HOUSE OF ASSEMBLY

Wednesday 24 October 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 2 p.m. and read prayers.

PETITION: LAW AND ORDER

A petition signed by 43 residents of South Australia requesting that the House urge the Government to devote greater resources to the maintenance of law and order was presented by Mr Matthew.

Petition received.

QUESTIONS

The SPEAKER: I direct that the following answers to questions without notice and a question asked during the Estimates Committees be distributed and printed in *Hansard.*

HOUSING TRUST RENTS

In reply to **Hon. B.C. EASTICK (Light)** 6 September.

The Hon. M.K. MAYES: I have a report on the practices followed by the Housing Trust to ensure tenants are abiding by the system, and I am satisfied these practices are professional and effective. Through the Housing Trust, the Government provides a range of programs which assist low income households. In particular, the Government provides rent-to-income reduced rents for almost 42 000 or 68.53 per cent of the trust's tenants and direct cash grants to around 5 000 households renting in the private sector. The total annual cost of these programs was $91.153 million in the 1989-90 financial year.

The circumstances of those benefiting from rent concessions, and those receiving rent relief, are reviewed at regular intervals and recipients are required to advise the trust of increases in their income and other changes in the households which may affect their entitlement. The vast majority of these clients are honest and willingly provide the trust with information to confirm their continued eligibility for assistance. Sadly, however, with any scheme of income support there will always be a minority of people who fraudulently obtain benefits to which they are not entitled. The Government has a responsibility to the community to ensure that the benefits are directed to those in most need and who genuinely qualify for them.

The incidence of abuse and fraud has increased with the growth in these concession schemes and, 2½ years ago, the trust decided, with the former Minister's endorsement, to form a benefit review section. During the first 12 months only one field officer was employed. However, due to the workload and the effectiveness of the position a further five positions have subsequently been created including three additional field officers, a supervisor and a clerical support officer. The benefit review officers work as a team and move from one geographic location to another every two or three weeks. The bulk of their work consists of random visits to recipients of rent relief and rent rebates.

The purpose of their visits is to ensure that the financial and other circumstances stated on clients' declarations to the trust are accurate. The home visits assist in identifying those who are not receiving sufficient benefit because of incorrect or insufficient information and those who are receiving more benefit than they are entitled to. The benefit review officers, of course, will also investigate anonymous telephone calls and letters which indicate that benefits are being received by clients who are not entitled to them.

Benefit review officers are selected carefully and on the basis of their experience in this type of work. All have spent at least four years in the area of investigation and are well aware of the sensitive nature of their employment. None of them will enter premises without invitation or question individuals in unprofessional terms. In the 12 month period to 30 June 1990 in excess of 2 000 benefit recipients have been interviewed by these officers with only six complaints. The trust views all such complaints seriously and investigates them thoroughly.

As a direct result of the work undertaken by the benefit review officers the trust has increased its ongoing revenue collections by $1 million in the past 12 months and identified a further $400 000 in back rent. The methods of investigation used are similar to those used by the Department of Social Security and other Government departments that administer benefits. Since the local media story on the work of the trust's benefit review officers the trust has received numerous telephone calls supporting its approach to fraud.

Finally, attention should be drawn to the following quote concerning rental rebates from the Auditor-General's Report of 30 June 1990:

> Reference was made in the last two reports concerning initiatives being taken by the trust to ensure tenants are paying rentals in accordance with approved rent schedules. The new computerised rent management and rent receivable system became fully operational during 1989-90.
>
> During the year, 695 tenants have had their rents reassessed by benefit review officers initiating the recovery of $418 000 of underpaid rent. Rents for those tenants reassessed were increased by an average of $29 per week, a potential gain of $1 million per annum in rental income. The continued action being taken by the trust in respect of rental assessment and also to rent relief entitlements is fully supported.

STA TRAIN REPAIRS

In reply to **Mr MATTHEW (Bright)** 10 October.

The Hon. FRANK BLEVINS: The State Transport Authority's (STA) railcar No. 2101 was damaged in an accident on 2 March 1988. At the time a quotation was sought from Comeng at Dry Creek to carry out repairs to the damage but Comeng declined to quote. An alternative quotation was therefore sought from V/Line, which was awarded the repair job and the railcar was transported by Australian National (AN) to V/Line's Ballarat workshop.

Recently the repair was completed, and the STA was unable to make arrangements with AN to transport the railcar back to Adelaide. At the same time, STA had been waiting for V/Line to submit another quotation for repairs to railcar No. 2102, which was damaged in a recent accident. V/Line had asked for the railcar to be sent to Ballarat for a detailed inspection prior to submitting a quotation. The STA found that the most economical way to transport this railcar to Ballarat and bring back railcar No. 2101 was to use a 2000 class power car to do the towing. The cost of transporting the railcars by power car was about half of that quoted by the honourable member. The STA considers any such repairs on an individual basis and ensures that the most economical methods of transport to and from the point of repair are utilised.

POLICE COMMISSIONER

In reply to **Mr MEIER (Goyder)** 13 September.

The Hon. J.H.C. KLUNDER: I refer to a question without notice asked by Mr Meier during Estimates Committee proceedings concerning overseas trips by the Commissioner of Police. The first response I brought back to the honourable member indicated that a comprehensive reply was not possible due to time constraints, but that I would supply the information at a later date.

I now provide the following information:

1. 1983 United Kingdom
July-October 1983

	$
Travelling expenses	8 700.00
Insurance	165.78
Air far paid prior to June 1983	2 954.00
	11 819.78

Paid By
SAPD

Accompanied By
Wife (all at personal expense)

Comments
Was a two months study tour of a number of departments in the United Kingdom and some short-term additional arranged visits to police authorities in Germany, France and Italy.
Resulting from this visit was our first comprehensive strategic planning process which in turn introduced the community policing system we now experience. Crime prevention was the central theme and we can see how that has developed to State, Federal policy and our reputation overseas.

2. 1985 7th UN Congress—Milan
UK Metropolitan Police
Singapore Police

	$
Air fare	4 692.00
Travelling expenses	6 476.34
Insurance	60.69
	11 229.03

Paid By
SAPD

Accompanied By
Attorney-General and Dr A. Sutton
Wife (all at personal expense)

Comments
Relates to the 7th United Nations Congress in Milan which in turn (in conjunction with) the Attorney-General's Department paved the way yet again for State and national policy on victims of crime.

3. 1986 Japan
(As part of Justice Information Board of Management)

	$
Air fare	2 385.00

Paid By
SAPD
Other expenses paid by Attorney-General's Department

Accompanied By
Mr M. Hill—JIS

Comments
Relates to the Justice Information System and as part of an all-Australian representative group, the Commissioner and Mr M. Hill visited computer installations in Japan, directly relative to JIS development. The Attorney-General's Department met the expenses involved.

4. 1987 Interpol Conference, France and associated visit to UK, USA and Hong Kong

	$
Air fare and travelling expenses	2 356.59

Paid By
SAPD
Other expenses paid by Commonwealth

Accompanied By
None from South Australia

Comments
Police Commissioners from Australia attend the assembly on a rotational basis, that is, the Federal Commissioner is accompanied by two State Commissioners who rotate. (The South Australian Commissioner's next duty is in 1992.)

The Commissioner's extension at SAPD expense was to meet with the Federal United States agencies in Washington, US Marshals, Secret Service, FBI, Drug Enforcement Agency, Justice Department, Alcohol, Tobacco and Firearms, Customs, Immigration, Armed Services Investigations, etc. Attention here was specifically aligned to witness protection.

In Hong King the Commissioner visited the International Commission Against Corruption and the Hong Kong Police.

5. 1989 Interpol Conference, France

	$
Travelling expences	1 000.00

Paid By
SAPD
Major expenses paid by Commonwealth

Accompanied By
None from South Australia

Comments
Again, Commonwealth met the expenses and the additional $1 000 allowed the Commissioner to stay in London and follow up at the British Office of the Victims of Crime Service.

6. 1990 8th UN Congress, Cuba
Edinburgh, London, New York, Honolulu

	$
Air fares	6 730.00
Visa charge	14.50
Travelling expenses	5 845.00
Insurance	127.00
	12 716.50

Paid By
SAPD
$1 155 of allowable expenses returned

Accompanied By
Attorney-General

Comments
Relates to the 8th UN Congress with a stopover in London/Edinburgh for the Military Tattoo which featured the Police Band and the Australian Drill Team. Discussions were also held with Scottish and London Metropolitan Police.

The follow-on from the UN Congress was a study with FBI, New York Police, Justice Department and later in Honolulu, FBI, Honolulu Police, Drug Enforcement Agency, US Justice Department, Organised Crime Strike Force—all of which have so far resulted in our new strategic approach to task forces to combat organised crime.

Additionally, two days at John Jay College of Justice Administration in New York has resulted in a paper on comparative policing in the world and has received publicity in Adelaide.

MINISTERIAL STATEMENT: MEMBER'S REMARKS

The Hon. J.H.C. KLUNDER (Minister of Emergency Services): I seek leave to make a statement.

Leave granted.

The Hon. J.H.C. KLUNDER: There was some confustion regarding a question asked of me by the honourable member for Light yesterday. Indeed, he attributed words to me which were used by the member for Hanson. However, I am prepared to concede that some of the confusion was generated by me and I therefore believe it appropriate for me to make a statement regarding the original question of the member for Hanson last Thursday. The honourable member asked whether I was able to release a report dealing with the recommendations of the Stewart and Faris reports. As this is an internal police document prepared for the Commissioner, I am not prepared to authorise its release but I have asked the Commissioner to provide a report to me regarding police responses to those recommendations, in so far as they apply directly to the police, for tabling in the House.

QUESTION TIME

CASINO HIGH ROLLERS

Mr BECKER (Hanson): Will the Minister of Finance advise what success the Adelaide Casino has had in legal action it initiated earlier this year to recover $1.2 million from high rollers in Singapore, Kuala Lumpur and Taiwan who cashed cheques, later dishonoured; what are the Casino's current arrangements with junket coordinators who, on a commission basis, bring high rollers to the Casino; have those arrangements been changed since the Casino Supervisory Authority questioned their benefits; and will the Minister provide to the House the six-monthly reports the casino operator is required to make on the Casino's viability? Earlier this year the Casino initiated this legal action at the same time as the Casino Supervisory Authority reported to Parliament its concern about so-called junket coordinators. I quote from the authority's report:

> Groups of overseas gamblers (usually under an arrangement with junket coordinators) first came to the Adelaide Casino in July 1987. While this business has added significantly to gross gambling revenue, the losses incurred from time to time and the obligation accepted by the operator to pay expenses and commissions has affected results to the extent that the actual direct profit to the Casino from junket operations is negligible. In addition, bad debts have arisen through delayed presentation and dishonouring of junket members' cheques.

Based on these concerns the authority required the casino operator to provide a report on junket viability each six months. There is evidence that this remains a problem for the casino. Recently the Chief Executive, Peter James, circulated a letter to staff expressing concern about sluggish profits and blaming them in part on the high cost of importing high rollers from overseas. I have further information about these arrangements.

I understand that junket coordinators are paid a commission of 9 per cent by the casino on a gross turnover the casino receives from the overseas gamblers they introduce. On some occasions, overseas gamblers, whose airfares are paid by junket coordinators, are then paid kick-back commissions. I am informed that one Indonesian gambler turned over $72 million in a four week gambling spree at the casino and received a kick back commission of $360 000. The same gambler is reported to have left a hotel debt of $5 600 for meals and laundry.

I further believe one junket coordinator was contracted to find a gambler from Taiwan who left a $270 000 debt. Another based interstate has earned up to $2 million in a six month period by introducing overseas gamblers while others have reportedly earned up to $800 000 at a time from the Adelaide Casino. Further information about these activities and the impact they are having on the casino's finances is sought to determine to what extent they may be eroding the casino's return to State revenue and forcing higher costs on local patrons.

The Hon. FRANK BLEVINS: I thank the honourable member for his question. I seem to remember a similar, if not the same, question asked some months ago. However, in order not to mislead the House as a result of a faulty memory, I will obtain a report on the specific matters that the honourable member requested. I would point out that the State Government's revenue from the casino is not dependent at all on the casino's profitability: its revenue is based on turnover.

Mr Becker interjecting:

The Hon. FRANK BLEVINS: That is not just the case. If the casino operators receive cheques which later are dishonoured, it makes absolutely no difference whatsoever to the State Government's revenue.

The Hon. Jennifer Cashmore interjecting:

The Hon. FRANK BLEVINS: A hotel makes a commercial decision as to whether or not it will give someone credit. The honourable member would not want the Government to interfere in that.

An honourable member interjecting:

The Hon. FRANK BLEVINS: Thank you. All I can say is that the casino itself makes commercial decisions. Junkets are part of the international casino scene. If the operators of the casino choose to be in that segment of the market, it is a commercial decision for them and I do not think it is any business of the Government. If there are queries about the availability of credit—

Mr S.J. Baker interjecting:

The Hon. FRANK BLEVINS: It does not affect the Government. If post-dated cheques are accepted, as I seem to remember from the last time the member asked this question, there is some doubt under the legislation whether or not that is giving credit. I have already answered that. I will refresh my memory by having a look at the answer that I gave to the earlier question. The essential matter is that, if turnover increases in the casino, the State Government gets a percentage of that. If the casino loses on any bets or whatever, that is really its problem.

COMMONWEALTH GAMES EVENT

Mr HAMILTON (Albert Park): Will the Minister of Recreation and Sport indicate to the House whether an iron man event will be one of two demonstration sports to be

staged should South Australia be successful in gaining the Commonwealth Games in 1998? Where would this event be held in this State? A recent press release on this matter by the Minister has generated considerable interest in the western suburbs of Adelaide, particularly by a number of business people in my electorate.

The Hon. M.K. MAYES: I thank the member for Albert Park for his interest in this matter. His electorate has certainly been identified as one in which significant events will occurr if the State is successful in winning the 1998 Commonwealth Games—

The Hon. Frank Blevins: When we are successful.

The Hon. M.K. MAYES: Yes, we still have one stage to go. The events that will be programmed for the honourable member's electorate involve Football Park as well as the West Lakes Bowling Club. Obviously, the athletics—

Mr Ferguson: The warm up track.

The Hon. M.K. MAYES: The member for Henley Beach is very interested in the warm up track. Unfortunately, the location will be within the Football Park area, so it is just out of his electorate and is just in the District of Albert Park. No doubt both members will be out there training on it for the iron man contest. I think it is appropriate that we identify the iron man contest as one of the demonstration sports which is still part of the Commonwealth Games program. Of course, that includes women as well. Certainly, it will be structured in that way.

The competition will be run by the Surf Life Saving Association and presents an opportunity for us to focus on a very Australian activity. In our childhood, probably all of us were exposed to our great Australian beaches, and part of the process of protection of the community has been provided by the Surf Life Saving Association. It is important for us to focus on a very Australian activity showing the other Commonwealth nations that this is one of our great outdoor events. We will be working with the Surf Life Saving Association to establish that as one of the demonstration sports. There is a suggestion that it may be held at Semaphore. I think that would be a good location, and I am sure that you, Mr Speaker, would agree with that. It seems to me that, as that event would be a focus of the events and as it would be held close to the opening or closing ceremony, that would be a likely location, but that has yet to be decided by the bid committee.

The structure will be such that the sport will run the event: it will be part of the Commonwealth Games and, of course, it will be a national sport. It will be a totally Australian event, so we will have a focus for our interstate and overseas guests in the iron man contest. I think that in itself highlights the sort of work that is done by the Surf Life Saving Association. In the 1950s the clubs affiliated, and about 4 500 people have been saved in this State by members of the association. It is a significant contribution to the safety and well-being of our community. Last summer about 329 lives were saved by the Surf Life Saving Association. I think that this event is true recognition of its role in the community, and I know that the member for Albert Park has supported his local clubs; I am sure that goes for all members whose electorate takes in beachside suburbs. It is an important organisation and I am delighted to be able to indicate, as part of the Commonwealth Games bid, that we will be supporting surf lifesaving in this State by focusing on that activity.

CASINO REVENUE

Mr BECKER (Hanson): I direct a supplementary question to the Minister of Finance. Upon what authoritative source was the Minister relying for his assertion—that the Government revenue from the casino—

The SPEAKER: Order! Before the honourable member asks his question, I indicate that Standing Orders do not provide at all for supplementary questions. I understand the honourable member will be asking another question.

Members interjecting:

The SPEAKER: Order!

Mr BECKER: In the past we have done that. I have been here so many years. Nevertheless, my question is: upon what authoratative source was the Minister relying for his assertion that the Government revenue from the casino was not part of the net revenue? I will quote from the Casino Supervisory Authority annual report 1988-89, appendix A, which states:

> The gross gambling revenue of the casino was $447 348 000. The net gambling revenue was $75 207 000.

The Auditor-General, in his report for the year ending 30 June 1990 (page 295), says:

> Pursuant to the Casino Act, the commission appointed a company to establish and operate the casino on its behalf. The arrangements are incorporated in an indenture which provides for the casino operator to pay the commission a licence fee and 20 per cent of net gambling revenue. In the year to 30 June 1990, the payment amounted to $16.3 million.

The net gambling revenue is a result of the costs of operating it. So, there is the gross revenue and then the costs. As I explained in my previous question, there could be considerable costs in terms of bad debts.

The Hon. FRANK BLEVINS: The authoritative source is me; that is what I am relying on.

Members interjecting:

The Hon. FRANK BLEVINS: I suggest that members opposite really ought to talk to people on their own side who know something about the issue. For example, I direct the Leader to the member for Bragg, who can tell him how it works. The question whether the casino gets its money from junketers is of no relevance to the 20 per cent that the Government takes. It is as simple as that. It is something that the—

Members interjecting:

The SPEAKER: Order!

The Hon. Jennifer Cashmore interjecting:

The SPEAKER: Order! The member for Coles is out of order.

Mr S.J. Baker interjecting:

The SPEAKER: The Deputy Leader is out of order. The honourable Minister.

The Hon. FRANK BLEVINS: That is something that the casino itself has to wear. As far as the Government is concerned, the amount of net gambling revenue that goes through the casino's books is all we are interested in. Whether the casino operators themselves collect that money is no concern of ours—none whatsoever. It does not affect us one iota. I really do wish that members opposite would talk to, for example, the member for Bragg, who will put them right, because that is the position. I am sorry if the member for Hanson does not understand that but perhaps, if he talks to the member for Bragg, he will understand it.

HOUSING OPPORTUNITIES FOR THE ELDERLY

Mr McKEE (Gilles): Will the Minister of Housing and Construction advise the House what measures are being taken to improve housing opportunities for elderly South Australians? Last Wednesday the Premier launched Seniors Week in South Australia and foreshadowed the release of a report entitled 'Housing initiatives for older South Austra-

lians'. I am advised that this report is being released today by the Minister. I ask the Minister to mention some of these initiatives and say whether the rights of the elderly will be protected in terms of their own assets.

The Hon. M.K. MAYES: I thank the honourable member for his question, because this times neatly with what the Premier announced last week in regard to a report that was prepared by the Office of Housing on housing initiatives for older South Australians. It is very timely in the current environment because, of course, at the turn of the century we will have a record number of elderly people—that is, people over 65 years of age—in our community. Of course, as a percentage of population, South Australia has one of the highest proportions of elderly people in all the States in Australia. It is something that we have to address very carefully, because most of us will be in that category early in the next century. Certainly, we have to look carefully at the sort of environment we are now providing for our elderly. This particular—

The Hon. Frank Blevins interjecting:

The Hon. M.K. MAYES: The member for Whyalla says, 'Well into the next century.' I am sure that is the case for some of us. We are looking carefully at, first, what sort of support mechanisms can be provided by the community for the elderly to maintain their independence in their own home and, secondly, how they can maintain their self esteem and live so that they can support themselves in a practical and easy manner. To do that we, as a community, need to provide a number of support mechanisms.

In this report, we have taken the opportunity to seek the advice and comments of individuals and organisations on what they suggest the community, all levels of government and non-profit organisations can do to assist the elderly in maintaining their home. The Government is considering a number of alternatives but this report, which will be released for public comment, allows the opportunity to evaluate a number of schemes that have been offered and considered in this country and overseas. It is important for us, as a community, to address this issue because it is of critical importance as we head towards the next century.

We must consider it in a total context but also look at each case as it is presented. Home equity conversion is one scheme touched on and, to many elderly people, that may seem an unusual and difficult concept to accommodate, but it may offer some people the opportunity to maintain their own home and their independence. Many elderly people are asset rich and income poor and struggle to maintain their independence and their home. That option involves the use of the equity or the assets that they have developed. It also looks at the need for Government and the community to address a number of support mechanisms which involve maintenance within the home environment.

I invite the community to respond to this initiative and I hope that those people who are directly interested can get a copy of the report entitled 'Housing Initiatives for Older South Australians'. I invite their comments because, as Minister of Housing and Construction, I need those comments. Indeed, the Government and the community need their input in order to provide the proper structures to protect and support the elderly and ensure their independence in their own home.

JUVENILE CRIME

Mr D.S. BAKER (Leader of the Opposition): My question is directed to the Premier. Does the Government believe that an increase in penalties for juvenile crime should be considered in view of the rising incidence of breaking and entering offences in South Australia, the declining clear up rate for these offences and the fact that more than half are committed by juveniles? What evidence does the Government have that these trends are drug related? The report of the Australian Institute of Criminology shows that South Australia has the worst break and enter rate of all States' considered figures up to the end of 1988-89. These trends worsened in South Australia in 1989-90 with a 10 per cent increase in breaking and entering offences to the point at which these offences now occur at the rate of five an hour in our State.

Of the more than 42 400 offences reported to police in 1989-90 only 7 per cent were cleared, thus indicating that only one in 14 offenders is being apprehended. Last year 56 per cent of these crimes were committed by juveniles. Other figures in the Police Commissioner's annual report recently tabled in the House show a massive 96.6 per cent increase in pharmacy breakings, suggesting that more of this type of crime is becoming drug related.

The Hon. J.C. BANNON: The answer is 'Yes', and I would have appreciated it, as would all South Australians, if the Opposition had supported our attempts to do so. I seem to remember that, on the last occasion we tried to do something about juvenile crime, in particular, to introduce a provision to make parents a bit more responsible for the activities of children who commit crimes and who are out of parental control when they reasonably should still be under parental control, that was rejected by members of the Leader's own Party. Let us have none of this hypocrisy in this place. This Government has consistently introduced legislation. We have toughened penalties, and sentences have been increased. The statistics are very clear, yet on a number of points, and that was a particular one, Opposition members opposed it. They would not have a bar of it. They would not attempt to find a way of adopting our proposal. So let us have some fair dinkum attitudes on this matter before the Leader of the Opposition stands up with crocodile tears and asks what we are doing about it.

The other thing that we are doing about it is giving resources to our Police Force to try to deal with these things. We have the highest percentage of police *per capita* of any State of Australia, and our resources lead to the reporting of crime in this State. We need a bit of perspective as well because the fact is—and this has been explained in a number of detailed publications—that the reporting procedures of the South Australian police, what we register in terms of notified crime, are far more rigorous than in many other States. So, it is not surprising in some respects if we see a higher incidence of reported crime in South Australia. We encourage it and we record it, and the statistical difference between, for instance, recording practices—

Members interjecting:

The Hon. J.C. BANNON: This is a classic example. If police in South Australia are summoned to some sort of civil disturbance and they find that it is all over when they arrive and there is nothing to investigate or follow up, it is recorded nonetheless. In some other States, such a situation would not be recorded in the statistics at all. We believe in the fullest disclosure of reported crime; we have always set it out.

Finally, if the Opposition is fair dinkum, let us see its wholehearted participation in our overall community effort to deal with crime. The Coalition Against Crime was formed bringing in all representatives of the community to undertake a very solid analysis of work, and we would like to see some wholehearted support and response from the Opposition. Have we had it—unfortunately, no! When the Leader

of the Opposition, first, supports some of our legislation to toughen up these things; secondly, is prepared to participate in doing something about it; and, thirdly, is prepared to look realistically at the statistics, we will talk to him.

ADELAIDE FOOTBALL CLUB

The Hon. J.P. TRAINER (Walsh): Will the Deputy Premier, in his capacity as Leader of the House with the responsibility of preparing the legislative timetable, enter into negotiations so that, if the House is in session in the second week of next February, prior arrangements can be made with the Opposition to ensure that the House does not sit on the evening of Wednesday 13 February so that members of this South Australian State Parliament can show solidarity with the newly formed Adelaide Football Club in its first AFL appearance?

I refer to an article in this morning's *Advertiser*, headed 'Only 112 days to football', which lists a match in the knock-out Fosters Cup competition at Football Park against an as yet unnamed AFL opponent as being the first match for our South Australian entrant in the Australian Football League. The view has been expressed that solidarity should be shown by members of this House for the efforts of Max Basheer and others to promote a successful entry into the AFL and that we should join with other South Australians in supporting the new club, although possibly the Leader of the Opposition might not attend.

The Hon. D.J. HOPGOOD: I am sure that all of those people who enjoy watching the big men fly will wish the new Adelaide Football Club every success and will want to support it on every possible occasion. They will also want to wish Mr Graham Cornes, the coach, every success and hope that his success is such that it will ensure that he escapes the dictum of Lou Richards whom I once heard say, 'There are only two sorts of coaches in the AFL: those who have been sacked and those who are about to be sacked.' I think there is every chance that the House will be in session in that particular week, but I would take such an initiative only with the full concurrence of members opposite, and perhaps at the appropriate time negotiations may be entered into.

STATE SUPERANNUATION SCHEME

Mr S.J. BAKER (Deputy Leader of the Opposition): Will the Minister of Finance confirm that, almost three years after the implementation of the 3 per cent national productivity superannuation scheme for State public sector employees, the Government still has no computer system to administer the scheme and to advise employees of their entitlements—which means that 116 000 employees covered by the scheme cannot be informed about their entitlements—and that there has also been a long delay in fully establishing a computer system to administer the other State superannuation scheme? Will the Minister say what the cost of these delays has been and to what extent the payment of benefits has been delayed as a result?

The Hon. FRANK BLEVINS: I am not aware of any significant delay in the payment of benefits. Certainly, there have been no outcries at my office. I certainly have not noticed it. I will have the question examined for the Deputy Leader and—

Members interjecting:

The Hon. FRANK BLEVINS: I do not normally respond to interjections, as you know, Mr Speaker, but I was waiting for a question on motor registration, actually. I would have thought that after last weekend the Liberal Party would never mention computers again. I believe that the member for Bright was in charge of that computer and also of the Liberal Party computer. Given his track record on the JIS no wonder the thing did not work properly.

SUSTAINABLE DEVELOPMENT

Mr FERGUSON (Henley Beach): I direct my question to the Minister for Environment and Planning. What part will the South Australian Government play in formulating a national policy on sustainable development? Earlier this year the Commonwealth Government decided that there would be an inquiry into the establishment of sustainable development in respect of the environment or projects in all States of Australia. I understand that South Australia will be invited to those conferences.

The Hon. S.M. LENEHAN: I thank the honourable member for his question on this very important issue. Indeed, the Commonwealth Government is proceeding to establish a number of principles in terms of sustainability with respect to this whole question of sustainable development and, to that end, it has established nine working groups which cover the areas of agriculture, forestry, fisheries, manufacturing, mining, energy production, energy use, transport and tourism. The South Australian Government—

Mr Lewis interjecting:

The Hon. S.M. LENEHAN: No, I do not believe, as the member for Murray-Mallee interjects, that it is a waste of money. I think, probably, it will prove to be one of the most important areas that the States of this country and the Commonwealth will ever address because, if we do not have the whole question of sustainable development resolved and we do not have agreement across the States and the Commonwealth, I think we will continue to see some of the conflict that has raged particularly in the eastern States.

I do not believe that any thinking member of our community wants to see that kind of conflict tearing this country apart and I speak on behalf of this Government in saying that we are certainly prepared to have representation on the majority of those particular groups either directly as a State representative or indirectly as a representative of an Australian ministerial council. In addition to State and Commonwealth Government representatives, the working groups which I have just outlined will include representatives of industry, the conservation and trade union movements, the CSIRO and, indeed, consumer interests. I think that indicates a genuine concern to consult as widely as possible with the community in terms of developing these principles of sustainable development.

It is interesting to see that the key tasks which the Prime Minister has set the working groups are as follows: first, to identify the most important problem areas; secondly, to establish priorities for achieving the changes desired; thirdly, to develop environmentally and economically viable solutions; and, finally, to propose time frames for change that take account of the Government's social justice policies and Australia's position, not only in our own region but in the world. Only a few of the groups have met at this stage, so it is really too early for me to give the honourable member an assessment of their operations, but the groups will present a progress report in mid-December and their final report at the end of October 1991.

The South Australian Government is very pleased to be involved with the Commonwealth Government in this initiative. We will be working very closely and constructively

to ensure that we can resolve the conflict that has existed in this country, and I hope that the more responsible members of the Opposition will join with the Government in our support for this vitally important process.

SEXUAL ASSAULT

Dr ARMITAGE (Adelaide): Has the Minister of Health received a report on an incident that occurred about eight weeks ago in which three young teenage girls disappeared from their ward in the Children's Hospital and were found several hours later after having been sexually assaulted? Has the Minister investigated the incident and will he ensure that hospital systems and staff training levels are adequate to prevent such an incident happening again?

The Hon. D.J. HOPGOOD: Yes, I did receive a report at the time, but my memory is a little hazy in respect of the details. There were allegations of sexual assault, but I am not aware of anything being found.

Dr Armitage: But they did leave the hospital.

The Hon. D.J. HOPGOOD: How can you stop 15-year-olds walking out if they want to? The hospital is not a gaol, nor can it be a gaol. If two or three youngsters want to kick over the traces, that is likely to happen. Obviously the nursing staff will make every effort possible to try to control those situations, but you are dealing with youngsters who, from time to time, want to kick over the traces. My recollection is that they walked out, they thumbed a ride with a person or persons and, within a certain period, they were with the police making allegations of some sexual interference. That is as much as I know.

My further information is that nothing was proven at that stage. I am not aware that any further official action has been taken. My responsibility is in relation to the hospital itself and the proper running of it. I believe that the incident itself indicates no lack of care or concern on the part of the staff, but it does indicate some desire on behalf of two or three rather bored young girls who were in for treatment—their medical condition was not disabling—to get out and kick over the traces.

LPG CONVERSIONS

Mrs HUTCHISON (Stuart): Will the Minister of Labour advise the House whether he is aware of reports of faulty and unsafe LPG conversions being performed on cars in South Australia and, if so, can he advise the House on what action is being taken to combat this problem?

The Hon. R.J. GREGORY: I thank the member for Stuart for her question. The matter she raises is very serious. At the moment the waiting list for LPG gas conversions is up to 12 weeks. The advice I have from the trade is that, if all the bits and pieces were available, the delay would still be about eight weeks. The cost per conversion is between $1 400 and $1 750, and on some occasions the workmanship in the conversion has been shoddy. I am personally aware of two reports from people who have had gas conversions done to their cars. They have approached the installer several times regarding faults to be rectified and the reaction has been less than enthusiastic.

On one occasion a consumer went to the Department of Road Transport's vehicle inspection station at Regency Park and a list of 22 faults to be rectified was taken back to the installer. There was yet more work to be done after those faults were rectified. The point that concerns me is that consumers become aware of something being wrong with the installation only after smelling gas fumes inside the cabin of their vehicle. One consumer stopped his car because he felt nauseous. It was lucky that the occupants of those cars did not smoke, as a fire could have broken out in the cabins of those motor vehicles.

I have asked officers in the Department of Labour's Dangerous Substances Branch to investigate the two instances. I have spoken with the Director of the Motor Trade Association. I have advised him that it is our intention as a Government to extend the provisions of the licensing regulations so that the company which employs the licensed installer must also be licensed and, if there are continuing reports of shoddy workmanship from any licensed installer or company that employs a licensed installer and allows shoddy or dangerous workmanship to continue, we would have to consider the discontinuation or otherwise of that licence. Further, severe penalties apply in respect of people who perform shoddy work, and in such instances we will prosecute them.

I must stress that shoddy workmanship in this area can lead to a lethal situation and we need to ensure that those one or two people who do not do their work properly are suitably punished so that other people's lives are not placed in jeopardy.

CITY YOUTH SHELTER

Mr OSWALD (Morphett): My question is directed to the Minister of Family and Community Services. When will the Government forward the $530 000 it promised the Lord Mayor in February for the construction of the Lord Mayor's youth shelter in the city? Over the past 12 months, the numbers using the non-government welfare sector to cope with poverty and homelessness have increased by almost 50 per cent and I am advised that the current economic recession is accelerating this trend. Some city shelters are turning people away whilst others are at saturation point, and other agencies which provide food, clothing and sobering-up facilities are running at full capacity.

One project promised State Government assistance is the Lord Mayor's Youth Shelter in Frew Street, which is intended to house 16 young people. In February, the Minister promised the Lord Mayor $530 000 for this project and I have been advised that these funds have not been forthcoming and, if they are not provided by the end of this month when progress payments are due, all construction on the project will stop, throwing even more pressue on non-government welfare agencies.

The Hon. D.J. HOPGOOD: The Lord Mayor can have the money just as soon as he asks for it, and he will ask for it when he is satisfied, and I am satisfied, about the arrangements for the way in which the money is to be expended and for the ongoing management of the shelter. I have had personal discussions with the Lord Mayor on this matter and our officers have met on a number of occasions. I am sure that the prompting for that question did not come from the Lord Mayor himself. I understand that the Lord Mayor is quite relaxed about the financial arrangements that we have entered into and, if there is any delay in construction, it will not be because the Government is shy about delivering on the commitment that it made.

However, there are certain negotiations that have been taking a fair while (I will admit that), but I would not want to suggest that the blame is on any particular side. They have to be brought to fruition before we would be in a position to hand over the money. The Lord Mayor fully understands and supports that position.

CHILDREN'S WEEK

Mr De LAINE (Price): Will the Minister of Children's Services explain what arrangements are being made for Children's Week in South Australia and the significance of this week for families? Today, Wednesday 24 October, is Universal Children's Day, which is celebrated in some 149 countries throughout the world. In South Australia, this day is part of Children's Week, which includes a number of activities in schools, preschools and other organisations that work with children.

The Hon. G.J. CRAFTER: I thank the member for Price for his question, which highlights the importance of Children's Week in South Australia and right around the country. Incidentally, this week also coincides with Seniors Week. It is appropriate that there is a mix of activities in our community that bring young people and our more elderly citizens together, because they do have a lot in common and can help each other and help our community. Children's Week began last Saturday and, although most unfortunately the inclement weather meant that the official opening of Children's Week had to be cancelled, there was still a procession of many hundreds of children from our ethnic communities in our city streets.

This week provides an opportunity for everyone in our community to focus on the issues that concern children and people who care for them in our community. It provides an opportunity to highlight the need for children to have the right to feel safe, to live in a healthy environment and to achieve their full potential no matter what their cultural or social background.

The Children's Week committee in this State is to be applauded for working so hard with schools and other organisations associated with children's services to ensure that children themselves participate and enjoy this week. For example, yesterday was National Playgroup Day, and a picnic and other activities were organised for children and their families in our parklands. Today is, as the member for Price has pointed out, Universal Children's Day. It is appropriate on this day to encourage children who suffer from abuse to call in—and telephones are being made available in our schools—for support through this State-wide phone-in campaign, and the Police Department is working with our schools and welfare organisations to this end.

The week will also include art displays in the Education Centre gallery, and 'Life. Be in it' activities in a number of schools including Goolwa Primary School, the Regency Park Centre, the Meningie school, the Raukkan Aboriginal School at Point McLeay and many others. At the international level, the recent World Summit for Children, at the United Nations headquarters in New York, demonstrated the strength of what children themselves can achieve. Children, including a student from this State, attended that conference and helped develop the Children's Declaration for Peace. The World Summit for Children saw the world's leaders listening to what children had to say. In South Australia, Children's Week provides parents, community leaders and other adults with the opportunity to pay particular attention to listening to children.

PETROL PRICES

Mr VENNING (Custance): My question is directed to the Premier. In view of the dramatic fall in the world price of crude oil, will the South Australian Government urge the Federal Prices Surveillance Authority to ensure that the benefits of this fall are reflected in lower pump prices for petrol and diesel in South Australia as quickly as possible, particularly to assist the State's hard-pressed rural sector?

The Hon. J.C. BANNON: I do not think that we need to call for it to happen, because in fact it is happening. As members know, the authority chaired by Dr Fells is taking almost daily soundings of these prices, and trying to translate them into action very quickly indeed. It is absolutely vital—and I accept the thrust of the honourable member's question—that, where prices are falling, there is not some sort of short-term profit-taking by delay and that those international price falls are reflected very rapidly at the pump because the price is far too high at the moment.

Petrol prices at present are our only really tangible reminder that there is still an extremely threatening crisis in the Gulf. One could be excused, because it is not front page news to the extent it was in the early stages and because an apparent stalemate has developed there, for thinking that perhaps things had stabilised. That is not true. Rumours of war or rumours of peace in that area have an immediate and drastic effect on not only the price of fuel but also share prices and everything else. In that international environment, it is virtually impossible for any Government to plan an orderly economic response. It makes it hard indeed for businesses to do any planning or make predictions. It makes it hard for the man on the land, and any other people who are dependent on international economic conditions, to really get a proper fix on what conditions will be like later in the year.

The sooner the Middle East crisis is resolved, the better it will be. Its impact is not dependent on its being front page news every day: its impact is very pronounced all the time at the moment, and the ordinary individuals see it most graphically in this terribly high price of petrol they are having to pay.

SOUTH AUSTRALIAN BOOKMAKERS

Mr HAMILTON (Albert Park): Will the Minister of Recreation and Sport advise the House what actions he and the State Government are taking to assist South Australian bookmakers?

The Hon. M.K. MAYES: I thank the member for Albert Park for his question; he has certainly shown an interest in this issue over the years. Obviously, because of the location of the Cheltenham racecourse, he has a direct interest in the industry. Of course, it is an important part of the industry, and there is no doubt that at this time bookmakers, like many other sectors of the community, are under some degree of stress. I might say that over the past year or so bookmakers have shown early signs of some degree of financial pressure. It has been of concern to me. I know it has been of concern to the community and to members of the industry as well, and we have been discussing a number of measures which may assist bookmakers in their present situation.

I held a meeting on 17 September with a number of representatives from all major sectors of the industry. We had what I found to be a very useful discussion and from the feedback I have had from the industry representatives present, I think they felt the same way about that meeting. We proposed various stages that might be implemented to assist the bookmakers in their current dilemma. I had the privilege to be at the bookmakers' league dinner last Sunday week and—

The Hon. Frank Blevins: Did they give you a tip?

The Hon. M.K. MAYES: No, they did not. That is one of the disadvantages of this job. The opportunity was there,

when two long-serving members—Mr Ken Stevens and Mr Michael Webster—were invested with life membership of the league and when, in Mr Stevens' speech of acceptance of the award, he made a very clear statement to his colleagues in the industry that they could not expect a pot of gold at the end of the rainbow; in many ways they had measures under their own control and, if they were going to ensure the future of the bookmaking industry, the initiative for taking many of the steps that needed to be taken rested with the bookmakers themselves. I thought that that was a very interesting analysis by Mr Stevens on behalf of the industry, and it is one that I think is probably shared by many bookmakers and by many people in the community.

The initiatives that we have suggested as part of an interim package would involve sports betting and exotic bets, and telephone betting is another option. In addition, I have sought to ascertain from the industry what opportunities exist for improving the quality of facilities offered, not only to bookmakers but also to the public at large, so that, in fact, bookmaking is acknowledged as being part of the entertainment industry. There is no question that in this day and age members of the community demand quality services when attending entertainment venues. That is where racing is in the same league as other entertainments.

From my informal discussions with various industry leaders, I think that those issues are being addressed very seriously by the people concerned, and I look forward to having some response from all of them soon so that we can put together a package. Included in the discussions was, again, the issue of fixed odds betting. A number of representatives in the industry are keen to address that issue, and I have asked the industry if it would again consider its position so that we can look at the steps that might need to be taken. Obviously, that involves legislation and the matter would have to be brought back to this House. However, the industry is interested in looking again at fixed odds betting. I have told the industry quite clearly that it will need to have a very clear position on this issue so that Parliament knows exactly where the industry stands.

I assure the member for Albert Park that steps are being taken to address these matters. I do not think that they offer a panacea or the solution to all the problems that exist for bookmakers, but they will assist, and I think that we can all work together to ensure that bookmaking as an industry continues in this State.

TRAFFIC SPEED CAMERAS

Mr MATTHEW (Bright): I direct my question to the Minister of Transport. In view of the introduction of traffic speed cameras and their likely increase in use, will the Minister undertake to have his department amend the new registration form that was designed for the new motor registration system? I was recently contacted by a constituent who received a traffic infringement notice, dated 12 October 1990. It seems that the notice resulted from an infringement recorded by a speed camera. My constituent, in fact, sold his car on 18 August 1990, having registered it under the new registration system. The new form has no provision for an advisory slip from the seller to the Motor Registration Division. Therefore, if the buyer of the vehicle fails to notify the Registration Division of their new purchase, the seller could potentially find themselves in receipt of various forms of traffic infringement notices. I am advised by both police and staff of the Motor Registration Division that they have received a dramatic increase in complaints of incorrectly directed traffic infringement notices since the introduction of the new form.

The Hon. FRANK BLEVINS: I will have the question examined and bring back a reply for the honourable member.

ADELAIDE REVIEW

The Hon. T.H. HEMMINGS (Napier): I direct my question to you, Mr Speaker, in your capacity as Chairman of the Joint Parliamentary Service Committee. Will you request the publishers of the *Adelaide Review* to provide additional copies of the October edition for Parliament? You, Sir, and other members would be well aware that adjacent to the refreshment room can be found copies of numerous publications for members' perusal. They include the *City Messenger*, the *SA Bowler*, the *IPA Review*, the *Anglican Guardian*, the *Adelaide Review* and many others. For some strange reason this month's copy of the *Adelaide Review* has disappeared, and some of us are disappointed at being denied the chance to read that particular edition.

Dr Armitage interjecting:

The SPEAKER: Order! The member for Adelaide is out of order. I do not believe that requesting copies of those publications comes within the responsibility of the Chair. They are provided by the publishers as a service to parliamentarians and other people who wish to read them. This is the only request I have had for an increase in the number of copies of such a publication. I do not think that we need any additional publications, because usually there is a surplus. Perhaps people are particularly interested in an item in that edition.

CASINO ACT

Mr LEWIS (Murray-Mallee): My question is directed to the Minister of Finance. When will the Government introduce a Bill to amend the Casino Act and include a strict, explicit definition of the words 'prizes paid or awarded' so that all ambiguity is removed from the definition of the term 'net gambling revenue' as defined in the Act?

The Hon. FRANK BLEVINS: I am having the Casino Act examined at the moment with a view to introducing legislation to the House. I am not sure that there is any ambiguity as regards that particular section but, if there is, that will be part of the review. That would be almost completed and, when the Government has considered it and decided whether to attempt to amend the Act, a Bill will be introduced into Parliament in the usual way. I am not aware of any particular problem with that provision although, if there is a problem with the member for Hanson's understanding of it, that is another question.

YOUTH SERVICES

Mr De LAINE (Price): Will the Minister of Youth Affairs explain to the House what efforts are being made to better coordinate Federal and State youth services in the western suburbs?

The Hon. M.D. RANN: I thank the honourable member for his interest in this issue. Before lunch, I was very pleased to officially open, jointly with my Federal counterpart Peter Baldwin, a youth services centre in St Vincent Street, Port Adelaide, to service the western suburbs. I know of your interest in the area as well, Mr Speaker. Judging from the

reaction of the crowd, Mr Baldwin and I will probably be remembered as the two blokes in dark suits who accompanied Gavin Wanganeen back to Port Adelaide.

This new centre is an excellent example of Federal and State Governments working in cooperation to help youth. The Western Youth Services Centre contains the Federal Youth Access Centre and the State Youth Resource Centre. The office is the first joint approach in the one location for Federal and State services in South Australia. We all believe that it is important to coordinate services for young people in employment, education and a whole range of information areas. It makes sense to try to avoid duplication, and to make sure that all levels of government are working together. If young people are to get ahead and make the right career choices, they need access to information. Through the joint office, young people can gain access to counselling, advice or referral to appropriate agencies.

The State's Youth Resource Centre is part of the Government's youth strategy which aims to assist young people to make a successful transition from school to work and, therefore, to gain economic independence and security in adulthood. This is another example of the State Government's making access and equity the driving force behind our various initiatives in education and training.

The youth strategy project officer will be based at the centre in Port Adelaide to coordinate services in the western region. The centre will assist also in the provision of youth assistance grants which will help alleviate financial barriers to the most disadvantaged young people in gaining access to education, employment and training. The centre will also coordinate local groups to develop programs to address the gaps in service provision and the needs of specific groups of young people such as the intellectually and physically impaired, those with non-English speaking backgrounds, Aboriginal young people, young women, young offenders and other socially disadvantaged young people in the western suburbs. By taking this regional approach, the office will be able to respond readily to the needs of the local community to ensure that services between the Government sectors are not duplicated but are better targeted.

DEPARTMENT OF MARINE AND HARBORS

Mr MEIER (Goyder): My question is to the Minister of Marine. How much money has the State Government set aside in this financial year for employees of the Department of Marine and Harbors who wish to take out voluntary separation pay out packages being offered by the Department of Marine and Harbors, and has any approach been made to the Federal Government for the funding of these separation packages?

The Hon. R.J. GREGORY: The South Australian Government has approached the Federal Government for assistance to provide voluntary separation packages for employees of the Department of Marine and Harbors involved in the waterfront industry reform authority's restructuring and has been advised that the Commonwealth Government will provide money only to the stevedoring industry. The amount of money that will be provided or needed for any separation package by the Department of Marine and Harbors will be determined when it is decided that such a package will be offered, but at this stage no decision has been made.

KESAB/PACE MESSENGER SERVICE

Mr HOLLOWAY (Mitchell): My question is to the Minister for Environment and Planning. How many businesses and Government agencies in the metropolitan area have taken advantage of the KESAB/Pace Messenger Service which collects used office paper for recycling?

The Hon. S.M. LENEHAN: I know that members will be interested in the answer to this question because we are one of the participants. I am delighted to tell the honourable member that 700 separate organisations are now involved in the KESAB/Pace Messenger paper bank system, including State and Commonwealth Government offices, council offices, industry and commerce, schools, colleges, kindergartens, hospitals and medical centres. Collections have risen from some 12 tonnes per month to over 40 tonnes per month because of the rapid growth in participation. While this rapid growth is something that I as the responsible Minister welcome, it has placed some cost pressures on this particular organisation. Therefore, I am pleased to inform the House that the Waste Management Commission has approved a grant of some $20 000 from the recycling fund to assist the scheme.

KESAB estimates that the scheme will be self-supporting by the middle of next year, and again I welcome that information. To assist with the viability of the scheme, KESAB is asking participants to appoint a paper bank coordinator within the various offices. This should be someone who has enthusiasm for the project and can coordinate the program and liaise with KESAB. The other point that I think is relevant to the honourable member's question is that the paper is currently being sold to Australian Paper Manufacturers (APM) for use in the production of a range of recycled office papers and stationery.

PERSONAL EXPLANATION: MINISTER'S REMARKS

Mr MATTHEW (Bright) I seek leave to make a personal explanation.

Leave granted.

Mr MATTHEW: I was offended by the remarks of the Minister of Finance in his answer to a question on computing asked by my colleague the member for Mitcham. It is my view that the Minister breached Standing Order 127 by reflecting upon my character and the quality of my work in the computing industry. Today was the third occasion on which the Minister has reflected on my character by claiming that, because I worked on the Justice Information System, my computing skills must be somehow deficient.

I refer the honourable member to the 59th report of the Public Accounts Committee on the management of the Justice Information System. The Minister of Finance will find that the report exonerates the Justice Information System and, in fact, explains that the problems of that particular system were brought about by senior management, including Ministers I might add, failing to take heed of the advice given to them by their technical staff.

I had direct involvement with four systems that are now running successfully on the Justice Information System. Recently, I was advised by JIS staff that a review of one of the systems that I designed found that not only was my system working according to the specifications but the quality of the documentation was such that they recommended it should be adopted as a standard for future documentation. I can well understand the Minister's nervousness at having someone with computing expertise sitting on this side of the House—

Members interjecting:

The SPEAKER: Order! Every time we have a personal explanation the Chair has to go through this. Honourable

members should read Standing Orders. A personal explanation cannot be debated.

ROAD TRAFFIC ACT AMENDMENT BILL (No. 3)

The Hon. FRANK BLEVINS (Minister of Transport) obtained leave and introduced a Bill for an Act to amend the Road Traffic Act 1961. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill deals with seven distinct matters: the regulation of sporting events on roads; the requirement to report on the operation of random breath testing stations; the banning of the possession, use and sale of radar detectors and jammers; the use of low powered motorcycles and pedal cycles on footpaths by employees of Australia Post; the clarification of duties of drivers when faced with traffic lights and signs; the detection of driving offences by photographic detection devices; and the power to charge fees for vehicle inspections required under any other Act.

In recent times concern has been expressed by local government, police, sporting organisations and other authorities at the manner in which sporting events are conducted on roads without there being adequate legal provision for such events. The lack of appropriate legislation not only affects those taking part but other road users as well.

Events such as fun runs and cycling events can give rise to a variety of hazardous situations. In the past major events have been controlled by Police, however, many minor events, such as a cycling club on a practice run on a weekend, have been carried out without specific provision for adequate supervision and regulation of traffic.

In addition, participants in such events may well have been in technical breach of road traffic laws. Runners are not permitted to be on the carriageway of a road where a footpath is provided. Cyclists in a road race often ride more than two abreast and possibly exceed speed limits; their pedal cycles do not conform with some equipment requirements, for example, no warning device or reflectors and no visible tread on racing tyres. The Bill addresses these problems by allowing organisers of events to apply to the Minister of Transport for appropriate orders for the closure of roads and exemption of participants from the application of relevant traffic rules. It is intended that the Minister will act through the Commissioner of Police in approving applications and giving orders. As councils are also involved with roads within their areas, consultation with local councils will also be required. Such conditions as are deemed necessary can be imposed in relation to any orders given.

Prior to cabinet approval being given for this proposal, extensive consultation has taken place involving police, local government, department of recreation and sport, road runners organisations, cycling associations and representatives from the State Bicycle Committee. Organisations and clubs will need to apply to the police for a permit following consultation with local government. Major events can be examined on a 'one off' basis, while it is envisaged that regular events could be approved on an annual basis.

The second part of the Bill relates to breath testing stations and the preparation, within three months after the end of each calendar year, of a report which is laid before both Houses. Three months does not give sufficient time in which to obtain and collate all the information required to go into the report. Extending the time from three to six months will overcome this difficulty.

The third part of the Bill deals with radar detectors and jammers. Radar detectors identify the presence of a traffic radar unit. These devices emit a visual and/or audible warning in advance of the radar beam enabling the driver to adjust the speed of the vehicle according to the legal limit.

Radar jammers operate by emitting impulses which jam the radar unit. It can prevent a reading of the speed of the vehicle or be programmed to give a lower speed reading than that of the offending vehicle. The driver merely continues at the same speed and avoids apprehension.

Legislation prohibiting the use of radar jammers is already in existence under the Commonwealth Radiocommunications Act 1983. However, that law is virtually unenforceable as the offence only relates to the operation of such devices.

Hence a person can only be charged if caught in the act. The State proposals will not be in conflict with the Commonwealth Act. Rather they will be complementary.

Excessive speed is recognised as being a major cause of the incidence and severity of road accidents. The intent of this provision is to prevent drivers who habitually speed from avoiding detection.

The use of radar speed analysers in a selective enforcement program enables police to dissuade excessive speed by increasing the driver's perception of the risk of detection. The lowering of a driver's perception of being detected, or eliminating it altogether enables an offending driver to exceed speed limits with virtual impunity.

Speed detection cameras are now on trial in this State. As these cameras are activated through existing radar units, it is likely that the use of radar detectors and jammers would increase substantially.

Federal and State Transport Ministers. meeting as the Australian Transport Advisory council (ATAC) on 25 May 1990, agreed to introduce legislation as soon as practicable to make it illegal to sell. own, use or possess a radar detector. Provisions of the proposed Bill are similar to those in place in Victoria. However, a prohibition on the offering for sale of a radar detector or jammer has been included to ensure that members of the public are not misled on the legal status of these devices.

To enable practical enforcement of a ban in South Australia, it is proposed to administer it under the Summary Offences (Traffic Infringement Notice) Regulations. A fine of $150 is considered appropriate based on existing fines for exceeding the speed limit which are:

up to 15km/h over the limit $65
between 15km/h and 30 km/h over the limit $129
in excess of 30km/h over the limit $183

The general penalty provision under the Road Traffic Act is $1 000 where a complaint is taken to Court. Mandatory confiscation of the device is proposed in the Bill for any person using or found in possession of a device suspected of being a radar detector or jammer.

To enable the proposal to be effective the Bill contains the following enforcement measures:

Evidentiary assistance for proof that a machine was, in the absence of proof to the contrary, a radar detector or jammer and that it was capable of being used as such. In cases where the fine is not expiated, the matter will go to court and it will be necessary to establish that the machine was a radar detector or jammer. This evidentiary provision will save unnecessary delays.

The ability to access professional assistance in testing and examination of radio communication devices to assist

police personnel prove the capability of a device suspected of being a radar detector or jammer. The power to the Crown to seize, retain and test any radar detector or jammer and dispose of the device upon con- viction or payment of the expiation fee.

Whilst under existing provisions of the Sumary Offences Act police have the power to stop, search and detain any vehicle suspected of containing an object that it is an offence to possess, this Bill proposes that the police may enter land or premises suspected of containing radar detectors or jammers on the authority of a warrant.

The fourth part of the Bill relates to the use of bicycles and low powered motorcycles on footpaths by employees of Australia Post whilst engaged in the delivery of mail. This matter was taken up on a national level as a result of Australia Post submissions. The Australian Transport Advisory Council endorsed a proposal and approved of amendments to the National Road Traffic Code which lays down certain conditions for use of low powered motorcycles on footpaths. Such conditions limit the engine capacity to 110 millilitres and speed of travel to 7km/h, require that the rider is actually engaged in the delivery of postal articles and that the driver takes adequate precautions and drives in such a manner as to avoid collisions and not cause danger or obstruction to any person or thing and that the rider take the shortest practical route from the carriageway to the point of delivery and return to the carriageway after each delivery.

Queensland has taken up the proposal by adopting all the conditions while New South Wales, Tasmania and Victoria have adopted all but the last condition. Cabinet has agreed that the last condition is impractical. In fact Australia Post employees can already be observed riding along the entire length of the footpath regardless of whether the law permits it or not. Queensland is no exception. This practice has been going on for many years whether a pedal cycle or motorcycle is used. Another variation proposed is to allow a speed limit of 10 km/h for the following reasons—wheelchairs on footpaths are subject to a 10 km/h limit as are vehicles proceeding to and from land abutting a road. Furthermore a speedometer is not accurate at low speeds and graduations of speed are generally displayed in multiples of 5 or 10 km/h.

The fifth part of the Bill relates to the general requirements for drivers at traffic lights and signs. In particular section 76 deals with the general requirements for traffic signs and marks with a requirement that only drivers of motor vehicles must comply with those instructions. It does not extend to the riders of pedal cycles. A legal technicality was also noticed when drafting regulations for the overhead traffic signals for Flagstaff Road. Although the overhead traffic signals have been installed. and operating since October 1989, they could not be referred to as such in regulations as section 76 only refers to signs and marks.

The sixth part of the Bill relates to photographic detection devices. Owner onus legislation came into operation in South Australia on 1 July 1988. Under section 79b (2) of the Road Traffic Act the registered owner of a motor vehicle involved in a red light offence as identified by a photographic detection device is guilty of an offence unless the owner proceeds with certain defence provisions contained in the Act. For instance, where the registered owner is a natural person and proves that he or she was not driving the vehicle at the time, or in the case where the registered owner is a body corporate, the body corporate proves that no officer or employee was driving the vehicle at the time.

These defences are causing some operational difficulties. Where the registered owner is a natural person, the existing legislation does not require the owner to name the driver. Where a body corporate is involved, in practice a statutory declaration is required either stating the name of the officer or employee, or stating that no officer or employee was driving the vehicle at the time.

The existing legislation deals differently with natural persons and corporate bodies. Where the owner is a body corporate and the driver is an officer or employee but cannot be identified as such, the body corporate remains liable. However, where the owner is a natural person, a statutory declaration from the owner stating that the name of the driver is not known is all that is required in practice. This new proposal will require a registered owner who is a natural person to state the name of the person who was driving the vehicle at the time.

At present, a person who is not an officer or employee of a company but who drives a company car is not covered by the owner onus provisions. Changes to the owner onus provisions will include the driver of a company car where that person is not an officer or employee of the company.

However, there will be an 'out' for both natural persons and bodies corporate. In either instance where the identity of the driver is not known a statutory declaration must include a statement as to the reason why the identity is not known.

Proposed changes to the definition of 'registered owner' will extend to include:

the new owner of the vehicle on transfer of ownership where the new owner has not yet been recorded as such by the Registrar; and

a person who has hired a vehicle by virtue of a hire agreement or where a person is in possession of a vehicle due to bailment.

With the proposed introduction of speed cameras, it can be reasonably expected that the volume of follow-p enquiries will increase dramatically. However, these amendments will reduce the necessity of many follow-up actions by the police and therefore result in significant savings in resources.

Finally, this Bill proposes an amendment to the regulation making power of the Road Traffic Act which will clarify the power to charge a fee for the inspection of a vehicle where that inspection is required under the provisions of another Act.

Clause 1 is formal.

Clause 2 provides for commencement of the Act, except for sections 5 and 13, on a day to be fixed by proclamation. Sections 5 and 13 commence on the day on which the Act is assented to by the Governor.

Clause 3 amends section 5 of the principal Act, an interpretation provision, by inserting a definition of 'radar detector or jammer'. This definition is inserted for the purposes of clause 6. A radar detector or jammer is defined as a device the sole or principal purpose of which is to detect the use of, or prevent the effective use of, a traffic speed analyser.

Clause 4 repeals section 33 of the principal Act and substitutes a new section 33. This authorises the Minister, on the application of an interested person, to declare that an event (which includes any organised sporting, recreational or similar activity, whether a race or not) that is to take place on a road is an event to which the section applies. The Minister can make an order in respect of such an event closing a road on which the event is to be held and any adjacent or adjoining road for a specified period. The Minister may also (or alternatively) exempt participants in an event from the duty to observe specified road rules while participating. Where the Minister orders a road to be closed for the event, that order can only be made with the consent

of every council within whose area the road is situated, and the Minister must advertise that closure (at the expense of the applicant for the order) in two newspapers at least two clear days before the order takes effect. An order of the Minister may be subject to conditions and renders lawful anything done in accordance with its terms. It can apply to the whole or any part of a road. Clause 4 also empowers members of the police force to give such reasonable directions to road users on the day of the event as are necessary for the safe and efficient conduct of the event. Those directions may include clearing vehicles or persons from a road or part of a road or temporarily closing a road or part of a road. It is an offence with a maximum penalty of a fine of $1 000 not to obey such a direction.

Clause 5 amends section 47da of the principal Act, extending the time after the end of each calendar year within which a report on the operation and effectiveness of the section must be prepared from three months to six months.

Clause 6 inserts a new section, section 53b, into the principal Act. The new section makes it an offence to own, sell, offer for sale, use or possess a 'radar detector or jammer' (see clause 3). Members of the police force are empowered to obtain a warrant to enter and inspect premise where they have reasonable cause to suspect that an offence against this new section has been committed or that there is a radar detector or jammer or evidence of the commission of an offence against this section. No warrant may be issued by a justice unless the justice is satisfied (on information given on oath) that the warrant is reasonably required. Members of the police force are also empowered to seize, retain and test devices that they have reasonable cause to suspect are radar detectors or jammers, and those seized devices are forfeited to the Crown on the conviction of a person for an offence against this section in relation to the device (or on the expiation of the offence by such a person). Forfeited devices can be disposed of by the Commissioner of Police. In proceedings for an offence against the new section, an allegation in the complaint that a specified device is a radar detector or jammer is proof of that fact in the absence of proof to the contrary.

Clause 7 amends section 61 of the principal Act. Section 61 makes it an offence to drive a vehicle on a footpath (unless entering or leaving land adjacent to the footpath). An exception is made in the case of persons in wheelchairs, provided that they do not exceed 10 kilometres an hour. This amendment makes another exception in the case of pedal cycles or motor cycles driven by employees of the Australian Postal Commission, provided that they comply with any requirements in the regulations. The amendment also removes the specific requirement that persons in wheelchairs not exceed 10 kilometres per hour on a footpath, replacing it with a general requirement that in driving on a footpath such persons also comply with the regulations.

Clause 8 amends the heading preceding section 75 of the principal Act. The heading currently refers only to traffic lights and signs. It is amended to refer to traffic lights, signals and signs.

Clause 9 amends section 75 of the principal Act. Section 75 requires drivers and pedestrians to comply with the instructions indicated by traffic lights or any signs exhibited with traffic lights. It authorises the making of regulations to define the instructions that traffic lights, or signs exhibited with traffic lights, give to drivers and pedestrians. This clause specifies that the provisions of section 75 also apply to signals exhibited with traffic lights.

Clause 10 amends section 76 of the principal Act. Section 76 requires the driver of a motor vehicle to comply with the instructions indicated by traffic signs. It authorises the making of regulations to define the instructions that the words or symbols on traffic signs give to drivers of motor vehicles. This clause specifies that these provisions of section 76 also apply to traffic signals erected on or near a road for the purpose of regulating the movement of traffic or the parking of vehicles. This clause also amends section 76 to require all drivers, and not just the drivers of motor vehicles, to comply with the instructions indicated by traffic signs or traffic signals.

Clause 11 amends section 79b of the principal Act which deals with driving offences detected by photographic detection devices. Under the section in its present form, the registered owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in one of the listed driving offences is guilty of an offence against section 79b unless one of the following defences is established:

(a) that no such driving offence was in fact committed;

(b) where the registered owner is a natural person—that he or she was not driving the vehicle at the time;

(c) where the registered owner is a body corporate—

(i) that no officer or employee of the body was driving the vehicle at the time;

or

(ii) that, although an officer or employee of the body appears to have been driving the vehicle at the time, the body has furnished to the Commissioner of Police, by statutory declaration made by an officer of the body, the name of the officer or employee.

Under the section, where there are two or more registered owners of the same vehicle, a prosecution may be brought against one or against all or some of them jointly as co-defendants. Every person alleged to have committed an offence as registered owner must be given the opportunity to expiate the offence and, if such a person chooses not to expiate and is convicted of the offence, is not liable to be disqualified from holding or obtaining a driver's licence. An offence committed as the registered owner (as opposed to the driving offence) does not attract demerit points.

The clause amends this section in several ways.

First, the definition of 'registered owner' is widened so that it includes a person to whom ownership of a vehicle has been transferred but who is not yet registered or recorded as the owner of the vehicle and any person who has possession of a vehicle by virtue of the hire or bailment of the vehicle.

Secondly, the defences available to a person charged with an offence against the section as registered owner of a vehicle are varied. The defence that no driving offence was in fact committed remains in its present form. The further alternative defences provided under the section in its present form are replaced with the following defences:

(a) that the registered owner, or, if the registered owner is a body corporate, an officer of the body corporate acting with its authority, has furnished to the Commissioner of Police a statutory declaration stating the name and address of some person other than the registered owner who was driving the vehicle at the time;

or

(b) that—

(i) if the registered owner is a body corporate—the vehicle was not being driven at the time by any officer or employee

of the body acting in the ordinary course of his or her duties as such;

(ii) the registered owner does not know and could not by the exercise of reasonable diligence have ascertained the identity of the person who was driving the vehicle at the time;

and

(iii) the registered owner, or, if the registered owner is a body corporate, an officer of the body corporate acting with its authority, has furnished to the Commissioner of Police a statutory declaration stating the reasons why the identity of the driver is not known to the registered owner and the inquiries (if any) made by the registered owner to identify the driver.

Clause 12 inserts a new section, section 79c, into the principal Act. The new section makes it an offence for a person who does not have proper authority to wilfully interfere with the timing or speed measuring components of, or the seals attached to, a photographic detection device. It also makes it an offence for such a person to interfere with the working of a photographic detection device with intent to prevent it functioning correctly. The maximum penalty for these offences is a $4 000 fine or imprisonment for 1 year.

Clause 13 amends section 176 of the principal Act, specifying that the fees that may be prescribed by regulation under the principal Act include fees for the inspection of vehicles by a State Department, whether that inspection is for the purposes of the principal Act or any other Act.

Mr INGERSON secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 3)

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

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

South Australian legislation only requires pre-registration roadworthiness inspection of buses, country based taxis and commercial vehicles seeking registration under the Federal Interstate Registration Scheme. The condition of other vehicles is only monitored by casual on-road observation by police officers, which can lead to defecting. All other States have more stringent inspection requirements.

However, the Government has already recognised the problem of unsafe vehicles on our roads and, on 28 March 1990, introduced a scheme of random on-road inspection of heavy commercial vehicles. Inspectors from the Department of Road Transport (acting under delegated authority from the Minister of Transport) have special equipment that can test the brake efficiency, steering and suspension of these vehicles. Steps need to be taken now to extend inspection procedues to other classes of vehicles. At present, the Registrar under the Act has power to refuse to register a motor vehicle it is considered the vehicle does not comply with design, construction or maintenance requirements or, if driven on a road, puts the safety of persons using the road at risk. Lacking, however, is the power to inspect, which this Bill proposes.

For instance, when, say, a passenger car previously registered in another State seeks registration in South Australia, an engine number check is carried out to determine whether or not the vehicle is stolen. These checks are carried out by police officers, mainly at the Vehicle Inspection Station at Regency Park. The numbers, ownership and general condition of many of these interstate registered vehicles are such that it is believed that some dumping into South Australia of unroadworthy vehicles is taking place.

It is estimated that. in 1989, about 14 000 vehicles previously registered in other States sought registration in SA. Approximately 9 000 were over five years old. Most were previously registered in Victoria or New South Wales. Significant numbers of these vehicles are referred to Vehicle Engineering Section staff because of concerns about roadworthiness by police who carry out engine number checks. As work loads have permitted, a random sample of the vehicles has been inspected for roadworthiness. These ad hoc inspections suggest that over 30 of those vehicles aged five years or more are in a condition which warrants defect. The proportion can be expected to be higher for older vehicles. This Bill, if passed, will provide the Registrar with power to have these vehicles inspected. Initially, it is proposed that vehicles transferring from interstate and manufactured more than seven years before the date of application to register in South Australia will be subject to the inspection procedure.

Clause 1 is formal.

Clause 2 amends section 139 of the principal Act. It inserts paragraph *(ab)*, which provides that where an application to register a motor vehicle is made, the Registrar (or a member of the Police Force or any person authorised by the principal Act to inspect motor vehicles for the purposes of the Act) can examine that vehicle to determine whether it complies with legislation regulating the design, construction or maintenance of such a vehicle, and whether it would put the safety of other road users at risk if driven on the road. Clause 2 also amends section 139 *(b)* to empower the Registrar and other authorised persons to enter premises at any reasonable time to search for motor vehicles for the purposes of an examination under the new paragraph *(ab)*.

Mr INGERSON secured the adjournment of the debate.

CORRECTIONAL SERVICES ACT AMENDMENT BILL (No. 2)

The Hon. FRANK BLEVINS (Minister of Correctional Services) obtained leave and introduced a Bill for an Act to amend the Correctional Services Act 1982. Read a first time.

The Hon. FRANK BLEVINS: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

It proposes amendments to the Act in relation to a number of different areas, each of which is discussed in turn:

1. Community Service Committees:

Currently the Act requires that a community service committee be established for each community service centre. The principal role of such committees is to approve and review projects for the community service scheme. The Community Service Orders program has now been established for a number of years, and it has become apparent that the scheme could be more efficiently managed by a smaller number of community service committees.

Further, the problems in establishing committees in country localities are about to be exacerbated by the introduction of the scheme into the Pitjantjatjara lands which is intended to serve some 12 different communities in the far North West of the State. It is obvious that if the Department of Correctional Services (hereafter referred to as 'the department') can be relieved of the need to establish a committee for each centre, considerable savings and increased efficiency can be achieved. The department is planning in this financial year to establish a district office at Marla, which will service all of the Pitjantjatjara lands, and a single committee located either in that town or at Port Augusta can conveniently undertake responsibility for the northern region of the State. The proposed amendments to section 17 will continue to meet the spirit of the Act regarding committee membership and project approval and review.

2. Inspection of Correctional Institutions:

Pursuant to section 20 of the Act, some 20 justices of the peace have been appointed by the Governor, and are currently fulfilling their role of 'inspectors' of correctional institutions throughout the State. Whilst not dissatisfied with the job done by the various justices over the past five years the department seeks to add to the perceived objectivity, weight and credibility of the role of inspectors by seeking to recruit retired members of the judiciary and other legally qualified persons.

In order to make this possible, an amendment to the section is proposed to allow the Governor to appoint as inspectors, persons other than justices of the peace.

3. 'Designated' Parts of Institutions:

A number of sections of the Act, namely sections 19, 22, 23 and 25, currently provide for a scheme whereby prisoners can be formally assessed into specified classes and thereby detained in specified 'designated' parts of correctional institutions.

Notwithstanding this legislative scheme which anticipates formally classified prisoners being placed into designated parts of institutions, the department, except in relation to prisoners segregated under section 36 of the Act, has never sought to divide its correctional institutions into different parts which could then be gazetted as 'designated parts' for the detention of formally specified classes of prisoners. Indeed to have effected such a scheme would have reduced the ability of the department to place different groups of (informally classified) prisoners sometimes within the same division of an institution, and would have been far more costly in terms of resources and time to administer. The current overcrowding crisis has made it essential that the department be enabled to lawfully continue to apply a flexible approach to the placement of prisoners committed to it.

Accordingly the amendments proposed to the above sections are designed to remove the reference to 'designated parts' appearing therein.

4. Custody of Prisoners and Regimes:

A small number of prisoners have by their past actions—the most recent being the taking of hostages at Yatala Labour Prison, and the life-threatening acts of sabotage carried out in the industrial complex in that prison—demonstrated the power and the ability to coerce other prisoners, by threats of violence including death, to assist them in their constant attempts to threaten the safety of officers and prisoners, and the security and good order and management of prisons, and in particular Yatala Labour Prison. In order to properly counteract such dangerous and disruptive behaviour, an amendment is proposed to section 24 of the Act empowering the Chief Executive Officer of the department to place any particular prisoners in a part of a prison and establish for them such a regime concerning work, recreation, and contact with other prisoners as from time to time appear expedient.

This simply recognises the geographic reality of many of the State's prisons being made up of different residential units. It is to be noted that this section does not empower the Chief Executive Officer to keep a prisoner separate and apart from all other prisoners in a particular institution.

5. Leave of Absence from Prison:

Currently a prisoner granted leave to be absent from prison under section 27 of the Act whose leave is revoked by the Chief Executive Officer upon breach of the conditions of leave continues to serve his or her sentence even though he or she remains at large. An amendment to the section is proposed to remedy this situation.

6. Removal of Prisoners for Criminal Investigation:

From time to time the police need to have a prisoner accompany them for a short period of time to such places as police headquarters, the scene of an alleged crime, and the like, in order to assist them in a criminal investigation. An amendment to section 28 is proposed in order to allow the removal of such prisoners from institutions for this purpose.

7. Work, Allowances and Visitors to Prisoners:

A minor amendment to sections 29, 31 and 34 is proposed to make it clear that those sections do not apply other than to prisoners who are detained in correctional institutions.

8. Power to Keep a Prisoner Apart from All Other Prisoners:

It is proposed to repeal section 36 of the Act concerning segregation and to replace it with a less cumbersome provision enabling the Chief Executive Officer to order the separation of a prisoner from all other prisoners in an institution. Experience has shown that only rarely does a prisoner require or request to be kept separate from all other prisoners. One obvious situation is the need to keep separate a prisoner whilst an investigation is conducted into an offence alleged to have been committed by that prisoner. In such cases an order cannot be made for a period exceeding 30 days.

Other situations would generally arise from the need to ensure the safety of the prisoner, or other prisoners and staff, and the good order and management of the institution, and would not result in prisoners being kept separate for long periods of time. There will always be a small number of prisoners, including those who are intellectually retarded in some way or requiring or demanding a high level of protection, who simply cannot be safely placed in the company of other prisoners, or with more than one or two other prisoners.

It is proposed that orders for separation will not be subject to judicial review, but on each occasion that such an order is made the Chief Executive Officer must forward a report concerning the matter to the Minister who will review it and may confirm or revoke the order.

It is not to be overlooked that prisoners who are subject to such orders will be—

seen daily by the manager or assistant manager of the institution;

seen weekly by an inspector of the institution appointed under section 20 of the Act;

reviewed regularly by the local security ratings and review committee.

Like all other prisoners, they will also be able to seek to see the Manager of the institution who would normally arrange an interview within 24 hours, and to telephone or correspond with the Chief Executive Officer, their solicitor, the Ombudsman, members of Parliament, and the like.

9. Home Detention:

Amendments are proposed concerning the home detention scheme with the purpose of broadening the categories of prisoners eligible to be considered for home detention. Currently prisoners with long head sentences but shorter non-parole periods are excluded altogether from home detention, or cannot be so released until right at the end of their non-parole period because the qualifying period which must be spent in an institution relates only to the head sentence.

It is proposed that the qualifying period for prisoners with non-parole periods is now to be one-third of the non-parole period. For those prisoners without non-parole periods—except for life-sentenced prisoners who have not had a non-parole period fixed and are denied access to the scheme—there will be no qualifying period, which will allow the department maximum flexibility in choosing suitable candidates for home detention.

To date Aboriginal prisoners have been significantly under-represented as few have applied. It is hoped that by restricting their day-to-day movement to an area wider than a specific residence will encourage more to apply for release on home detention.

It is anticipated that the release of a greater number of suitable prisoners on home detention will significantly assist in relieving the current overcrowding of our prisons.

10. Prisoner Appeals Against Orders by Visiting Tribunals:

Currently under section 47 of the Act prisoners have a limited right of appeal against orders made by a visiting tribunal punishing them for breaching the regulations made under the Act—limited in that the appeal lies not in relation to the finding of guilt or the level of punishment ordered—but is restricted to alleging that the tribunal failed to conduct the hearing in accordance with the procedures specified by the Act and regulations.

Despite the fact that only some three out of about 93 appeals completed to date have been successful—and even then the matters have been ordered to be re-heard—the number of appeals filed have continued to increase, causing a very considerable burden by way of costs and use of resources by the District Court, the Crown Solicitor's Office, and the department.

Significant savings can be achieved by the proposed amendments which will effect a tightening of the procedures concerning the filing of these appeals, and by having them heard by the Magistrates Court rather than the District Court.

Clause 1 is formal.

Clause 2 provides for commencement on proclamation.

Clause 3 defines 'Aborigine' and removes a definition relating to the system of formal designation of parts of correctional institutions as parts in which particular classes of prisoner may be detained.

Clause 4 provides that there does not have to be one community service committee for each community service centre, but only such number of committees as the Minister thinks necessary or desirable.

Clause 5 deletes the power of the Minister to designate on a formal basis the parts of correctional institutions in which certain prisoners may be detained.

Clause 6 empowers the Governor to appoint persons other than justices of the peace as prison inspectors.

Clause 7 deletes the requirement to assign prisoners for detention in designated parts of correctional institutions.

Clause 8 effects a similar amendment.

Clause 9 inserts in this section a provision giving the Chief Executive Officer an absolute discretion as to where any prisoner is placed from time to time within any particular institution. The Chief Executive Officer also may fix a program or regime for any particular prisoner or class of prisoner, and such a program will specify the arrangements for work, recreation, contact with other prisoners, etc.

Clause 10 removes references to designated parts of correctional institutions.

Clause 11 makes it clear that, where a prisoner's leave of absence is revoked, he or she is not to be taken to be serving his or her sentence of imprisonment while still at large.

Clause 12 requires the manager of a correctional institution to release a prisoner into the custody of a member of the Police Force if the prisoner is to be investigated for a suspected offence or if a prisoner charged with an offence is to be taken for fingerprinting, medical examination, etc., pursuant to any other law (for example, the Summary Offences Act).

Clauses 13, 14 and 15 put it beyond question that these sections dealing with work, allowances and visitors apply only to prisoners while actually in a correctional institution (that is, not to prisoners on home detention).

Clause 16 recasts the provision dealing with segregation or separate confinement. A prisoner can only be kept apart from all other prisoners if a direction is given by the Chief Executive Officer to that effect. The Chief Executive Officer may give such a direction if of the opinion that it is desirable to do so for the purposes of investigating an offence alleged to have been committed by the prisoner (such a direction can only be given once per offence and cannot endure for longer than 30 days). The Chief Executive Officer may also give such a direction where he or she is of the opinion that it is desirable to do so in the interests of the safety or welfare of the prisoner or any other prisoner or the security or good order of the correctional institution. A direction on these grounds has effect until revoked. Directions must be in writing and must be served on the prisoners to whom they relate within 24 hours. Even though such a direction exists, the Chief Executive Officer may permit the prisoner to have contact with other prisoners. On giving a direction under this section, the Chief Executive Officer must report to the Minister on the circumstances in which it was given. The Minister may review the direction and confirm or revoke it. A direction or decision under this section cannot be reviewed judicially.

Clause 17 makes it clear that the power to search prisoners only applies to prisoners in a correctional institution.

Clause 18 amends the home detention provision so that all prisoners, except a life prisoner who does not have a non-parole period, are eligible for release on home detention. Where the prisoner is subject to a non-parole period, at least one-third of that period must have been served before the prisoner can be released on home detention. A prisoner will remain on home detention (unless it is revoked) for the balance of the period that he or she would have served in prison or until released on parole. For this purpose it will be assumed that the prisoner earns maximum remission while on home detention. Where a prisoner released on home detention is an Aborigine who resides on tribal

lands or an Aboriginal reserve, the term 'residence' will include such extra area of land as the Chief Executive Officer may specify in the instrument of release.

Clause 19 is a consequential amendment.

Clause 20 substitutes section 37d (this provision is no longer appropriate as prisoners who have served out the balance of a non-parole period on home detention will then move onto parole). New section 37d makes it clear that there is no responsibility on the Crown to maintain a prisoner while on home detention.

Clause 21 widens the ambit of the early release powers of the Chief Executive Officer to include prisoners who have been released on home detention.

Clause 22 is consequential upon clause 21.

Clause 23 effects a consequential amendment.

Clause 24 amends the section that provides a right of appeal against decisions of visiting tribunals. Such an appeal will now lie to a court of summary jurisdiction instead of a District Court.

Clause 25 amends the section dealing with release on parole to cover the situation where the prisoner has already been released on home detention. In calculating the release date for such a prisoner, it will be assumed that the prisoner has been credited with maximum remission during the period of home detention.

Clause 26 inserts an evidentiary provision that will obviate the need to call the Chief Executive Officer to give evidence in proceedings against a prisoner for breach of leave of absence conditions. A document purporting to be a copy of the Chief Executive Officer's order granting the leave is proof of the order, in the absence of proof to the contrary.

Mr OSWALD secured the adjournment of the debate.

TRUSTEE COMPANIES ACT AMENDMENT BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Education) I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Trustee Companies Act Amendment Act 1990 amends schedule 1 to the Trustee Companies Act 1988 by including in schedule 1 National Australia Trustees Limited and Perpetual Trustees SA Limited as trustee companies for the purposes of the Trustee Companies Act 1988.

National Australia Trustees Ltd is an entirely new trustee company to enter into South Australia whilst Perpetual Trustees SA Limited is the subsidiary of Perpetual Trustees Australia Ltd, a company already included as a trustee company in Schedule 1. The inclusion of these two companies in schedule 1 will expand in number and range the trustee companies available to the public of South Australia.

Clause 1 is formal.

Clause 2 provides for commencement on a day to be fixed by proclamation.

Clause 3 amends schedule 1 to the principal Act by the addition of National Australia Trustees Limited and Perpetual Trustees SA Limited to the list of companies which are trustee companies for the purpose of the Act.

Mr INGERSON secured the adjournment of the debate.

STATUTES AMENDMENT (SHOP TRADING HOURS AND LANDLORD AND TENANT) BILL

In Committee.

Clause 4—'Interpretation.'

The CHAIRMAN: We are considering the Minister's amendment to clause 4, and the member for Davenport had the floor upon adjournment last night.

Mr S.G. EVANS: The purpose of this amendment is to make clear that where a service station operates a retail outlet for goods other than petroleum products, the area that accommodates petroleum products shall not be taken into consideration as part of the other retail outlet. That other retail outlet can involve foodstuffs or other items. The Minister and his department have known for many years that service stations have been merchandising goods against the law. The Minister's departmental officers have deliberately, at the request of the Minister or for the sake of not seeing the situation, taken no action and have turned a blind eye. It would be a bad thing for this Parliament to develop a practice whereby, because a law is broken for a long time, the practice is seen as lawful. In other words, if one agrees with a certain practice according to one's own philosophy, that practice is against the law and if one ignores that fact when in government and at some future time argues that that practice should be legal, that is quite disgraceful.

In Australia there are only five major petrol companies, given that Mobil is taking over Esso. I have written to Mobil and made that point, and I appreciate the response. I will not cite it, but Mobil understands my concern about monopolies. Under the legislation we are not only giving the big retailers an opportunity but going a step further by saying that each service station in the State—and in the main they are owned by the big operators—can set up a market similar to a 777 and operate 24 hours a day, seven days a week. They may not be quite as large as a 777 but they would be of many square metres. At the same time the area that relates to the sale of petroleum products will not be included. That is the deliberate intention of the Minister in his own Bill. He introduces a Bill and decides later that we will give petroleum companies, through their agents, a bigger share of the market.

Generally, the operators of the service stations are franchised. The operators take out a franchise and are then charged a lease payment. The franchise operators will be doing the retailing, but the petrol companies will be charging rental for the extra shopping space where other community shopping centre operators could not operate. The whole principle, and what is involved under this amendment, is unacceptable.

The amendment will have an effect upon other operators who open seven days a week; it will reduce the slight benefit they have had in the past. That benefit will be decreased in the change to Saturday trading for everyone, as the Bill provides. This amendment goes even further as it allows people in big business to kick the small operators in the guts. Therefore, I oppose the amendment and the clause is one that I find reprehensible.

Mr INGERSON: We have had the opportunity to consider the amendment overnight. A couple of areas concern me. Yesterday in Committee we argued for a review of the removal of the restriction on staff numbers in relation to a 200 to 400 square metre area and that debate was put off for consideration in another place. In principle, the Minister put forward a fairly extreme point of view about which we must negotiate. Here we have an instance where a multinational petrol company can buy an acre of land, put as

many pumps as it likes in front of it and set up a supermarket exceeding 200 square metres but less than 400 square metres. This is of the Tom the Cheap type operation. A company can do all that on one or two acres and set up a magnificent complex, yet no-one else in the community can do that because they have to operate exactly within the framework of more than 200 square metres and less than 400 square metres or, if they wish to establish a free-standing business and trade 24 hours a day, the limit is 200 square metres.

The amendment enables a multinational group of companies to set up under a very special arrangement to which no other group of retailers has access—and for seven days a week. Whilst we recognise the problem facing the Minister, the amendment creates a bigger problem for everyone in the community, particularly anyone set up in the restricted 200 square metres to 400 square metres area. As I said last night, I find it unbelievable that the Government, which has talked about opening and freeing up trading, wants to restrict the number of people who can work in the shop. The sorts of regulations that we have now, whereby people can operate virtually *carte blanche* in one group whilst people in another group cannot, are unreasonable, and I ask the Minister to rethink the whole concept.

The Hon. R.J. GREGORY: I will not rethink it. If we had not had the stupid opposition to extended shopping hours from members opposite, we would not even be here today talking about this. Two or three years ago we would have had Saturday afternoon shopping and these restrictive practices would have been freed up. What staggers me is that the Party that yaps on about deregulation really wants to regulate. When we try to free up something, the Liberal Party says that it does not want to do that. We are merely freeing it up and allowing people to buy goods when they want to buy them.

On only about one occasion in the debate have we heard from members opposite anything about consumers wanting to buy something when they go near certain shops. What we have really heard about is how we can stop people from buying things. The Opposition does not think about the population of South Australia, about Mr and Mrs South Australia and young South Australians and what they want to do and how they might want to operate businesses. All we have heard from the Opposition is, 'Let's impose more restrictions. Let's not do this or that.' How about being genuine and freeing things up? We are moving this amendment to remove any legal doubt in this area. I recommend the *Business Review Weekly* to members opposite and refer them to the predictions about growth in the retail industry and opportunities for people. I thought the Liberal Party was a Party of opportunity. Instead, all it is about is denying people opportunities, stopping them from having a go and doing something; it is stopping South Australian members of the public from purchasing items where and when they want to do it.

The amendment has been moved so that people can operate a convenience store from a service station, as is their wont at present, and so that there will be no legal doubts. It will be clear and they can operate without fear of being prosecuted. I refer the honourable member to pages 102 and 103 of the *Business Review Weekly* of 12 October this year. It is the members of public who want to spend money in these shops. Why should we stop them?

The CHAIRMAN: Order! The member for Bragg has spoken three times to the amendment. He will have the opportunity to speak to the clause later.

Mr LEWIS: Let me disabuse the Minister for one moment. It is a matter of fact that it is not the Liberal Party that has opposed the introduction of a sensible extension of shop trading hours, as the Minister alleges. It is not the Liberal Party that has sought to regulate shop trading hours, as the Minister claims. In fact, it is the Government, which does not know what the word 'deregulation' means. Certainly, the Minister does not know what it means. He wants to deregulate one part of the cake and leave the other stiffly and strictly regulated—indeed, all the other parts and not just one in terms of where and what one can do on the site and, what is more, how much one must pay other people who will do it with them and for them.

Let us not have any more of this pious piffle from the Minister or any other member of the Government about the Government's attitude being one of deregulation. It is not and never has been. It was always an attitude of convenience in arrangements between the Minister's political masters in Trades Hall, whence he came to this place, relying on their support for his endorsement for the seat that he represents as a candidate for that Party at each election and, coming also—

Members interjecting:

Mr LEWIS: If he does not, as the honourable member interjects, his days in this Chamber and in this Parliament are very much numbered. It is news to me that there is a run on the Minister's endorsement at the next election. However, that is a bit peripheral to the point made by the Minister about the amendment and this clause. The important point to remember is that we wanted to see deregulation of retailing in this State. The Minister and the Minister's cronies inside and outside this place prevented that by denying the Liberal Party's express wish to involve the legislative process in that deregulation.

We would have happily deregulated it if only the Labor Party had agreed to do so. It refused our request to do so, and insisted upon the continued regulation of the most part of the commercial arrangements involved.

The CHAIRMAN: I would remind members that the matter before the Committee is the specific amendment from the Minister of Labour, concerning the area of a garage selling motor spirit, which has to be taken into account. I ask members to confine their comments to that amendment.

Mr S.G. EVANS: In the Shop Trading Hours Act, in terms of floor area for 'exempt shops', section 4 states:

> . . . a shop—
> (ii) which has a floor area—
> (A) that does not exceed 200 square metres; or
> (B) that does not exceed 400 square metres and in which not more than three persons are physically present at any one time for the purpose of carrying on, or assisting in carrying on the business of the shop; and
> (iii) which does not adjoin or is not adjacent to a building—
> (A) that is used as a storeroom for the purposes of the shop;
> and
> (B) the floor area of which exceeds one half of the floor area of the shop;

In this case we are saying that service stations will be of a completely new breed. At the moment for a shop to be exempt it cannot be part area of 1 600 square metres subdivided into, say, five shops, with just a partition between them. That is not allowed. We are saying that the service stations can have the retail sales for the petroleum products, and immediately adjacent to it there can be another retail outlet for whatever other goods it wishes to sell.

These shops will be created as a new breed to operate 24 hours a day—seven days a week if they wish. In the main, they will be owned under a freehold title by the petrol companies. Those companies can do all sorts of wheeling and dealing with their lessees or franchisees to make sure they get off the ground through this operation. I find it

unbelievable that we are creating this new breed by this method. We say that partitioning is not allowed in a big building for other retail outlets for an 'exempt shop', but in this case it is allowed to let them into the category of an 'exempt shop' when, in the main, people expect them to set up under council regulations and sell petrol. Now, they go back to the council and say that they want to sell foodstuffs next door and the Minister then allows them to have a benefit—which others do not have—of having 400 square metres of floor space to use. This will be done by putting a partition up and running two different types of sales. In this case two different operations can occur. This is a clear example of why the amendment should be opposed.

The Committee divided on the amendment:

Ayes—(23) Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory (teller), Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Noes (22)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton.

Majority of 1 for the Ayes.

Amendment thus carried.

The Hon. B.C. EASTICK: Over a long period one of the attitudes expressed by the Government in relation to opposition to the availability of all types of foodstuffs through service stations was that there was some question on health grounds involved, particularly in relation to meat, milk and other products. While in more recent years milk has been packaged in cartons, thus taking care of problems that might have existed previously, meat and other products that are handled are still a possible health problem in the service station situation if people serving there also work in the other part of the service station dealing with petroleum, grease, etc. Has the Government given any consideration to this matter? What discussions have taken place with the health department that would indicate that the health department now has less concern than it had in the past?

The Hon. R.J. GREGORY: This is a matter that is dealt with by the local council local boards of health. The conditions for the sale of foodstuffs anywhere in South Australia are the same, irrespective from where food is sold. People selling contaminated food are liable for prosecution and to all the rigours of the inspectors of the local board of health who I hope will enforce their responsibilities sensitively and adequately.

Clause as amended passed.

Clause 5—'Variation of proclaimed shopping district.'

Mr INGERSON: This clause seeks to strike out section 12 (5) and (6) of the Act and replaces those subsections with a provision setting out the way in which councils can make application to the Minister only after first giving interested persons an opportunity to express their views to the council. In making this amendment the direction provided for in the Act has been omitted, namely, that the Minister must supply a certificate to that effect. Can the Minister explain the reason for this omission?

The Hon. R.J. GREGORY: Local councils represent the views of the people in their respective areas. That being so, I am of the view that if a council were to write to me and advise me that it had held a meeting at which it had taken into account the views of interested persons within its area which indicated that a proclaimed shopping area should be unproclaimed, I would be prepared to accept that as being the view of the council and that it had done that work. It is not for me to write back and say to the chief officer, 'Have you done this or that, because I do not believe you?' I think there is an appropriate way of doing business and it is time that we took out some of the nonsense in relation to how local government organisations go about deregulating some of the proclaimed shopping areas in the State. As I said previously, we have the ridiculous situation involving one proclaimed shopping area where one shop that can open 24 hours a day seven days a week if the proprietor wishes because its area is under the limit, and yet it is desired that this remain a proclaimed shopping area.

Clause passed.

Clause 6—'Closing times for shops.'

Mr INGERSON: I move:

Page 3, after line 4—Insert new paragraph as follows:

(a) by inserting in subsection (6) after 'the closing times specified in subsection (1)' 'or such other closing times as are specified in the proclamation'.

In essence, this amendment would provide for the country councils in question the option and ability to vary shopping hours outside those fixed in the legislation. If people did not want to be forced to trade until 5 p.m. on a Saturday or 6 p.m. on a weekday, the council may want to vary the hours, depending on the local government area. As I said in my second reading speech, as the shadow Minister in this area I have received considerable correspondence from country councils saying that they would like to have at least the option of being able to apply to the Minister to vary closing hours in a separate area to that now contained in the Act. It is my understanding that this simple paragraph will enable a local council to apply to the Minister for a variation, and the Minister could then take that application to Executive Council. If accepted, it would then be proclaimed. It is in response to approaches from several country councils that the Opposition moves this amendment.

The Hon. R.J. GREGORY: I am not prepared to accept the amendment, because there is ample opportunity for councils to do what they want to do now. We have just provided for that without going to this extent. I am well aware that in some country areas there is a feeling that if Saturday afternoon shop trading is introduced they should have the to ability to prevent it if they wish. It is a decision that they make—freely make—commercially. As I said in the second reading debate last night, Naracoorte is a prime example. It is only a few kilometres from Mount Gambier and has a deregulated shopping district. There are two shops that open on Saturday afternoon, and the rest of the shops stay closed. I do not know why—I have never bothered to ask. I do know that Mount Gambier does not want to be deregulated but, at the same time, if shopkeepers want to, they can open their shops until 6 p.m. Monday to Wednesday and on a Friday afternoon.

I can recall that when I visited that town frequently all the shops closed at 5 p.m. because they closed at that time in Victoria—and at one time they wanted to be in Victoria. If those people had so much discipline among themselves as to be able to close at 5 p.m. on a weekday when the normal custom and practice elsewhere in South Australia was to close at 5.30—and when they could have stayed open until 6 p.m. if they wished, without fear of prosecution—I believe they would have enough discipline among themselves not to open on a Saturday afternoon if they do not wish to. That is their choice; they should not have a second bite at the cherry, but that is what they want to do. That is why we oppose the amendment.

The Hon. H. ALLISON: I simply rise to express disappointment at the Minister's attitude. The requests for this amendment have been regular and frequent, and they have

come to the Minister and other members of political Parties in this House from the Mount Gambier Chamber of Commerce, most recently supported by formal resolution on the floor of the Mount Gambier City Council chamber and then by a letter to individual members of Parliament. I canvassed the issues at some considerable length yesterday in my second reading speech and I do not propose to go through them again. They all stand quite undiluted as far as I am concerned.

The Minister's comments have not dissuaded me in any way from the support that I have given the Chamber of Commerce in its contentions for many years. Does the Minister realise that this amendment would give him considerable flexibility? Perhaps he has not realised that. However, the final control will still rest, not with the city council, not with the Mount Gambier Chamber of Commerce, but with Cabinet through Executive Council. Control would still rest with the Minister and I ask him to reconsider his comments.

The Hon. R.J. GREGORY: I have the greatest respect for the member for Mount Gambier, and I have no doubt that he is very sincere in what he has put to me. He reminded me that if I had accepted the amendment I could ask the Governor in Executive Council to proclaim that the shops in question close at 11.59 p.m., knowing full well that at 00.01 a.m. they could be opened again if the proprietors wished. The peculiar thing in Mount Gambier is that the shops do not open until 9 a.m. Again, that shows that marvellous discipline. They do not need us around to tell them what to do. I think that this provision is best left out of the Act. What I did not say earlier, following the contribution from the member for Murray-Mallee, is that I will believe the Liberal Party in its desire for deregulation when it comes up with an amendment to repeal this measure.

The Committee divided on the amendment:

Ayes (21)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such and Venning.

Noes (22)—Messrs L.M.F. Arnold, Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory (teller), Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Messrs Klunder, McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Pair—Aye—Mr Wotton. No—Ms Lenehan.

Majority of 1 for the Noes.

Amendment thus negatived; clause passed.

Clauses 7 to 9 passed.

Clause 10—'Hours of business, etc.'

Mr INGERSON: I move:

Page 3, line 24—Leave out 'an enclosed' and insert 'a'.

This is a most important amendment for the Opposition. It recognises that the definition of 'enclosed' shops provides that many shopping centres, which have shops which fall within this definition and shops which sit outside the same shopping centre, will have two different sets of rules in relation to core trading hours. The Opposition's amendment to this clause would redefine 'enclosed shopping complex', defining it instead as a shopping complex comprising three or more shops. In essence, this amendment encompasses all the possibilities that exist in the community today. It means that all shopping centres of three or more shops, whether enclosed or otherwise, would have the privilege of deciding whether they want core trading hours.

We believe that this amendment simplifies the exercise and is in the best interests of the community. By way of example, I point out to the Minister that at Burnside Village, which is in my electorate, one person owns an enclosed section of the centre and also owns shops backing onto the centre. With this provision relating to core trading hours, there would be two sets of rules.

My pharmacy at the Parabanks Shopping Centre opens to the outside, but it is an enclosed shopping centre and all other shops within the centre could vote for core trading hours. However, the pharmacy and several other shops in front would not be able to vote for or set core hours. It is not intended that any group of traders have to be part of the core trading hours concept, but this amendment gives them the option to be part of that. The Opposition believes that this amendment cleans up the very practical problems in the Bill. We believe that it is a very important and simple amendment and we hope that the Minister will support it in principle. Another half a dozen or so consequential amendments are on file to this clause, and I will deal with and accept them as being won or lost depending on the fate of this amendment.

The Hon. R.J. GREGORY: The Government is not prepared to accept the amendment. Although as the member for Bragg said it is a simple amendment, it has very complex consequences. At the moment, shops outside enclosed shopping centres can do what they like. Landlords build and facilitate shops adjacent to enclosed shopping centres so they can open outside and trade when they like. They have no real interest in this, yet this amendment would force them into a voting arrangement. The Bill seeks to reduce the number of shops in an enclosed shopping centre from six shops to three shops. If this amendment were accepted, nearly every shopping centre would be covered by it. Strip shops, which do not open at the moment, could be forced to open because someone decided to have a vote.

This amending Bill seeks to free up shopping to allow people to shop when they want and to allow shopkeepers to open their shops when they want to open. However, for as long as I can remember members opposite have tried to restrict shopping hours. If members opposite had adopted the same view about shopping hours as the Government, we would not be here today. We would have a vastly deregulated system with people going to shops and purchasing goods when they wanted to, and we would not be experiencing these problems.

I am advised that this amendment would decrease significantly the protection of tenants as provided in the Bill by widening the exemption to the general rule. I have been advised by people who deal with the Landlord and Tenant Act that this could have a detrimental effect. I ask the Opposition to reconsider its position because the Government is prepared to accept other aspects of its amendments to this part of the Bill.

Mr INGERSON: Unfortunately, this is another example of the impracticality of this Government in dealing with business compared with the theory that has been put forward so many times in this place. We are talking about the reality of Bills that affect people who hold leases and not this cuckoo land theory that gives the right to individuals to open and trade when they like.

On many occasions, the member for Hartley has proposed changes to the leasing legislation for one specific purpose: so that landlords do not treat small tenants in the same way as this cuckoo land theory that is currently being put before the Committee. Obviously, the Minister has never had to sit down and be part of the negotiations for the signing of a lease. Whoever has advised the Minister in this area is also, I might add, in cuckoo land because the reality is that every person who belongs to a shopping centre, whether it be on the edge or in the enclosed part of the

shopping centre, irrespective of the law, will sign a lease that stipulates that the tenant will open during certain hours—and history has shown that it is always the maximum number of hours.

That is why this principle of core trading hours has been put forward, not only by the Government but also by the Opposition. More importantly, it has been put to me—and to the member for Hartley and members on the other side—that there are genuine problems in this area in the real world and not in this cuckoo land that we are dealing with. If we open up this opportunity to more shops, we will get a much fairer situation in respect of this principle of core trading hours.

I do not accept the Minister's argument that this Bill will free up the situation and give people the opportunity to trade when they like because it never happens that way in the real world. That is why we have a Landlord and Tenant Act. The Bill was set up principally by the member for Hartley and, as I said yesterday, I support strongly the concepts that he has put before this Parliament because at least he has been, and is, part of the real world. Surely, that is what we ought to try to do with this piece of legislation. At last the Government recognises the problems of small tenants.

The Opposition is simply saying that the Government's definition of 'enclosed shopping complex' will create other problems. With this series of amendments we are trying to say that what the Government has done covers 80 per cent of the problem and that now we should try to make it 90 per cent. I do not say that my amendment will solve this problem for every shopping centre or for every single tenant, but it goes a lot further than referring to an enclosed shopping complex as it relates to core trading hours. There is no doubt that we need to continue to protect small traders in this leasing area, not only in enclosed shopping centres but right through—

Mr Ferguson: Not more regulations!

Mr INGERSON: The member for Henley Beach always goes off with this 'not more regulations' attitude. This is not more regulations; it will simplify the regulations that this Government wants to introduce with this Bill. I ask the Minister to reconsider our option so that we can make it simpler, more workable and more practical for those people who have to live in the real world and not in this cuckoo land that has been thrown before us today.

The Committee divided on the amendment:

Ayes (22)—Messrs Allison, Armitage, P.B Arnold, D.S. Baker, S.J. Baker, Becker, Blacker and Brindal, Ms Cashmore, Messrs Chapman, Eastick, S.G. Evans, Goldsworthy, Gunn and Ingerson (teller), Mrs Kotz, Messrs Lewis, Matthew, Meier, Such, Venning and Wotton.

Noes (23)—Messrs Atkinson, Bannon, Blevins, Crafter, De Laine, Ferguson, Gregory (teller), Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan, Messrs McKee, Mayes, Oswald, Peterson, Quirke, Rann and Trainer.

Majority of 1 for the Noes.

Amendment thus negatived.

Mr INGERSON: Mr Chairman, my next two amendments are consequential on the amendment that was just defeated, so I will not proceed with them. I move:

Page 3, line 41—Insert 'but not if the day is a public holiday' after 'Friday'.

The definition of 'standard hours' omits any reference to public holidays.

The Hon. R.J. GREGORY: The Government accepts the amendment.

Amendment carried.

Mr INGERSON: I move:

Page 3, line 42—Insert 'but not if the Saturday is a public holiday' after 'Saturday'.

This amendment is consequential on the previous amendment.

Amendment carried.

Mr INGERSON: I move:

Page 4—

Lines 16 to 18—Leave out paragraph *(a)* and insert the following paragraphs:

(a) the resolution must be put to a meeting of tenants by the landlord or by one or more of the tenants of the relevant shopping complex;

(ab) all tenants occupying shop premises in the shopping complex must have received at least seven days notice of the meeting;.

After line 24—Insert paragraph as follows:

(ca) the tenants present at the meeting must appoint one of their number to preside at the meeting.

We believe that extra meeting procedures would help to clarify the position in terms of the calling of meetings. The amendment after line 24 is consequential. I suggest that the tenants present at the meeting appoint one of their number to preside at that meeting. Questions have been asked about who should be the chairperson of the meeting, and that amendment clarifies the position.

The Hon. R.J. GREGORY: If the honourable member amended his amendment by deleting the words 'by the landlord or' from paragraph *(a)*, we would accept it.

Mr INGERSON: I seek leave to amend my amendment by deleting the words 'by the landlord or' from paragraph *(a)*.

Leave granted; amendments as amended carried.

Mr INGERSON: I move:

Page 4, after line 24—Insert paragraph as follows:

(ca) the tenants present at the meeting must appoint one of their number to preside at the meeting.

Amendment carried.

Mr INGERSON: I move:

Page 4, line 26—Leave out 'in relation to the question' and insert 'at the meeting'.

This amendment clarifies that only a tenant occupying a shop premises in an enclosed centre, or his proxy, is allowed to cast a vote at the meeting. It refers to attendance at the meeting.

Amendment carried.

Mr INGERSON: I move:

Page 4, lines 30 and 31—Leave out 'the total number of tenancies in the enclosed shopping complex' and insert 'the number of tenancies in the shopping complex represented at the meeting by the attendance of the tenants of those tenancies in person or by proxy'.

The Opposition believes that, without this amendment and given the 67 per cent rule, 30 per cent of the representatives could stay away and a vote on core trading hours could never be achieved. We believe that there should be a vote of only those who attend the meeting or their proxies—in other words, only those who are interested in the core trading hours and are part of the complex should be the ones who vote. If people cannot be bothered making the effort to attend these meetings they should have to wear the consequences of non-attendance.

The Hon. R.J. GREGORY: We do not support the amendment.

Amendment negatived; clause as amended passed.

Clause 11 and title passed.

The Hon. R.J. GREGORY (Minister of Labour): I move:

That this Bill be now read a third time.

Mr S.G. EVANS (Davenport): As this Bill comes out of Committee, I express my opposition to the third reading.

It has improved slightly, given the amendments. In this Bill the Parliament increases the opportunity for big business to crush small business. Big business has the corporate power and the monetary power but, until now, could not trade on Saturday afternoons, thereby giving small and medium operators some slight advantage. I cannot refer to Sunday trading as that does not come under this Bill, but we have been warned that it will be considered in the future.

I respect the small operators in the retail trade, given the tough times they have been through in a State with a virtually static population; unlike other States, there is very little growth in South Australia. This measure will not create growth. The retail trader members of the association are the big operators, not the small ones. They want to increase their take and that is why they requested this legislation. There was no groundswell of public opinion for the measure: it was promoted by those people and encouraged by the news media, the advertising world and electronic operators—the television and radio stations.

Mr FERGUSON: On a point of order, Sir, as far as I am aware the third reading stage allows a very restricted form of debate; members may refer to the Bill only as it comes out of Committee. There is no way that a member can make another second reading contribution, and I ask you to rule accordingly.

The DEPUTY SPEAKER: The honourable member refers to the Bill as it comes out of Committee. The member for Davenport or any other member may speak on the Bill as it comes out of Committee in general terms. As long as the member for Davenport does not stray from that broad understanding, his remarks are in order. The member for Henley Beach is correct in pointing out that the third reading debate is traditionally a limited debate on a Bill as it comes out of Committee.

Mr S.G. EVANS: I appreciate that, Sir. As a result of the Bill, there will be more business for those in the electronic field, spreading the news, because they also carry advertising opportunities. The big operators will use them and this Bill will put more money into that field. That is why we have much support from those groups in the community. I express my disappointment. I know that the Bill will be passed. Some families and small businesses will suffer, in particular those who do not employ people but work seven days a week to hang on and earn a crust; they will suffer more than anyone. Those who employ have gained an advantage with the change in the industrial laws, but it will not be enough to save them in the crush that comes. The Bill will allow these big operators to reduce prices until they get a bigger share of the market, get rid of some of the smaller operators and set out to exploit the community at will. They will gradually take over each other, as has been the trend, and we will end up with some form of monopoly. I oppose the Bill at the third reading.

Mr BECKER (Hanson): I support the remarks of the member for Davenport and wish to advise the House that I received a letter from a constituent this morning who, I believe, sums up the legislation as it comes out of Committee as follows:

> Having lived at West Beach for 25 years and being in your electorate, I am writing to you in disgust at the shopping hours set out by your Opposition. My daughter owns a small shop in a shopping centre and until recently employed one senior and one junior whom she had to retrench due to the downturn in business. Figures down on last year, costs are up.
>
> They have been informed of Saturday afternoon trading which costs more in wages, electricity, etc, still no more money in the till at the end of the week. Now they are expected to open Sunday before Christmas as well; 11 days straight with Christmas Day off and back open on 26 December. What a wonderful Christmas for her and the rest of the family. Staff only work voluntarily—cannot sack them if they refuse; don't have to open; protected by Government; what a laugh. What do you think when lease comes up for renewal? Some excuse will be found.
>
> I think it is time the members got out among the small shops. Who wants to own one and work seven days a week? One would be better off on the dole.
>
> Certainly, the big stores are being catered for but the likes of Mr Geoff Coles will still be out on the golf course on Saturday—it won't affect him!
>
> My 12 year old grand daughter may as well forget her Mum. She will hardly ever see her and she certainly won't have her watching at sport. Has anything like this been discussed? Afraid not. Perhaps you could bring it to the attention of our so-called Ms Wiese.

I think she means members of Parliament as well. That is the feeling of families involved in small business in our community. That is the impact of the legislation. Ever since I was elected to this place I have objected to the extension of shop trading hours as far as it affects butchers and small business. I must consistently refuse to support this type of legislation.

Mr BLACKER (Flinders): I oppose the Bill as it comes out of Committee, because it has not improved the position at all, particularly for the business community. I will paint the scenario for the House. The change means that any person from a country area having to go to town to do shopping will now have to telephone in advance to see whether or not a shop will be open.

This is what the situation will involve, particularly when it comes to harvest time, for instance. We are creating a situation where, if people want to go shopping, they might assume that shops will be open but, as the Minister said, businesses can close their doors if they want to and there can be no assurance or understanding that premises will be open. People will have to make a long distance call to the regional town before they can even go shopping. We are just creating a further difficulty for the people and business that the Government would like to encourage so that they can employ more people and create job opportunities. We are working in the reverse to that situation and no useful purpose can be achieved. Therefore, I oppose the Bill.

The Hon. T.H. HEMMINGS (Napier): I would like to speak to the Bill as it comes out of Committee and congratulate the Minister for at long last grappling with this vexed problem. All members agree that the question of extended shopping hours has been a vexed problem over the years and the Bill, as it appears before us with the amendments that the Minister has accepted, is a tribute to him. I acknowledge the bipartisan manner in which the member for Bragg also has approached the problem.

Mr GUNN (Eyre): I am not particularly happy about the form in which the legislation has arrived at this stage. I have listened quietly to the debate. It would be my assessment that we will see a continuation of the trend that has taken place in connection with service stations: there will be fewer and fewer of them. They are closing. We need only drive around the city to see how many service stations are closed and boarded up and, under this legislation, such action will continue. It is disappointing that the Minister would not accept amendments which would have somewhat improved the legislation, although not to my total satisfaction.

There has been debate and comment on the attitude of the Liberal Party that, on the one hand, we preach deregulation and, on the other hand, we will not support deregulation of this kind. This is not deregulation—this is an attempt at the destruction of small business. The Bill is not designed to assist small business and provide more oppor-

tunities: it is put forward at the behest of those people who are powerful and organised and who have the commercial might and muscle to operate these huge complexes to the detriment of people who have pioneered most of the business in this State, that is, people in small business. Therefore, I am not willing to lend my support to a measure of this kind.

As the member for Flinders rightly points out, there will be a great deal of confusion unless the Government is particularly careful. I have never seen Government or the bureaucracy being sensitive in the past in dealing with difficulties confronting isolated communities. On one occasion I well recall receiving a telephone call from a most irate constituent who had an inspector with a tape measure call on his shop claiming that the shop was so many square metres over the allowance. He said to me, 'What should I tell him?' I said, 'Tell him that as a child he obviously fell on his head, which affected him. Then pitch him out.' That is the sort of nonsense with which people have had to put up and the same thing will continue now, in my view.

I will not support the legislation, because it has not been sought at the behest of the little people, the people who have the most to lose. Instead, it has been introduced to appease the Rundle Mall traders. Normally, they can look after themselves, in my experience; and, therefore, this measure will not have my concurrence. It is appropriate and right that local government have an increased role in determining shopping hours in country areas.

The House divided on the third reading:

Ayes (35)—Messrs Allison, Armitage, P.B. Arnold, Atkinson, D.S. Baker, S.J. Baker, Bannon, Blevins and Brindal, Ms Cashmore, Messrs Crafter, De Laine, M.J. Evans, Ferguson, Gregory (teller), Groom, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Messrs Ingerson and Klunder, Ms Lenehan, Messrs Lewis, McKee, Mayes, Meier, Quirke, Rann, Such, Trainer, Venning and Wotton.

Noes (7)—Messrs Becker, Blacker (teller), Brindal, Eastick, S.G. Evans, Gunn and Mrs Kotz.

Pair—Aye—Mr L.M.F. Arnold. No—Mr Chapman.

Majority of 28 for the Ayes.

Third reading thus carried.

TECHNICAL AND FURTHER EDUCATION ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 August. Page 185.)

Mr BRINDAL (Hayward): I am pleased to represent the Opposition in this matter. It is a historic piece of legislation which I believe comes before this House as the Minister's first Bill in the area of technical and further education. So, despite the guffaws of some of my good natured colleagues, it is indeed historic, and the Minister is to be congratulated on this piece of legislation, although many may consider it to be somewhat minor in nature.

The purpose of this Bill is fairly straightforward. First, as we understand from the Minister's second reading speech, it makes only minor changes to the TAFE Act, one being basically a convenience amendment of the Act, changing the title and style of the Minister from Minister of Education to Minister of Technical and Further Education. Secondly, it provides wider employment opportunities for alternative employment for officers of the teaching service who become temporarily or permanently ill or disabled or are unable to perform their duties in their normal employment. Thirdly, it clarifies the delegation powers of the Minister and the Director-General now that the principals of TAFE colleges have become directors under another section of the TAFE Act. The Opposition has carefully examined these matters and believes that they are valid changes to make to the Act and that will improve and strengthen the Act and, therefore, we propose to support the Bill.

I think it is important to note that the Opposition does not always oppose Government measures—when they are sensible and well considered it supports them, as we will do in this case—as we similarly support those Ministers of the Government who do show some talent and flair in their job. We realise that the Minister at the table is perhaps the youngest and most junior of his colleagues but, judging from the performance of some of the more senior Ministers, I believe he is destined for a rapid rise. If we can help and encourage him in his promotion, that will be to the advantage of his Party, if not ours. The Opposition will support this Bill without amendment.

The Hon. T.H. HEMMINGS (Napier): It gives me much pleasure to follow my distinguished friend and colleague the member for Hayward in his support for this legislation. Whilst I would not go so far as to say that it is historic, I think it does actually break through the barriers, in one instance, of those people who are unfortunate enough in the course of their life to become disabled or permanently ill. This Parliament has prided itself in the area of equal opportunity, yet until today we have had on the statutes a piece of legislation that, in effect, gives one section of the disabled community who work in a Government agency the right to alternative employment, whereas in another area such as technical and further education they are given no similar rights. The Minister is to be congratulated on correcting this anomaly that has existed in the Public Service. I think that is what the member for Hayward was alluding to in his support for this legislation, although he did get a bit sidetracked in obviously trying to respond to the bribe that the Minister offered him earlier this morning.

Blessed with sound bodies, we are able to move around freely, and it is only our skills, aptitude or our craft that determines which job we can do. I think that, if we are honest with ourselves, few of us have ever really stopped and considered the problems of those people out there in the community who have become disabled either through illness, accident or, worse still, those people who have been disabled from birth. All of those people are to be congratulated on the way in which they strive to overcome their disability in the work force. Governments of all persuasions not only in this State but elsewhere in Australia—and perhaps elsewhere in the world—will always have some programs that will pick up the needs of those people with disabilities and employ them in the Public Service.

I am pleased that, as a result of its initiatives in the area of equal opportunity, this Government is encouraging the private sector and local government to pick up that responsibility. A gentleman from my electorate came to see me for assistance to get into the Public Service because he was, as a result of an accident, a bilateral amputee. Mind you, although he had suffered such a physical loss, he certainly had not lost the use of his mind or his sense of humour, and he was prepared to grapple with the problems he was facing. I am giving this example because hopefully we will be able to get that person employed. However, if that person had been employed within TAFE prior to the Minister's amendment, there would be no chance of his gaining alternative employment.

I know that I am drawing a long bow, but I am sure that the House will give me some latitude in what I am putting forward, that is, that those people who suffer disabilities need all the help that we as a Parliament can possibly give them.

The Minister described this as minor legislation. It is not minor legislation. In fact, it really is, in some ways, historic because we are closing up a loophole in education legislation. If one were a treacher in a high school and had a disability, one would be able to get alternative employment, but, if one were a lecturer in a TAFE college up the road, one would have Buckley's chance of getting alternative employment. I congratulate the Minister on this Bill and look forward to other pieces of legislation that may correct similar anomalies.

Mr BECKER (Hanson): TAFE is probably one of the most underrated services that the Government provides. I have been very fortunate in being a member of the Marleston College Council since its inception. In fact, I was on the steering committee for some time before we formed the college council in about 1981. I have remained a member of that council and I take great pride in the honour of being involved with Marleston College Council and also with the college itself. In the mid-1970s, when I first visited the college, I found horrendous working conditions and a divided campus. We were able to help the staff who were involved and who wanted to improve the standard of education, and we were able to get the Government to redevelop the whole site and consolidate it.

That is why I am concerned that one of the clauses in this small piece of legislation deals with the provision of wider employment opportunities to teachers who have become permanently ill or disabled and who are unable to perform their normal employment duties. This involves one of my neighbours, who was a very well-qualified and very loyal and devoted tradesperson within the TAFE system. It was disappointing that through illness and disability he has had to retire. Obviously, there was not the opportunity to use the experience, skills and trade technology that he has built up over the years to the best advantage of the college to which he was attached.

It is pleasing at long last that this situation has been recognised and is being rectified. The staff of TAFE are entirely different from other personnel within the education system. To me they appear to undertake their duties in a much more personal manner and with great pride. What they have done and what they have achieved over the years is something of which we can all be proud. There has been much criticism of some of the business enterprises entered into by TAFE colleges. I take that more as jealousy than anything else, because here we have some of the best trades people using their skills to improve the knowledge and the opportunities for apprentices through enterprise ventures. Building apprentices at Marleston College are working on accommodation for the South Australian Housing Trust, and at Croydon Park we have the racing car venture.

Here again, there was a lot of criticism from private enterprise because the college built this car and spent a considerable amount of money. The college went out and obtained sponsors for this venture, which will for years to come be of immense benefit to the automobile industry and the associated engineering industry. TAFE students working on the venture pay quite dearly for their course and experience. The amount of voluntary hours they put into that project is unreal, let alone that put in by the staff. They should be commended because the car recently won a race interstate. The vehicle runs on a Holden engine developed in South Australia. The project, which has not been easy, is just one small facet of the work of TAFE.

I am very disappointed in the Minister, who is a junior Minister and very new. His main field of expertise is public relations, but he has not used this opportunity to sing the praises of TAFE. I know that the Federal Government is leaning on him in relation to funding, but he has to learn to get in there—in Cabinet and in Caucus—and fight for TAFE, because TAFE offers the average citizen the opportunity to improve his or her skills, and that will be of great benefit to South Australia in the long term.

There is an article in the *News* today headed 'The Smart State'. There is also an article on TAFE with respect to the footwear apprenticeship course at Marleston, and it notes the outstanding skills that are being taught to those apprentices. At the end of the year it is worth seeing the display of goods made by these apprentices. The Marleston College students made the boots for all of the young South Australian women who went to Edinburgh recently to perform in the Military Tattoo. That is just proof of the skills being developed at the college, the opportunities there and what is in the pipeline at Marleston in relation to prison industries.

Each year 103 000 students pass through TAFE; there are 2 643 staff and about 4 977 instructors. It is those people whom I want to thank and to whom I dedicate this legislation, because they work under tremendous stress and pressure. Ever since I have been on the Marleston College Council we have had nothing but cutbacks and more cutbacks and yet the staff have been extremely loyal and, in fact, have approached private enterprise seeking cooperation and the provision of timber, materials and whatever is necessary. Unfortunately the stress that is placed on staff has meant that some of them have not been able to continue with their duties and have had to resign. Thanks to this clause and this legislation, those skills will not be lost. Under this Bill the Minister and the Director will have the opportunity to retain such people and their skills in some capacity where they can be of benefit to the college and to the students, and for that I am very grateful.

Mr FERGUSON (Henley Beach): I would like to add my congratulations to the Minister for his bringing in this piece of legislation. You, Sir, and I served on the college council at Port Adelaide and we are aware of what happens in relation to equal opportunities in TAFE. This Bill brings the legislation up to date in respect of the practices that have already been implemented in TAFE colleges. I cannot but compare what happens in the TAFE system with what happens in the Education Department as far as equal opportunities are concerned.

The member for Hanson mentioned the finances that are available to run the organisations. One of the difficulties in providing equal opportunities for those people who are handicapped in some way is that, generally speaking, more money must be spent in providing the necessary facilities. I am pleased to say that it has been my observation that TAFE colleges are very sympathetic towards spending additional funds on providing equal opportunities for handicapped people even though, as you would know from your experience, Mr Speaker, over the past few years they have been under severe financial difficulties.

The same situation occurs in the Education Department. I, like most members in this Chamber, am a member of various school councils. Unfortunately, the Education Department does not have the same will to provide facilities for handicapped people. For that reason, TAFE deserves a special mention in this place for the way in which it has

gone about protecting those teachers who, through no fault of their own, have been unable to compete on a level playing field. TAFE colleges and the Minister have been prepared to provide the necessary finances to do that. I agree with the remarks of the member for Hanson about TAFE staff. I have been closely associated with TAFE staff at Port Adelaide and the Grange annexe and I add my special thanks to the staff for the way they have worked in sometimes difficult conditions.

The Grange annexe conducts a special program in the clothing and textile industry for recently arrived migrants. Some of those migrants arrived in Australia with refugee status and unable to speak the language very well. Although they are not handicapped in the sense we have been talking about here, they are in need of special assistance, which has been provided by TAFE staff far beyond our expectation of them. I have been very concerned about the reduction in funding in recent years for TAFE colleges, and you, Sir, would know the difficulties—

Mr S.J. Baker interjecting:

Mr FERGUSON: I will ignore the member for Mitcham; I do not have time to rebut his interjections. You, Mr Speaker, would know from your experience at Port Adelaide of the squeeze that has been put on that college, and of the magnificent way in which the executive staff and other staff have overcome the problems caused by the lack of funding, and I pay tribute to them. I close by congratulating the Minister and the department on the way they have provided equal opportunities when other areas of Government have been unable to do so.

The Hon. M.D. RANN (Minister of Employment and Further Education): I thank members for their contribution to the debate on this very important piece of legislation. I join members in paying tribute to TAFE staff. As I have toured nearly every TAFE college in this State, the enthusiasm and commitment to students and for programs shown by TAFE staff has been evident and palpable. Members are quite right to pay tribute to many TAFE staff members who work under difficult circumstances and who put their own time into programs such as the car project mentioned by the member for Hanson.

This legislation gives us the flexibility to deal with difficult situations concerning members of staff who may be temporarily incapacitated. It also clears up a whole range of technical matters remaining on the statute book relating to delegation powers and identifies the correct Minister to which TAFE reports. I also thank the member for Napier for his comments in his role as the voice for the voiceless in Parliament in terms of achieving a better outcome for people with disabilities. I thank members for their concern and support in a very bipartisan way for this piece of legislation.

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

WILPENA STATION TOURIST FACILITY BILL

Adjourned debate on second reading.

(Continued from 11 October. Page 977.)

The Hon. D.C. WOTTON (Heysen): I need to say at the outset that one of the major frustrations I have with this Bill is that I firmly believe that the legislation is not necessary. I have a number of reasons for saying that. First, the Government and the Minister, in particular, know full well that section 50 of the Planning Act provides for the Minister, if she feels that a particular development is significant to the economy of the State or that it is significant enough for her to take specific action under the Act, to make a declaration.

The purpose of section 50 is to facilitate the type of development to which the Minister refers in this legislation, and it has been used and abused by this Government to bring to a stop development that the Minister or her colleagues believed was inappropriate. On seven different occasions, section 50 has been used to bring to a halt a particular development, and some of those decisions by the Minister have question marks over them. Under the heading 'Certain developments not to be undertaken without consent of the Governor' section 50 (1) provides:

> Where the Governor is of the opinion that a declaration under this division is necessary to obtain adequate control of development of major social, economic or environmental importance, he may, by notice published in the *Gazette*, declare that this division applies to—
>
> *(a)* development generally within specified parts of the State; or
>
> *(b)* specified forms of development throughout the whole of the State, or within specified parts of the State.

The onus is on the Minister to determine whether a particular development under consideration on the part of the Government or private enterprise fits into that particular category. The Minister has chosen not to take that route with this legislation.

There may be—and I believe that there are—reasons why the Minister has determined that section 50 should not be used. I suggest that one reason is that, if the Government had determined to use section 50 for the purpose of facilitating this development, the wrath of a number of people opposed to the development would fall fairly and squarely on the shoulders of the Minister—and no-one else. The Minister could not blame her Cabinet colleagues, the Opposition or anyone else who may have an interest in this development.

The Minister did not take that option; she is the only one who can explain why, and I hope that she will do so in her second reading reply. That option was certainly available and I believe that the reason she did not take it was, as I have suggested, that she knew full well that she could not put the blame on anyone else and that she would have to take the blame entirely on her own shoulders.

It is interesting to note that the Minister did not determine to use that clause to facilitate this development. I have a copy of a letter written on 14 September (only last month) that relates to a number of issues including native vegetation and the tool that would be used to facilitate the infrastructure particularly in regard to the airport and to the powerlines. I do not intend, and I do not believe that it is necessary, to say to whom the Minister wrote this letter, but certainly it is written on her letterhead and above her signature. She states:

> I refer to your further letter of 16 August 1990 concerning the Wilpena visitor facilities development and the associated subregional infrastructure. It is the Government's intention, at this stage, to make a declaration under section 50 of the Planning Act for the subregional infrastructure.

Nothing could be clearer than that. At some stage, the Minister had intended to use section 50 in relation to the infrastructure but decided against it, and I would appreciate the Minister's indicating quite clearly why that option was not taken up. More importantly, I want to know why, at the very outset, the Minister determined not to use section 50 to facilitate the overall development as provided under the legislation. I know enough about the Planning Act to realise that that clause is there for a purpose, and that the Minister had the option to follow that clause.

The legislation before us is very complex. When one reads through the lease and the various other documentation relating to this legislation, and when one considers the variety of figures in relation to visitor numbers that has emerged over a period of time, one realises that there are many complexities in this legislation.

I have many other concerns with this Bill and the second reading explanation presented in this House by the Minister recently. One of those complex matters—and I will question the Minister in detail during the Committee stage—concerns the contradictions in the legislation and the lease. For example, do we take notice of the lease or the Bill in regard to the development itself? The Bill provides that the development can be one storey only, but the lease does not say that. Which document should we take note of: the Bill or the official lease?

There are many such examples and, as I say, I will refer to some of those matters in Committee. There are other contradictions in the Bill, one of which is the determination as to who is responsible for the development. Under clause 3, 'Construction, etc., of tourist facility', the Minister, or a person authorised by the Minister, may erect or construct the works referred to in subsection (2), or any part of those works, in the development zone. It refers also to the responsibility of the Minister and, in effect, under this clause the Minister is the developer. In other parts of this clause and of the Bill, that is contradicted, and the lessee is determined to be the developer. So, a number of those sorts of issues must be sorted out.

If we look through the lease and the Bill, we find confusion about visitors. A lot of data has been provided about visitor numbers. It refers to visitors who may visit the location during the day and to overnight visitors. Again, I will have the opportunity to clarify some of those issues in Committee but, at this second reading stage, many of those areas need clarification.

The major concern of the Opposition with this Bill in its present form—and there are many others—relates to retrospectivity. Opportunity will be provided for some action to be taken in regard to this matter. This is a matter of concern not only to the Opposition; it is of concern to a large cross-section of people in the community—a large number of individuals and a large number of professional organisations which have a particular interest and responsibility in regard to planning in this State.

I will refer to a couple of those organisations, first, to the Joint Industry Committee on Planning (JICOP). A letter to the Premier which has been forwarded to me by the Acting Chairman of JICOP indicates clearly that committee's concerns. The organisations involved in that committee are listed at the top of the letter. They include the Institute of Architects, the Master Builders Association, the Housing Industry Association, the Association of Consulting Engineers, the Real Estate Institute, the Urban Development Institute, the Institute of Quantity Surveyors and the Institute of Valuers, to name just a few. The letter states:

> Dear Sir,
>
> The Joint Industry Committee on Planning supports the proposed Wilpena development, but is firmly opposed to retrospective legislation to bypass the Government's own rules. JICOP urges you [the Premier] to withdraw the Wilpena Station Tourist Facility Bill at present before Parliament.

I have received independent representation from a number of those organisations expressing real concern about the way in which this legislation, for which the Minister is responsible, has appeared before this House. Another letter that I received is from the National Environmental Law Association Limited (S.A. Division). That letter, written to me personally, states:

> You have sought the comments of the National Environmental Law Association (S.A. Division) . . .
>
> Without comment on the merits or demerits of the proposed development the subject of the Bill itself, NELA (S.A.) objects, as a matter of principle, to the provisions of 7 (1) and 7 (2) of the Bill.
>
> It is the view of NELA (S.A.) that it is inappropriate and unfair as a matter of principle for those parties other than Ophix and the Minister who may have an otherwise legitimate interest in the question of whether the proposed development proceeds to be denied the opportunity of participating in that process at this late stage.
>
> Furthermore, NELA (S.A.) is generally opposed to legislation which seeks to take a proposed development outside of the general planning process, whether that development is subject to the provisions of the Planning Act, National Parks and Wildlife Act 1972 or any other legislation.

I could take up a considerable amount of time in this House referring in detail to correspondence that I have received on this part of the legislation. Another piece of correspondence I have received states:

> The proposed retrospective legislation is a cynical exercise that has no better basis than a supposed ends justifying the means which is morally reprehensible. It will open a Pandora's box that will rebound on politicians who support such legislation.

I firmly believe that to be the case. Another letter states:

> The aim of the new legislation is to repeal, retrospectively, the requirement on the Government to abide by its own legislation in respect of the process of planning and development. And the new Bill is, I believe, designed solely to frustrate a legal challenge to the Government's attempt to proceed before all requirements have been met.
>
> Not all retrospective legislation is bad; for example, legislation intended to close a loophole resulting from imprecise drafting. But this proposal is not in that category. The existing legislation is clear and requires the Government to abide by it. As such, the new Bill should be rejected.

As I say, I could go on and refer to a considerable amount of correspondence that I have received in regard to the retrospective part of the legislation alone. I want to refer to some of the issues that the Opposition believes need to be rectified in regard to this legislation. We believe that, if the Minister is to grant herself the opportunity by notice in the *Gazette*, to increase the size of the development, that there must be some safeguards. I will refer to our proposed amendments at a later stage, I know that it is not appropriate for me to go into detail now.

We believe that, in the first stage of a reasonably small increase, the Minister must be satisfied under the lease that an adequate and permanent supply of water is available for the purpose of the facility. We believe that the Minister should not be able to increase the capacity of the facility unless the lessee and all former lessees under the lease have complied with the essential terms of that lease.

In regard to the Minister's seeking to increase substantially the size of the development, we believe that that should happen only provided that the Minister brought before both Houses of Parliament a resolution to approve the increase. In other words, we are suggesting that the Minister should not have the opportunity to increase the capacity of the facility to the extent that she requires unless both Houses of Parliament have passed a resolution approving that particular increase.

We believe that it is essential that the Minister be satisfied that an adequate and permanent supply of water be available for the purposes of the facility as is set out under the lease and that all lessees comply with the essential terms of the lease. There is a necessity for the Minister to ensure that certain documentation is made public and is brought to the notice of the public generally. As a result of that we are suggesting that a need exists, within 14 sitting days after the preparation of the public information plan or a revised public information plan as set out under the lease, for the Minister to cause that public information plan or revised

plan to be laid before both Houses of Parliament. We also believe that the same thing should apply in regard to the environmental maintenance plan. It is essential that it be brought before the Parliament.

Further, on an annual basis it should be necessary for a report to be prepared on the lessees' compliance with the public information plan and the environmental maintenance plan. At least by moving in that way and by amending the legislation, the onus comes back on the Minister and the lessee to ensure that the lease is being adhered to appropriately and that, as a result, the notice is made available to the community generally.

One of the areas in which we have received a considerable amount of representation is the way in which the Minister or, with the Minister's blessing, the council would proceed in relation to the airport works and powerlines. That area needs to be tightened up considerably. After the Minister has had an opportunity to consider the environmental impact assessment on the airport works and powerlines she must, by notice served on the council, impose on the council, or on the person who has been given the authority by the council to proceed with those works, such conditions as the Minister thinks are necessary or desirable in relation to the establishment of the airport works or the powerlines and, further, to tighten it up considerably. If the council or the person authorised by the council fails to comply with the condition imposed by the Minister, the Minister may then apply to the Supreme Court for an order enforcing compliance with the condition. That is essential, and at the appropriate time we will be moving to ensure that that happens.

Another concern we have relates to the expenditure on the part of those who have sought to take the matter before the courts: the Supreme Court and, later, the High Court. It is important—in fact, essential—that the legal costs of the Australian Conservation Foundation and the Conservation Council of South Australia in relation to those actions be met by the Crown. Again, at the appropriate time we will be moving in that way. More important than anything else is clause 7 (2), concerning which we will be moving to ensure a tightening up of the restrospectivity aspect that has brought so much concern to so many individuals and organisations. I have already referred to that concern.

Having indicated that I, as shadow Minister, have received representation from those concerned about retrospectivity, I should indicate to the House that I have received representation from individuals and organisations who appear not to have a concern about the retrospectivity clause. One of those organisations is BOMA (Building Owners and Managers Association), which wrote to me in fairly strong terms to indicate its support for this development and for the way the Minister is going about ensuring that the facility proceeds. It is only right that I make that clear. It is only right that I indicate that I have received representation from the Hawker council, which has indicated its strong support for this legislation and, in turn, for the Wilpena tourist development. Having said that, I also state that they are the only pieces of formal representation that I have received in support of the retrospectivity clause.

I refer now to the Minister's second reading explanation in some detail. The Minister commenced by saying that the objectives of the Bill are very clear and that they provide a key tourism asset for South Australia which will rectify the current level of damage caused by visitors. I know that there has been a considerable amount of debate on that point alone. I know that concern has been expressed about the degradation of Wilpena Pound, particularly the camping area. I am sure that any person who has visited Wilpena would have some concerns in that area. I also understand what the Minister is saying about the need to control to some extent the enormous number of people who travel to Wilpena as visitors, including locals, interstate people and international visitors. It is a very popular place to visit. I suggest that it is equivalent to a European sacred site. That is the way I feel about Wilpena. For most of my life I have had opportunity to visit it. I was taken to Wilpena on camping expeditions in my teens and have also enjoyed going there as a father of four children.

The member for Henley Beach referred to the work of Sir Hans Heysen in the vicinity of Wilpena. I am very much aware of the extraordinary work and contribution of Sir Hans Heysen in making more people aware of the magnificence and beauty of that location. It is a very special part of South Australia not only given the ecology or sensitivity of the area but for the beauty, the aesthetics and a number of other reasons. The Minister goes on to say that the objectives of the Bill are also to enable the regeneration of the site beside the sensitive Wilpena entrance. Later I intend to refer to the very inadequate way in which our parks are being managed in this State.

I say that generally, and I say that specifically as far as the Flinders Ranges National Park is concerned. I hasten to add that I am not in any way saying that to be critical of the way the staff of the National Parks and Wildlife Service carry out their responsibilities. I want to repeat, as I have done in this place on a number of occasions, my absolute support for the work that these people are doing. As Minister at the time, I had the pleasure and honour of getting to know a number of these people and learning something of the commitment that they have as well as the responsibility that they are given to manage the parks system in this State.

I thought I understood it before that time, but certainly the opportunity that I had as Minister confirmed clearly in my mind the commitment that those people have generally and the difficulties under which they work involving a lack of resources generally. We are told that that is one of the reasons why the Minister is keen to see this development proceed: it is believed that the development will help provide resources needed to maintain properly that park and perhaps parks generally. Again, I will be questioning the Minister on that matter later, but we are told that that is one of the reasons for the support of the development.

I am aware that there is a need for us to look at various ways of bringing in extra resources to manage our parks properly. It is not appropriate for me to go into great detail now, but certainly in time to come I intend to refer to some of the information that I have been able to gain during my recent trip to the United States, where I sought to determine particularly how that country and the individual States help to provide resources to maintain their parks.

As I say, it is not appropriate for me to go into all that detail now, but I can assure the House and the Minister that I was keen to look at that aspect when I was in the United States. Concern has been expressed at the maintenance, or lack of maintenance in some cases, of our parks. I believe that the Minister in the present Government is doing everything she can to try to improve that situation. If we are genuine about our parks in South Australia, that needs to happen. We cannot get away from the argument that it is a major problem.

The Minister also refers to the part that the Ophix Finance Corporation is playing as the lessee and as the organisation that will develop this facility. She indicates that in 1987 the Government announced that approval was being given to Ophix to take the project to the environmental impact assessment stage. It is appropriate that I express the concern

that has been brought to my notice on the part of many people, and I do not say that lightly, as a result of the opportunity not being provided for tenders to be called for this development.

With a development as sensitive as this one—whatever the scale of the development—it would have been appropriate and it should have been mandatory for the Minister to call tenders to afford all those in the development industry who may have had an interest in carrying out this development an opportunity to have their say. Again, there has been some debate about whether the opportunity was provided for other companies to indicate their interest in becoming more involved in the development.

Mr S.G. Evans: A reasonable opportunity.

The Hon. D.C. WOTTON: I take the point made by the member for Davenport about a reasonable opportunity. It has been put to me by someone that a reasonable opportunity was provided. Others have indicated clearly that that was not the case and I would be most grateful if the Minister could clarify that situation as well. If a reasonable opportunity was not provided for other organisations, companies or individuals to become involved in this development, the Minister needs to explain to the House why the decision was made.

I now refer to a submission provided by the Australian Conservation Foundation and the Conservation Council of South Australia in response to the Minister's second reading speech. I understand that the Minister would have that response, as would other members of the House. It is an excellent document and it makes some valid points about comments made by the Minister in this House in her second reading explanation.

Members interjecting:

The Hon. D.C. WOTTON: I intend to record it in *Hansard* because I believe that the work done in this document deserves that. The document states:

The following points of clarification have been prepared by the South Australian office of the Australian Conservation Foundation and the Conservation Council of South Australia in response to the report in *Hansard* of 11 October 1990 by the Minister.

The first point in the document is as follows:

The objectives of the Wilpena Station Tourist Facility Bill 1990 are very clear. The State Government is seeking parliamentary support for retrospective legislation which will effectively exempt the Government from following due legal processes under the following legislation:

(1) Planning Act 1982;
(2) Native Vegetation Management Act 1985; and
(3) National Parks and Wildlife Act 1972.

The document goes on to state:

This Bill is objectionable in that it enables the South Australian Government to be unaccountable to the public with respect to:

(1) The court's interpretation of whether the Planning Act applies to the construction of a major tourism resort within a national park: and to
(2) The court's interpretation of the extent to which a private developer may be given the same immunity as the Crown by way of a lease agreement between the developer and the Government.

The document further states:

Both these issues are currently awaiting the consideration of the High Court, Canberra. The appellants being both the Australian Conservation Foundation and the Conservation Council of South Australia.

The second point made in the document is as follows:

Three independent surveys conducted both on and off parks in South Australia by:

(1) Clay, Hingston and Aslin 1988 (on park);
(2) Prosser 1987 (off park); and
(3) South Australia National Parks and Wildlife Service 1983 (Flinders Ranges National Park).

found that a clear majority of visitors to parks in South Australia in general:

1. support the conservation role of the park system;

I do not believe that that is surprising, but it is important to make that point. The document continues:

2. are opposed to intrusive recreational activities, for example, trail-bike riding; and
3. are firmly opposed to most commercial activities, particularly those which require major developments, or are likely to disrupt the natural setting.

Finally the South Australian National Park and Wildlife Service surveys conducted in the Flinders Ranges National Park (reported in the 1983 plan of management) stated that strongest opposition was expressed against the following:

1. larger camping grounds;
2. vehicle access inside Wilpena Pound; and
3. a bigger hotel/motel complex at Wilpena.

While I was in the United States I was most interested to seek information from the parks authority to ascertain whether private developments in national parks were working well or whether there were some difficulties. There were certainly cases where the authority indicated to me quite clearly that it was satisfied with the way developments were being managed. However, the majority of those people to whom I spoke expressed concern about developments that have been established in national parks, particularly in relation to the scale that we are looking at here. I do not think we need to go to the United States; I think we need only look at developments in our parks in this country.

I am led to believe by the people who have are responsible for the management of the Kosciusko park, which immediately comes to mind, that development in that area has caused, and continues to cause, considerable concern. I use that as only one example, but there are many others. For example, as a result of inquiries that I have made, I am informed that there are significant concerns regarding development in the Cradle Mountain National Park in Tasmania. The document to which I have been referring continues:

3.0 In the 1983 plan of management of the Flinders Ranges National Park the following reasons were given for the acquisition of the Wilpena Station:

1. to provide an optimum park area within a uniform perimeter which facilitates ease of management;
2. to encompass representative samples of all the region's important environmental and historic features;
3. to cater for better camping and for the establishment of an interpretation facility; and
4. to enable the grazing lease in the Wilpena Pound to be terminated.

Reference is made in that document to pages 61 and 64 of the 1983 plan of management of the Flinders Ranges National Park. The document prepared by the Conservation Council of South Australia and the Australian Conservation Foundation Inc., continues:

No suggestion was made anywhere in this document that this site should be acquired to accommodate a major tourist resort. In fact it states the following:

> The presence of the store, ablution and toilet facilities at Wilpena campground cater for novice campers and for those who desire such comforts and is considered to be the greatest degree of development which will allow the amenity value of the area to remain unimpaired.

That is a direct quote from page 50 of the plan of management.

The Hon. Jennifer Cashmore: It's very different.

The Hon. D.C. WOTTON: It is very different, as the member for Coles says, from that which is proposed. The document further states:

4.0 The Cameron McNamara report prepared for the SA Department of Tourism stated that:

> current trends in visitation to the Flinders indicate that there is unlikely to be any substantial growth to support a general expansion of tourism accommodation and services in the region.

That was prepared in 1985. I said earlier that there are conflicting reports in regard to visitor numbers, and I certainly found it difficult to come to terms with the statistics.

Figures have been brought to our attention that have been prepared but are not yet public, and they indicate that there has been a substantial increase in the number of people who visit the park. Again, whether they are overnight visitors or ordinary visitors, or whether they are visitors who would take advantage of overnight accommodation, is questionable. There are question marks over all of those areas. The document continues:

Findings from two other different Government initiated surveys concurred with the above. These reports were undertaken by the SANPWS (reported in the 1983 Flinders Ranges plan of management) and the SA Department of Tourism report 1984.

5.0 The Government never publicly called tenders for the proposed tourism resort.

That is a matter to which I have already referred. The document continues:

However, investigations for the tourist facility site were undertaken during 1986 and 1987, including detailed feasibility and infrastructure investigations by Ophix Finance Corporation, and in 1987 the Government announced that approval had been given to Ophix to take the project to environmental impact stage [as mentioned in the Minister's second reading explanation].

6.0 The current litigants against the Government's interpretation of the Planning Act and the National Parks and Wildlife Act and the protection of a private developer from these Acts by way of a lease agreement between the developers and the Government are the:

1. Australian Conservation Foundation Inc.; and
2. Conservation Council of South Australia.

7.0 The Australian Conservation Foundation representatives (Ms Jacquie Gillen, State Coordinator and Mr Phillip Toyne, Executive Director) met with the Minister for Environment and Planning (Mr Don Hopgood) and the Director-General for Environment and Planning (Mr Ian McPhail) prior to the closing date for public comments on the environmental impact assessment to negotiate an acceptable response to their 'Clayton's' EIA. It was mutually agreed that the ACF would prepare a discussion paper on Alternative Proposals for Parks and Tourism, Flinders Ranges of South Australia. This document was completed and launched on 14 November 1988.

I have a copy of that document. The point is, contrary to what the Minister said in her second reading explanation, the Conservation Council did formally respond to the EIA on that occasion. The document continues:

8.0 The ACF and Conservation Council are extremely puzzled that the Government does not recognise that both the Wilpena Station and the Wilpena Pound have been grazed over the last 130 years. The Government continues to regard the grazed pound as a significant tourist attraction and the Wilpena Station as 'clapped out cattle country'.

How many times have we heard it referred to as that. It continues:

Yet appropriate land management practices would soon see the erosion, rabbits and exotic plants problems on the Wilpena Station recitified thereby rehabilitating this region.

A sub-note states:

Note: This land has been used as a sheep, not cattle, station and only a single paddock has been cleared for cropping and agricultural purposes.

That has been conveniently ignored, and the Minister might like to make reference to that and clarify that situation as well. I think the conclusion of the report is an excellent summary of the comments that were made in this House by the Minister. However, it is more than that: it is a good response to the points that were raised by the Minister. The document goes on:

Two significant features of the Bill other than its implicit and explicit retrospectivity are as follows:

1. the development is no longer staged and the maximum proposed capacity can be approved by the Minister at any time upon the request of the lessee. Therefore, the promise by the Minister for Environment and Planning (as called for by the Supplement to the EIA) that further water investigations will be required upon the completion of Stage 1 (34 000) and prior to the approval for Stage 2 (65 500) has been waived;

That is of particular concern to the Opposition and it is our intention to rectify that situation, if the legislation proceeds in this form, when there is an opportunity to move amendments. The document then goes on to state:

The maximum size of the development is in accord with the lease and is larger than that proposed for Stage 2 under the EIS. According to an interview with the developer, John Slattery (ABC Radio News, 16 October 1990) the final development will accommodate 150 000 visitors per annum; 5 times the current visitor use of the park and over 2 times the original proposed Stage 2 (EIS, 1988).

So, again, we have these contradictions and this extreme confusion in regard to the visitor figures for the park and, in particular, in relation to overnight visitation. The document concludes:

Public consultation and awareness of the Government's intention to site a major tourist resort on Wilpena Station within the boundary of the Flinders Ranges National Park was raised for the first time when the National Parks and Wildlife Service released its EIS for public comment on 16 July 1988, 2½ years ago.

Clear indications of public discontent with the proposed resort include:

1. a rally held in November 1988 on the steps of Parliament House which was attended by over 2 000 people; and
2. an unprecedented number of responses to the EIS (nearly 400) a significant majority of which did not support the proposal.

In conclusion, the ACF and Conservation Council wish to state that they do not support the 'do nothing' option for the Flinders Ranges National Park. Both parties believe that tourism solutions for the Flinders ranges region can be ecologically and economically sustainable.

Surely, this is what the debate is all about. The Minister, in response to a question in the House yesterday, indicated the interest of her Government in being involved in discussions taking place at the Federal level in relation to sustainable development. Surely that is what we should be looking at; it should be our first priority in this State as well as in other States of Australia. The document continues:

The most significant parameter for ecological sustainability being that major tourism resorts are located nearby existing townships and infrastructures and not within national parks.

I know that I have taken up some time referring to that document, but I believe that it is essential that it is recorded in *Hansard* so that other people who have not had the chance to read it can do so. The only other point I will make is that I was most interested to learn that some 1 000 signatures have been received in the past 10 days or so by those organisations from people who oppose the Bill.

The Hon. Jennifer Cashmore: Several thousand in the past few years.

The Hon. D.C. WOTTON: The member for Coles reminds me of the several thousand signatures that have been received from people over a long period. I realise that I have taken up a considerable amount of time. There is a lot of information on this subject to which I wish to refer, but I know that a number of my colleagues want to express an opinion and speak on this Bill and it is only appropriate that they should have the opportunity to do so.

I want to refer in some detail to the Flinders Ranges Regional Tourist Association submission to the Minister on the Wilpena Resort Environment Impact Statement. Recently, a number of my colleagues and I had the opportunity while we were at Wilpena to have personal discussions with a number of people who belong to this organisation. Those people express particular concerns about the development and the effect that it would have on their businesses and other tourist facilities in the area.

The association's submission to the Minister, dated 19 September 1988, states:

The Flinders Ranges and Outback South Australia Regional Tourist Association being the representative body of the Tourist Industry within the Flinders Ranges and Outback Region has a responsibility to its members to ensure that all issues relating to this resort proposal have been properly debated and that everyone's point of view has been expressed in relation to those issues . . . At this stage it appears that there is a certain amount of support for the proposal; however there is also considerable concern by many that insufficient research has been carried out on the project and satisfactory answers to many of the issues have not been found.

On the other hand there are many who totally reject this proposal and believe that it would have disasterous consequences for this region.

That is spelt out in this document. I hope that other members speaking in this debate will refer in detail to some of the concerns raised in that submission.

I take this opportunity also to express the concern of Mr Reg Sprigg from Arkaroola. I have considerable respect for the work Mr Sprigg has done in the Flinders Ranges and for the commitment he has shown to his own property and to the ranges generally, and I am sure that other members will refer to that in some detail, as well.

Information has been made available with regard to the class areas within the Flinders Ranges, and I will speak particularly about environmental zone class A, because the development will take place within that area. Considerable concern has been expressed about that. The objectives and principles of development control with respect to environmental class A apply to that part of the land which is not within the area of a council and which lies within the environmental zone class A. The objectives expressed in this section are additional to those expressed for the Flinders Ranges generally, as follows:

Objective 1: the conservation of the natural character and environment of the area. Land in the area is of extremely high landscape, wilderness, environmental and scientific value. These qualities make it an attractive natural environment containing little evidence of human impact. New structures need to be restricted to shelters and rainwater storage for walkers and persons on horseback and to structures ancillary and adjacent to existing buildings.

It is recognised that a number of substantial buildings, including some nine pastoral homesteads as well as the . . . tourist hostel, have been developed in the environmental class A zone and it may be necessary that further small-scale development or the expansion of existing groups of buildings occurs. Any such development needs to be in keeping with the existing use of land and in close proximity to the principal group or buildings on the land. It should be of an appropriate scale and sited, designed and constructed in a manner sympathetic to the environment. Grazing activities should be conducted . . .

The principles of development control are more important, because they express very clearly the sensitivity of this particular area as follows:

Development should not impair the natural and scenic features of the area. Native vegetation should not be cleared in the environmental class A zone.

Look at what is happening to native vegetation to make way for this particular development. The document continues:

No new roads or tracks should be formed or constructed in the environmental class A zone. No mining operations should take place . . . No building structures, including transmission lines, towers and antennae, should be erected in the environmental zone class A other than simple shelters and rainwater storage for walkers and persons . . .

The document refers to other matters that I have already spoken about. As I said, I could present a considerable amount of information, the vast majority of which relates to the concerns of individuals and appropriate organisations with responsibilities in this important area of the State.

It is the intention of the Opposition to attempt to amend the legislation, and to amend it significantly. The Opposition believes that that is essential and, when the opportunity is provided, I will move a number of amendments. The Minister has been notified of those amendments and I hope that we will have the support of the Government. I have considerable concerns about this development and I believe that a vast number of people in South Australia share those concerns. We may never know just what percentage support the development and what percentage oppose it—I do not know how we could determine that—but I believe that a vast number of people oppose the legislation in its present form.

I reiterate my concern in regard to retrospectivity. As I said earlier, I believe that it is totally inappropriate that the Government should bring this legislation before the House. It is totally unnecessary. If the Minister wanted to, she could have used section 50.

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: The Minister is shaking her head saying that it was not appropriate. When the opportunity presents itself, I will be interested in the Minister's indication as to why that is not the case. I hope that the Minister and the Government will support the Opposition's amendments at the appropriate time.

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

Mr BRINDAL (Hayward): Few pieces of legislation have come before this House that are a greater apology for the mismanagement of the Executive Government than this Bill for an Act to facilitate the establishment of the Wilpena Station Tourist Facility and for other purposes. This Bill is an insult both to this House and to those people of South Australia who voted for the Government at the last election. It is an insult that such a cobbled hotch-potch of political chicanery should be brought into this Chamber at the eleventh hour. It is sad, too—sad because it stands as a lasting testimony to this Government's inability to manage its own affairs within the limitations of its power and the body of statute law of this State.

The Minister could teach Hamlet a lesson on vacillation and prevarication. When the Government first introduced to the people of South Australia the concept of a resort on the Wilpena pastoral lease, it said that it had it all worked out and had, in fact, got it right. The sad debate that followed, and the debacle that mirrors closely the Marineland saga, is now a matter for public record. Suffice to say that the whole shemozzle is best exemplified by the letter which the Minister wrote as recently as September to a number of groups saying that she intended, at that stage, to use section 50 of the Planning Act. Yet, here we are in October faced with a veritable potpourri of legislative sludge.

Unlike the Government, I believe that my consideration of this legislation is based on a considerable amount of study and mature reflection on this matter. Let the record show that I am not anti-development or particularly pro-environment. This debate has become important and has been polarised as a development versus environment debate only because of the number of developments that this Government has allowed to fall over in South Australia. I believe that, if the Wilpena project does not succeed, it will be about seven developments in a row which have been announced and which have then fallen over.

Unfortunately, the debate has been polarised and has become one in which many sides of the political arena argue that, if we support or are against the Wilpena development on conservation grounds, in fact we are against development; that if we are pro-development, we must support Wilpena. I believe that is a nonsense. It is not true and it is not an argument that can be sustained. Unfortunately,

for all who serve in this Chamber, it is an argument of which we must take some notice, because it is true to say that developers are dissatisfied with the record of achievement and of liaison with the South Australian Government. It is probably true to say that if this development falls over it will be very difficult for this Government to attract further developers to Wilpena. Members on this side of the House who are first and foremost South Australians would have to consider that very carefully when considering this legislation. I intend to do so, no less than any of my colleagues who will take a responsible attitude to the development in this debate.

I hasten to add that I am not one who believes in no development in national parks. There are occasions on which I believe a national park can and should benefit from some sort of development. I am something of a believer in what Socrates taught. Socrates said that, if there was a room with a chair in it, the chair does not really exist unless somebody is there to perceive it. I think the same is true of our great heritage and wilderness areas: if we are to close them up and let nobody in at all, and nobody is there to see those places, to me they therefore lose a lot of their inherent value. I believe in people having a right of access to our national parks. I believe in some development of national parks, in some cases, but I do not believe that this development, in this case, is either desirable or necessary for the Wilpena area. For that reason I have great difficulty with the legislation.

Having made that statement, let me place firmly on record my opposition to this Bill in its present form and the development in the form in which it is embodied in the Bill. I will support the amendments proposed by my colleague the member for Heysen, because I believe that they will improve the legislation.

The Hon. S.M. Lenehan interjecting:

Mr BRINDAL: The Minister at the table makes the kind comment that things are going downhill fast. I would suggest that, since the Minister introduced the Wilpena proposal to this Parliament and to this State, things have gone downhill very fast indeed, and the Minister can take a lot of credit for that.

In discussing the proposal for the Wilpena homestead, I think we must consider some of the misinformation that has been perpetrated on the public in this debate. Nothing better exemplifies that than the issue of the vegetation in the area of the homestead. I was most disappointed to hear on a prominent radio program a political journalist in South Australia say (as the member for Heysen said in his contribution) that this land was clapped-out cattle country. The person who was making the reference to its being clapped-out cattle country said, 'Well, as it is clapped-out cattle country all the trees in the area are really less than seven years old.'

The Hon. Jennifer Cashmore: And straggly.

Mr BRINDAL: And straggly. I have visited the area. The stand of callitris pines is very fine indeed. I am sure that no member of this House who has visited the area would deny the fact that it is a very old stand of trees. The trees there are certainly not less than seven years of age.

When I rang the radio station (and the announcer corrected the impression that was given), the person who made the comment said, 'Oh, yes, but I have trees in my yard which are only seven years old and they are bigger than the trees which are supposedly over 100 years ago.' That sort of comment really showed the sad ignorance of fact which has dogged this debate. Those callitris pines are slow growing and slow maturing, and for someone sitting in Adelaide who has never visited the site to put forward a proposition such as that is simply beyond belief. It is a sad reflection on the political commentary of the person concerned. It is certainly not clapped-out cattle country, as I think members opposite and the Minister will acknowledge. It is a very beautiful area indeed.

It is true that there is horehound and rabbits but, as the member for Heysen has pointed out, horehound, rabbits, goats, prickly pear, castor oil plants and various other exotics abound in equal profusion throughout the national park. Like the member for Heysen, I do not criticise the management of the national park. I believe that it is under-resourced and therefore cannot provide the park with the management that it so desperately needs. However, it is not true to say that the Wilpena area is any less degraded than that area which is to be left for the visitors to visit. As yet I have heard no guarantees, apart from nebulous ones, that all this money that pours into the National Parks and Wildlife Service, through Wilpena, will be dedicated specifically to that area to improve the park management. I will be interested to hear later in the debate whether the Minister is willing to clarify that subject.

The issue of Wilpena is dear to me, as it is dear to many other members in this Chamber, because I have the privilege of being a fourth generation South Australian. I can claim, I suspect along with others in this Chamber, that Wilpena and the Flinders Ranges generally is as much a part of my dreaming as it is of people who inhabited this country for many thousands of years before we came here. The member for Heysen pointed out the way it has become part of our heritage through the contributions of famous painters like Sir Hans Heysen, and I believe that some of the famous paintings, such as *Ramparts of the Wilpenas*, which is in the possession of Stewart Cockburn are well known to people in this Chamber.

It is for that reason that I value the land that we are talking about and it is out of concern for that land that I rise to question the validity of many clauses in sections of this Bill. I do not believe that it is an area with which we can afford to take a risk, and I am very worried that the Bill's provisions are such that they will degrade that country to a point beyond which repair is impossible. I point out to those who know the area the words of Dorothea MacKellar:

> An opal-hearted country, a wilful, lavish land;
> Or you who have not loved her, you will not understand.

It is only an Australian who can appreciate those words about that sort of country. It is very special country, it is very delicate country, it is part of our heritage, it can and must be part of our children's heritage and our children's children's heritage and we cannot afford to cast it aside lightly.

I do not suggest that the Government or the Minister at the table would do that lightly. I do suggest, however, that the actions of this Bill might, in fact, do that whether they mean to or not. It is all right to say afterwards, as many of our farmers say, 'We employed techniques which we did not understand, and they degraded the land: now we regret it.' That is fine; they regret it, but the land remains degraded. As a Government, we cannot afford to make the same mistake.

As the member for Heysen pointed out, it is semi-arid land and, as such, it is both the most fragile and the most enduring of all our environments. It is fragile in the sense that dust, wind and drought affect it, and it can look arid and good for absolutely nothing; and yet, after one good rain, as members who serve in that area know, it blossoms and flowers and has a profusion of vegetation which has to be seen to be believed.

We can say, therefore, in one sense, 'Yes, it is very fragile', and in another sense, we can say, 'But it comes back; it regenerates itself; it regrows.' We can convince ourselves that, therefore, it is very difficult to damage. It is difficult to damage, given the natural cycle of things. If left to God's good grace, it is difficult to damage, because rain, wind and the natural elements are, indeed, the things which sustain the environment, but if you put lots of people in that environment you introduce a compounding factor which the land finds difficult to cope with.

The pounding of feet affects the land, and I suggest that any members who know the Mid North and Far North should go and look at a cattle yard. If you herd cattle into the yard, very shortly afterwards the ground is pounded to red dust. Nothing will grow there for years afterwards, and not only is the cattle yard degraded: so are all the approaches that the cattle use to the yard, and this leaves an area of degradation. It is a classic case of what happens with over-utilisation of a fragile environment, and I believe it could reflect what may happen to the environs of Wilpena if it is over-utilised. At this stage I would like to quote from the Flinders Ranges Management Review Investigation Report of December 1989:

> A sizeable proportion of visitors like to walk when on holiday in the Ranges—

that comes from Williams, 1988—

> with 20.8 per cent of visitors to the Flinders Ranges National Park making the strenuous climb to St. Marys Peak on the rim of Wilpena Pound.

The source for that is the South Australian Department of Tourism, 1984. The report continues:

> Even if boots and shoes are cleaned between uses, mud will often remain on the soles and stitching.

The report goes on to describe the spread of plants and exotic weeds, and I do not want to introduce that into the debate. However, quite clearly in that passage I have quoted there is an illustration of the damage which every individual pair of boots and shoes can do to that environment.

That environment must be managed—and managed properly. I do not believe that a development of the size envisaged by the Minister is suitable for correct management of that environment. I suggest to the Minister that in 1985 the Cameron McNamara report got it right, suggesting that the development of the Flinders Ranges was desirable and should take place through the properly managed development of existing infrastructure in the area. From memory it cited Parachilna, Blinman, Hawker and small towns in the area. That is also consistent with the pattern of visitation to the area in which people will often stay in a place for one or two nights, visit the surrounding gorges and countryside, and move further north to another base. That is not the sort of development that Wilpena can encompass, because people will go to Wilpena and there will be no adjunct suitable for them to go further out. The development of Wilpena will mitigate the best aspects of the Cameron McNamara report. I suggest that that report was the one that got it most right and the one that the Minister should follow.

I know that this debate and consideration of the Bill is not easy for anyone who has been involved in it. A problem exists in getting the mixture right. I have heard the Minister talk about sustainable development and I am sure that she means and intends to get the mixture right with sustainable development. Nobody on this side of the House wants anything different, but there is in this debate a profound difference of opinion on what constitutes sustainable development in the Wilpena area. Whilst the Minister may not agree with some of the statements from this side of the House, she must at least grant us leave to make them and to have the courage of our convictions as we grant her hers. I remind the Minister that no better quote can be put into the record than the words of Kermit the frog's song: 'It's not easy being green.' It is not—the Minister well knows that.

The last point I make on this matter is to remind the Minister and this House that some 2 500 years ago the Romans and Carthaginians were engaged in a great battle for supremacy in the Mediterranean region. The Romans, having beaten Hannibal, were victorious and sacked Carthage. Not only did they sack Carthage but, to render Carthage impotent as a power in the future, they sowed the fields of Carthage with salt. The legacy of Carthage humanity has cause to curse over 2 000 years later. The fields that were sown with salt remain desert to this day. The climatology of Northern Africa has changed and for the vengance of the Romans, humanity has paid a harsh price. I trust that the legacy that this Government gives in the Wilpena area may not one day be compared to the legacy of Carthage.

When this debate is finished, when my words are just so much dust on the shelf in *Hansard*, this Government will be remembered for the passage of this Bill, for the Wilpena development, and it is on its shoulders that it will rest. I do not applaud this Bill; I do not support this legislation; I support my colleague the member for Heysen in the efforts he is making to turn a bad Bill into something that is somewhat better.

Mr GUNN (Eyre): I support the Bill and make no apology for saying so. This piece of legislation follows a campaign of misrepresentation and hysteria that bears no reality to fact or commonsense or, more importantly, to the overriding interest of the people of this State. I was elected to this Parliament because I believe that people in isolated communities are not only entitled but have a right to receive a fair go. They are entitled to facilities and to airports. They should not have to put up with second best. They are entitled to reasonable education facilities. This project is all about providing opportunities and providing a benefit that will affect and improve the welfare of all South Australian citizens.

People have engaged in nonsense claiming that someone has signed a piece of paper to say that this piece of land happens to be a national park, even though for 100 years it was a pastoral property well managed by the Hunt family, I take strong issue with a report that talks about the area being degraded or badly run. The Hunt family managed the property in a responsible and sound way as cautious, responsible, good citizens of the area. It was a pastoral property. What will take place now? We will have a sensible, sensitive development. What is wrong with that?

Surely a country like Australia with wide open spaces must provide the facilities that many hundreds of thousands of overseas tourists coming here want to enjoy. We can create employment, let people see these attractions and give them reasonable facilities. Some people want to sit under trees at Wilpena, tie yellow ribbons around them, sleep in tents, and so on. They are entitled to do that, but the majority of people want good facilities. They do not mind going out during the day and seeing the broad open spaces, but when it comes to the later part of the day they would like a decent shower, a telephone and facilities to see what is happening around the rest of the world. That is what we are talking about.

People want a decent airport in Hawker—what is so unusual about that? Nothing! Most communities in South Australia are bending over backwards to get airport facilities. This facility will be second to none. Not only will it

be a sealed strip with lights but it will have navigation aides. People will be able to be evacuated 24 hours a day, seven days a week, because there will be instrument let-downs into the airport. Anyone who knows anything about isolated rural communities knows that that is a terribly important facility. Most of the time I have been in this Parliament people have been coming to me and begging me at least to make representations to get airport facilities upgraded. It has been a very difficult exercise. On this occasion the Government will provide that for this community.

I refer to all the hype and nonsense about putting power lines in the Flinders Ranges. Surely those communities are entitled to 240 volt power. The rest of the State takes it for granted: why should those people be denied that right? I will not be party to any action that will deny those communities such opportunities. What future do young people in those communities have to get jobs when they leave school? I would like those who live in the eastern suburbs, and who have adopted a selfish attitude of wanting facilities but not wanting those communities to have them, to say what they would do to provide these people with the chance of obtaining a job in their own locality.

There is no employment, and they cannot sell their product. Over 4 million bales of wool is stored and there is worse to come. What opportunity do those young people have? They have to go to the city. There are not enough jobs. Down here we have the chance to provide jobs—why not take the opportunity?

What about showing a bit of good grace towards those people and telling them that they have the same entitlements as anyone else? That is why I support the project, especially as I have lived in an isolated part of South Australia all my life. I am the farthest person west ever to be a member of Parliament. My role in this place is to protect the interests of the people living in my electorate and to be responsible and support courses of action which are in the long-term interests of the people of this State. That is the responsibility of a member of Parliament rather than to be swayed by some emotional nonsense in which people engage—people who have no understanding of economics or cannot accept rational views. The arguments have been based on emotion rather than commonsense, in my judgment.

Let us be realistic. In my view national parks are for the benefit and enjoyment of the citizens of this State. I sincerely hope that this development is the first of many developments in national parks in South Australia and in this nation so that the average Australian and South Australian citizen, as well as people from overseas, can avail themselves of the opportunity to enjoy the facilities.

Unfortunately, my colleague the member for Alexandra is indisposed this evening, but he supports strongly this measure also and he has asked me to say that his only regret is that the legislation does not provide for a development in Flinders Chase so that there can be a properly managed scheme allowing proper access to that area. That is his only regret, and I support his view. I look forward not only to this development but also to other developments in South Australia so that we can generate more employment and other opportunities so that all citizens will benefit.

It has been interesting listening to the arguments going back and forth in the debate. I have received representations from all sorts of groups, with the overwhelming majority being in favour of the project. I have been approached by the Aboriginal communities, and they support it. I have been approached by Mr Gordon Coulthard and his family—long-time citizens known to several members of this House—and they are 100 per cent in favour of the project. They cannot understand what all the nonsense is about.

The local council is unanimous in its support for this project. Last week I asked Mr Pfitzner, the President of the UF&S, whether I could use his name, and he said that he and the UF&S support the development and are 100 per cent in favour of it. Last weekend I spoke to the Chairman of AN, and he said he was 100 per cent in favour of the project. In the interests of South Australia and all its citizens the project must go ahead, otherwise we will be the laughing stock of the nation. We refer to the welfare of the citizens of this State but, if the project does not proceed, we will be giving a clear signal that we do not want development.

If this nation of 16 million people suddenly says that it does not want any more development and that it will put up the shutters, what will happen to employment and our standard of living? I do not know whether some of the people who have been so vocal really understand what is taking place in rural South Australia. Are they aware that small country towns are on the decline, that people have no jobs, businesses are shutting down and football teams are amalgamating? That is what we are talking about.

Great concern has been expressed to me about the declining enrolments at the Hawker school. What will happen to the standard of education and so on? What about the hospital? What will happen in respect of improvements at the hospital? These facilities are essential in rural areas, and now we have an opportunity to offer them some support. Let us look at some of the areas in my electorate where some facilities have been constructed. Nundroo is one of the most isolated small rural farming areas in the State. Before the motel/roadhouse complex was established, what local employment was there for young people? There was none, except in the rural industry. Now some people can get a job. I refer to the great success of the tourist development at Coober Pedy, which is one of the highest employers in the area.

Look at what has happened at Roxby Downs and the number of people using those excellent facilities. If we provide the facilities, we can generate jobs and people will go there. I am particularly concerned that we have had an argument based on emotion and not on facts and commonsense. I intend to support the second and third readings of the Bill. I will support amendments only if it is clearly indicated that the developer is in complete agreement with them. I am not going to do anything to jeopardise the project or the long-term interests of the people of this State.

As a South Australian and as a member of Parliament I believe that this is the place to make these decisions. It is not the role of the courts to be manipulated or to be used in a manner for which they were never designed to be used. Members are elected to Parliament to make the decisions. It is the role and responsibility of the Government to put proposals to Parliament, and then it is up to Parliament to make a judgement and say 'yes' or 'no' or whatever it decides. That is why we are elected—it is not to hide behind all sorts of screens and to take other courses of action.

In my view this is an indenture Bill. That is the proper way to handle such projects because then Parliament has the opportunity to participate. That is why members are elected. Indeed, if I have any reservations at all about the project, they concern the existing Wilpena operators who pioneered the industry and who have played an outstanding role in developing and promoting tourism in the area. They have been recognised across the State and nation. I hope sincerely that their input to the industry, their years of service and all their hard work are properly considered and that the Government makes the appropriate arrangements

to assist them when their present operation ceases and the new one commences.

I also want to ensure that the two affected landholders at Hawker are properly looked after. If that course of action takes place, my reservations will be taken care of. At this stage my negotiations on behalf of those people appear to be progressing. A great deal of material has been circulated. I do not object to people holding views contrary to my own, and I do not think badly of them, but I do wish that when people make statements or circulate material that it is based on fact and not with a view to creating the best possible image for their argument.

Recently most members and I received information dated 3 October from the Last Resort organisation. It talks about having a campaign and urging people to write and contact their members of Parliament. That is their right and I have no objection to that, but it is unfortunate that the organisation was not accurate.

The organisation's material contains a photo with the caption 'Clapped out pastoral land'. I do not agree with that caption at all but, in any event, the photograph is innacurate because it is the wrong area. Yet this organisation has circulated the document as gospel, and it states:

Front photograph: Vegetation on the proposed resort site. The Government claims this beautiful valley is clapped out pastoral land. They are deliberately misleading you. This valley of precious vegetation in a national park must not be violated by bulldozers and chainsaws. The role of the national parks service is to rehabilitate such national park land.

That is what the project will do. Funds will be generated to properly manage and control people entering parks. For the past 100 years this land has been a pastoral property. What is the organisation talking about? Its claims are inaccurate. If people want to float an argument, they should stick to the facts and not to fiction.

A great deal has been said about retrospectivity. The Liberal Party has always had a clear stance on that. Therefore, I sought advice on this matter from someone particularly experienced at the Bar in this State, and he had this to say:

I am concerned about the so-called retrospectivity of this Bill. I think it is a mistake for people simply to use the catch cry of retrospectivity in regard to this Bill without examining any details.

The Liberal Party has always, in my view correctly, looked carefully at all retrospective legislation. However, this is not the kind of retrospectivity which is almost always objectionable. Retrospective legislation which is always objectionable is that which makes an act which was previously legal illegal retrospectively. That is not the case with this Bill. This Bill is the other kind of retrospective legislation which makes something which may have previously been illegal, legal. There are many examples of such legislation. We probably pass about half a dozen pieces of retrospective legislation each year. I recall one piece of legislation which was retrospective to 1857 and which did not attract any adverse comment. This was a requirement that the signature of the Chief Secretary as opposed to other Ministers was required on certain documents. This had been forgotten about and if it had not been rectified by retrospective legislation almost every law ever passed in South Australia would have been illegal.

The most common use of retrospective legislation is to correct a misinterpretation of the law. That is the present case except that it is not yet certain pending the High Court decision that in fact the law has been misinterpreted. The Planning Act is a creature of statute anyway and I can see no harm in itself in this aspect of the Bill.

I think that clearly, in a very simple and precise manner, fires a cannon through the sails of the opponents of this legislation who claim it is unreasonable because it is retrospective. It is the role of parliament to correct mistakes and also to legislate. It is not the role of the courts to determine what course of action the Government of the day should take. If the people of this State are not satisfied, they have the opportunity on a regular basis to change the Government and change the composition of parliament—a course of action with which I have no disagreement.

I have also been approached by the Port Augusta and Flinders Ranges Development Committee, and it totally supports this legislation. People in my electorate have been subjected to stringent criticism. In my view an attempt was made to vilify the District Council of Hawker without justification, including some quite scurrilous and unfounded attacks on the Chairman of the district council. He is an upright, decent and hardworking citizen who is operating only in the interests of his electors and the people he was elected to serve.

When this project is completed and it is time for it to open, I sincerely hope that the opponents of this legislation do not line up to attend the opening, and I hope the project's opponents will not be hypocritical enough to use its facilities. They do not want them, and I suggest that they would be better off if they kept away from those facilities because there will be thousands of South Australians, Australians and overseas visitors who will use them. I have no problem supporting this legislation, and I am happy to wear any criticism anyone has because one is elected to parliament to represent one's electorate, and to make decisions which will be beneficial in the long term.

People should understand that the rural communities in this State are desperate; and rural indebtedness has never been higher. I point out to the House that the latest estimate is that rural indebtedness has reached nearly $11 000 million. Commodity prices in the rural sector are down. Tourism gives us one opportunity to do something about that. We should not pass up this opportunity. The people who will operate these facilities are some of the most experienced in Australia. People who have visited places such as Yulara would know how experienced and capable those places are at producing advertising brochures (and I have one here) for use overseas.

In conclusion, it is a great pity that, for reasons best known to certain people, they have decided to do everything possible to again interfere with something that I believe is in the long term best interests of the people of this State. My only reservation is in respect of those people who will be directly affected, but I believe that that matter has been addressed. I believe that the Government should have introduced this legislation right from the start. That would have solved the problem and it would have been behind us. Thank goodness that at last we are debating this measure and it will be cleared off the decks so that we can get on with other important business. This is an important proposal, and I hope it is the first of many. We have lost too many development projects in this State. Rural people have suffered long enough, they are entitled to a few facilities. Those facilities are not just for the few who live in the huge—

The SPEAKER: Order! The honourable member's time has expired. The honourable member for Light.

The Hon. B.C. EASTICK (Light): It is the responsibility of members of Parliament, no matter which side of the House they sit upon, to give just consideration to legislation that is before the House. On occasions they will question the totality of a measure, and from time to time there will be questions in relation to particular clauses and questions as to the reason why a measure has been brought before the House, but it is correct and right that those decisions are taken on the floor of the House after total debate. That being the case, I indicate that I will certainly support the second reading of the Bill so that the debate can continue. Debate during the Committee stage of the Bill will deter-

mine whether the Bill can be turned into legislation which befits the requirements of this State. My colleague who just resumed his seat clearly indicated the knowledge he has of this site and of the people who represent that area of South Australia.

The member for Eyre describes in detail the measures which have been considered for this project over a long period, and he also dealt with issues of reasonable requirement for a community—whether it be in the form of electricity, roads or adequate airport conditions—which this area has been denied. For that reason alone, the measure which is before the House has features which are to the benefit of the South Australian community, but more specifically those who live in that area.

If we were debating only those parts relative to electricity and the airport, we would be doing the people of that area and this State a service. It is parcelled with other measures which have grown from a desire by people not only in this State but also those who visit us—those who would benefit from a better appreciation of the Flinders Ranges—who have indicated clearly that they require facilities which will allow them to savour well the features of the area.

The manner in which the Government has gone about this is not one that I personally would have followed. However, I do pick up the point—and I think it is important that we recognise this fact—that at the last State election the Government and the Opposition went to the people with a clear indication that this project would proceed. There was a limitation on the development so far as the Liberal party was concerned—that is, to stage one—until such time as the unanswered questions and those which needed deeper probing were resolved. However, there was a clear indication by both major political parties, and indeed others, that this project would be one that would gain the attention of their members.

I do not want to delay the House unnecessarily, other than to pick up the important issues. I believe that the House must make its decision based on fact—not on fiction. The House needs to probe the Minister and her advisers relative to what is fact and what is fiction (and this is where it should happen). I believe that the Bill has flaws which can benefit from amendment. Those amendments will be quite vital not only to the passage of the measure but also to the manner in which the South Australian public come to accept the proposed development. My colleague the member for Heysen gave a major critique of the issues which have been passed on for consideration by members of the House. My colleague the member for Eyre was more specific. I believe they both contributed favourably to the debate, and I trust that the House will be unfettered in a proper and due consideration of the forthcoming amendments.

The Hon. JENNIFER CASHMORE (Coles): I oppose this Bill with all the strength at my command. The Bill is unnecessary: I believe it is unprecedented and unprincipled. It is unnecessary because the Government already has on the statute book a provision that would enable this project to go ahead without the need to pervert the use of Parliament by providing for what I believe is retrospective legislation. There are very many definitions of retrospective legislation. The fact remains that what this Bill does is to set a precedent by taking away the power of the court to assess the validity of acts done under the Planning Act prior to the enactment of this Bill. Whether one calls that retrospectivity or a denial of natural justice, it makes no difference to the fact is that it is a breach of the principles that were laid down in Magna Carta and the Bill of Rights. It is a breach of natural justice; it gives the Executive power over the ordinary citizen that the Magna Carta and the Bill of Rights were enacted to prevent. Those facts are unarguable and the Government has a great deal to answer for in suggesting that this legislation is something that can and should be supported.

As I have said, the principle of the Bill is obnoxious and the precedent is dangerous. It enables the Crown to do indirectly what it cannot do directly, that is, to deny justice under the law. Everyone knows that the Australian Conservation Foundation has a case that is to be heard on appeal to the High Court. I believe that that case should follow its natural course. This Bill is designed to prevent that and in doing so it denies the rights of citizens. I believe that this Parliament should have no part whatsoever of that. I might add, the Bill is very poorly drafted. In my opinion it is impossible to amend this Bill satisfactorily in order to remove the retrospectivity.

The Bill is inadequate in many respects and, from a statutory point of view, it will create considerable confusion. In effect, it establishes two developers. Clause 3 establishes the Minister as a developer, empowering the Minister to erect and construct works and convert, alter or add to buildings, and clause 10 gives the lessee and the lease statutory status. I predict that if this Bill is passed—and certainly if it is passed in its present form—there will be serious trouble down the track regarding the management of this resort.

The Bill subverts the Planning Act not only in pre-empting a decision of the High Court, which may (and we cannot be certain) make the judgment that the Government acted illegally. It subverts the Planning Act all the way through in the way in which it provides for approval for a development simply by notice in the *Gazette*. That process is contrary to all proper planning legislation and all principles of law. It approves developments such as the airport and the powerline and then it calls for environmental impact statements. The Government's own review of the environmental impact assessment procedure strongly recommended against reversing the proper order in which environmental impact assessments should be undertaken. The order is, first, to assess whether the project should proceed. Having assessed that, approval could be given. One should not put the cart before the horse, as does this Bill.

It is ironic in the extreme that the Minister pretends that this Bill is designed to protect a national park and to ensure its sound management. Nothing could be further from the truth. This Bill is not about the management of national parks. It is not even about responsible tourism. This Bill is about one thing, and that is money. The Minister reveals that towards the end of her second reading explanation. This Bill is about $37 million to finance the management of the Flinders Ranges National Park, funds that should come from properly approved sources, sources approved by this Parliament, sources allocated by a Government because it wants to uphold the statutes. It should not come from a grubby little exercise to establish a tourism resort in a national park.

It does not matter in this case whether this resort is part of a national park or whether the Government had not purchased that property and the resort was to be placed on the land in any event. Whatever the status of the land, the nature of the land is such that it cannot sustain this kind of pressure. Whether the resort is in a national park or simply on the Wilpena Station, the long-term sustainability of water supply has not been proven. Whether the resort is in a national park or on station land, the fact remains that the resort can be built only if more than 1 000 native pines

are demolished, destroyed, killed. Those issues need to be understood when people debate whether we are to have the resort in a national park or on land that is not part of a national park. The essential nature of the land remains unchanged.

Wilpena is a place like no other. It is country of soaring ramparts, of rugged ridges, of tall skies, of blue skies, of starlit skies. It inspires a spiritual feeling in those who visit it. That feeling was beautifully captured by author Colin Thiele, who wrote:

> It is still possible in this open and unpeopled region to feel the verities of silence and light of starfall and eagles' flight and come to the brink of understanding. It is a region to be preserved at all cost.

What do we have in response to that description? We have the Minister's second reading explanation, which announces that the Bill is designed to facilitate infrastructure, to rehabilitate an existing facility, to provide a range of facilities, to provide an attraction, to provide employment and to provide opportunities for commercial activities. Compare those goals with the goals of the National Parks and Wildlife Act of South Australia and with the policies of the National Parks and Wildlife Service of this State. The Act is designed to provide for the conservation of wildlife in a natural environment. It is not designed for commerce; it is not designed for infrastructure for a town the size of Hahndorf; it is designed for the preservation and management of wildlife, the preservation of historic sites, objects and structures of historic or scientific interest within reserves; and it is designed for the preservation of features of geographical, natural or scenic interest. Of course, one of those features will be adversely affected, as is recognised in the assessment of the potential environmental impacts, which states that the view from St Mary's Peak will be impeded.

In line with those statutory objectives is the policy of the National Parks and Wildlife Service. This project is in direct conflict with that policy. The policy states:

> The park system should provide the people who visit parks with the opportunity to shrug off the urban environment, traffic, neighbourhood noises, city streetscapes and crowds . . .

It further states:

> It must be remembered that landscapes which do not bear the stamp of mankind's immediate activities will be even more difficult to find in future than they are today and damaged landscapes will be costly, difficult and often impossible to rehabilitate.

That is the policy. Let us look now at the practice, at what this Bill, designed to assist the management of a national park, does. Clause 2, the definitions clause, provides:

> 'To clear' native vegetation means—
> *(a)* to kill, destroy or remove . . .
> *(b)* to sever the branches, limbs, stems or trunks . . . or to cause any other damage to native vegetation.

Clause 7 exempts the Government from the National Parks and Wildlife Act stating that it:

> . . . does not apply to, or in relation to, the killing, injuring or molesting of a protected animal in the normal course of undertaking the acts or activities referred to in sections 3, 4 and 5.

Under the parent Act, that kind of activity would result in prosecution, in a fine of up to $10 000 and in up to two years imprisonment. The Government is giving a developer the power to do those things without let or hindrance.

The whole notion of controlling and managing national parks properly is exceptionally important to the State. In this instance the Government is not going about it in the right way. What is happening at Wilpena must never be allowed to happen again. I hope that the Government, the Parliament and the people of South Australia will have learnt a lasting lesson from what has been allowed to occur as a result of thoughtlessness, greed, poor management and the ignoring of public opinion. I believe that we in this Chamber are bound to take some account of public opinion. We are here not only as legislators but as representatives.

The member for Heysen mentioned surveys which had been undertaken and which showed that the majority of South Australians oppose this resort. He did not make reference to a survey undertaken by the Australian Broadcasting Corporation between 10 and 13 July 1989. In the Adelaide metropolitan area, 433 people responded to the question 'How do you feel about the State Government running a tourist resort at Wilpena?' Of those 433 respondents, 11.3 per cent indicated they were strongly in favour, 32.8 per cent indicated they were strongly against, 18.9 per cent indicated they were mildly in favour, 16.4 per cent indicated they were mildly against, and 20.6 per cent were uncertain or had no opinion. In other words, 30.2 per cent were in favour to some degree and 49.2 per cent were against to some degree.

The people who are against the resort are entitled to representation in this Parliament. They are entitled to have their voice heard. Many of them are young people. The other day, two high school students, who could not have been much more than 14 years old, visited my office. They said they had camped at Wilpena and wanted to go back there and take their children to see it as they knew it. They acknowledge the degraded situation in the park. Like me, they could see the feral cats looking at anyone who goes through, and I am not talking now about the Wilpena Station land but about the park. Like me, they could see foxes, noxious weeds, goats scaling the ramparts and rabbits scouring the land. They may not know, as I know, that proper management can overcome these things, that on the adjoining station, Arkaba Station, Dean Rasheed, the manager and proprietor, has just won an Ibis award for his work in eradicating rabbits in country that is no less rugged than that in the Flinders Ranges National Park.

If this Bill is passed in its present form, and if the visitation to the resort suggested by the Minister occurs, there must be serious environmental damage. The aspect of that which most worries me is the sustainability of the water supply. I have before me the review of water resources for the new Wilpena Station resort prepared by Dr Gordon Stanger of the Flinders University in June/July 1989. In commenting on the existing water resources, Dr Stanger said:

> Traditionally, the main source of water in the area is the Wilpena Spring which is essentially the sole drainage point of the Wilpena catchment . . . This source is fed both by perennial groundwater flow and, following larger rain events, by attenuated surface run-off from the Pound itself.

Dr Stanger made the point:

> . . . apparently no attempts have been made to measure the total spring discharge hence assessment of this most important resource is anecdotal . . .

If we are looking at anecdotal evidence, we have to take into account only the views of the locals over generations, and they will say, as the Quorn council did in its submission on the EIS, that the water situation is fickle, uncertain and impossible to predict, and that there is extreme anxiety about salinisation as a result of water drawn from the spring.

Surely this Parliament should take account of the fact that, in April this year, a substantial group of pastoralists from the pastoral section of the United Farmers and Stockowners Association met at Arkaroola Station and passed unanimously a resolution condemning the Minister for the establishment of the resort and for proceeding to place at risk the water supplies to the surrounding pastoral lands. Those people know that country. They love that country. Their livelihood depends on it. It is no accident that many

of the letters appealing for this resort not to go ahead in its present form and with its present numbers come from that region, from people who know the country and know it well.

I conclude by stressing that it is quite misleading for the Government and the developer to argue that this development cannot proceed without this Bill. The developer has never been restrained by any court order from commencing development. Allegedly, the developer has been ready to go for two years. Even if the High Court were to rule against the validity of the Government's original act in giving planning approval, the development would simply have to be submitted to the same planning approval process that every other development in this State is required to go through. That seems to me to be a perfectly reasonable approach and one which exemplifies the rule of law.

In attempting to pass this Bill, the Government is trying to subvert the rule of law. How can any developer in future have confidence in a Parliament and a Government, more particularly, that changes the rules to suit itself when the going gets tough? No-one can have confidence in that kind of Government. The Minister claims in her second reading explanation that the developer has had difficulty in attracting finance because of the proposed legislation and that investment in this State has been adversely affected because of the proposed legislation, but we could point to a whole range of other issues which affect investment in this State. One of them may well be the view widely held in the tourism industry that the figures on which the projected visitor numbers for this resort have been based are, to use the words of one well-known and well respected consultant, 'fantastic'. They are beyond the realms of achievement or possibility, and that speaks for itself.

The SPEAKER: Order! The honourable member's time has expired.

Mrs HUTCHISON (Stuart): I rise in support of the legislation and, like the member for Eyre, I make no apology for that. I have a country electorate and, from correspondence and representations I have received, I believe it is the wish of those people that I represent them in this manner and I am very pleased to be able to do so.

I support the legislation because of the benefits that it will provide: first, in the provision of good quality facilities. As the member for Eyre said, people who wish to visit have expectations, and the provision of good quality facilities is part and parcel of those expectations. At the same time, I support the legislation because it is redressing the existing visitor damage to the park and I do not think that any members present have ever indicated that they do not think there has been damage to the park. There is a need to address that.

Also, the legislation allows the regeneration of the area at the entrance to the Pound and I am sure that that, too, is something that none of us will dispute. I like the member for Eyre's comment that we need to take a commonsense approach to this matter, to look at it in a factual way and discuss it because it is a sensible and sensitive development. That is exactly what I thought in the first instance. I will not dispute that this is a unique environment because I was raised in that area, and something of which we should all be very proud.

What we need to do is a fine balancing act to ensure that we do not keep it for just a few people but that we open it up for as many people as possible to see. However, we should do that in a very sensible and balanced way. The member for Eyre, by his statements, has indicated that he agrees. I believe also that other members opposite have addressed this matter sensibly and fully believe that it should be handled in a very sensitive way. That is exactly how the Government has proceeded, because there has been a protracted consultative process, and the investigative processes which occurred prior to the development being formulated were extensive.

Secondly, the Aboriginal communities, whose traditional lands these are and who are members of my electorate, have made very strong representations to me. They have been fully involved in this consultative process and I must applaud the Government for its attitude in discussing this matter with the Aboriginal people. If anybody knows that land, it is those people. They know where the sacred sites are, they know how to protect the land and they know more about it than a lot of people who have been discussing it in this House this evening. Their input is an essential part of the process and they have been involved in those negotiations which the member for Eyre and others have mentioned tonight.

The Aboriginal people want to preserve and retain those sacred sites in the best manner possible. They also want to ensure that their people are kept involved and, if a commercial operation is involved, so be it: they are entitled to be involved in that as well. It offers the Aboriginal people the opportunity to be involved together in a very controlled way, in conjunction with the Government. For that, I applaud the Government.

Thirdly, with increased advertising for the facilities, the whole region, including my electorate of Stuart, can share in the tourism activity. Tourism, as everybody here would acknowledge, is a growth industry, probably the only growth industry that we currently have in this State, and I think that if this legislation is not passed it will have a very severe and restrictive effect on the areas to which the member for Eyre has referred. That is his electorate and he knows that electorate well; nobody here could dispute that in any way.

This measure will give the area and the State a great fillip and I applaud this Government for its gumption in introducing this legislation, because it has a very keen desire to ensure that development in this State takes place sensitively and sensibly. I am aware that very strong representations were made to the Government by local government and the Aboriginal community in the area as, indeed, they were made to me. The District Council of Hawker asked the Government to move immediately to ensure that the project and its associated infrastructure could commence. Also, action was urged by the local representative body of the Aboriginal community and by the Port Augusta and Flinders Ranges Development Committee.

I will quote from some of the documents which have been sent to me. On 28 August a press release issued by the District Council of Hawker stated:

> It was apparent to the council, that the concerted efforts by the ACF to tie the Wilpena Station project up in the courts, had eroded investor confidence in the project. The protracted court battles initiated by the ACF could cost taxpayers millions of dollars, and were destructive to the efforts of the State Government, in promoting recreational use and sensible development of the park, whilst providing an excellent opportunity for the enhancement of park management practices.

We have been talking about park management practices. The press release continues:

> Council, though recognising the value of some conservationists in society, believed it most unfortunate that the ACF had not directed its energies and dollars into true protection of the Flinders Ranges such as with lobbying for extensive eradication of the infestations of rabbits and other vermin in the area, which pose a very real and ongoing threat to the environment.
>
> Council added further that the Wilpena Station development would see the provision of much needed better facilities in the national park, to cater for the thousands of people who visited

the area annually. More importantly, the revenue generated from the development would enable the National Parks and Wildlife Service to put in place more stringent and sensible park management practices that would see the protection of one of SA's greatest assets, Wilpena Pound, now and for the future.

Other people have spoken about the benefits of sensible park management, and I support that. It seems that we differ only in the way that we believe it should occur. The last paragraph of the press releases states:

Council again reiterated that the Wilpena Station project in the Flinders Ranges National Park was paramount for the economic development of the State and for the environmental protection of that park, and that the State Government and Opposition should combine their abilities to ensure that the project proceeded forthwith.

In turn, the Port Augusta and Flinders Ranges Development Committee (located, again, in my electorate) expressed its concerns, and I will quote briefly from what it said in a press release. It reiterated what had been said by the Hawker council.

An honourable member: When was that?

Mrs HUTCHISON: I do not have a date, but I can get it later. The committee states:

The development committee was concerned that the protracted legal battle—

that is basically what was being said earlier—

being waged against the project was doing nothing to encourage development within South Australia.

A vital point is made, as follows:

Damage to the environment is already occurring in the Flinders Ranges because of the selfish and lack of care attitude of some visitors to the area. These problems need to be addressed or the environment (which we have come to expect as our right to enjoy) will be destroyed. The Wilpena Station development, provided such a method of controlling the indiscriminate use of one of nature's major scenic attractions.

It was further stated:

The Regional Development Committee saw the Wilpena Development as a major boost to the tourism and visitor market in South Australia and as a future significant contributor to employment opportunities for young people in northern South Australia. The development had the potential to provide significant opportunities for members of the Aboriginal community both in direct employment and by way of the manufacture and sale of artefacts. For the sake of the unemployed, the benefit of the region and South Australia and the retention of an area of untold scenic beauty, the Wilpena development should be allowed to proceed without the need for further costly court actions.

I also have in front of me a letter from the Aboriginal community, who were most concerned that the project might not go ahead. They wrote to the ACF saying that they did not support the action being taken by the ACF. I will not read all of that letter, because I am conscious of my time slipping away. The feelings of the Aboriginal community were clearly demonstrated in an article in the *Advertiser* of 16 October (for the benefit of the member for Murray-Mallee), and I quote as follows:

The biggest Aboriginal community in the Flinders Ranges has announced its support for the $50 million Wilpena Station resort and plans for future involvement in the controversial development. The plans include a package of activities for tourists run by Aboriginal people and TAFE college courses for Aboriginal people in catering and business management.

'With Aboriginal involvement at Wilpena I see a spiritual benefit to the people of the Flinders Ranges, because Wilpena Pound is a very sacred site in a Dreaming that goes up to Leigh Creek,' Chairwoman of the Ottowarrapanna Council interim committee Ms Angelina Stuart said yesterday. 'The council really wants the resort to go ahead. I don't think there has been this kind of opportunity before for us to get involved in our own sites and to train our people.'

The inference is that they could look after those sites better than others can. The article continues:

The council comprising representatives of the traditional owners of the Flinders Ranges, the Adnyamathanha, set up the committee this year to negotiate with the project developers, Ophix Investments. Ms Stuart said the council believed a facility would better protect Aboriginal heritage sites because tourists would be concentrated. 'At the moment, people are walking all around the place', she said. 'We feel that in time all the sites will be lost if we don't have a central place to start from. The resort is a good central point. We see job opportunities for our young people coming up. We can't say how many yet but we are looking for as many as. . .'

The article goes on to state that the benefit to the Aboriginal people in that area would be immense. This is a measure of the sensitivity of negotiations which have taken place throughout the region with environmental groups to ensure that a sensible and sensitive tourism strategy and development is achieved. This was taking place with people who live in the area—the people that the member for Eyre spoke about, the people who live there all the time and who know the needs of that area, rather than others coming in and imposing what they think the people need. The people concerned have lived there—they know what it is all about.

I consider it a very well researched development. It has had wide-ranging consultation. A genuine desire exists for the development to go ahead because of its positive impact on this State in the areas of tourism, preservation of historic sites for the Aboriginal owners and the controlled protection of a unique environment. The Bill deserves, and I hope will receive, bipartisan support in this Parliament.

The Hon. H. ALLISON (Mount Gambier): I will be reasonably succinct in view of the long list of keen and interested speakers. The member for Heysen spoke eloquently, critically and comprehensively in leading this debate, and I offer him my congratulations on the analysis and work he has put into attempting to improve this rather complex and difficult piece of legislation.

The member for Eyre almost eulogised the project, but I do not think anyone in this place would dispute the fact that he spoke with the heart and voice of his electorate and with a strong plea from the outback for better services. Those of us who travel extensively throughout Graham Gunn's massive electorate, which comprises 80 per cent of South Australia's land area, will realise that he, more than anyone, would have an appreciation of the deficiencies in services to the outback.

The member for Eyre mentioned the pioneer work of the Rasheeds, and perhaps we could add a whole range of others; for example, the Spriggs and others throughout that outback area who have put a lot of work into developing it to this stage. The area is certainly one of spectacular beauty and members of the Liberal Party Committee of Inquiry into the Wilpena Pound Proposed Legislation had cause to visit the area and make a personal inspection of the site, which was most impressive.

I suppose it is appropriate at this stage to acknowledge that at the last election it was Liberal Party policy to support the project to stage 1. However, stage 1 appears to be one of two or three things. There is an environmental impact stage 1; there is a lease stage 1; and now we have a legislative stage 1. None of them bear an absolute relevance and similarity to the other. So, stage 1 in the Liberal Party mind was a certain project. There are problems with the drafting, and I will speak to those shortly.

I will now refer to the contribution of the member for Coles. She spoke competently about the technicalities of the Planning Act and with some feeling about the role of law and the way that the law may not have been applied properly by the Government in the manner in which it has handled this entire lease legislation and preparation of the Bill. As to the drafting, it was pointed out strongly and correctly by the member for Heysen that this legislation need not have been introduced by the Minister: section 50

of the present Planning Act enables her to support this development. Instead of being used as the Labor Party has used section 50 several times in the past few years to stop development, it could have been used to support the present development.

The Opposition believes that, unless deficiencies in the Bill are corrected, there may be future litigation and possible administrative problems. To my way of thinking the Minister appears to have turned this issue into a fairly hamfisted exercise. She has placed herself and the Government—probably with the concurrence of Cabinet, so it is collective responsibility anyhow—in what is now a messy and ridiculous position. The Minister has clearly shown that, whatever her original intentions, there is a lack of confidence in those intentions and in the earlier Government decisions, because otherwise she and Cabinet would have used section 50, of which they were well aware. It was mentioned in correspondence from the Minister, quoted by the member for Heysen, that the Minister would have used section 50 of the Planning Act to implement the project and get it underway ages ago.

As I read it, the Bill itself is poorly conceived and it appears to be poorly drafted, although I may be paying disrespect to Parliamentary Counsel. It is possible that they were asked to draft the Bill in haste, because it has inbuilt retrospectivity, so that Parliament is now being asked to ratify potential Government mistakes. The other things that are built into the Bill have been extensively quoted by the member for Heysen. Those that stick in my mind most help the Government to evade any application of the Planning Act—the very thing which, as I said, section 50 would have enabled the Minister to do and which she originally intended to use before public pressure gave her what would appear to be an attack of cold feet.

The Bill conflicts in several areas: for example, it conflicts with the very lease that it purports to ratify. The Bill specifies variously that both the Minister in clause 3 and the lessee in clause 10 are the developers, begging the question as to the financial and other ultimate responsibilities for the development. It also conflicts over visitor numbers and/or visitor nights. There is no clear distinction between the two. In fact, there is no clear evidence that the Government or the developers have recognised the difference between visitor numbers and the number of nights that those visitors may actually stay.

Statistics have never clearly evinced any other knowledge that the developers or the Government might have on that subject. Of course, there is conflict when the Bill is compared with the lease. Inconsistencies between the lease and the Bill would be better resolved now rather than later, and the member for Heysen has prepared a number of pertinent amendments that should certainly improve the Bill, should the Minister choose to accept them, and I hope that she will.

It also begs the question: why is this Bill so sloppy when the Minister has had so long since the lease was initially drawn up and signed in which to prepare the legislation? The lease and the Bill are at variance over visitor accommodation numbers and, most unsatisfactorily, I believe, the Bill provides for the Minister to increase the size of the project by gazettal—that is, by ministerial fiat—rather than by recourse to Parliament. I have repeated many times over the past 15 years in which I have been in Parliament that I am against the increasing manner in which legislation appears to be less important than regulation, which can be drawn up by Government officials in back rooms, promulgated through the *Gazette* and then take effect immediately without members of Parliament being able to debate it, sometimes for several months. It is just not an appropriate way to run the State, although it may add to the facility with which Government operates.

There is no evidence that an adequate long-term water supply is available for the expanded project, although Dr Stanger of Adelaide University did say that to the best of his knowledge and expertise there was sufficient water for stage I. The stage I to which he refers must be examined in the course of this debate. As I said, we have three options at the moment, including a large stage I and a relatively small stage I. The matter of sewerage, too, also concerned me on inspection of the site. That question needs to be addressed. I was a little worried that the term 'tertiary disposal of effluent' was being bandied about by senior departmental officials, and I believe incorrectly, improperly and misleadingly used.

It is not a tertiary system but a relatively simple system. Mount Gambier's Finger Point system is not a tertiary system and it cost about $5 million. The Wilpena project will not have a tertiary system: it will be simple tank aeration followed by land disposal. I suppose that 'tertiary' means the 'third stage' but, in technical terms, it means something far more complex, with pure potable water coming out of the system. I also believed on inspection of the plans and the site that the sewage pondage might be located a little too close to the Wilpena Creek. If members bear in mind that the Murray River has currently washed out effectively the effluent from the Waikerie effluent pondage adjacent to the river, this is something that should be looked at.

I am not calling for a major amendment to the plan, but it is something that should be looked at now, as should the proximity of the petrol supply lines to the creek and the possibility of the flooding of those lines. They are not major objections but they are things that should be looked at before construction begins. The Bill does not define adequately the nature of the allotment created on Crown land, nor the legality of such a creation under the Planning Act. One also assumes that the lease may be active only from the date of this Bill, but clarification will have to be sought from the Minister about the retrospectivity and the retroactivity of this legislation.

I believe that the Bill establishes the precedents of the lease. However, it is worrying that stage 1 and stage 2 of the legislation bear no relationship to stages 1 and 2 of the environmental impact statement or to stages 1 and 2 of the lease. Precisely what the Minister intends, the environmental impact statement intended and the developers intend has to be dovetailed before the legislation passes Parliament if we are to avoid the possibility of litigation and dissent over the ensuing years.

The environmental impact statements for the new airport land and the power line route are certainly desirable and are required under the Planning Act. We have not really seen what the Government intends will be underground and overground in the construction of the power line and, as the member for Eyre said, he wishes to protect the rights of the people whose land is to be estreated for construction of the airport. I ask the Minister to give very careful consideration to the amendments that will be put forward by the member for Heysen, who is leading the debate for the Liberal Party, to explain to the House the several errors, omissions and discrepancies evident in the legislation, and to reassess, as requested by the member for Coles, the rectitude of the Government's past actions.

Mr FERGUSON (Henley Beach): The Bill before the House relates very much to development in South Australia.

If we look at the current situation and the current economic climate, we see that several projects face a very rough passage at the moment. I believe that Hindmarsh Island will be the next project to get under way, then the East End of Adelaide, Marino Rocks, Mount Lofty, Granite Island and the Barossa Valley. However, in a sense, none of those projects are ready to go—although I understand that Hindmarsh Island has been given a clearance—because the institutions are not yet ready to provide investment money in these areas. Therefore, what we are faced with tonight with this legislation is, in a sense, very much a test case.

I know that I have support in a bipartisan way when I say that we must proceed with this development. The Leader of the Liberal Party was reported in the October 1990 issue of *BOMA News* as being totally in support of development in South Australia. In an article headed 'Liberal Blueprint for Development Industry', it was reported that the Liberal Party blueprint for development in South Australia was outlined to BOMA members by the State Leader of the Opposition (Dale Baker). He went on to give his version as to how and why development should proceed in South Australia, and I commend him for that attitude.

With this project, we must remember that, unless Parliament gives its approval, there will be a hiatus as far as development in South Australia is concerned once the REMM development and the entertainment centre are finished. Financial institutions have provided $50 million for the project's construction costs, and 80 per cent of this money will be spent in South Australia. So, I feel that anyone who has any feeling at all for the economy and the need to stimulate industry in South Australia must give this legislation very deep consideration.

Some of the figures that flow from this development are very interesting. The rent from Wilpena Station, as prescribed by the lease, is a fixed CPI-linked amount or a percentage of gross receipts, whichever is the greater. For the first year of operation, the rent is anticipated to be $.3 million; after five years, $.41 million; 10 years, $.97 million; 15 years, $2.98 million; and 20 years, $4.4 million. Over the first 20 years, the project will bring an estimated $37 million in rent.

The park management needs are identified as $.3 million CPI adjusted minimum and will have first call on the rent. I emphasise that: the park management needs will have first call on the rent. A loan of $2.5 million for the Hawker airstrip will be serviced from the rental after year 10. We have heard debate tonight about the degradation of the park, poor management and under-sourcing of the management of the park. To a certain extent, one can agree with that.

Mr Brindal: To a big extent.

Mr FERGUSON: I concede that the honourable member is correct, and I say, 'To a big extent.' The reasons for this are obvious to anyone who has studied this area because the State Government has concentrated on buying parks and parkland and the emphasis of where its money has gone has been in the procurement of that land. I believe that that management decision was right and that history will prove that.

We are now in a situation where so much parkland has been obtained that everyone in Government concedes that there has been difficulty managing it. However, this development presents the ideal opportunity to use the money obtained from the rent to address this problem. The problems that we have heard of tonight in respect of rabbits, foxes, feral cats, goats and exotic plants will have a chance to be redressed. As I have said, the park management will have first call on all the rents collected. The estimated direct gross benefit to tourism in South Australia of the proposed new airport is $3.5 million per annum, rising to $5.5 million per annum in year 10. The Wilpena Station gross revenue is estimated to be $17 million in year one, increasing to $69 million in year 10.

They are some of the figures that this House ought to consider in respect of the benefits that will be achieved for South Australia. I have considerable sympathy for the member for Eyre and the views he has presented to this Parliament because there will be a sensible sensitive development in the area which will provide work and facilities for his constituents. I have some sympathy with his argument, 'Why should we as city people who live in a developed area and who are provided with jobs from that development and enjoy the parklands be telling these people that they should remain in poverty?' as some of them are. The member for Stuart referred to some of those people. While we enjoy the benefits of the wilderness that they live in, they must remain in poverty for us to enjoy it.

Mr Brindal: That is rubbish! That's absolute garbage. Really!

Mr FERGUSON: I have no wish to argue with the member for Hayward. I listened to his point of view in silence, and I ask that he do the same for me. I am merely reporting the sentiments of one of his own people, the member for Eyre. I have much sympathy for the point of view that has been put by him.

The Wilpena Station is primarily targeted to the domestic market and the average park user looking for clean and affordable facilities. It is anticipated that 85 per cent of visitors will still travel by road to Wilpena Station. The station will significantly improve the standard of facilities presently available in the Flinders Ranges. Far more extensive park education and interpretive programs can be made available to visitors through the provision of the new tourist facilities. In South Australia 100 construction jobs will be created, and I have already referred to the importance of that. There will be employment for 250 staff to operate the facility on completion of the initial stage. By project completion, 400 people will be employed. There will be increased employment in terms of servicing the needs of the station, for example for maintenance, food supplies, essential services, etc. Marketing drives by the All Seasons group will have a roll-on effect for other operators giving the Flinders Ranges exposure in markets hitherto effectively untapped. It is anticipated that 85 per cent of the visitors will still drive to Wilpena Station despite the upgrading of the airport. Regional tourism operators will be able to reap the benefits of increased visitation.

Already some members opposite have referred to what they consider to be the problem of the increasing number of visitors to the site. However, I point out to the House that there is a cap on the number of visitors who will actually be visiting the site at any one stage, that is 3 631.

Members interjecting:

Mr FERGUSON: I consider this debate to be extremely serious. I think a bipartisan attitude should be adopted, and I believe that this is not the time for interjections across the House. Already, mention has been made of doubts about the amount of water that will be available. The EIS on the Wilpena Station in 1988 estimated that 450 million litres of water per annum would be available, and that when the program was at its maximum total usage would be only 183.5 million litres per annum. So, there is a difference between the figures quoted by members opposite and the figures in the Wilpena Station EIS report in 1988. I am not an expert in that area, but I believe there is sufficient doubt in relation to the figures that are being put up by some

members opposite to make one realise that those figures themselves are not absolute.

The Government has received support for this legislation from the Nature Conservation Society of South Australia Incorporated, and I refer to the press release from that society of 13 September 1990. It states:

The Nature Conservation Society of South Australia (NCSSA) has always supported in principle the provision of improved facilities for visitors to the Flinders Ranges National Park. The Society's objection to the Wilpena Station Resort as proposed in the 1988 environmental impact statement was to the scale and type of the proposed resort. It was not an objection to any development *per se* on the Wilpena Station lands.

NCSSA supports the accommodation complex that is currently proposed by the Government so long as published constraints on the future expansion or any development are maintained.

There are some cases where the provision of sensitively cited and sealed accommodation within a national park is seen as an appropriate method of managing both the number and the activities of visitors to a park provided NPWS has overall control and responsibility for such accommodation. There are few parks where this is appropriate or where suitable land is available. Such parks include those where the number of visitors, or where the desire of visitors to camp in remote areas, conflicts with the conservation objectives of the park. NCSSA believes that the Flinders Ranges National Park is such a park and that the Wilpena Resort as now planned, and under the constraints imposed by the Government, is worthy of support.

The member for Hayward said that he had no objection to some development in national parks under certain circumstances, and I agree with him. I have had the opportunity to visit the Mount Cook National Park in New Zealand: the New Zealand Government has had resort-type accommodation for more than 100 years in a parkland, which, I might say, is sensitive—at least as sensitive as the parkland about which we are now talking.

This has been very successful and I see no reason why it cannot be successful with this project. It has been said that one must be brave to be green. I put to the House that in some areas in the present climate it is brave to support development. I ask those people who live in marginal seats in Liberal Party territory to pluck up their courage and have a look at this Bill in its entirety, and then decide whether or not they should support it not on emotionalism but on its content.

Mr S.G. EVANS (Davenport): The Parliament finds itself in this position, first because of a Government that was not prepared to use the powers that it had and, secondly, because of the arrogance that has been exhibited by this Government in this and many other issues. I cannot support, and I never have supported, the concept of retrospective legislation. Those who know my background before I came to this place know that I was a land clearer. I have been in the quarrying industry, the demolition industry and anything that involved clearing scrubland under contract to others, including the Government. People worked with me and for me in that field and it was hard yakka. In fact, I can say—although not proudly these days—then when we did the Mount Bold watershed we felled what was probably one of the biggest red gums that had ever grown in this State. We did not have a chainsaw at that time that was large enough to cut halfway through the diameter. We had to use an old-time, eight foot cross-cut saw. That tree was right on the edge of the reservoir, but the department required that it be moved.

Given that background, as most people know, I am, in the main, pro-development. Those people also know that I do not like Governments that have double standards. I will give the House an example of the Government's double standards involving the present Minister and those who went before her. Another park—I think the second park named as a national park in Australia—the Belair National Park, is now recognised as a recreation park. Its name was changed by the ALP in the 1970s for the sake of convenience, because the fact that it was a national park caused some bother in relation to the carrying out of activities in that park.

The golf course in that park was leased to private enterprise; a substantial part of the native vegetation was cleared to establish that course. But, worse than that, on a Christmas eve Thursday, in the *Government Gazette*, a notice was published that a fully licensed hotel would be established in that park and that people had 28 days to lodge an objection or objections. Of course, the executive of the AHA was on holidays over Christmas and no-one picked up the notice until it was too late and the project was established. So, a fully licensed hotel was established, with an expanding caravan park—that continues to expand—without any opportunity for the community to have an effective say. In a sense, it really was a dirty trick. That operation continues and the member for Henley Beach tells us tonight that, from this proposed project at Wilpena, within 20 years $4.4 million in rental will go towards the upkeep of the area.

The Hon. Jennifer Cashmore: It was $37 million.

Mr S.G. EVANS: It is $4.4 million from rental. Where is the principle involved in the Belair Recreation Park? It is called a recreation park. Mature trees planted by our forefathers have been felled. They might not have been native trees, but they were fully mature trees and they were felled at a time when we are asking people to plant trees. The name of the park was changed to Belair Recreation Park. In addition, there are about 15 neglected tennis courts that the Government promised would be fixed: they have not been fixed. Roads are falling apart, as are buildings. Where does the rental from that hotel and golf course go? A charge was to be imposed for entry to the park. That was stopped and there is now an honour system, because someone delved into the funds too much and it was lost. That is the sort of thing in which this Government is involved, and it says, 'Trust us; Wilpena will be all right.' I refer now to the principle. Section 50 is in the Act, and this Government has used it for political purposes in the past.

The Hon. Jennifer Cashmore: To stop a church going through.

Mr S.G. EVANS: When—

The Hon. D.C. Wotton: On seven occasions.

Mr S.G. EVANS: Well, I will name at least one. In Unley, which is still a marginal seat, a group of people wanted to build a church hall and the Government used section 50 to stop them getting on with it.

The Hon. D.C. Wotton: Why do you think the Minister did it?

An honourable member interjecting:

Mr S.G. EVANS: If we have to be shonky to do it, there is no benefit in being there. If the honourable member is proud of that, good luck to him. What he is saying is that, if we can put up a shonky deal to win government, do it. The Minister was in Cabinet during that time and he said that the table was too long for the Premier to hear his disclosure of interest. So, they ordered another table. They probably cut down a tree in the Belair Recreation Park to make it. That is the sort of Government with which we are dealing; and it is asking us to trust it. Someone wanted to cut limbs off a tree in the same Minister's electorate. Another Minister raced out and said, 'Stop it.'

The Hon. Jennifer Cashmore: She is not too fussed about a thousand at Wilpena.

Mr S.G. EVANS: That is right, but, when it comes to a lot of trees in another spot in a park, they say 'Stop it.' The Government bought Wilpena Station. It had a chance, if it

wanted to, to leave it as a station; the environment would still have been the same. However, it chose not to do that: it chose to declare it a park for the people. The Government knew at that time that people were interested in establishing a resort there and it thought it would avoid the Planning Act and do that through the parks. It was through the back door, a shonky deal. The Government did not have the intestinal fortitude to stand up and say, 'We want to build a resort here at Wilpena; it is a station, we will build it. However, we will use section 50 of the Planning Act and face the flak that we will get for doing so.' The Government tried the sneaky way. Then, a group of people who believed strongly in that environment—as I believe do the vast majority of the people in this State—gathered their resources. They decided to test the case in a court, and that is their right. I remind some of those who have spoken about the right of retrospectivity about other cases before courts. Would people agree to retrospectivity in relation to an abattoir fight against a union in the north? We need to remember that those people believed they had a right and were going to test it before a court.

The Government produced this Bill to deny that right after moneys were spent fighting and testing it in the courts of the State and nation. In the end result, it is a reflection on Parliament that we are prepared to look at that sort of operation. We need to think about it. To my knowledge the Government has only one group interested and the shadow Minister, the member for Heysen, raised this point. He asked the Minister whether any other group had a reasonable opportunity to submit an interest in developing a project at Wilpena. Perhaps it resulted from someone peddling the idea to a mate in Government. We will never know.

Recently I wrote to the Premier about a matter I raised in this House concerning the sale of land by the Department of Lands without putting it to auction or tender. I believe very strongly that nothing that belongs to the Crown should be offered unless it is by tender or auction involving all citizens. The same principle applies to a development such as this. If it is a prime site, and the tourist operators tell us it is, surely any person or group interested in submitting a tender should be invited to do so. If not, the whole system lends itself to unscrupulous actions, the sort of action for which the previous Queensland Government was condemned. Later, we found out that there was truth in the rumours and that some individuals in that Government and its departments did scandalous things. So-called entrepreneurs were also involved. I have strong misgivings about the way in which the South Australian Government reached its decision. The Aboriginal people have been promised opportunities in this development.

Mr Such: The same as in the city.

Mr S.G. EVANS: As the member for Fisher said, we should look at the city and the promises of opportunities that were made for them here. We have done very little. I go further and suggest that the Aborigines were promised that, if they agreed to this proposition, in 12 months time there would be 100 permanent jobs for them in this project. We all know that is not the truth. They were sold a pup, a sick pup at that.

The Hon. Jennifer Cashmore: They are deeply divided.

Mr S.G. EVANS: The member for Coles makes the point that there is division among the Aboriginal people about the way the project is headed and about the style of such a project in that location.

The Hon. D.C. Wotton: It is a cruel joke.

Mr S.G. EVANS: It is a cruel joke and it is a reflection on any person who supports the view that there will be 100 full-time jobs for 100 Aborigines in 12 months. Another point concerns the suggestion that golf courses will not be required. I will record my view now. At the time the Casino Act was debated, the Government, which retains some of the same personnel, and the Premier said that they did not want poker machines in the casino.

Mr Such: Trust me!

Mr S.G. EVANS: Trust us, they said. The same thing applies to the golf course. If it was not the Premier it was the member for Hartley on behalf of the Premier. If the Premier does not agree with the member for Hartley, let him say so publicly or the member for Hartley should state that he told this House an untruth and, if we were outside, I would use the word 'lie'. Once this project is up and running it will only be a matter of time before these so-called developers or entrepreneurs tell the Government that they are not getting the tourists they want so they need a golf course to attract some more. That will be the basis of the argument. The shopping hours legislation was not even passed before one Minister was saying that extended trading has to be introduced on Sundays. That is an example of the sort of Government with which we have to deal.

Another point concerns land tax. Nearly every operator in this State who runs a hotel/motel operation and convention centre must pay exorbitant land tax. I have glanced at the lease, and these developers will have to pay rent. Other people pay rent but, on top of that, the operator pays land tax. The Government is passing a law to say that land tax cannot be added to a lease. However, if one leases pastoral land or Government land, one pays land tax on it. Will any land tax be attributed to this project? If one of its pet projects has to face the same consequences, it might be a bit of a lever to stop the Government rapidly escalating land tax. By the time this project is up and running, members opposite will not be in Government if the South Australian people have a memory and an understanding of who should be trusted.

Who is responsible for making Parliament consider this matter tonight? It is the present Minister, the Premier, the Cabinet and those on the back bench who were not fully informed of the real difficulties the Government faced. When it comes to the natural environment around Wilpena, I remind members of a speech I made in the early 1970s about our pastoral lease land—Wilpena was on such a lease—and the concerns I had after visiting that area. I have no doubt that feral animals, whether they be donkeys, foxes, cats, goats or rabbits, are destroying the environment, because every time a young plant shoots and begins to grow it is that most succulent of plants that they eat first, and I cannot blame them for that.

At the time, my comments upset a pastoral lease holder who was also a member of Parliament, the Hon. David Brookman, for whom I had great respect. I said that I believed the Government, and Governments in the main, should find the resources, because it would be beyond those of pastoralists, to start fencing pastoral leases into tenths. Each tenth should be fenced for 10 years so that every 90 years that tenth would have a 10 year spell. In that way the feral animals in those tenths could be tackled, and this would ensure that the land was not ravaged to the point at which no young growth remained.

In the end, regardless of what we think, if this project goes ahead it will be desolate country, because all the old vegetation will die, and we will have created a desert and barren land. Because the Minister's promises have not been kept in the past, they mean nothing. A Minister is only a bird of passage: here today, gone tomorrow. Once this project is established, it will have to be watched very carefully.

Providing the opportunity for a Government to be the operator and the developer (in the way it is worded, I see it that way) and then to be the judge on what is environmentally damaging, or on whether or not the lease conditions are observed, is dangerous because it is the same group and it cannot successfully be the protector and the user at the same time. I am disgusted with the way this has ended up before the Parliament. The Government has brought about this situation and retrospective legislation is not something I will ever support. I believe that this particular action of the Government is disgraceful. To take away the rights of individuals to fight something in court is one of the most disgraceful actions the Government can take, especially when in the main it is a voluntary group which gives its time to fight for the cause of conservation or any other worthy cause.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I move:

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

Motion carried.

Mr HAMILTON (Albert Park): I strongly support this facilitating Bill. I believe it is fair to say that this is a very emotional debate, and I make no apology for that. I believe every member of this House has the opportunity to stand up and express his or her opinion on this very emotive issue. Quite clearly, it will impact upon future generations as those people on either side of this House who have visited this magnificent area of South Australia will acknowledge.

I have listened to the debate and, having heard the contributions made tonight by the member for Eyre, I think was a very profound contribution—I must say that I have come to respect the member for Eyre over the many years that I have been in this Parliament. I have found Graham Gunn, the member for Eyre, to be a man who is prepared to speak his mind without fear or favour. Equally, I have found the member for Coles (whilst I may not necessarily agree with her contribution) to be likewise.

I have very strong convictions on environmental issues. It has been very easy in the past few years to be seen as a 'greenie' or an environmentalist but I can go back many years to when I first entered this Parliament and started, particularly in my electorate, to raise issues which I believe are relevant to this debate, involving such matters as the encroachment upon the Tennyson sand dunes, erosion of the Semaphore Park dunal area, West Lakes waterway pollution and, indeed, the Port Adelaide sewage treatment works. The arsenic impregnated soil at Hendon is another environmental factor about which all of us in the Parliament are very concerned. These issues impact the environmental debate in South Australia.

I think it is recognised on both sides of this Parliament that I am one who is prepared to speak his mind without fear or favour and, indeed, one who took on issues which at the time were very unpopular among some of my own people and, indeed, within the Party. As members know, as Chairman of the Public Accounts Committee, I have a driver and a car provided to me. In March of this year I chose, unannounced, to go with my wife to Wilpena to look at this particular area and to find out for myself what this debate was all about—not to be influenced by the Minister; not to be influenced by members opposite who may think it is a matter to be joked about, as it certainly is not. It is indeed a very, very serious debate.

I was most impressed, when I journeyed into that area, with the beauty of Wilpena. I videotaped a great deal of that area, in particular where the redevelopment is to take place—some three kilometres outside the existing Wilpena Chalet. I was fortunate enough to be shown around by one of the park rangers. I will quote from the minutes of the fourth regional seminar on national parks and wildlife management. This is supported by senior professional park managers and sponsored by the Council of Conservation Ministers. The document states:

In the wider park management sense other pressures added to the urgency for change at Wilpena, in particular:

- the annually deteriorating fiscal climate imposing severe and increasing financial and staffing constraints; and
- expanding management responsibilities elsewhere in the State.

These two dynamic factors put considerable pressure on the need to address any areas of poor financial outcome or budgetary drain.

At Wilpena, not only did the unsatisfactory conservation and visitor management arrangements need to be addressed, but they had to be converted to programs that contributed to management processes, solved problems, and provided quality facilities and services.

Any outcome had to be good for the park, the parks service, visitors, the Government and any future lessee. Relocation of the Wilpena accommodatoin facilities to Wilpena pastoral property was seen as capable of achieving these objectives.

They are not my words but the words of the national parks and wildlife management group. I listened with a great deal of interest to what was put before me by one of the rangers who showed me around. One of the issues that I picked up was the question of clause 7 (3) of the Bill. The report on the Bill states:

Clause 7 (3) of the Bill provides that the National Parks and Wildlife Act 1972 does not apply to the killing, injuring or molesting of protected animals in the normal course of constructing buildings, structures or other works or clearing vegetation under the Bill. All mammals, birds and reptiles indigenous to Australia (except those listed in the tenth schedule to the National Parks and Wildlife Act 1972) are protected animals. Some species of lizards live under the bark of dead trees and there are species of small snakes that live in the soil. These animals are injured or killed in South Australia every day in the course of excavation for building or other purposes or when dead timber is felled or burnt.

Whenever this happens an offence is committed against the National Parks and Wildlife Act. The fact that a technical breach of the Act occurs in these circumstances seems to have escaped notice in the past. The opponents of the tourist facility at Wilpena have made it clear that they will take any action available to stop it. Clause 7 (3) is necessary to close off this avenue to them. The clause does not give the developer a free hand to kill and injure wildlife; it will only apply in the normal course of construction or clearing vegetation for the purposes of establishing the various facilities under the Bill. It does no more than legitimise what happens every day of the week all over the State.

This is a deliberate action. Every care will be taken. The clause will ensure that we do not have any more frivolous litigation. Another aspect of my visit that came back to me after looking at some hours of video that my wife and I filmed in that area was very helpful indeed. I was most interested in an article entitled 'The Last Resort'. The front of the brochure shows vegetation on the proposed resort site and the caption states:

The Government claims this beautiful valley is clapped out pastoral land. They are deliberately misleading you. This valley of precious vegetation in a national park must not be violated by bulldozers and chainsaws. The role of the National Parks service is to rehabilitate such national park land.

From my experience, having been there and spent several days taping videos, I believe that the caption on the pamphlet, to put the kindest connotation on it, is grossly misleading. It is a fraud and I am bitterly disappointed, given the strong feelings of people on both sides of the House, that people are prepared to misuse this leaflet. It is not factually correct as anyone who has visited and inspected the area knows. I would be the first one to criticise the

Minister (and she knows it damn well) if I believed that it was factually correct. It is not factually correct. I am bitterly disappointed as it is a misleading pamphlet.

Five or six people in my electorate have approached me about this issue. One person resigned from the Labor Party over this issue. I discussed the issue with him and he was very concerned. He said, 'Kevin, I think I have been misled.' I have not been able to get him back into the fold, and I speak frankly. Articles such as this do nothing to enhance this very important debate. In 20 or 30 years I will be dead and gone but, like many others in this place, I sincerely want to contribute to what I believe is very important for South Australia. Unfortunately, because of time constraints, I cannot address all the issues that I would like to raise. I suppose I can criticise my predecessors who supported curtailing the amount of time that a member is allowed in certain debates.

I wish to address the important question of water, and I raised this with the park ranger that I spoke to at Wilpena. The EIS described 78.5 megalitres per year of potable water as being required for the project and stated that 451 megalitres are available from known sources. The woodlot that will produce campfire wood will receive treated waste water and in addition will use a further 150 megalitres per year.

If water supply became limited, the woodlot water use would be accordingly scaled down. Notwithstanding an availability of water supply over potable water needs of 5.7 times based on known water sources, the lease takes a very conservative view. The lease requires research into impacts of draw down of bore water on vegetation and further proving of water sufficiency in the area by hydrogeological survey and testing. Putting it another way, if all Wilpena Station facilities were full to the maximum resort accommodation limit 365 days per year, there is still over 1½ times supply over total potable needs.

Those factors are important to this debate. Other matters that I would like to address include planning. A planning specification was prepared by park managers for the project at the outset in 1986. The project has thus always been park management driven. The specification (shown in the EIS) included an architectural theme (prescribed colour and form); zoning of the site; land protection measures, development rights (accommodation range and other commercial); and development obligations (all municipal services, woodlot).

I personally spent many hours looking at the site and the area. I rigorously questioned the park ranger. I believe that the Government has made a clear and considered decision in terms of its support for this Bill. In the short time remaining, I would like to raise another matter. The major park management tool is the lease. The key management issues addressed in the lease are:

A security guarantee in support of lease obligations of $100 000.

Bushfire protection standards including provision of equipment and trained lessee employees.

Medical facilities for visitors.

Public facilities for visitors.

A proper standard of saleable items relating to nature conservation.

The interpretation plan for visitor education programs, including providing staff. (It is important that people understand what the park is all about.)

The cross cultural programs for lessee staff in Aboriginal culture.

Proper sewage treatment. (We have heard a great deal from members opposite about this matter tonight.)

The standard of improvements maintenance.

The stabilisation of the Wilpena homestead historic buildings.

Pest and erosion control.

The environmental maintenance plan detailing landscaping, cultural site protection, rehabilitation works, erosion control, pest control, works monitoring and water investigations.

The proposal also allows other park management issues to be addressed, including the lease area. Quite properly it includes the closure of the noisy and expensive Wilpena power generating plant. During my visit to Wilpena the serenity of the area was invaded by the plant's noise. All members of the House are aware of my nomadic instinct. I like to get out early in the morning and go walkabout. but this noise from the expensive power generating plant invaded my privacy.

It is sad to hear the opponents of the development talking of the need to protect the Wilpena Pound resort, yet they refuse, ignore or are so blinkered or blind that they fail to recognise the close proximity of the existing resort to the pound. The sooner we have the new development the better it will be. The power plant will be relocated in an area that will be more environmentally suitable, as proven up by this Government.

In the one minute remaining to me I wish to place on record my appreciation to those people who assisted me. I refer especially to the manner in which the Minister responded to the many strong and pertinent questions that I put to her. I am not frightened to harass my own Minister, and I must say that she came up with the answers. I was greatly impressed. I believe that the community of South Australia will support this project.

Mr MATTHEW (Bright): This is certainly a most important Bill, and there has been considerable debate on it tonight. Having said that, I am aware that time is marching on, and I do not intend to use the total time available to me. This legislation is about playing petty politics on the part of the Government. It is about the Government's feeble attempt to in some way move the heat away from itself and onto the Opposition. It is also about the Government's depriving the Conservation Council and the Australian Conservation Foundation of their right to legally challenge the Minister's attempt to exempt the development from the normal planning procedures.

This Bill is designed to override these legal proceedings and to provide all necessary authorities for the development while preventing retrospectively the application of the Planning Act to the Wilpena development. That is it in a nutshell. That is what this Bill is about, and I challenge anyone on the other side of the House to deny those statements. Quite simply, the Government more appropriately could have achieved its goal of pressing ahead with the Wilpena development by adopting section 50 of the Planning Act as the most appropriate vehicle, ensuring that the development proceeds. We heard earlier tonight the member for Henley Beach detail developments in this State under this Government that have failed to get off the ground. These developments failed to get off the ground because this Government has failed to act, has failed to lead and has failed to point in any one direction as to where development should go.

The Government continues to procrastinate, to sit on the fence, to duck, dodge and weave and change its mind midstream. Time and again the result is another addition to its list of failed developments. This Bill does not present the Opposition with a predicament, and it does not move the heat from the Government to the Opposition. Rather, it puts the heat directly where it belongs—quite correctly with

the Government, because it has failed to lead or set a proper path for consultation and development in our State.

After the Minister for Environment and Planning introduced this Bill in this place on 11 October 1990, the Premier was quoted as saying that the legislation was necessary to 'cut through legal delays and protracted guerilla warfare now being waged in the courts'. The Premier's statement tells us what this piece of legislation is about tonight. Many members of the House are well aware of statements made by former Liberal Opposition Leader John Olsen back in November 1988. For the record, I would like to recount some of those statements, which still ring true, while the Bill is before this Parliament. The press report states:

> In his statement of 7 November 1988, the then Leader said Liberal approval depended on the Government's reassessing its proposals for 700 accommodation units at Wilpena.

He said:

> The number of accommodation units proposed is both unrealistic in the light of projected demand and excessive in terms of visitor impact on both the general environment and the water table.
>
> The Government has manipulated both the Planning Act and the National Parks and Wildlife Act to evade responsibilities which it places on all other developers.
>
> The Government has failed to adopt a plan of management in accordance with the National Parks and Wildlife Act before exempting the project under the Planning Act. A plan of management is required if this exemption is to be legal.
>
> The Government has failed to separate two distinct legal processes—the environmental impact statement and the park management plan. Combining these processes in a single document makes a farce of both.
>
> There is an incompatible use of the National Parks and Wildlife Service as both proponent and assessor of the EIS. The result of the EIS has been pre-empted by the calling of tenders, site work and recruitment of staff before the supplementary EIS is available.

Those words of the former Liberal Leader detail quite accurately some of the events that occurred in 1988 to set the stage for the debacle that followed, a debacle that is not unfamiliar to the people of South Australia or the members of this place, because these sorts of debacles are commonplace every time this Government decides to muddle its way into some area trying to get a development up without properly researching what it is doing.

The debacle continued even further when the Government announced that this Bill would be introduced into the Parliament. At that time, the Government sought the support of the Liberal Party for legislation that it had not seen, in fact for legislation that had not even been drafted. Nonetheless, the Government had the gall, or rather the stupidity, to call on the Liberal Party to support that legislation.

It is interesting to note that the Government has stated previously that its commitment to the project depends on its starting by 1 November this year. As this legislation has been considered by the Parliament only at this point in time—and, indeed, when it was first announced, could only, according to the parliamentary schedule, have been considered by this place in the middle to latter part of October—the Government's timetable naturally raised quite serious questions about the reason for the legislation. Why was this legislation not drafted earlier? Was the Government simply attempting to shift to Parliament the responsibility for any failure of this already much delayed project?

We see now that the legislation is to be retrospective thereby establishing conditions for this project that are not available for other developments in South Australia. In fact, the legislation tramples on the existing rights of individuals to pursue matters at law and to question the Government about actions in relation to this project. This legislation is not about any serious attempt to develop in South Australia: it is about a political issue, about trying to shift blame and community perceptions of incompetence on the part of the Government, but that will not succeed.

A number of concerns about this Bill have been detailed quite competently by my colleagues; to avoid repetition, I wish to cover only one of those matters. My greatest concern is about the establishment of an assured water supply. I have the privilege of attending the same church (the Hallett Cove Uniting Church) attended by Dr Gordon Stanger, who works for the School of Earth Sciences in hydrology at the Flinders University of South Australia. I would like to quote an extract from a letter by Dr Stanger detailing some of his concerns about water availability. He says, in part:

> My views are unchanged regarding the necessity for more rigorous analysis of the available water resources, namely:
>
> 1. monitoring of the spring discharge recession;
> 2. monitoring of the borehole water levels; and
> 3. a long-term aquifer test under post-surface water conditions.

An honourable member interjecting:

Mr MATTHEW: Yes, Dr Stanger is most certainly a well-esteemed and respected expert in the field of hydrology. I am sure that many members on both sides of the House would be well aware of the qualifications of that gentleman. He quite rightly expresses concern about the water supply, because it would appear that the scientific data on which to establish one way or the other with any definition and certainty whether there is a sufficient water supply simply has not been collected. On that basis alone there must surely be room for considerable concern by members on both sides of the House.

I do not believe there is much point in my continuing further. My colleagues on this side of the House have covered competently most of the quite justified objections to certain aspects of this Bill. I oppose this legislation because I believe that it is a retrograde step and because I am greatly concerned that a Government sees fit to stop any group within our State from quite rightly questioning that Government through the legal processes. That is undesirable and, should this Bill pass in this Parliament, it is absolutely vital that serious consideration be given to compensating those groups for expenditure incurred to date. I hope that members on both sides of the House reflect on that comment.

Mr BLACKER (Flinders): I support the Bill. I do so because the issue relates to development and, more particularly, the protection of the environment in that area. When this Bill was introduced, I sought the reaction of some of the people living in that area. Every person I contacted was strongly in favour of the project. I then went further to find out what the conservationists thought of it, and last Friday I attended a conference at Port Lincoln attended by the Chairman of the National Parks and Wildlife Service and its consultative committees. I found that they were totally in support of it. Because of the uncontrolled activities in that area, there is scant regard for the environment, pollution is flowing in the streams, and there is little or no control over vegetation; it has got out of hand. It is a situation of either cutting off the area and preventing anyone from going in there or allowing controlled development with controlled public access to those areas which, I think we would all agree, should be the case: the public of South Australia, Australia, and overseas should have access to this area, because it is an area of natural beauty which we would all like to see preserved and to which we would all like access.

On a lighter note, I refer to a knee jerk reaction that I had when I was approached by Mr Terry Krieg when I stepped off the plane last Thursday. As most members

know, Terry and I have been sparring partners in the political field for the past five elections. On each occasion, Terry works a little less hard and I am able to improve my vote slightly. However, Terry is a highly respected citizen of the community. He is an excellent teacher in his field of geography and native vegetation and an avid conservationist. He has walked over many of those areas to the north, across the desert, with Warren Bonython, as well as all over the hills through the Wilpena Pound. There is probably not a person better versed in that area than Terry Krieg. Terry is totally supportive—

The Hon. Jennifer Cashmore interjecting:

Mr BLACKER: Yes, he is totally supportive of the ALP and, as I said, he and I spar for many reasons on philosophical grounds. In terms of his knowledge and understanding in this area, I totally support him and I have the highest regard for his ability in this regard. Terry's request of me, unannounced without my being able to forewarn myself or even collect my thoughts, was, 'What are you going to do with the Wilpena Pound legislation?' and, without thinking, I said, 'Support it.' He said 'Good.' I guess that that was the biggest shock to me, because I was not quite sure how he would respond because of the conservationist that he is. I could see his reasoning. I was able to confirm his comments at that meeting last Friday which was attended by about 100 people who are actively involved in conservation through the National Parks and Wildlife Service.

Much has been said about retrospectivity, and I guess we all have a fear of retrospectivity in its bland and broad sense. No-one believes that any person who has been operating legitimately under the law should be disadvantaged or in any way affected by a change of the law. However, that is not the case in this instance. I do not see retrospectivity in the same way. It is the role of this Parliament to determine the affairs of this State. In the hiving off—if I can use that expression—to various planning commissions and statutory authorities, there has been a delegation of the responsibility of Parliament to those organisations, but the ultimate responsibility lies right here in this Parliament. So, the Parliament assuming responsibility for one particular area from a statutory authority back to itself is, in my view, the correct way to go, particularly when the issue is highly sensitive. It is the ultimate responsibility of Parliament to take that up.

I was rather concerned that the member for Coles quoted a questionnaire asking 'Do you favour the Government becoming involved?' (or words to that effect); the implication, was, by the nature of the question, that people would be concerned that the Government should become involved in a tourist project. If I have misquoted the honourable member, I apologise, but certainly the implication of the question was a little against that.

The Hon. Jennifer Cashmore interjecting:

Mr BLACKER: I certainly will look at *Hansard*. I certainly did not understand the question to be totally neutral when I heard the honourable member cite it. I wish to make the point that in this instance the Government is becoming the facilitator; it is not becoming involved in a project as such. I believe it is a right and proper role that the Government should adopt. The Government did exactly the same in relation to the Porter Bay marina project; it became involved in the construction of the marina basin. When the project is up and running, the Government backs away. Therefore, we have an excellent tourist facility in Port Lincoln. I see the right and proper role of Government as being the facilitator, not a shareholder as such; once a project is up and running and the facilities are there, the Government should back away and allow the enterprise to be run in the way in which it was planned.

I have perused some of the documents referred to and the member for Eyre made reference to some of them. It is significant that at this time one of the major tourist operators, All Seasons Resorts of Australia, does not have a project in South Australia. I think it is represented in every other State except Tasmania, but it was not represented in South Australia until this project. Among the list of excellent, top resorts across Australia, South Australia should be well and truly in there, because the assets that we have are, indeed, worthwhile.

The beliefs of the Aboriginal people have been referred to. I believe that we should all talk to the Nungas and find out their reaction. If people do realise what it is all about and it has their approval, it will be supported. Nothing has been said about access for handicapped persons in these areas? In this case I am paddling my own canoe, there is no way that I would be able to go to Wilpena Pound myself at this time and enjoy the sights. This facility will enable me, and many others who are more disabled than I am, to go there and enjoy the sights. I guess much the same could be said for many other facilities across South Australia. The Franklin River has been the subject of hot political debate, but access has been made available to not only fit and able persons but handicapped persons who would not otherwise have been able to go to that area. That might be considered by some to be a minor aspect, but nevertheless it is an important one for some people in the community. I support the Bill.

PAY-ROLL TAX ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

LAND TAX ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

WILPENA STATION TOURIST FACILITY BILL

Second reading debate resumed.

Dr ARMITAGE (Adelaide): I believe it is an unfortunate state of affairs that we are even considering this Bill. I believe it to be a sorry state of affairs for a number of reasons: first, the legislation is clearly retrospective legislation, which I believe puts many democratic principles at risk; secondly, there will be environmental effects because of this Bill; and thirdly, there has been a lack of planning by this Government in terms of this legislation but particularly in the broad brush principle in that, if the Government had invoked section 50 a long time ago, we would not now be debating this Bill with its retrospective clauses.

The Minister, in her second reading explanation, indicated that the objectives of this Bill are very clear. I believe that she did not state all the objectives, but some of the unstated objectives are indeed crystal clear. One of the objectives was to get Government off the hook on which it unfortunately has put itself in relation to this development. Another unstated objective was to assist unduly the interstate developer by granting rights that are unavailable to developers in South Australia regarding other projects. I

also believe that another of the unstated objectives was to at last get a development under way in South Australia. In the second reading explanation (page 976 of *Hansard*), the Minister said:

> The crisis in investment confidence in the Wilpena project generated by the ongoing litigation was of very serious concern to the Government.

I believe that the Government welshed out of development programs in metropolitan marginal seats which are, in many cases, on the public record, and I example the Jubilee Point project. The Government is only too happy now to have a development in a safe seat where the cranes will be far from the madding crowd.

Finally, I believe that the clear objective of this legislation is to clear the air for this tired Government, and to remove from this tired Administration any risk that it could be liable for the huge compensation that might be payable to Ophix if the court ruled in favour of the ACF. In her second reading explanation (page 976 of *Hansard*) the Minister also said:

> The rules had been followed by the Government . . .

What a strange statement! It sounds as though the Government is making a virtue of the fact that it has followed the rules. What should the people of South Australia expect? Should they expect that maybe the Government would not follow the rules? Does it not always follow the rules?

The Hon. D.C. Wotton: This Government has one set of rules for the Government and one set of rules for the people.

Dr ARMITAGE: It would seem so. Why should the Minister say in the second reading explanation that the rules had been followed by the Government. What an oddity! If the rules had been followed, I challenge the Minister to remove the retrospectivity—and we will give her plenty of chances to do that—and subject this development to the Planning Act. If all the rules had been followed, as the Minister so virtuously said in her second reading explanation, she has nothing to fear from subjecting this project to exactly the same controls as apply to other developments. I look forward to her vote on that retrospective clause, because it will give some meaning to the pious statement that the rules have been followed by the Government.

I refer again to the second reading explanation. The Government's objectives include 'ensuring that the existing level of visitor damage in the park is rectified'. Obviously I want to minimise visitor damage as well, but I find this statement to be somewhat hypocritical when it is examined against what the Government agency—the National Parks and Wildlife Service—has done to control damage by natural pests. Having been to Wilpena, I would say that the State Government's programs to limit damage are either nonexistent or totally ineffective. On my visit I saw prickly pear, castor oil plants and various noxious weeds, rabbits, foxes, and feral goats—they abounded. To hear the National Parks and Wildlife Service personnel say that they cannot do anything about the rabbits and then, within 12 hours, to see the successful elimination of rabbits within 50 kilometres, at Arkaba Station, made me think that somewhere along the line the National Parks and Wildlife Service was not interested in getting rid of native pests. And here we have a statement saying that the Government wishes to reduce visitor damage. I also note in the second reading explanation (*Hansard* page 977) that the Minister states:

> It is unfortunate that the enabling legislation is needed at all.

I could not agree more.

The Hon. D.C. Wotton: It is not needed.

Dr ARMITAGE: It is not needed. I turn now to the viability of the resort once it is up and running—provided it gets to that stage. We understand that to be viable the development requires 2 924 overnight visitors after seven years. First, I question anyone who could know what conditions would be like in seven years. Some Governments in the State and Federal scene seem to be having difficulty predicting what will happen even seven days ahead, let alone seven years. Let us assume that we can do that. I believe that if one looks at the financial pages of the newspapers, particularly the interstate newspapers, one will see that resort developments figure predominantly in mortgagee sales. The figures provided by the Rasheed family—who are, after all, the authority on tourism in this area and must be commended for their efforts over many years—indicate tourist numbers in that area have included, in the month of February, fewer than 50 people per month.

To make the project viable, we need 2 924 visitors overnight. I do not believe that the Rasheed figures give any reason for confidence that this project will be viable. Members may say that this is a free market decision for Ophix to take. That is an excellent principle, but the land upon which this project is to be built is not privately owned. Immediately, the free market does not operate. For those people who are overlooking the fact, I reiterate: the project is to be developed in a national park, which is ultimately under the responsibility of the Minister.

Like many other members on this side, I am anxious about the water supply. A variety of figures have been presented to us, but we do not have a worst case scenario. Who knows the effect on the water, both at the proposed resort and in the surrounding areas? Who knows the effect on the water of a prolonged drought? I can tell members: no-one. The local pastoralists are likely to be affected dramatically.

Having attended a meeting of local people at the Wilpena Resort on 29 May this year, a meeting attended by many local people and local business people in order to give us their views, I can tell anyone who is interested that those locals are particularly perturbed not only about the resort in general but specifically about the water supply because their life depends on it. I turn briefly now to the Bill itself. It is clear that this Bill has been thrown together.

Mr Lewis: 'Cobbled' is the word the Premier would use.

Dr ARMITAGE: May be cobbled, but certainly not put together with any forethought. I surmise that the reason for it being put together, cobbled together, thrown together or whatever, is perhaps to keep to the timetable for work to begin on 1 November, as announced recently by the Minister of Tourism.

The Hon. D.C. Wotton: It was supposed to have started last year.

Dr ARMITAGE: It was supposed to have started, but recently we heard that it was due to start with much flare and, dare I say, light, and perhaps even a little bit of gusto, on 1 November.

The Hon. Jennifer Cashmore: I remember it was November 1988 they said.

Dr ARMITAGE: Well, a couple of years here and there. However, this is basically a Committee Bill and during the Committee stage I intend to debate a number of issues at greater length. In particular, I would like to point out that there seems to be no restriction on the size of some buildings. Nowhere in the Bill does it say that the capacity of the facility must be adhered to; it gives long lists of numbers of bed spaces, but nowhere does it say that those numbers must be adhered to. Indeed, there is no definition of a golf course. It states that there will not be one. I ask: is nine holes a golf course?

Members interjecting:

Dr ARMITAGE: Whatever we think is a fair thing. That is exactly the point; that is precisely the point. Members opposite say a golf course is whatever we think is a fair thing. In addition, there is no definition of what is to be included in the environmental impact assessment of the powerlines, the airport and many other issues as well. However, I believe that one of the most notable omissions from the Bill—from a Government that purports to be interested in the environment—is the fact that there is no audit of the effect on the environment of this project, if it proceeds, and after it has been completed. Previously in this House I have asked the Minister whether she thought environmental audits were a good idea. I was led to believe from her answer that she thought they were. This is one of the greatest opportunities that she has had to put that into effect and it is notable for its absence.

Finally, I turn to what I find is the most dangerous aspect of this Bill, that is, its retrospectivity. In the *Australian Accountant* of October 1981 (page 597), Professor Gerard Nash states:

> It is clear that State or Federal Parliament can, within its constitutional limitations, change the law retrospectively for its own benefit or for the benefit of any particular class or for the benefit of a particular individual. Such changes, are, however, destructive of the rule of law. The Crown, the Treasury, Cabinet and all individuals in the community should be subject to the law. Retrospective changes, for whatever purpose, convert 'Government under law' to 'Government above the law'.

I believe that is a particularly dangerous situation. Once the exception to the basic principle that legislation should not be retrospective is accepted the flood gates potentially are opened and I believe they will only stop at political expedience. The editorial of the *Australian Tax Review* in 1978 stated:

> It is not only those who are directly affected by the retrospective legislation who are harmed. The whole society is fundamentally affected; general uncertainty is produced because it becomes impossible to rely upon the law as it is known and published at any particular time.

I recently received a copy of the Planning Review workshops and, in the heritage section of those workshops, it is noted that one of the great difficulties in development and heritage today is the uncertainty. Particular note was made of the Planning Act, and pleas were made for certainty in the application of that Act. It is distressing that tonight we are being asked to completely disregard the Planning Act with respect to this Bill. For all those reasons, I intend supporting the amendments to be moved by the member for Heysen.

Mr LEWIS (Murray-Mallee): It is my privilege as a member of this place to be able to stand and say what in conscience is my right and responsibility and, in doing so, find the Government lacking in the way in which it has approached this project and the drafting of the legislation relevant to it. Not one member on this side of the House denies the necessity to clean up the continually expanding mess with which we have to contend in our national parks in general and in the Flinders Ranges in particular as a consequence of seven years of Government indifference and inaction in that regard.

The Minister well knows that the time is long past for us as a State to define what purposes we wish to ascribe to those areas of the State we have set aside as national parks. It is not appropriate for us to let even another day pass without determining an appropriate classification of those parks, the ecosystems contained within them and the purposes for which we have set them aside as part of the domain of public land ownership.

Without any shadow of doubt and without further procrastination, we should define which parts of those parks we wish to set aside from this point forward, unsullied by exotic animals or exotic plants, for the purpose of ensuring so far as is necessary and possible the survival of the genetic diversity of the species that live within those particular ecosystems embraced by the park system, and prevent all human access to that part of the park system so enclosed and so dedicated. I call that a wilderness area, and only people with demonstrated scientific academic qualifications and interests should ever be admitted to such areas—and then only after a substantial waiting period following the receipt of their application to enter.

I mean by 'substantial' a period of many years, not months; not two years, not three years, but something of the order of five years. That is the only way in which we can ensure that genetic diversity will be sustained because in a democracy no citizen, more or less above any other citizen, ought to be denied access to any part of the lands of which responsible Government is considered to be the custodian, unless we have the kind of criteria that I have just enunciated. Why is it that I or any other citizen should be denied access to such an area more or less than a professor of botany, zoology or a person qualified in any other of the living sciences? I can say as you, Sir, would agree and as other members in their minds and hearts would agree, there is no purpose for anyone to be admitted to such areas unless it can be for the greater understanding through science of our surroundings, that is, of the ecosystems in which we exist.

Having made that point, the next category of park that we ought to have defined concerns those parks which it is not considered appropriate for anyone to enter other than people on foot and for no longer period than they can stay on foot or take respite, as a matter of minutes at a time, but not sufficient to sleep. In other words, I am saying they ought not to be allowed to stay in those parks in that category overnight for one or more nights. If they enter such parks, they ought to be required to go in, enjoy, investigate, examine and return without camping or needing to sleep.

We need a further category of park which provides people with the capacity to enter, stay and enjoy for more than a few hours or even a day but for a few days. Those parks could be in the areas surrounding the category to which I have just referred. If the Government had heeded the kind of comments I made about those matters in this place more than six years ago, we would not now be confronted with the kind of dilemma brought about by this Bill in the National Parks and Wildlife Service in this location of the Northern Flinders Ranges. But, in its arrogance, the Government of the day chose to ignore the scientific truth and the political validity of the argument which I was advancing for no other purpose than to ensure that we did have some areas which provided us with the opportunity to secure as much of the genetic diversity as we were capable of preserving.

Mr Groom: You want to put a moat around the casino.

Mr LEWIS: I want to put a moat around those parts of Australia that will ensure the survival of those parts in perpetuity such as they were before Europeans arrived as far as other factors will enable that survival to continue, because nothing is permanent, not even *Homo sapiens*. It is like our conceit to imagine in the kind of garbage that the Minister drivels out during Question Time and in second reading explanations from time to time that everything has to be sustainable for eternity. It will not be; it has not been. No species of higher animal on earth has survived

more than a couple of million years. Certainly, *Homo sapiens* have been here only a few hundred thousand years, if that.

Mr Groom: The Tonkin Government lasted three years!

Mr LEWIS: What the member for Hartley means by that I am not sure, but I do not want to belong to a group of human beings who regard themselves in such conceited self-appreciation as to believe that they are here forever. We are not. However, we have a responsibility to those of the same species who come after us to ensure that so far as possible we have done nothing to destroy their chances of survival and that, by our example, they should not do anything otherwise, either. Sooner or later a catastrophe will occur well beyond our control and it will mean that we do not survive as a species. Nothing is more certain than that. If we were sincere about our appraisal and about our relevance on this planet, on this continent and in this State, we would not be contemplating the way the Government has approached the development embodied in this legislation.

We would have done a much more thorough and scientific job. We have had the opportunity to do that but we have ignored it. It was politically expedient to do so, in the Government's opinion—not in mine and not in the opinion of any member on this side of the Parliament. We recognise that everyone has a right to have access to those parts of the Northern Flinders Ranges which, to use the kind of terms that the member for Coles has used, provide us with an excellent facility for recreation in communion with nature. That kind of recreational access ought to be available not just to the fit yuppies of this world but to everyone.

It is possible that the member for Coles and I might part company on that point. I do not know because I have never had that detailed conversation with her. I do not need to, because I know that the kind of development that the Government has set out to achieve by this legislation (as the device for achieving it) has not been in sensitive consideration of any of the points raised by me, the member for Coles or any other member on this side of the Chamber.

When I examine the contributions of members opposite, I discover that they are largely arguments based in sophistry, as a matter of convenience to justify the position of the Government without regard for the rag-tag mess the present legislation in its unamended form presents us with. It is not something that I would be proud to see pass tonight or at any time in the future, and no other member ought to be either, including the member for Stuart. She referred to the contradictory concepts involved in the arguments in support of what preceding occupants of this continent (prior to European arrival) may have regarded the general area contemplated by this legislation as being worth and, on the other hand, the value that Government and industry can derive from it.

Those two principles are in gross conflict with one another and she—amongst all members—ought to acknowledge it. The truth is that we do live in a global village. It is 1990, and in 10 years or so we will enter the next century. There will be the capacity, if people elsewhere in the world believe as we do in freedoms of movement, speech and so on, for other people in their tens of thousands to come and see the uniqueness of this part of the world and this continent, as much as they have sought to see the unique aspects of other parts of the world.

We do not have what tourists seek in Europe in terms of an historical built environment, but we do have an unsullied natural environment. The kinds of development which we ought to undertake and which to date we have been fortunate enough in South Australia to be able to contemplate undertaking have been those which respect that unique aspect. So it is, that, in this instance, we ought to ensure that we do not destroy the unique aspects of this part of the continent to which this legislation is addressed.

Posterity will be very unkind to us if we do so. Therefore, the Opposition has applied itself in a manner that ensures that the mess of this Bill before us can be made workable in some way. However ill-conceived that may have been, we nonetheless want to clear up the problems which presently occur with increasing intensity in the Flinders and the Northern Flinders. I refer to those who leave rubbish behind and the ill-advised occupancy overnight of thousands of people with their personal ablutions, outside any sensible or reasonable means of securing and ensuring the future for generations yet unborn. There is nothing in the Government's Bill that shows any sensitivity to those kinds of considerations.

The Opposition wishes to ensure that people, regardless of their physical disability, may gain access and, regardless of where they come from—whether it be Adelaide, other parts of Australia or the global village—that they can still gain access and enjoy, not only tomorrow or next year or in the next decade, but in perpetuity, as long as *Homo sapiens* is on this earth, what this unique environment offers and what this unique ecology demonstrates about where we all come from and where the fabric of life stands in the uniqueness of the surroundings in which it exists.

If the Government does not accept the amendments proposed by the Opposition across the broad spectrum of the Bill, it deserves the condemnation of the people of South Australia, not just tomorrow or next year but for ever, because we are attempting to secure facilities in that location that will give access to a greater number of people than is presently possible and a greater diversity of the kinds of people in terms of physical ability and means, without the kind of damage that occurs at present to that fragile ecosystem. We support the necessity for these facilities in a particular way but, insofar as we have defined and outlined amendments, the development is not acceptable. No one will be able to hold me responsible for the mess that will result if the Government does not accept its responsibilities.

It is my purpose tonight to ensure that people whom I represent, when they read what I have had to say about the matter, understand that I do not oppose the development of facilities that provide access by human beings to natural ecosystems in order to enjoy their benefits. Nor am I willing to allow the very things that they go there to see destroyed in the process. Unless the Government understands this, it has failed the people of South Australia in the same way that it failed to gain majority support at the last election, because the percentages are about the same—and the Government would do well to remember that.

The Hon. P.B. ARNOLD (Chaffey): I support the project at Wilpena rather than this legislation. I say that because there is no need for this legislation. The Government could have proceeded 12 months ago under section 50 of the Planning Act if it had had the courage to do so, but it did not have that courage. The Government introduced this legislation in an attempt to gain Opposition support. The Government wants the Opposition to hold its hand, because it does not have the courage to proceed with this project on its own. This is borne out by the massive number of projects put forward by this Government in election promises that have never come to fruition. A number of projects put forward by the private sector have never got off the ground in this State because the Government has been frightened off and has walked away—projects to the value

of about $3 000 million since the Bannon Government came to office.

That is a fact. It can be clearly documented that that is the kind of development that has been offered to this State: promised by the Bannon Government over a number of elections since it first came to power in late 1982. Very few of these projects have got off the ground. What is more, the Wilpena project would not get off the ground if it was left to the Government on its own. It could have had this project off the ground 12 months ago under section 50 of the Planning Act, but it did not have the courage to do it.

We have a project here, a resource, a facility, which has been described by members on this side of the House as a magnificent and beautiful area—and, of course, by any standard, worldwide, it is. Just recently, I have had the opportunity to visit two major tourist attractions in other parts of the world that are recognised as being two of the most significant features that the world has to offer. One is the Victoria Falls in Zimbabwe. This area has been made accessible by the Government there for a long time, going back to the days of Rhodesia. The facilities that are provided within the Victoria Falls National Park enable people from all parts of the world to fly directly to the area and obtain adequate accommodation. Those magnificent facilities have been there for 50 or 60 years. I do not not know whether the environment has deteriorated to any extent over that period. I have only had the privilege of seeing the Victoria Falls in the past three or four weeks. However, that tourist attraction brings people from all over the world, and it provides an enormous financial benefit to the country of Zimbabwe.

The other facility to which I refer is Banff and Lake Louise in the national park in the Rockies, immediately above the city of Calgary in Alberta, which I visited in the past four weeks. The Alberta Government enabled me to travel into that area and have a look at that resource. It is probably one of the most magnificent areas that I have seen anywhere in the world. The chalets, which were built in the 1920s by the Canadian Pacific Railway Company, are of world standard to say the least. They are magnificent chalets and, what is more, revenue has been generated for the Canadian Government, and Alberta in particular, by direct flights from all over the world, and particularly from Japan bringing planeload after planeload of Japanese people into that area—and from that enormous benefits are being derived. I do not know how beautiful the area was before the development took place in the 1920s, but certainly today it is still one of the most magnificent areas I have seen anywhere around the world.

May I say that I have had the opportunity over the past 20 years to see many of the recognised spots and wonders of this world, in many countries. They are two of the facilities which I think are outstanding and which have been made available. The only reason they have been opened up and made available to the world is because of the quality of the accommodation and the management that is in place to protect the environment in the area, to make sure that the environment is protected not only now but also for a long time into the future.

The member for Murray-Mallee has said that nothing remains exactly the same for ever: perhaps that is true. However, all I can say is that the management that has occurred in relation to both the facilities to which I have referred certainly has made the wonders of those two features available to millions and millions of people around the world. For Australia to be economically sound in the future, it has to be part of that international tourism business, but that does not mean that we have to act in a way that will degrade or destroy that resource.

Ayers Rock is another good example. I go to Ayers Rock annually as part of the requirements of the committee on the Pitjantjatjara lands. There is no way that I would go to Ayers Rock on an annual basis unless there were reasonable facilities there at which to stay. I think I can say, on behalf of all the other members of that committee who go into the Pitjantjatjara lands each year, that we would find somewhere to stay other than Ayers Rock if it were not for the facilities that are provided there. I do not believe that the facilities at Ayers Rock have in any way detracted from the wonder of Ayers Rock.

I would be very disappointed if anything different occurred in this case. However, to suggest that we cannot have facilities of this nature within a national park is not facing reality. As I said, in the Victoria Falls National Park there are a number of major hotel facilities, the two biggest ones being the Victoria Falls Hotel and the Mocassa Sun Hotel, two large hotels of world standards which have been there for many years. Of course, there are the two massive hotel/chalet complexes in the Banff National Park which contain virtually thousands of rooms. They are absolutely enormous, but they blend extremely well into the overall majestic scenery of that area.

I shall support this legislation. As I said, I do not believe that there is any need for it. If the Government had had the courage to proceed, it could have done. However, we are prepared to hold the Government's hand in view of the fact that it was not.

Mrs KOTZ (Newland): In supporting this Bill, I wish to bring to the attention of the House that my support for the Bill was guaranteed by the Government's threatened use of section 50, as reported in this evening's *News*. Section 50 of the Planning Act would enable the Government to approve this major development if this legislation was not passed by this Parliament. It is the Opposition's intention, through its proposed amendments, to make sure that environmental concerns are addressed in a responsible and rational manner. It should also be the intent of this Government and the Minister for Environment and Planning to make every effort to ensure that the development at Wilpena addresses the many issues already in contention and addresses them in the most responsible manner.

I find the Orwellian approaches to planning and development embarked upon by this Government and its Ministers most objectionable and intrusive and undoubtedly a typical example of further mismanaged attempts by a totally inept Executive to pull together all the exacting components which affect this development. As an end result and in obvious haste, the Government has produced this legislation which still avoids addressing serious questions that are unanswered by the Minister.

If the Minister was convinced that the development and its limited environmental controls were indeed the best and only way to proceed and considered the amendments and concerns of the Opposition were irrelevant to this debate, the Minister, in promoting, in her view, the best interests of this State, could have taken the initiative of enacting section 50 instead of threatening to use this section of the Act. Could it be that the Minister did not truly have the deep conviction that all is well with all aspects of this project and did not have the necessary intestinal fortitude that aligns itself with true conviction to initiate an act which would have placed that total responsibility for this project squarely in the Minister's hands?

This Bill incorporates contradictions; there are contradicitions between other relevant documents and this legislation; there are contradictions between the Bill and the lease relating to the development; and there is a contradiction in responsibility for the development in that under one clause of the Bill the Minister is the developer and under another clause the lessee is the developer. There is confusion relating to the availability of water and sustainability of water supply. There is confusion and contradiction in the data predicting visitor numbers.

The most abhorent and objectionable clause in this Bill relates to retrospectivity. I find this clause morally unacceptable and legally indefensible. It seeks to remove this proposed development from the control of the general planning processes. I believe that is outside the intent of this Parliament, which established through legislation those existing planning principles.

I am not against a responsible development at Wilpena, but I have a great many concerns that have not been subdued by the Minister's approach to this project. My concerns have in no way been alleviated by the contradictory presentations within this Bill. This is not a Bill that encourages confidence in its substance; therefore, it is not a Bill that encourages confidence in the Government or in the ability of the Minister. It is a Bill that states clearly that the Minister and this Government have again come into this Parliament and, on a complex and extremely sensitive issue, once again have not managed to get it right. I trust that the Minister will take time to peruse the amendments presented by the Opposition in an attempt to get it right.

Mr SUCH (Fisher): The hour is late and I will be brief. This Bill has three purposes: first, to try to get the Government off the hook; secondly, to fast-track a development without regard to fundamental principles; and, thirdly, to try to embarrass members of the Opposition. I am not against development: in fact, I am for development, provided that it is environmentally sound and in the best interests of the people of South Australia. I support developments which promote tourism and which assist, particularly in the rural sector, in creating employment.

Essentially, this Bill is a shotgun job: it rides roughshod over basic legal rights; it seeks to override the legitimate legal rights of groups in the community; and it seeks to override legitimate and important Acts that have been passed by this Parliament, including the Native Vegetation Management Act, the Planning Act and the National Parks and Wildlife Act. In that respect, it is a fairly unsavoury piece of legislation. It readily gives permission to people to clear native vegetation but, if one tries to clear native vegetation to establish a vineyard, there are consequences. It reeks of double standards. I have some concerns about the relationship that has existed between Ophix and the National Parks and Wildlife Service senior management. I would like that relationship to be explored in Committee. I have been concerned for a long time that this development was never put out to open tender. On all the evidence, there seems to have been preferential treatment to one developer. Little regard has been given to the Rasheed family at Wilpena. There seems to be no evidence that they were given the opportunity to be part of a development on this site.

In the second reading explanation, the Minister seeks to confuse the degradation of the camping ground, which we would all readily admit, with what is generally a very well run Chalet. It is an attempt to mislead by interlocking those two aspects. I believe there are aspects of this Bill which are quite farcical. It refers to visitor nights, specifying right down to a single person the number of visitors who will be on this development in any one night. The term 'rubbery figures' applies very well to the figures contained in this Bill and in much of the supporting material that has been issued in relation to this development. It is a case of 'Think of a number between one and 10 000 and that will be the number.' The fundamental questions that need to be addressed are: who will police these visitor nights? What happens if, for example, 3 632 persons are on site? Who gives the marching orders? Will it be the National Parks and Wildlife Service? How will this be done?

The question is even more complex and worrying when one realises that the National Parks and Wildlife Service will depend on this development for part of its income, and that places it in a very invidious position where it is presumably the supervising agency responsible for ensuring that this development is maintained in a sound manner, yet it will be obtaining revenue from it. That is a potential recipe for serious mismanagement and other financial misadventures, including a conflict of financial interests. There is no guarantee that this project will not develop over time. There is no guarantee that we will not see exclusivity within the park by the National Parks and Wildlife Service in order to prop up this development. I hope that these matters will be addressed later on.

The question of water has been raised. I believe there is still a big question mark surrounding the provision of water in the long term. It is a long established argument in conservation circles that this type of development will contain visitors in one spot, and I would not dismiss it out of hand, but there is also a counter argument that suggests that, in controlled areas, diversified participation is also an acceptable alternative. I do not necessarily agree that big is beautiful when it comes to developments in an area such as the Flinders Ranges.

The Government created this problem and it is now trying to get itself off the hook. The public are not fooled. They have seen the track record of this Government in relation to Marineland, the Mount Lofty cable car—and the list goes on. What it has done in this situation is alter the rules of the game and the playing surface while the game is under way. Also, it has provided selective treatment for a particular developer.

I support the notion of a visitor information centre, and my understanding is that the National Parks and Wildlife Service wants to put that where the Rasheed development is situated currently. If the Rasheed development is so unsatisfactory, how can we have a visitor centre on exactly the same spot? There seems to be a contradiction if that is the case, and I will explore that matter later during the Committee stage. Reference has been made by members to the proposed site as the clapped-out cattle country. We know that that is not the case—in any event, it is sheep country, and it is certainly not clapped out. It can be restored and in many ways it is in better condition than much of the country within the rest of the park. I have visited that area on many occasions and again recently. Much of the rest of the park is a disgrace in terms of the vermin and pest plants which proliferate.

In conclusion, I refer briefly to what I believe were unfair and unfortunate attacks upon the Last Resort group. I am not a member of that group but it was suggested that it deliberately set out to mislead, by way of a photograph on a brochure that it produced. The photograph shows some vegetation in the foreground which, according to my knowledge of the area, is quite legitimate. I understand that the photograph was taken from the ABC Range, looking towards the area in which the complex will be built. The fact that the foreground shows some residual timber is not an attempt

to deceive or to be dishonest. It gives a total picture of the area. It is unfair and unfortunate to make that attack upon a group which has no right of reply in this House, and I would like to put what I believe is a balanced view. Having been on that site, I accept the legitimacy of what the group did, given that in the foreground of the photograph some residual non-callitris timber is shown.

Finally, I believe that this Bill is a disgraceful attempt, a sneaky attempt, to change the rules and the playing surface after the game has started. Along with my colleagues, I will seek to amend the Bill to get the best for South Australia and to preserve as much as possible of that environment so that this generation and generations to come can enjoy what is a special part of South Australia.

Mr BECKER (Hanson): Any legislation that is designed to pre-empt democracy through the courts is disgraceful, and I find it very difficult to support this legislation. In fact, I cannot and I will not support it. A Janet Subagio wrote to all members on 22 October and her letter spells out clearly and excellently the concerns of all South Australians, including those who have contacted me about this project in the past few months. I well remember the fiasco of the Marineland development. The Government cannot handle development projects fairly and reasonably.

Janet Subagio's letter drew our attention to the noise of pleasure flights and other flights, and the airport itself. When an airport is built, development springs up around it. The next thing will be a Hawker anti-airport noise association. If they want any assistance to start that, I am prepared to go up there and give them a hand. This is a beautiful area and I have had the opportunity to fly over it and observe it from the air, looking at the potential of the national park. I cannot understand why it is necessary to build this development there when the infrastructure of the neighbouring town of Hawker could be used.

When I was Chairman of the Public Accounts Committee, I remember looking at the Wilpena Chalet. It was poorly managed by the department and cost taxpayers large sums of money. I am not convinced that any future development will be supervised any better. The member for Heysen must be congratulated on the preparation of his speech to explain our Party's stance. I also congratulate the member for Coles and my other colleagues. I support them in what they have done in bringing to the attention of Parliament and the people of South Australia our concerns for the well-being of our national parks and how we should protect them, doing all we can to preserve the environment in this State. I do not believe that we should bulldoze our way through, putting developments of any kind in those national parks.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): In rising to conclude the second reading debate on this Bill, I should like to thank all members for their contributions, which have been quite wide ranging. I think that there were some 17 speakers from the Opposition benches and three from the Government benches. Because of the lateness of the hour, I do not intend to canvass every single point raised by every member, as we would be going over ground that will be covered when we go through the Bill in the Committee stage.

I will concentrate on a number of key issues that I believe have emerged from the debate this evening. A thread that ran through the Opposition's arguments seems to be that there is absolutely no need for this legislation and that the Government could have proceeded under section 50 of the Planning Act. I should like to put before the House three reasons why that was not possible and why I believe that it was not the most appropriate way of proceeding.

Let me remind the House that this development in a sense has been almost two years in the approval period, and in total around seven years in terms of the ongoing developmental program. Looking at the question of using section 50 of the Planning Act, I refer members to clause 7 of this Bill and to regulation 59 *(e)* of the Planning Act, which make very clear that that Act is not an appropriate measure under which this project and facility should be developed. I will not read out the relevant sections, because all members have access to the Planning Act. If we look at section 50, the section under which members suggested we should proceed, I point out very quickly that that section provides:

> Where the Governor is of the opinion that a declaration under this Division is necessary to obtain adequate control of development . . .

This is totally irrelevant, because the Government has control. The Government owns the land. It is in a national park, and the National Parks and Wildlife Service has control of what is happening on that land. It would be quite inappropriate and would cause further controversy, and it would have caused further questioning of that section of the Planning Act, not to mention clause 7 and regulation 59 *(e)*. So, it is quite inappropriate for the actual facility to have been proceeded with under section 50 of the Planning Act, and I suspect that Opposition members would have been the first people to scream loudly that that was not appropriate.

The third reason is that the Government believed that it was not appropriate to use section 50 because of the continuing threat of litigation that had been clearly identified by the ACF. I should like to quote from the letter written to me by Johnston Withers, barristers and solicitors, on behalf of the ACF. I will quote the letter because that is one of the fundamental reasons why we are in the Parliament tonight, putting forward and debating this legislation. The letter is dated 23 April, and clearly states:

> Recent media reports have drawn attention to several other aspects of the development which may, in our client's opinion, attract separate planning requirements.

They refer to a number of these, including the clearance of native vegetation at the site of this development, and the relevant part is the following:

> We believe that these proposals give rise to legal considerations which are distinct from those being addressed in the litigation which our client has initiated.

The letter concludes by saying:

> If no attempt is to be made on your part to enforce the provisions of the relevant legislation in relation to the above-mentioned activities, our client will need to consider whether to institute further proceedings to secure the proper application of the relevant legislation.

It is interesting that the member for Heysen referred to my reply, and my reply of course was to the same barristers and solicitors who are representing the litigants. However, he did not share that information with the House. Most certainly, in that letter I said:

> It is the Government's intention at this stage to make a declaration under section 50 of the Planning Act for the sub-regional infrastructure.

There had never been any intention to have a section 50 declaration for the development, and at that point, when there was not enabling legislation, it was considered that, for the sub-regional infrastructure, namely, the airport and the power line, we had perhaps to look at proceeding along that line. Now, there is obviously no need for a section 50 declaration if we have an enabling Bill. Surely, the honourable member is not seriously—

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: The point that I am making is that I believe the honourable member has been very selective in that he has not been prepared to quote from the actual letter and in fact to refer to whom I wrote that letter. I have written that letter and I stand by what I said in it. The Government has never intended using section 50 for the development at the Wilpena Station area, and that is the point about which we are talking. The Opposition has continuously said we could have used section 50. I have just clearly given three reasons—and I believe they are very legitimate and legally substantiated reasons—why the Government chose not to use section 50. The Opposition can choose to play games and it can choose to shift the ground every time I refute one of the criticisms, questions or concerns they raised.

I would like now to move to the next point that I think is worth refuting, that is, the reference to the Cameron McNamara report of 1986. I have that report before me. The member for Heysen quoted from a rebuttal of my second reading explanation which has been circulated by the ACF, and he quoted from the ACF's use of this report, as follows:

> Current trends in visitation to the Flinders indicate that there is unlikely to be any substantial growth to support a general expansion of tourism accommodation and services in the region . . .

And there it ends. But, let me share with the House the fact that that is not the end of the sentence. There is actually a comma after 'region'. Let me share with the House the rest of the sentence. It is as follows:

> . . . unless a large scale integrated resource development acts as a catalyst in tapping new markets.

To put it mildly, that is quite dishonest and selective quoting.

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: Well, to quote something and leave off in the middle of the sentence, because the rest of the sentence refutes the point that the honourable member is making, would, I believe, lead any reasonable, rational and intelligent person to come to that conclusion. I am very pleased that the members for Heysen and Hayward have strongly supported this report, because I think it is in fact something upon which the whole project was based. The study selected the Wilpena Station site after consideration of a range of regional options. These studies, as I indicated, were released in December 1986 by the Minister of Tourism. The assertion by the ACF which was quoted by the member for Heysen, that the development was first raised for public consultation in July 1988, is thus quite blantantly incorrect. I point out that the ACF was not among the eight people who actually commented on the Cameron McNamara report. So, let us have a few facts in this debate. I am very happy—

Members interjecting:

The ACTING SPEAKER (Mr Gunn): Order! There are far too many interjections. The Minister has the right to be heard in silence. The member for Heysen had the opportunity to speak without being interrupted.

The Hon. S.M. LENEHAN: Thank you, Sir. No-one in this House denies any member the right to their opinion, but let us have opinion based on fact and accurate information, rather than on misquoting, misinformation and photographs that are based on areas that are not in any way covered by this development.

I refer to the reasons for the development. It is important that we look again at the reasons given in my second reading explanation and that we reinforce the basic objectives of the project. Primarily, they are to rehabilitate the existing facility, which everyone in the debate has acknowledged must be relocated. There must be revegetation and regeneration of the whole area. No-one denies that. No-one has suggested that it should be 'Do nothing, business as usual approach.'

As well as that it is important to provide a range of quality visitor facilities to cater for a range of human beings in our community—from everyone who wants to camp in an unpowered site to people who want to have running water that is hot, for people who are infirm, who are aged and who may have young children and who wish to be in accommodation that has got a degree of comfort and quality. The Government makes no apology for that. Every bit of research in terms of what the community wants has reinforced a range of facilities.

Anyone who denies that would have to be seen to be totally selfish and saying, 'If it is not the way that I want it, we will not do it at all.' We have in the debate gone through a thousand times about the fact that the Government purchased the Wilpena Station and added it to South Australia's parks and reserves system which, I remind the House, is now about 17 million hectares. We are talking about a small area in 17 million hectares of land under a park or reserve classification.

An honourable member interjecting:

The Hon. S.M LENEHAN: It is interesting that the honourable member interjects out of his seat, but I guess that he does not understand the Standing Orders.

Dr ARMITAGE: I rise on a point of order, Mr Acting Speaker. The Minister says that I interjected out of my seat. I draw the Minister's attention to the fact that that is untrue.

The ACTING SPEAKER: Order! There is no point of order. I believe the Minister was referring to another member.

The Hon. S.M. LENEHAN: I will not go through all the points that I raised in my second reading explanation speech, except to say that a number of issues have been touched upon. There has been the issue of water. As Minister of Water Resources, I have gone into this in great detail. When I first became Minister of Water Resources, I grilled the E&WS Department, which became sick of my continually asking for detailed information about what was available in terms of the draw down rate and the availability of water. I have provided the member for Coles with absolute detail of the availability of water. The EIS—

Mr Ferguson interjecting:

The Hon. S.M. LENEHAN: It is interesting what the EIS indicated, and Cabinet decided to act with caution with respect to the whole water question. We clearly ruled that there would be no golf course. I remind members that the woodlot will provide adequate mechanism in terms of a prolonged drought period for the fine tuning of water supplies, and any member who denies that obviously does not understand the way in which the whole project will operate.

The Hon. Jennifer Cashmore interjecting:

The Hon. S.M. LENEHAN: The member for Coles again interjects. She has been provided with absolutely adequate figures that cover both the requirements of the EIS and the requirements of the visitation numbers. It is interesting that even the conservation movement has said to me that it does not believe that water is an issue. As Minister of Water Resources I do not believe that water is an issue either. The member for Coles is displaying complete and absolute intransigence on this matter. It is important that a number of other issues are pursued. I will deal with those matters in Committee, because of the hour. However, I must say in concluding that to deny the right of the Government to introduce this legislation, is to deny the absolute right of sovereignty of the Parliament to legislate.

Does anyone suggest seriously that the right of a democratic Parliament should be usurped by another system? That is indeed what some members have suggested. I believe that the Parliament is sovereign in the State or in the Commonweath, and that it must have the right to determine decisions. That is exactly what this enabling piece of legislation will allow. In conclusion, I thank members for their contributions and urge support of this Bill through the Parliament.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Interpretation.'

The Hon. D.C. WOTTON: Clause 2 (1) *(a)* provides that 'airport land' means land (not exceeding 600 hectares in area) within 20 kilometres of the post office at Hawker. I find this definition quite incredible. I have been advised by someone whom I respect and who has considerable authority in this matter that this definition is not correct. Will the Minister explain why it was necessary to be so vague in regard to the positioning of the airport?

The Hon. S.M. LENEHAN: This is an enabling Bill to ensure that the facility can proceed. The definition is fairly general in that it does not define the actual area. I remind the honourable member that an environmental impact statement will be prepared on the whole question of the airport. It would be quite ridiculous to be totally prescriptive before we have had the benefit of an EIS; therefore, the definition is appropriate.

The Hon D.C. WOTTON: I would have thought that, as an environmental impact statement is to be prepared, the Minister would have determined a preferential site. How can an environmental impact statement be prepared if a preferential site has not been considered? It is incredible that this definition of 'airport land' is so broad. Again, I ask the Minister whether she can be more specific. I do not believe that the Minister's officers have not determined the most appropriate site for the airport so I ask her to indicate the location of that site.

The Hon. S.M. LENEHAN: Yes, there is a preferred site—and I am sure the honourable member is quite aware of that—in the vicinity of the existing Hawker airport. Is the honourable member seriously suggesting that if the EIS was to determine that that is not the best site and, if we prescribe that in the Bill, we then come back to the House and go through the whole process again in terms of another site? Quite obviously, if we had pre-empted the outcome of the EIS, the Opposition would have criticised the Government for that. So, the reason that there is a preferred site and that this particular definition is general is to cover the area that will be finally determined in terms of its exact size and its exact location for the airport having due regard to all the factors that need to be considered in an environmental impact statement.

The Hon. D.C. WOTTON: I find that totally unsatisfactory, but I will not pursue that matter: that opportunity will be provided later. Will the Minister indicate how the airport will be financed by the Government? There has been much speculation about what funds the Government will put into this facility, and I think it is appropriate that the Committee be informed of the Government's involvement in that regard.

The Hon. S.M. LENEHAN: I do not have those figures before me because my colleague the Minister of Tourism has been handling this aspect of the project. In giving these figures to the honourable member, I assure him that I will be happy to provide an update if they are not absolutely correct. As I understand it, at this stage the Government will contribute about $1.35 million towards the establishment of the airport.

The Hon. JENNIFER CASHMORE: Clause 2 *(a)* provides:

'to clear' native vegetation means—
(a) to kill, destroy or remove native vegetation;

Will the Minister advise the Committee approximately how many trees she believes, anticipates or has estimated, will be killed, destroyed or removed both on the site and in the land required for the construction of the power line and, if need be, the airport—although my recollection is that the land is substantially open with very little vegetation on it at the moment—if the site of the present airport is chosen?

The Hon. S.M. LENEHAN: As I understand it, that information has been available for quite a long period. There are about 1 200 trees on the site. I believe that a minimal number of trees will need to be removed with respect to the power line because existing easements will be used. The honourable member would know that the Government has made clear that in sensitive areas the power line will be placed underground and that, as a result of the environmental impact statement, we will be able to identify those areas more accurately and clearly at that time.

The Hon. JENNIFER CASHMORE: Clause 2 (3) provides:

For the purposes of this Act a building will not be taken to comprise more than one storey by virtue of the fact that—
(a) its floor is divided into different levels if the difference between the lowest and highest level is less than 2.4 metres;
or
(b) it incorporates space below floor level

I have checked the lease, and I find nothing that makes any reference to 'floor levels'. I would like the Minister to clarify what appears to be a conflict between clause 2 (3) *(a)* and *(b)* and a subsequent clause in the Bill, clause 10, which refers to the preservation of rights under lease. After going through several clauses of this Bill, it is impossible to determine which has the higher status—the lease or the legislation—when there is a conflict as there so demonstrably is in this case between the two. Which has priority, and which will be recognised by the Government as having the greater value: the lease, which is given equal power with the statute, or the statute, which overrides the lease?

The Hon. S.M. LENEHAN: I do not believe that it is blatant conflict. I will explain to the honourable member exactly what it means and it will become quite clear. If the proponents of the facility wish to proceed under the protection of this enabling Act, they will be able to build a single storey development only. The reason for that very specific definition in terms of 2.4 metres, and so on, is to ensure that, if they wished to build a mezzanine floor, they could, but it would be restricted in size. Paragraph *(b)* refers to a sloping hillside area where there can be storage underneath, but there would not be facilities for human habitation or occupation, which is the term that is used.

As regards there being nothing in the Bill which derogates from or alters the lease, that is correct. If the developers chose to proceed and wished to have an application for a development that had more than a single storey, they would have to proceed without the protection of this enabling Bill. The short answer to the honourable member's question is that the Government believed that it was important to ensure that there was a single storey, and only a single storey, development. Therefore, we have put this into the enabling legislation. That, of course, means that this would in a sense take precedence over the lease; but it does not mean that it invalidates the lease in any way. If the proponents wished to proceed, they would have to proceed

outside the protection of this enabling Bill, which I think the honourable member would know better than anyone probably would be quite foolish on their part and because they would then have to run the gauntlet of whatever was appopriate at that point.

I believe that this is a very strong definition in the Bill. It will ensure that people clearly understand that a multi-storey five-star hotel is not proposed and that what we propose is a very sensitive, architecturally and environmentally sound building which will not exceed one storey in height.

The Hon. JENNIFER CASHMORE: The Minister, far from clarifying the situation, has in my opinion further confused it. I venture to say that it would be impossible for a court to determine which has priority if there are disputes in relation to the lease, and from the way in which the lease and the Bill are drawn I see disputes being more or less inevitable.

The Minister said that, if the lessee wishes to proceed under the protection of this legislation, the lessee can do so in respect of clause 2 (3) *(a)* and *(b)*, but if the lessee proceeds without the protection of the Bill, the lease applies. The Bill provides that nothing in the Act varies the lease—this, of course, is one example of something that does vary the lease, and that is indisputable—or in any way restricts the exercise by the lessee of the lessee's rights under the lease. The Minister has to tell us which has priority, and she has not yet told us. Is it the chicken or the egg, because they both seem to me to be horribly scrambled?

The Hon. S.M. LENEHAN: I thought that I had explained exactly what we are talking about here. The Government decided that it was important to spell out clearly what was proposed, and all the diagrams that have been put forward by the proponents of the facility have indicated a single storey dwelling. That, in fact, is what the Bill says can take place. I will remind the honourable member—

An honourable member interjecting:

The Hon. S.M. LENEHAN: I will try to proceed. I remind the honourable member that this is an enabling piece of legislation to allow the development to take place without the continuous threat of litigation, which, in my view, has been mischievous and a deliberate attempt to prevent the development taking place. Clause 10 (2) contemplates that the lessee may choose not to act in conformity with the Act. If the lessee chooses to do that, then they do not have the protection of the Act. I cannot see that that is not simple; it is absolutely simple. If they wish the protection of this Act and if they wish to proceed then they will not even be contemplating anything more than one storey. I would hope that the Opposition would support the Government in terms of putting this restriction on the development, because I think it as a very sensible requirement. It does not counter the lease in any way because the lease is a separate document and the lease will apply but if the lessee chooses to go outside this enabling piece of legislation, they will not have the protection of the Act.

Dr ARMITAGE: Can the Minister please tell me whether there is anything in the Bill that prevents an alteration or amendment to the terms of the lease and, if so, where is that reference?

The Hon. S.M. LENEHAN: There is nothing in the Bill in this respect. Of course, if the lease is altered it is not the lease that was signed by my predecessor, the then Minister for Environment and Planning. However, the point we are making is that the lease is a separate entity in itself and is referred to in the Bill specifically. So, there is no contemplation of altering the lease. It has never been my intention to do that.

Mr Lewis interjecting:

The Hon. S.M. LENEHAN: No: I do not believe there is any ability within the Bill to alter the lease.

Dr ARMITAGE: In relation to that, I come to the definition of 'essential term', which is defined as 'a term of the lease referred to in clause 11.18 of the lease as an essential term of the lease.' Surely, given that we have just heard that there is nothing to prevent any change in the lease—which after all is a reasonably important part of this whole project—would it not be reasonable to have some alteration to the definition of 'essential term' as it is here to indicate that the essential terms referred to here were the essential terms as at the execution of the lease on 16 January 1989? We have just heard that there is no certainty for the future of the lease, but I think we ought to ask for certainty in esssential terms of the lease.

The Hon. S.M. LENEHAN: The lease we are talking about is the lease that was executed in 1989.

Dr ARMITAGE: 'Essential term' is defined in relation to that lease and it is an important part of the Bill. I believe that it ought to be referred to as the essential term in relation to the lease as it was executed on 16 January 1989.

The Hon. S.M. LENEHAN: Perhaps if the honourable member looked at the next definition, where the lease is defined, it states:

'the lease' means the lease dated 16 January 1989.

And it spells out who it is between. Why would that then need to be restated in the 'essential term' definition?

Mr S.G. EVANS: Does the Minister believe all of the terms of the agreement are essential for the proper management of the operation once it is established? In other words, there is a lease agreement and all the terms of that agreement are essential for the proper management, and maintenance of the operation of the development.

The Hon. S.M. LENEHAN: I think the honourable member is getting at why we are specifically looking at 'essential term' of the lease, because there are some principal parts of the lease which would, if they were transgressed or not adhered to—things like security guarantees, and a whole range of things—then be subject to action by the Government, if they were not maintained or attained.

However, it is a very detailed lease. There are some very minor sections of the lease that I do not think any person with any commonsense and ability who operates in this area would say are absolutely critical and essential. There are some very minor aspects of the lease and it seems sensible to differentiate between those essential conditions of the lease and those which are of a minor nature.

Mr S.G. EVANS: I appreciate the Minister's reply, but is she saying that the only essential parts of the lease are those defined under 'essential term' (in relation to clause 11.18 only), and that all the rest are not essential?

The Hon. S.M. LENEHAN: It is a matter of wording. They are actually referred to in the lease as essential terms. What is being picked up is the actual terminology in the lease.

Mr S.G. EVANS: I asked if the others are not essential.

The Hon. S.M. LENEHAN: They are not defined under the lease as being essential terms.

Mr S.G. EVANS: Can I ask the reason why?

The Hon. S.M. LENEHAN: As I have outlined, there are some very major terms in the lease and there are some points in the lease that are not so major. In distinguishing between the two, and having essential terms, if the essential terms are not met, then the lessee defaults on the lease. The honourable member is not suggesting that if some minor points of the lease are not adhered to that the whole lease is being defaulted? It is the way in which leases are drawn

up. There are essential terms and there are some aspects of leases that are considered to be important but are not essential terms.

Mr Lewis interjecting:

The DEPUTY SPEAKER: Order! The honourable member for Murray-Mallee is out of order.

The Hon. S.M. LENEHAN: If the member for Murray-Mallee is going to embark on a campaign of shouting across the Chamber— I am seriously trying to address these issues. If the honourable member looks at the lease, he will see quite clearly that there are essential terms and they are clearly set out in the lease, and that is what we are referring to in the legislation.

Mr BRINDAL: In a previous response did the Minister say that if the lessee chooses to exercise options under the lease which are at variance with this Act the lessee no longer comes under the protection of this Act? Does the Minister understand that to mean that if they choose to exercise that option they are not protected under any of the provisions of the Act, so they get out of the Act altogether?

The Hon. S.M. LENEHAN: That is right, they would not have the protection of this Act.

Mr BRINDAL: Has the Minister given any thought, in the matter of the clearance of native vegetation, to requiring the lessees, either here or in the lease, to replace vegetation? I believe that the Minister has done this on many other occasions. If one tree is removed in one place, a number of trees are planted in another place on the site. Has the Minister considered this and if so, as part of the lease, in the Act, or where?

The Hon. S.M. LENEHAN: My departments have considered it in great depth. I assure the honourable member that there will be a replacement planting of 20 to one, that is, for every callitris that is removed, 20 trees will be planted. They will be native species and the seeds will be collected from the specific area. We are talking not about planting a species from another area but about the new planting on a 20 to one ratio of native species that are specific to the Flinders Ranges.

Clause passed.

Progress reported; Committee to sit again.

ADJOURNMENT

At 12.1 a.m. the House adjourned until Thursday 25 October at 11 a.m.