compensation because the lease has come to its end and, therefore, so far as that person is concerned, it is not worth anything. When the lease is presented for renewal, that is a different story. I believe that my amendment overcomes this problem and ensures that appropriate compensation will be given to a person who finds himself or herself in such a situation.

Ms GAYLER: I understand that a lessee, whose lease expired, is compensated under the provisions for improvements that he or she has undertaken over the period of that lease. However, the amendment proposes that those who have their pastoral leases cancelled should actually receive a greater benefit. I am interested to establish whether the compensation for loss suffered in these circumstances of a cancellation would actually extend to future economic loss which may have been calculated for the full term of that lease.

I am referring to the worst kind of scenario which warrants cancellation of a lease. I do not believe that someone whose lease has been cancelled for a serious breach of the legislation or for damage to the land should be compensated for future economic loss for the remaining period of the lease.

The Hon. S.M. LENEHAN: Having listened to both points of view, I agree with the member for Newland. It is not envisaged that future economic loss would be compensated. I think it is relevant to highlight the difference between the situation of a cancelled and an expired lease. I made it clear that there would be some form of compensation for expiry. I believe that, in terms of somebody who has actually done the wrong thing and had their lease cancelled, this is a very sensible provision. We are not talking about something that is undertaken in any kind of frivolous way. This has gone through the whole process, and that is why I wanted to ensure that provisions were included to fine lessees so that the cancellation of a lease was the final and last resort available to the Pastoral Board.

I believe that this clause strikes a balance between the concerns expressed by the member for Newland when she queried whether or not it could be over-generous to people who had had their lease cancelled and the concerns expressed by the member for Goyder, who seemed to think that the person who transgressed and had their lease cancelled would get nothing. This provides for a very reasnable handling of that situation.

Mr MEIER: I am surprised that the Minister agrees with the member for Newland because I thought that she missed the point. Does the Minister envisage a situation where a pastoral lessee who has had his lease cancelled may receive no compensation or very minimal compensation?

The Hon. S.M. LENEHAN: I imagine that they would be able to get compensation for any improvements that might have been made historically with respect to their lease. I cannot envisage a situation where they would get absolutely nothing, but that does not mean that it could not be the case. Obviously, this matter must be clearly determined by the board, and I am sure that the board would

wish to ensure that justice was not only done but also seen to be done.

Mr MEIER: The Minister would agree, therefore, that a person who has had their lease cancelled would be at a much greater disadvantage regarding compensation than would a person whose lease expired under normal conditions.

The Hon. S.M. LENEHAN: Yes, absolutely, because provisions exist in the Pastoral Act for the board to cancel leases. It is seen as very draconian by a large number of pastoralists. I stand to be corrected by the member for Eyre, who has had a lot more experience with pastoral leases than have I, but I understand that no pastoral lease has been cancelled. Given that it is the final step and given that there are all these provisions for land management, land care, the provision of property plans, lease assessment, consultation, provisions for fining if people deliberately or wilfully break their conditions or flout the directions of the board, if everything else fails and the land has been so degraded and destroyed by some irresponsible pastoralist, the lease will be cancelled. It is the absolute sanction in the whole provision.

Surely the Opposition is not suggesting that that person should be given a bag of lollies, a smack over the wrist and sent away. That is not the intention of the clause, and the pastoralists to whom I have spoken have supported these provisions. They certainly do not believe that we should be moving away from what is in the Bill.

Mr MEIER: Despite what the Minister has said, I still believe that the wording put forward in the amendment is far superior. I am disappointed that the Minister is not prepared to accept that. The Minister referred earlier to various speakers on this side and wondered who was the spokesperson. I remind the Minister that every person on this side of the House is entitled to ask questions of her. I was surprised that she asked who was the spokesperson on this Bill. I hope that all members support the Opposition if they feel so inclined.

The Hon. S.M. LENEHAN: I understood, after a great deal of to-ing and fro-ing, that the member for Goyder was leading the Opposition in this discussion and was the 'spokesperson'. I raised the matter because the member for Victoria was asking almost identical questions. It was quite obvious that we were not sure who was running the show.

The CHAIRMAN: The Chair has been indulgent, allowing both sides to have their say. I now ask members to come back to the amendment that is before the Chair in accordance with Standing Orders.

Amendment negatived.

Mr MEIER: My amendment on page 12, lines 5 to 8, is consequential to the earlier amendment regarding fines, so I will not proceed with it.

Clause passed.

Clause 35 passed.

Progress reported; Committee to sit again.

MARKET ACTS REPEAL BILL

Returned from the Legislative Council without amendment.

TERTIARY EDUCATION ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

BUSINESS FRANCHISE (PETROLEUM PRODUCTS) ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

STATE TRANSPORT AUTHORITY ACT AMENDMENT BILL

The Legislative Council intimated that it had agreed to the House of Assembly's consequential amendments.

ADJOURNMENT

At 5.48 p.m. the House adjourned until Tuesday 7 March 1989 at 2 p.m.