HOUSE OF ASSEMBLY

Thursday 22 November 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 11 a.m. and read prayers.

WILPENA STATION TOURIST FACILITY BILL

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

That Standing Orders be so far suspended as to enable the sitting of this House to be continued during the conference with the Legislative Council on the Bill.

Motion carried.

CARPENTER ROCKS JETTY FACILITIES

The Hon. H. ALLISON (Mount Gambier): I move:

That this House urges the Government to finalise the plans for design construction of improved harbour and jetty facilities at Carpenter Rocks and to commence work as soon as possible on this long deferred project.

Members will recall that only a week or so ago I spoke in similar vein about the problems being experienced in the fishery at Port MacDonnell because of the Government's lack of attention to improving facilities. The Carpenter Rocks port has experienced considerable delay in having its fishing amenities improved. Little outlay has been made by the Department of Marine and Harbors over the past several years for improving facilities in the outports of South Australia, most of the money having been spent in Port Adelaide and on improving certain important tourist facilities in the metropolitan region.

However, as I pointed out regarding Port MacDonnell, the fishermen in the South-East pioneered the cray fishing industry and, on a previous occasion some 12 months ago, I spoke at length and included praise for the Stanke family of Carpenter Rocks who, with members of their staff such as the late Bill McCracken, were responsible for pioneering the cray fishing industry and at the same time showed considerable versatility, not only in fishing but also in boat building, home building, electrical engineering, plumbing, refrigeration, marine navigation, air navigation, fish processing, exporting and packing.

In relation to the latter, I remind all members of the House that, unlike the problems currently besetting the prawn industry at considerable expense to the Government, the cray fishing industry is turning over substantial funds, and export revenue, in particular, is coming into Australia and South Australia. As I said last week, this is one of the most remote and most difficult fishing coasts in the world. Insurance companies have already decided that, by the nature of the premiums they place on fishing vessels.

In case members doubt the savage nature of the storms in that area, only yesterday a fishing vessel was lost from Port MacDonnell. Its planks were broached in the extremely heavy weather and, despite all attempts to save it with additional pumps being taken out to the boat, it sank in the heavy seas. That is just one problem confronting fishermen. They should be provided with safe harbours. Almost every port other than Port MacDonnell, Carpenter Rocks and Blackfellows Caves, has safe and easy access, particularly at Beachport and Robe where straddle carriers are provided.

The Hon. P.B. Arnold: And in the rest of the world.

The Hon. H. ALLISON: And, as the member for Chaffey says, in the rest of the world. This is one of the most difficult fishing areas in the world, and we have among the worst fishing conditions in harbourage. The Chappell Engineers report, which was released on 26 June 1990, certainly points the way in which the Department of Marine and Harbors should be going, and I undertook, on behalf of the families at Carpenter Rocks, to plead with the Minister of Marine and Harbors to make available funds for construction of the recommended option in the Chappell Engineers Pty Ltd report to the Department of Marine and Harbors on fishing fleet protection, and access at Bucks Bay, Carpenter Rocks, where *inter alia* it concludes with a recommendation that proposal B should be adopted as the preferred development.

I do not propose to outline that series of proposals, A, B and C, at length, but I point out that anyone choosing to read this report will recognise that I hardly have to plead the case for the Carpenter Rocks fishermen; it is pleaded in the report. For example, the report states:

> Carpenter Rocks is located on the extreme south-western corner of South Australia. The coastline faces out to the Southern Ocean and an unlimited stretch of sea is available for wave generation by the prevailing westerly winds. Mountainous seas can be developed in this stretch of water and at such times, operations obviously cease and the fishing fleet seeks shelter in Bucks Bay.

This is the very area in which we are seeking improvement.

The Hon. P.B. Arnold: That has some of the most inhospitable coastline in the world:

The Hon. H. ALLISON: It is inhospitable, desperately so, particularly in winter. The report continues:

> The Department of Marine and Harbors has given consideration to providing protection to the fishing fleet for a considerable number of years.

I emphasise that: it is no flash in the pan that we are talking about this matter today. It is a long-term discussion that has taken place. Promises have been made, but commitments do not appear to have been honoured. The report continues:

> Over that time, data has been collected and various possible arrangements have been considered.

Further on, the report states:

> The power of the waves relates to the length of wave as well as the height.

The report also states:

> During major storms it is quite usual for several boats to be swept up onto the beach.

That is all the more reason why we should be looking at this matter with extreme urgency. Plan B has a break and a bridge between the reefs out in Bucks Bay. It is proposed that there would be a steel-pile bridge at an estimated cost of $110 000, a wharf at a cost of $95 000 and a rubble breakwater at a cost of $225 000, to a total cost of $430 000. That is a huge sum by anyone's mathematics in these contemporary times.

The Government asked the fishermen what help they would give. They do not have equipment down at Carpenter Rocks, they do not have heavy trucks, they are fishermen. They have survived on their wits for four decades, at least, through their pioneering and other skills, but they do not have the funds to put into this development of their own accord. However, what they do have—and this is included in the Chappell report—is a commitment from the Port MacDonnell District Council—and quite a generous one, too—that it would put in a road from the entrance to the harbour off the main road into Port MacDonnell by the refrigeration plant, Stanke's shop and boat building yard, and put that road out to the end of the reef so that there would be access on to the proposed breakwater, bridgework

and jetty. So, some consideration is being given to assist the Government by the local Port MacDonnell District Council.

A number of other members wish to make a contribution, not to this debate, but to their own motions, and for that reason I propose not to further expand on this Chappell report, interesting though it should be to members who know all about the city problems but who might have less knowledge of those experienced by remote country communities which contribute substantially to the State's export and other revenues. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

FINGER POINT

The Hon. H. ALLISON (Mount Gambier): I move:

That this House urges the Government to give urgent consideration to the expansion of sewage treatment facilities at Finger Point, in view of the fact that access to sewage disposal via Finger Point has been denied both to existing industry and to new industry wishing to establish in the South-East thereby restricting the development potential of the district.

I do not wish to appear ungrateful in any way—contrary to the opinion expressed by the Premier when this matter was debated, probably more than a couple of years ago, when he said that I appeared to have had little interest in this matter, particularly prior to 1982. How wrong he was. When the Public Works Standing Committee attended the hearing in Mount Gambier to determine whether or not to proceed with the Finger Point facility, I presented a major submission. I suggest to members that it was probably one of the most comprehensive submissions ever laid before that committee by a member of Parliament. As I said to the committee then, I had been corresponding, and the committee acknowledged my long-standing interest in the future of the Finger Point sewage disposal plant. Pages 18 to 24 include my submission as printed in the committee's report.

As I said, I do not want to appear to be ungenerous or ungrateful, but I believe that the Government erred in providing too small a plant. The Public Works Standing Committee recommended that a plant costing $5.4 million be constructed. I am not blaming the committee. My evidence strongly pressed for a larger plant, but financial constraints and the fact that the Liberal Party did not have a majority on the committee may have determined its decision to recommend the smaller plant. The Hon. Des Corcoran, in conducting research prior to 1979, came up with 20 options. In a letter addressed to me, dated 19 January 1979, the Hon. Don Dunstan stated that the $6.6 million option—that is the larger option, which the Liberal Party later proposed and funded when the Hon. Peter Arnold, member for Chaffey, was Minister of Water Resources—was the sensible, preferred option. This was also the one that the Liberal Party proposed to build in 1982. It had already funded the scheme with $454 000 for research and another $580 000 was allocated in the 1982-83 budget estimates.

However, the Labor Party, in its wisdom, decided to defer the project in 1983—throw it out of the window. I believe that this was at the recommendation of a very senior E&WS Department official, with whom I was at loggerheads even while the Liberal Party was in Government, and who was not keen to fund country projects.

The Hon. B.C. Eastick: That was hardly wisdom.

The Hon. H. ALLISON: It was hardly wisdom the Government accepting advice from a senior officer in the face of counter advice from members of the electorate and, of course, the wisdom of the previous Liberal Government. But, ultimately, the Premier acknowledged that there was a case and the scheme was funded. However, I said at the time that I believed that the scheme was too small and that it would have problems meeting anything other than the domestic needs of Mount Gambier, along with existing industries already connected. Even there I was wrong because, for example, the cheese factory at West Mount Gambier, an existing industry, has been told that the system is too full already; it can no longer discharge whey into the pipeline. The Liberal Party had estimated that the whey should be included as a component of sewage discharge. The Government decided that it should not be included because it assumed that the whey would be used by pig producers in the South-East, including Braun Piggeries, which was established in the South-East only two or three years ago to get it out of the Adelaide Hills and to utilise the whey.

The six or seven piggeries between them have not used anywhere near as much whey and the result now is that, at a cost of about $50 000 a year to the E&WS Department, whey is being transported into paddocks outside Mount Gambier and spray irrigated. The long-term effect of that is that nitrate plumes will enter the groundwater in the South-East, disadvantaging the residents. We already have sufficient nitrates in the water, as a former Labor Minister of Health, John Cornwall, used to point out when we were in Government. He suddenly forgot about it when he became Minister of Health, but that is a side issue. The fact is that we do not want any more nitrates in the water in the South-East from cheese factories, abattoirs, wineries or anything else. If effluent can be taken through the sewerage system to Port MacDonnell, and treated and discharged as relatively clear water, all the better.

I understand that the cheese factories will be paying about $50 000 a year to the E&WS in about 12 months time for that privilege of having the effluent that used to go down the system spray irrigated on country paddocks. It is simply not satisfactory. Furthermore, SAFRIES, a $1 million expansion, in which the South Australian Housing Trust is involved, made representation to Mount Gambier City Council and to the E&WS Department to establish in Mount Gambier, using the sewerage system, only to be told, 'Look, yours is the equivalent of about 75 000 population; sorry, the system cannot cope with that.' They headed off to Penola and that $1 million project is, again, spray irrigating the starches from the potato chip processing into the pine plantations, just as Braun Piggeries is spray irrigating its pig effluent into pine plantations.

Surely to goodness, had the Government accepted the Liberal Party's, Don Dunstan's and Des Corcoran's advice, it would have built the larger scheme and we would not have to be standing here today making representations for the Government at least to consider expanding the scheme. There is plenty of room at Finger Point for further settlement tanks to be built. The project at least considered that, for further aeration systems to be installed and for the effluent from present and future factory development in the South-East to be discharged properly via the sewerage system.

The question of costs would also have to be considered; I am not asking the Government to do it absolutely free of charge. It is already looking at charging one factory $50 000 a year for the right to spray irrigate in paddocks, so, surely, some sort of cost component can be built into further developments. But the Government should consider the construction of further settling tanks and aeration facilities, as was originally proposed and accepted by Labor and Liberal Governments up to 1982—instead of entering into this

impecunious cost cutting measure, which it finally developed, of building an economy-sized plant that simply meets the present needs of the domestic residents of the Mount. Again, I have taken time to which other members are entitled and I seek leave to continue my remarks later.

Leave granted; debate adjourned.

GLENELG CRIME

Mr OSWALD (Morphett): I move:

That this House concurs with the public statements expressed by the Glenelg council at the alarming increase in vandalism, graffiti, housebreaking, vehicle theft, consumption of alcohol in 'dry' areas and associated illegal activities taking place in the Glenelg area which is becoming extremely disturbing to the local community and visitors to the area, and calls on the Government to increase law enforcement by increased policing of the region and by the insistence on realistic penalties in the courts.

In moving this motion I express a grave concern of the residents of Glenelg, and I can extend that out to other areas along the metropolitan coastline that provide a focal point for young people and adult offenders, who are coming down into those areas and making a thorough nuisance of themselves.

We have reached the situation where in the evenings, in Glenelg and in particular the Anzac Highway car park, would-be trouble makers and larrikins are coming into the car park, tipping a mixture of water and oil on the car park and doing wheelies with their cars. The problem, having reached such a point, on behalf of the local community, I say that it is intolerable and that something must be done to stop it.

The graffiti on public, local government and private buildings has reached a stage where it is out of control. Once again, we must protest and ask for something to be done about it. There are repeated reports in the media and to my office by the police and council authorities of drunken youths creating trouble and disturbances at night and putting fear into local citizens as they move around the district going about their lawful business. I believe that the Government must address this problem. We talk about it here on many occasions. Members on both sides of the House have highlighted that we have a problem, yet the matter does not seem to be addressed and it is not getting any better. Much of the problem is caused by juveniles—though not all juveniles. In a motion which I shall be moving on another occasion I shall refer to the need to restrict the hours for STA free student travel. I am told by the police and by the drivers of the buses and trams that many of these trouble-makers in Glenelg, and no doubt in other areas on the coast, are coming in by taking advantage of the free travel concession.

Something must be done to encourage juveniles to take a realistic approach. We are told by the academics that juveniles feel alienated from society and that is the reason for their behavioural patterns. Whether or not they feel alienated from society, the point is that we have now reached the time when we must get tough. In New Zealand some years ago I was alerted to what was called the jolt scheme. Offenders actually spent the day in prison as guests of the prison. They knew that they would be released that night. However, they did a full day in prison, which gave them an idea of what prison life was like should they continue to offend. I do not think that it would hurt for the Government to consider that as an option. It would alert young people to the penalty for offending; they would know what would happen to them. There are other ways of warning them of the consequences.

It has been suggested, as has happened interstate, that the age at which young people become adults, which is 18 here—they are treated as children until the age of 18—should be lowered. These offenders would know that under the age of 18—in other words, from about the age of 16 onwards—they would be treated as adults if they carried on with this totally unacceptable community behaviour. Once again, an incentive may be injected into it. We have reached the stage where the Government and the police must stop pussyfooting around.

There has been a slow decline in the numbers of juveniles going before the Children's Court and children's aid panels, but there is no doubt that over the past 12 months there has been a 50 per cent increase, which is quite a rapid increase or bump in the declining graph. It is no mistake that it is there, but the Government has not yet reacted to it. What is to be done about it is entirely in the hands of the Government, but initially it is a police problem. If policing is the problem, then we shall have to get the police into these areas.

As we drive around in daylight hours we see breathalyser stations being set up, with six, eight or 10 constables standing around waiting for business at times of the day when there are not too many drivers on the road who could be picked up for driving under the influence of alcohol. We also see an enormous number of police occupied in traffic management. I have heard from my colleagues about instances of the police spending their time worrying about such things as number plates being lit up when they could be diverted into investigating major crime. I would not mind if for a while—I am not suggesting that it has to happen for the long term—some of those police, who are currently involved in revenue collecting tasks in the traffic management branch, were diverted so that we could have a crackdown on juvenile crime and wilful vandalism in our suburbs.

Because, if it is a police resources problem, I know the police are strapped for manpower. There is no doubt about that. They have been denied an increase in manpower, which is their just desserts, since 1982. The police, as individuals, do have a problem, but there are an enormous number of police involved in traffic management and breathalyser stations and working in areas which have nothing to do with controlling violent crime at the grassroots level. I put to the Government that one way of trying to solve the problem is by rearranging the running of the Police Force for the time being.

It is no fun for any member of the public to go out in the morning and find their front fence has been covered with grafitti. It is no fun for any member of the public to come home and find their house broken into, all their rings and jewellery gone, the VCR gone, knowing that within three months the perpetrators will probably return.

My neighbours, directly across the road, on the weekend, between 1 o'clock and 3 o'clock in the afternoon, in broad daylight, had their house ransacked. It is unbelievable; absolutely devasting to that family. It is an intrusion into their privacy, but it has happened. It is happening all through the district and all through Adelaide. We talk about it up here, yet we are not doing anything about it. So, the statistics go up. How on earth can we tolerate this situation? It is beyond me that, here in Adelaide, in the car park I referred to in the initial part of my remarks this morning, we allow hoods to pour oil and water on the car park and hoon around there in the wee hours of the morning. It is a police matter, and it requires the Government to crack down and make sure that this stops and there is no pussyfooting around.

In conclusion, I would like to put on record a letter written by the Glenelg council to the Premier. It is an attempt by the council to say, 'Mr Premier, we have a problem down here which is now out of control and we are prepared to sit down with the Government and work out some strategy by which we can hope to cope with it.' The council, in its wisdom, is talking about video cameras, security guards and curfews around car parks and some way at their level to do something about the problem. But no council can handle this problem on its own. It requires a concerted effort by all of us, as elected members in this place, and by the Government in particular, and also by the rearrangement of resources. Without repeating them, I remind members of my earlier remarks about the rearrangement of duties of the police who are involved in traffic management. The letter from the council states:

Dear Mr Bannon,

Council wishes to inform you of its concern at the alarming increase in vandalism, graffiti, house-breaking, vehicle theft, consumption of alcohol in dry areas, and associated illegal activities taking place in Glenelg which is becoming extremely disturbing to the local community and detrimental to Glenelg's tourism image. There was a significant increase in the number of juvenile apprehensions in the Glenelg area last summer, and police reported increased drug and alcohol abuse and escalating levels of graffiti, vandalism and theft by minors and the council and community urgently request that positive action be taken to curb this disturbing trend.

Council believes the issue of law and order and public safety are of paramount importance and the alarming increase cannot be allowed to go unchecked. Historically, young people have been attracted to Glenelg during the summer months, however despite this there has been a depletion in the number of types of local services available to deal with the situation in recent years. Resources and personnel may be limited but surely it is time to rationalise their distribution and endeavour to stamp out the blatant disregard for law and order and public safety which is so evident. If the Government is serious about developing strategies aimed at targeting areas most at risk, then resources need to be channelled into those areas where youth congregate to the detriment of the general community.

A number of factors appear to have contributed to the increase in offences but it is imperative that urgent positive action be taken to address these issues. The Mayor, Brian Nadilo, and myself are available to further discuss these matters from a local perspective and Glenelg council is willing to work on a cooperative basis with State Government to ensure that the problems currently being experienced in Glenelg are satisfactorily resolved.

The letter is signed by M. J. Baker, the Town Clerk of Glenelg council. I imagine that every member in this Chamber would have empathy with the Town Clerk of Glenelg in his appeal to the Government to do something about this problem which permeates every suburb of this town. Adelaide is a wonderful city of which we are all proud, but there is an aspect of it of which none of us are proud, and that is the fact that youth and adolescents, and to a large degree young adults, are becoming lawless in their activities, and the State, through the police, seems powerless to do anything about it.

We appeal for two things to happen: a rearrangement of police resources to tackle the problem and to crack down on it, and a resolve that we will do something about setting realistic penalties in the courts. I know that on many occasions the Government has appealed against the leniency of sentences, and I am pleased to see that happen. I hope that that trend will continue and that by so doing a message will go through to the judiciary that we expect a firm resolve on the part of the bench to come to grips with this problem.

Let us not have any more talk about this matter. Let us see a rearrangement of resources and let us do something about a problem that we all agree is of the greatest concern. I ask all members to support this motion to resolve what we all known is a major problem in an otherwise marvellous city in which to live.

Mr FERGUSON (Henley Beach): I will be extremely brief, because I know that there is an agreed program and that I will not have the time to say everything I need to say. Basically, I agree with the honourable member who has just sat down. Certainly, in my area, at this time we are having similar problems and, together with the member for Albert Park, I am taking action to do something about it.

I agree absolutely with the premise of the honourable member that it is time to get tough. I hope that, when legislation is brought before this Parliament—and that legislation appears to be very tough—we will have the support of members opposite. The honourable member also talked about new methods. I believe that we ought to try new methods, and I agree with the Attorney-General's endeavours to bring the Bonnemaison system into South Australia. It will require the cooperation and the help of local government. We hope that local government will be prepared to put up the framework and allow crime prevention officers to utilise some of the budget allocated to it, certainly in the western areas, and this is what we will look for in our meeting with local government later this month. If local government is prepared not only to criticise but to put some of its resources into this area together with the amount of money made available by the State Government, we will be able to tackle the problem.

I have no objection to the proposition raised by the Minister in relation to redistribution of police resources, and perhaps that area ought to be looked at. If we can get cooperation on that matter and not just criticism from both sides of the House we might be able to move in this direction. Although I have much more to say on this subject, because of the agreed program before us, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

EMERGENCY SERVICES

The Hon. D.C. WOTTON (Heysen): I move:

That this House urges the Government to more actively supporty the ethos of volunteering in emergency services, to ensure the genuine participation of bodies representing the volunteer in the decision-making process and to provide essential equipment and appropriate training necessary to enable their duties to be carried out effectively.

In the current economic climate, the question of how our emergency services will be delivered takes on even greater urgency. We cannot afford to look at this matter from a factional point of view; we need to view it as an issue that affects each and every single member of the community. The ABS statistics show clearly that emergency volunteers put in more time on average than volunteers working in any other area of endeavour. To date there is a pool of people with the enthusiasm and commitment to get involved in delivering emergency services. We cannot afford to lose that willingness to be involved as the emergency services require large numbers of people across wide geographic areas 24 hours a day.

The reasons why I have brought this motion forward now and why I am pleased that there is a public debate on the role of volunteers in the emergency services are detailed in an article that will appear in the December newsletter on the 'Place of Volunteers in Emergency Services: Now and in the future'. I will refer to that later. Before doing so, I will refer to a letter written by the Executive Director of the Volunteer Centre of South Australia to the Minister of Emergency Services, as follows:

This year's State Conference on Volunteering, which was opened by the Acting Premier of South Australia, Dr Don Hopgood,

focussed on volunteers in the emergency services. This theme was chosen for two reasons:

- There have recently been a range of disasters throughout Australia, including bus crashes, floods, fire and an earthquake of considerable proportion. Each of those disasters involved many volunteers in the various emergency services. All these incidents highlighted yet again the dependence both by Governments and the wide community on dedicated volunteers who respond immediately in times of emergency or disaster. Their continued assistance is essential to return situations to normal.
- The recent downgrading of the St John Ambulance volunteers as a result of union pressures has been causing unease among some quarters of the CFS and SES. It is an unquestionable fact that the replacement of volunteers by paid staff imposes an additional cost burden—of considerable concern in these times of financial constraint—without necessarily improving the quality of service. In fact, in situations which call for a reservoir of immediately available manpower, services will inevitably decline and people's lives and property will be put at risk.

The letter goes on to state:

The conference was organised by the Volunteer Centre of South Australia Inc. in conjunction with representatives from CFS, SES and St John. It was attended by both volunteer and paid staff of the emergency services and other organisations. After several hours of discussion, the following primary recommendations were made which directly involve Government:

1. The Government should more actively support the ethos of volunteering as a form of community participation. This involves a greater acknowledgement of the contribution of the thousands of volunteers involved in emergency services and the tens of thousand of hours they give on a weekly basis.

2. Bodies representing volunteers are the equivalent of unions representing their numbers. The Government must recognise this, make full use of these bodies, and ensure their genuine participation in decision making processes.

3. Volunteers freely give their skills and time. To do the job properly they must be provided with essential equipment and appropriate training.

The underlying concern of the conference was that, while volunteers make up the vast majority of people involved in emergency response and associated activities, their views are not being heard, nor are they having sufficient input into policies and practices affecting them. This concern must be recognised and responded to if the necessary level of volunteer activity is to be maintained.

As part of the follow-up to the conference the recommendations and summary will be featured in the December issue of *SA Volunteering*. Your comment on the above recommendations and notification of what action you will be taking are sought. Your response will be included in the March issue of *SA Volunteering*.

All members would be aware of that letter, because a copy has been sent to all South Australian members of Parliament, Federal members in South Australia and the Prime Minister, who is the Patron of the Volunteers Centre of South Australia. I, for one, will be interested to see the response of the Minister that will appear in the March edition.

This subject is of considerable importance and was dealt with at the annual State conference, the theme of which was 'The Place of Volunteers in Emergency Services: Now and in the future'. That theme was adopted because of the importance of this subject not only to the volunteers who participate but also to all people in this State. Three main arguments are advanced for dispensing with volunteers or downgrading their involvement, and those arguments were referred to at that conference. First, some people say we cannot get volunteers these days who have the committement and training to do the job properly.

The volunteer organisations refute that, and recent surveys by the Australian Bureau of Statistics support the view of that body. The organisation believes that what is needed is better recruitment, management policies and practices, and in some cases more appropriate training. The other two arguments were:

2. The unions are concerned about pushing for more paid staff and better conditions. They are right in expecting that paid staff should receive recognition for the added difficulty of the working with a large and fluid staff of volunteers, and more paid staff may well be needed to do this job adequately. They are wrong if they say their members' jobs are at risk. Volunteers are not replacing paid staff, who are necessary and have special responsibilities.

3. Some people with legitimate concerns about the unemployment situation think that by excluding volunteers the situation will be improved. But, of course, the unemployment situation has nothing to do with volunteerism, and the two should not be confused.

Because I do not have sufficient time to refer to this subject in detail, I urge all members to read carefully the December edition of *SA Volunteering*. It is an important subject for all of us. The Volunteer Centre of South Australia is very supportive of this matter being debated as widely as possible in the community, and I too support that strongly.

I now refer to a letter which was written by the Volunteer Centre of South Australia and which was addressed to the Minister for Environment and Planning. This letter outlines the frustration being experienced by groups such as the Volunteer Centre of South Australia and members of the community generally, stating that, seemingly the Government is taking little notice of the endorsement by electors that environmental matters are of great concern and problems need to be tackled now. It also outlines the important part the volunteers can play in that regard.

Two specific programs have been put to the Minister, and are as follows:

1. Funding scheme for environmental groups. This would be a fund set up specifically to assist with the funding of non-statutory environmental groups which make effective use of volunteers within their program. Such a fund would be similar to the welfare grants scheme now organised under the auspices of the Department for Community Welfare but directed specifically to the environment, rather than to welfare.

2. Volunteer referral service and training program (environment) to be organised by the Volunteer Centre of S.A. This service would be an adjunct to our general referral service and training program. It would cater specifically to assist both Government and non-statutory groups obtain volunteers and ensure their involvement is managed in a way which would bring most benefit to the organisation and the volunteer.

The general referral service and training program was referred to by the Volunteer Centre of South Australia. These programs were recommended at a conference attended by a wide range of environmental groups in South Australia. They have received very little support from the Government. I have not been made aware of the most recent involvement of the Minister for Environment and Planning in regard to these matters, but I would urge her to support these programs, to understand the reasons why they are essential and to ensure that they are put into practice. I hope that the Parliament will support this motion which is very important not only for the volunteer movement in South Australia but for all members of the community in this State.

Dr ARMITAGE secured the adjournment of the debate.

PRIVACY LAWS

Mr GROOM (Hartley): I am very much indebted to the Opposition for making the time available for me to be able to move:

That a select committee be established to consider deficiencies or otherwise in the laws relating to privacy and in particular—

(*a*) to consider the terms of a draft Bill prepared by the Parliamentary Counsel on the instructions of the member for Hartley entitled 'an Act to create a right of privacy and to provide a right of action for an infringement of that right; and for other purposes';

(*b*) to examine and make recommendations about specific areas where citizens need protection against invasions of privacy; and

(c) to propose practical means of providing protection against invasions of privacy.

Questions about the invasion of privacy and the misuse of personal information have been a community concern, both within South Australia and elsewhere, for many years. In 1984 Justice Kirby, then Chairman of the Australian Law Reform Commission, warned that unless new laws were passed to defend privacy individuals, and indeed society, will fall victim to the microchip, satellite, laser and information technology.

It has been reported that if you have been out and about on a working day, the chances are that somewhere, at some time, your activities will have been recorded on film. Many instances are of course properly and lawfully justifiable. If you have been in a bank, building society, supermarket or TAB agency, you will have had more film exposure than a rising Hollywood starlet. Banks, finance houses, insurance companies and Government agencies are in many ways now linked together so that potentially information on every person or company will be accessible at any one of many locations. In the United States, the Office of Technology Assessment has recently found that, of 142 domestic Federal agencies surveyed, 35 already used or planned to use electronic surveillance methods, including concealed microphones. The OTA also found that 36 of these agencies (not counting those in intelligence) used a total of 85 computerised record systems for investigative purposes and maintained 288 million files on 114 million people.

It is a mistake to believe that the only threat to privacy lies in the databases of super secret intelligence agencies, police or other authorities or agencies. Developments in surveillance technologies are also available to those with sufficient need and sufficient funds to purchase them. Microphone transmitters, for example, these days are almost the size of a pinhead and can be embedded almost any-

The scope for error and harm to citizens is substantial. The Australian Law Reform Commission in a 1984 report 'Better Privacy and Protection in Australia' proposed additional laws to govern telephone taps, the use of listening devices and surveillance technology, fresh laws to deal with hidden cameras and optical surveillance, limits on the growing powers of intrusion to personal property by officials, controls on invasive business practices and rules to govern the use of personal information. Our democratic traditions require respect for individuals, respect for the integrity of the human personality and respect for the way people have of wanting to view themselves and present themselves to society.

Our democratic traditions require a proper balance to be maintained between the rights and obligations of individuals as against the rights and obligations of the group. Increasingly a right to privacy needs to be enshrined in our laws to restore and maintain this balance. Legislation in South Australia was first proposed unsuccessfully in 1973 and 1974 amid great controversy at the time. It was legislation well ahead of its time. Today I believe society has 'caught up', and there is a far greater degree of acceptance and awareness that a right to privacy is in all our interests.

In 1975 New South Wales established a Privacy Committee Act which acts essentially as a privacy ombudsman. The committee has no power to punish or award redress. Queensland does not have committee-type legislation. There is an Invasion of Privacy Act which deals with listening devices, private conversations and unlawful entry into dwellings, and control over credit providers. Tasmania has various sections in the Police Offences Act and a Conspiracy and Protection of Property Act with touches on privacy principles.

In 1988 the Commonwealth Government passed a privacy Bill which essentially deals with public sector agencies defined (*inter alia*) as a Minister, a department, a body or a tribunal established or appointed by or under a Commonwealth enactment together with other specific nominated organisations. Privacy principles are established pursuant to the Act but the Act itself does not affect State and territorial laws protecting privacy which run concurrently. Notwithstanding the 1973-74 unsuccessful legislation, South Australia has not been backward in this area. An investigative committee established in 1978 reported to cabinet on 12 December 1983. That committee recommended amongst other things that a privacy commissioner be established to provide a means whereby complaints regarding privacy matters can be registered and investigated and, where necessary, conciliation procedures instituted.

In July 1989 the Government established a Privacy Committee with functions including to advise the Attorney-General as to the need for or desirability of legislation or administrative action to protect individual privacy and, for that purpose, to keep itself informed as to developments in relation to the protection of individual privacy and other restrictions. In 1986 the United Kingdom passed the Data Protection Act, which requires any person who holds information about other people to register with the Data Protection Register; otherwise, a criminal offence is committed. There is also the possibility of civil action being taken for compensation for any damage or distress caused by the misuse of personal data. A person can seek compensation for damage or distress caused by inaccurate information about them being held on computer.

In the United States, courts have devleoped the common law to provide a right of privacy. In the United Kingdom, Canada and Australia, the courts were unable to develop the common law to this extent and legislation is and has been necessary. Individuals need to be assured they have a right to privacy. Individuals should have the right to take action themselves without having to approach a bureaucratic body such as committee, privacy commissioner or ombudsman.

Violation of privacy should be actionable as a tort by the individual. The Bill I have prepared consequently picks up the theme of the 1973-74 Bill but avoids many of its pitfalls. The Bill creates a right of privacy. Clause 2 (1) enshrines in our laws the fact that a person has a right of privacy. Of necessity, privacy must be defined in relatively wide terms to enable the courts to have sufficient guidelines as to its meaning and what is encompassed by the term. Clause 2 (2) provides that a person infringes the right of privacy of another if:

(a) that person, without the express or implied permission of the other person, intentionally intrudes on the other's personal or business affairs in ways defined and the intrusion is, in the circumstances, substantial and unreasonable; or

(b) that person, without the express or implied permission or if the other person, intrudes on the other's property or suffers, causes or permits anything to intrude on the other's property and the intrusion constitutes a nuisance actionable at common law.

Unlike the 1974 Bill, a clear exemption is provided for the Police Force or any other person vested by statute with powers of investigation or inquiry in the course of exercising those powers or by a financial institution or credit provider carrying out ordinary inquiries into the credit worthiness of a customer or potential customer or in passing on information relevant to that subject, on request, to other financial institutions or credit providers. It is my view that the Police Force should not be required to rely on defences, and likewise it is proper for financial institutions and credit providers carrying out ordinary inquiries as to personal and business affairs prior to making a loan to be exempt.

Clause 3 provides a right of action for infringement of a right of privacy. Subclause 3 (1) provides that infringement of a right of privacy is a tort actionable (without proof of special damage) by the person whose right is infringed. Subclause 3 (2) requires an action for infringement of a right of privacy to be commenced within two years from the date on which the infringement occurred. Subclause 3 (3) sets out defences to an action for infringement of right of privacy. In this way, the ambit of the definition of privacy is restricted and contained within proper and reasonable limits. It is a defence to an action for infringement of a right of privacy to prove that conduct of the defendant was necessary for, or reasonably incidental to, the protection of the lawful interests of the defendant or the conduct of actual contemplated or apprehended litigation or that the infringement was justified in the public interest.

Subclause 3 (4) sets out the remedies a court may grant in an action for infringement. Subclause 3 (5) provides that a court may grant injunctive relief under the clauses even though the court would not normally have power to grant injuctive relief in an action for tort.

In this regard, the proposed Bill is quite unique. In addition to covering personal and business affairs, the Bill covers actions for private nuisance at common law. At the present time, the Supreme Court is the only court with inherent powers to grant injunctive relief. As a consequence, the present common law right of citizens to institute action for private nuisance is severely restricted by the extremely high costs that would be encountered due to proceeding in the Supreme Court.

At the present time people are simply referred to mediation services to conciliate in situations where, for example, adjacent trees cause damage to property, where properties are under threat from smoke or dust pollution without majority success. The Bill gives the local courts injunctive powers, meaning that a person suffering minimal damage can go to the Local Court of Limited Jurisdiction and not only obtain monetary compensation but also obtain injunctive relief. The Local Court of Limited Jurisdiction has a monetary limit of $2 000, but parties are not entitled as of right to legal representation. Consequently, for small claims dealing with private nuisance, invasion of privacy will be dealt with expeditiously and at minimal cost, utilising existing structures.

I am very mindful of the rights of the media with regard to the publication of material. In the preparation of this draft Bill I have sought to ensure that Queensland-type investigative reporting is not impeded nor programs such as *The Investigators* or other programs designed to highlight wrongdoing. Freedom of the press is also an essential ingredient in maintaining balance in society.

I commend this motion to the House. The establishment of the select committee is essential for the proper evolution of laws dealing with rights of privacy. A select committee will give the opportunity for persons, bodies or organisations who feel their interests have not been properly addressed to make representations to the select committee and have those fears dealt with or addressed.

In conclusion, I again thank the Opposition for making this time available; otherwise I would not have been able to move this motion today.

Mr S.G. EVANS secured the adjournment of the debate.

TEA TREE GULLY POLICE

Adjourned debate on motion of Mrs Kotz:

That the House urge the Government to immediately review the current establishment for police personnel in the police subdivision of Tea Tree Gully with a view to updating what is effectively outdated establishment numbers for the purpose of improving police protection of the community within the district of the City of Tea Tree Gully.

(Continued from 25 October. Page 1429.)

Mrs KOTZ (Newland): I wish to continue my remarks on the motion, which I moved on 25 October and which seeks to gain this Government's support to increase police numbers to provide active police protection to my district of the City of Tea Tree Gully. This essential service, which is paid for by taxpayers, has been reduced year by year unmercilessly and the Government, in its answer to this Parliament, continues to defend what the Government classes as sufficient increased numbers in this essential service.

I believe that this Government has been less than have honest with the people of this State. On 17 October in this House I asked the Minister for confirmation that this Government has failed to meet its election promises to boost police numbers. In his reply to that question, the Minister said:

> However, the money made available by the Government will enable a strength of 122 extra police as promised before the last election. I might add that the money provided by the Government in this year's budget will result in an increase in the total strength over the past two financial years of 200 police as well as a number of people who will be working in the Police Department without the status of being sworn officers. Consequently there has been an enormous boost in the money made available to the Police Force and this has been acknowledged by the police themselves.

That answer might be considered interesting comment, but is it correct? If we look at page 4 of this month's *Police Journal,* industrial officer Chris Kennedy details an analysis of the budget on behalf of the Police Association. That analysis states:

> Members no doubt received Police Post No. 31 reporting on the Police Department budget for 1990-91. Members probably also saw the similarly trumpeting press releases of the Minister and the Premier: Police staffing up by 1992, significant increased resources for the Police Department. You could be forgiven for believing that the Police Department had escaped the cuts suffered by other Government departments.
>
> It is interesting to note that the Commissioner's newsletter and the statements made by the Minister both referred to additional police staffing but did not provide any details of changes to the salary budget. While the total budget has increased by 7.8 per cent this is largely the result of funding for 'one off' capital works. The picture with regard to staffing is much less cheerful. A breakdown of the total budget into costs centres seriously calls into question the promised additional staffing.

Under the heading 'Components of total budget', the areas are separately analysed as follows: total funding, an increase of 7.8 per cent; buildings, an increase of 105.8 per cent; equipment/vehicles, an increase of 1.4 per cent; wages and related payments, an increase of 5.5 per cent; and administration operating expense, an increase of 15.1 per cent. The report goes on to state:

> During 1989-90, the aggregate wage growth was 6 per cent (3 per cent increase November 1989 and 3 per cent superannuation), the result being that in real terms there has only been a marginal increase in Police Department salary allocations of 0.5 per cent. This would appear to only allow for an increase in police numbers by about 17.

The Hon. B.C. Eastick: Quite a damning statement from somebody at the coalface.

Mrs KOTZ: That is right, and from the Police Association itself. The document continues:

> Of even more interest is where the salary dollars have been allocated. In crime prevention and general police services there has been a 2 per cent cut in real terms; in crime detection and investigation services a 1.3 per cent cut. So what we are seeing is a reduction in police numbers at the coalface. This is a continuation of the decline in police resources that has been experienced over recent years.

Under the heading 'Operational strength', the document outlines the strength of the force from 1986 to 1990, as follows: 1986, 3 492; 1987, 3 661; 1988, 3 573; 1989, 3 565; and in 1990, 3 630. The document states:

> The truth is that police numbers have not increased over the past four years, while crime rates have cntinued to grow. So while the Government and Commissioner mouth platitudes about increases in the Police Department budget, the members at the coalface have increasing workloads and corresponding stress levels.

That ends the report from Chris Kennedy analysing the budget on behalf of the Police Association. Where does the truth lie? It lies in the fact that the operational strength of the police remains lower than that of 1987. The truth is that police numbers have not increased over the past four years, while crime rates have continued to soar.

Mr FERGUSON: On a point of order, Mr Deputy Speaker, I wonder whether you would not mind having the honourable member's microphone adjusted, because I cannot hear her across the Chamber.

The DEPUTY SPEAKER: There is not a point of order, but the Chair accepts the comment in the spirit in which it is made, and asks the member for Newland to cooperate.

Mrs KOTZ: The issues raised in this debate are numerous: the overall increase in crime rates and the incidence of youth involvement in these crimes has been determined as having epidemic proportions, aided and abetted by free travel for students, lack of penalty deterrents and downgraded police presence in the northern area. The Tea Tree Gully police station must remain an operational and functional subdivision.

I call upon the Minister to recognise what is there for all to see—that the alleged acceptability of staffing numbers in 1986 does not equate to any level of acceptability in 1990. If the Minister is content to play with figures and statistics instead of the reality of the situation, perhaps he can further contemplate the platitudes inherent in his Government's claim of one policeman to every 500 persons in this State which, in turn, would mean that the Tea Tree Gully council area, having an increase in population of 20 000 in the past four years, would warrant a further 40 police personnel, and that would almost double the current establishment. I call on the Minister to support the object of this motion, that is, to increase the operating strength of police numbers. That must be facilitated with extreme urgency for the protection of the community within the City of Tea Tree Gully and throughout this State.

The Hon. M.D. RANN secured the adjournment of the debate.

ECONOMY

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

That this House—

(a) views with alarm the dramatic deterioration in the rural economy, the cost pressures bankrupting small businesses, the inflated Australian dollar destroying export potential and the decline in domestic demand impacting on manufacturing and commercial enterprises which collectively are contributing to a severe recession in this State and nation;

(b) condemns the Federal Government, and in particular Prime Minister Hawke and Treasurer Keating, for the high interest rate, high inflation, high external debt and high Australian dollar policies being pursued; and

(c) calls on the Federal Government to radically change its policies to reverse the downward economic trend, or resign.

(Continued from 8 November. Page 1673.)

The Hon. T.H. HEMMINGS (Napier): How unlucky can one be? As I go through this exercise, I realise how unlucky I am in having drawn the short straw and having to respond to this motion. Mr Deputy Speaker, whilst you are not a member of the Labor Caucus, you would be well aware that, when the occasional idiotic motion is to be debated, as is the case today, Caucus draws lots on who should respond. Unfortunately, I was the bunny that drew the winning ticket.

I freely admit that I tried just plain, common garden bribery to get out of this responsibility: I went to my colleagues the member for Henley Beach and the member for Albert Park, and it is well known that they owe me a few favours. But a situation like this is when we know our true friends. They just point-blank refused to have anything to do with this matter and said that I drew the short straw so that it was my job to stand up and expose this motion for exactly what it is.

Mr BECKER: On a point of order, Mr Deputy Speaker, what do short straws have to do with the motion?

The DEPUTY SPEAKER: Order! The Chair was about to ask the member for Napier to make his remarks more relevant to the topic under discussion.

The Hon. T.H. HEMMINGS: Thank you, Sir, and I do appreciate the point of order put forward by the member for Hanson. However, I was trying to outline to the House in my response to this motion—which is, in effect, just a string of rhetoric—why I have to stand up here for another 50 minutes and expose it. That is the reason why. I appreciate the member for Hanson taking that point of order. The problem with the motion, as most members on both side of the House would agree, is that, despite the massive verbiage from the Deputy Leader, the motion itself says nothing. I went to the Ministers and said, 'For goodness sake, give me some briefing notes so that I can stand up and sound at least intelligent in my response.' All the Ministers wiped me off.

I contacted the New Right—the H.R. Nicholls Society—to see whether it could provide me with some credible analysis that I could put to the Chamber, because this motion smacks of the kind of garbage that the H.R. Nicholls Society continually puts out in its publicity. The response was very interesting indeed. The society agreed that the Deputy Leader's motion was in the style used by the society, but, obviously, the Deputy Leader had completely misunderstood any kind of literature put out by the society because, whilst the motion was in the style used by the society, what he said afterwards was complete gibberish. They were not my words; they were the words of the society.

As a result of talking to the officers of the H.R. Nicholls Society, I was sent a brochure which contains exactly the kind of ideas put forward by the Deputy Leader. In fact, after reading some of the literature put out by the H.R. Nicholls Society, written by some of its more eminent authors, the only conclusion that I can arrive at is that the Deputy Leader is not only a member of the Liberal Party but he is a secret member of the H.R. Nicholls Society. He joins some very esteemed people: Ian McLachlan, Sir John Kerr—and he is an eminent author—John Hyde, Peter Costello—who writes a lot of anti-union material that is completely in line with what the Deputy Leader says—Paul Houlihan and Hugh Morgan. They are the sort of people with whom the Deputy Leader wants to be associated—that eminent group of Australians pushing the kind of philosophies that we had to suffer a couple of weeks ago.

I did not buy a complete set of the proceedings because I could not afford the $150 cost. It is rather interesting to look at some of the literature that the society puts out. For

example, there is the 'Arbitration in Contempt' booklet which costs $75; there is the 'Trade Union Reform', $10; 'The Light on the Hill', $35; 'Back to Basics', $25; 'No Ticket No Start No More', $25. Then we have the booklet that I was told the Deputy Leader bought, that is, 'In Search of the Magic Pudding', which cost the small price of $25. I thought, 'Well, if the Deputy Leader can buy a book like that and pay out $25, why can't I?' So, I bought that book. In reading 'In Search of the Magic Pudding', I actually got—

The SPEAKER: Order! I assume that the honourable member is aware of the Standing Order relating to relevance of debate and that he will draw his remarks to the subject of the motion.

The Hon. T.H. HEMMINGS: With due deference to you, Mr Speaker, I am, because when one reads what the Deputy Leader has said on this motion, one finds that his speech is almost word for word from the booklet 'In Search of the Magic Pudding'.

Members interjecting:

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: That is the problem. If the Deputy Leader is going to say at the start of his speech that he takes no pleasure in moving the motion—nor did we have any pleasure hearing it—and that it is one of the most serious motions that he has ever moved in this House, then God forbid what we have to look forward to in the future. We ought to look at the motives of the Deputy Leader. Will he be the spokesperson for the New Right—the H.R. Nicholls Society—in South Australia?

The motion which is before us and which you are reading now, Sir, smacks exactly of what the New Right is all about, yet the Deputy Leader was purporting to espouse the views of the Liberal Party. I find that rather hard to swallow. I will not take up any more time of the House but I will seek leave to continue my remarks later.

Leave granted; debate adjourned.

MORGAN-BURRA-SPALDING ROAD

Adjourned debate on motion of Mr Venning:

That this House condemns the failure of successive Governments to upgrade the Morgan-Burra-Spalding Road to a standard commensurate with its economic and social importance to the State.

(Continued from 18 October. Page 1180.)

Mr HOLLOWAY (Mitchell): I must oppose the motion moved by the member for Custance to the extent that it criticises the present Government for not sealing the Morgan-Burra-Spalding road. Of course, it would be nice if this road and, indeed, all dirt roads in this State could be sealed, but it is a question of priorities. If there are only so many dollars available for roads, obviously that scarce funding should go to those roads that are most important to the State, because we do not have the magic pudding to which the member for Napier referred earlier to fund all these roads.

If we are considering this motion, the key question is the social and economic importance of the Morgan-Burra-Spalding road and how that importance is determined by the Government. The Morgan-Burra-Spalding road is not a national highway, but it has been assigned a route number, as have many roads throughout Australia. Roads assigned with route numbers do not automatically have priority over other roads for sealing. In 1967 the National Association of Australian State Road Authorities (NAASRA) adopted guidelines for identifying national routes and a network of roads across Australia was given provisional national route numbers. In general, only the sealed sections of these roads are signed with their route number. Some roads with route numbers carry low volumes of traffic, such as the Birdsville Track, which forms part of National Route 83. This route stretches between Tarlee in South Australia and Karumba, on the coast of the Gulf of Carpentaria in Queensland.

Under the national association's classification criteria the Morgan-Burra and Burra-Spalding roads are classified as class 3 rural arterial roads at the lower end of the functional scale of 1 to 3. The criteria used by the Department of Road Transport to assign priorities to the sealing of roads are based on three requirements: the functional importance of the road; the traffic volume on the road; and the extent of work required to complete previously commenced links. I would like to give some examples of the priorities: as members opposite are questioning this. I will outline some of these alternative routes. The Mount Crawford to Mount Pleasant road has an annual average daily traffic of 400 to 600 vehicles and the Mount Torrens to Tungkillo road has an annual average daily traffic of 250 to 350 vehicles. The Port Wakefield to Auburn road carries 150 to 200 vehicles a day. On the other hand, for the Burra to Morgan road, the annual average daily traffic is 80 to 100 vehicles a day—obviously considerably less than those other roads.

The current estimated commercial vehicle volume between Renmark and Morgan is less than 50 vehicles a day. Even if all those vehicles used alternative sealed routes rather than the Morgan-Burra-Spalding route, it would not have a significant impact on the deterioration rates of these sealed roads. While the Morgan-Burra-Spalding road cannot command a greater priority, I point out that it is not being neglected.

Mr Venning: People are going to read this.

Mr HOLLOWAY: They will indeed. I hope they do. The Department of Road Transport has a strategy for the improvement of unsealed rural arterial roads throughout the State to ensure that such roads are maintained in a safe and trafficable condition. In formulating the strategy, a number of factors are taken into consideration, including the road's social and economic importance to this State. I suggest that the member for Custance ask for a copy of that strategy. I am sure that one would be made available to him.

Development of the strategy has enabled a list of treatment priorities to be prepared to ensure that the limited funds available are directed to the areas of greatest need. The Spalding to Burra road is currently maintained to a good open surface standard and, subject to funding constraints, a policy of sealing two to three kilometres of road per year will commence in 1990-91 and continue until the road is fully sealed. On a statewide priority basis the sealing of the Burra to Morgan road is of a lower priority, but ongoing resheeting and minor alignment improvement work will continue to improve the standard of the road over the next few years.

In summary, the Government, through the Department of Road Transport, has correct and proper criteria for determining the priorities of sealing country roads. These criteria are based on relevant social and economic factors which determine the importance of a road; they are not based on the parochial, political factors which the member for Custance claimed in his speech were part of the decision-making process on this road 30 to 40 years ago. Consequently, I believe that the criticisms of the present Government's procedures for determining road sealing priorities, which are implied in the motion of the member for Custance, cannot be sustained. I believe that this motion should be rejected.

The Hon. B.C. EASTICK (Light): Before seeking leave to adjourn the debate, I should like to answer one of the questions that the member for Mitchell put to the House. He indicated that the usage was 80 to 100 vehicles per day in relation to the Morgan-Burra road. It has such a tremendous number of rollovers each month that a large number of people avoid it for the very reason that it is dangerous.

The second thing that I point out is that, if the honourable member took the figures that he used and sought to relate the figures for the Mount Crawford to Mount Pleasant road, which is almost completely bitumanised now and will be completed in the next three months, he would find that, in the main, the traffic was directly associated with motor cars, whereas the road which is under consideration has a very high proportion of heavy vehicle traffic, because it is the shortest distance from the eastern States to Perth. If the road were completed, as it has been within the boundaries of the Morgan District Council, it would take a tremendous amount of other traffic from the district councils of Truro, Saddleworth, Auburn and Eudunda, and it would deliver the traffic in a more direct line and away from the more densely populated areas.

There are many other things that I could say, but I wanted to take this opportunity to point out to the honourable member that one can do all sorts of things with statistics, but one has to relate the statistics to the facts. Unfortunately, the honourable member, who was given the task of relating to this subject matter, had not bothered to think the statistics through.

Mr Holloway interjecting:

The Hon. B.C. EASTICK: How do I know? Because I happen to have been the member for the area covered by the District Council of Morgan when the road was being put through with the distinct assistance of the then Deputy Premier, the Hon. Des Corcoran. At the same time, I happened to have been the member for part of the District Council of Burra and all the District Council of Spalding. I know full well the amount of work which was put into that area and the work which had been done to upgrade the already existing bitumen road from the Mount Bryan Road out towards Spalding. There are real problems with that area because of the fact that it draws such heavy traffic. I seek leave to continue my remarks later.

Leave granted: debate adjourned.

MOUNT LOFTY RANGES SUPPLEMENTARY DEVELOPMENT PLAN

Adjourned debate on motion of Mr S.G. Evans:

That in the opinion of this House the Mount Lofty Ranges Supplementary Development Plan, gazetted for interim operation on 14 September 1990, should be withdrawn.

(Continued from 8 November. Page 1680.)

Mr McKEE (Gilles): I have pleasure in making some remarks in relation to motion the moved by the member for Davenport. The decision to include the Baker Gully catchment area in the Mount Lofty Ranges watershed was at the time a well justified—

The Hon. J.P. Trainer: The wrong motion. The other Mount Lofty one.

Mr McKEE: In that case, I'm not on until No. 13.

The SPEAKER: Order! It is Order of the Day: Other Business No. 6 that has been called on, with the adjournment having been taken by the Hon. Mr Hemmings. I have mentioned this in private members' time for three weeks straight. The organisation of members to speak in private members' time should be looked at and improved. Members must know where they are on this list and respond. The honourable member for Napier.

The Hon. T.H. HEMMINGS (Napier): Mr Speaker, I do apologise to my colleague the member for Gilles, because I was being a little mischievous. I was testing that the Opposition were on their mettle.

The SPEAKER: Order! The member will come to the business.

The Hon. T.H. HEMMINGS: You are quite correct, Sir. I did take the adjournment on this motion. One often wonders why the member for Davenport actually has the temerity to move motions such as this. I am not taking away from the member for Davenport his right in private members' time to stand up and move any particular motion. However, the member for Davenport is well aware why the Government and the Minister, in particular, made this decision in regard to the Mount Lofty Supplementary Development Plan. In being aware of it, one could say, if one was churlish—and I am not churlish—that the member for Davenport was wasting the time of this House. My colleague the Minister on the front bench says he often wastes his time in this House; I would not go as far as that, but if the Minister has said it, he is my superior and he is entitled to say it. As to this motion, because I do not have my briefing notes in front of me, I will have to seek leave to continue my remarks later, at which time I will respond in depth to the remarks that were made by the member for Davenport.

The ACTING SPEAKER (Hon. P.B. Arnold): The honourable member seeks leave? Is leave granted?

Honourable members: No.

The ACTING SPEAKER: Leave is not granted. The honourable member for Napier.

The Hon. T.H. HEMMINGS: I find it rather disappointing that leave is not granted.

Members interjecting:

Mr HAMILTON: On a point of order, Mr Acting Speaker, does any member in this Parliament have the right to refer to another member as a 'pom'? Sir, I ask you to rule that that is a voracious attack and that it is unbecoming of any member to refer to another member by anything other than his electorate. I ask you to rule that that is unparliamentary.

The ACTING SPEAKER: I heard what the honourable member has said and I ask all members to uphold Standing Orders. I do not believe that the comment of the honourable member was unparliamentary, so there is no point of order.

Mr S.G. EVANS: On a point of order, Mr Speaker, I did not allow leave for the honourable member to continue his remarks, because this regulation has already been withdrawn. The motion is no longer relevant and there is no need to speak to it.

The SPEAKER: That is not a point of order; the honourable member has withdrawn the motion.

The Hon. T.H. HEMMINGS: In all the time I have been a member of this Parliament, to my knowledge, this is the first time that leave has been denied when I or any of my colleagues on either side of the House have stood up and made a few opening remarks and then sought leave to continue later.

An honourable member interjecting:

The Hon. T.H. HEMMINGS: That is fair enough. I respect the fact that the member for Hanson may be a little bit tired and that he may be a little bit upset with some of the ways that I—

The SPEAKER: Order! The honourable member will resume his seat.

Mr BECKER: On a point of order, Mr Speaker. I object to the honourable member's unparliamentary expression in

referring to me as being tired. I am not tired. I have been up since 6 o'clock this morning.

The SPEAKER: Order! There is no point of order. However, the member for Napier, once again, will take note of the Standing Order relating to relevance in a debate.

Mr Venning interjecting:

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

The Hon. T.H. HEMMINGS: I freely admit that I am tired. I was here at 2 o'clock this morning, and I do not mind admitting that I am tired.

The SPEAKER: Order! The member for Napier has been warned several times on the matter of relevance. Once again, I draw his attention to Standing Orders and the need for relevance.

The Hon. T.H. HEMMINGS: In regard to the Mount Lofty Ranges, it has been clearly documented many times in many reports both by this Government and by the previous Government that increased activity, such as small farming, piggeries and other related pursuits, is severely affecting the water catchment area. It is also a well-known fact that, because of increased building activity in that area something had to be done. With my limited knowledge of the Hills area, I am well aware of that and I would have thought that the member for Davenport, who actually represents that area, would have been aware of it also.

In relation to increased building activity, in most cases, no sewerage has been provided, so that may put further strain on the water catchment area. If there was not the need to pause, step back and assess the situation, we could have had a hotchpotch of development for which future generations of South Australians would condemn us. That is one of the reasons why I have been so critical of the member for Davenport's actions in respect of this motion. However, with the advice and concurrence of my friend the member for Walsh, I understand that the Minister has withdrawn the supplementary development plan, and I further understand that the member for Davenport will be withdrawing his motion.

Mr S.G. EVANS (Davenport): In closing the debate, I recognise that the regulation is now superseded by a later one and I am happy for the motion to go to a vote.

Motion negatived.

ECONOMY

Adjourned debate on motion of Mr Meier:

That this House congratulates Senator Walsh for his remarks in stating that the Prime Minister 'needs a spine transplant' and congratulates Senator Button for predicting the inevitability of hard times ahead for Australia and no improvement in living standards and condemn, both the Federal and State Government for the way they have handled the economy during the past eight years and in particular for the way they have treated the agricultural and rural industry in general.

(Continued from 8 November. Page 1681.)

The Hon. T.H. HEMMINGS (Napier): Before I comment on this motion, I apologise across the Chamber to the member for Davenport for what happened during the previous debate. Also, I take exception to the comments of the member for Hanson, which I will not repeat.

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: As to this motion, the House will recall that on 8 November, when I responded to the member for Goyder's motion, I expressed disappointment that a man of his calibre, talent and intelligence, a man who could be considered as one of the shining lights of the Liberal Party in relation to the rural members of the Liberal Party, had been sucked in to moving a motion where his only research was a series of newspaper articles quoting disgruntled former Labor Ministers and politicians. He strung their statements together to support his motion. I said then that I would cull through his remarks and take away all the newspaper headlines, the rhetoric and, when I got to what was left of his contribution, I would respond.

Mr Hamilton: Then why are you on your feet now?

The Hon. T.H. HEMMINGS: My colleague asks why I am on my feet now. That is right because, when one takes away the rhetoric, the disgruntled comments of former Labor Ministers and politicians and the views of the occasional member of the H.R. Nicholls Society, we end up with literally nothing. Therefore, I have had to look further at why the member for Goyder congratulates all those disgruntled has-beens and why he strung their views together as the basis for this motion.

The answer is as clear as the good water that comes from South Australian reservoirs. The answer is that the Liberal Party is suffering more from the rural crisis in credibility terms than is the Labor Party. When I pursue this matter I am sure that the member for Flinders will agree with me. When we look at the motions, statements or the lines of questioning from the Liberal arty about the rural crisis and the solutions that it advances, we see that the blame is usually laid at the seat of the Federal Labor Government—

Mr Quirke: It's always someone else's fault.

The Hon. T.H. HEMMINGS: As the member for Playford said, 'It is always someone else's fault', and that is true. Not once since this crisis has started to build up have we heard anything from the Liberal Party in relation to how we can resolve the rural crisis. I will not stand up here like some people and say that there is no crisis. I accept the fact that there is a crisis in the rural areas. Some of the stories that come out of rural constituencies are just as horrific as the stories about unemployment and its associated problems that come from the constituencies that some members on this side of Parliament represent.

Mr Brindal interjecting:

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

The Hon. T.H. HEMMINGS: I say that the Liberal Party is more frightened of the backlash than is the Labor Party because the National Party is at least making positive statements about how we can overcome the rural crisis, but the Liberal Party just keeps on with the old dreary cry of, 'Let's reduce interest rates. Let's build up tariff barriers. Let's cocoon the people in the rural community and give them a featherbed ride, and everthing will be okay.' The member for Flinders, if he were honest—and he is an honest man—would agree that that is not the answer; there are long-term problems of rationalisation that need to be considered not only by Federal and State Governments but by the rural community itself.

If ever a person put it into its true perspective it was Randall Ashbourne in last week's *Sunday Mail.* He said there were some members of the rural community—some, not all—who, when it came to manufactured goods, agricultural machinery, motor vehicles or trucks, did not buy from General Motors-Holden's, Ford or John Shearer but bought the cheaper goods from overseas. Randall Ashbourne made perfectly clear that many of them were driving Toyotas, Nissans or what have you.

It is the National Party that is ignoring all the hype and getting down to the grass roots of the problem, trying to overcome it. I venture to say that if there is a redistribution—and, Sir, you will understand my linking the redistri-

bution to this motion—many seats currently held by the Liberal Party in rural areas of South Australia will fall to the Nationals, because the Nationals represent credibility and truth.

Members interjecting:

The SPEAKER: Order!

The Hon. T.H. HEMMINGS: My friend the member for Custance, newly arrived in this place, received a hell of a jolt in the recent by-election. A lot of people dismissed that as a by-election. Both the Labor Party (the current Government) and the outgoing member—who went out under a bit of a cloud, as you would agree, Sir; he sold his soul to get into the Senate—thought that that was the constituency showing its displeasure. But, I would say it was more than that, and in this regard I think the member for Flinders would agree with me: that was the emergence of the widespread dissatisfaction out there in the rural community with its so-called mouthpiece in here and in the Federal Parliament—the Liberal Party.

People were saying, 'The Labor Party has wiped us off and we can't look to the Liberal Party to help us', so they will turn to the Nationals. I do not expect the member for Flinders to make any comment about that, but I would like to speak with him in the corridor during the luncheon adjournment because I am sure that he would agree with me. The official spokesperson for agriculture in this place (the member for Goyder) has to start putting forward motions to say that it is the Labor Party's fault but, in this case, he is saying not only that it is the Labor Party's fault but that there are ex-Labor Party has-beens who are actually saying the same thing. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

HOMESURE INTEREST RELIEF BILL

Second reading.

Mr BRINDAL (Hayward): I am pleased to have the opportunity to introduce the Homesure Interest Relief Bill which has already been passed in another place and is now before this place. Members will recall that we witnessed the remarkable spectacle in another place of members of the Labor Party voting *en bloc* against what was its own election promise. I hope that this longer parliamentary session will see this Bill, which was introduced by my colleague in another place, pass in both Houses.

The need for interest rate relief for home buyers is sadly as obvious today as it was in November 1989 when Premier John Bannon first announced his interest rate relief scheme. I acknowledge that interest rates have recently shown a decline, but that this rate for many people still over 15 per cent has to be of concern to us all. All members, whether based in the city or the country, who work regularly in their electorate office would know the pain many constituents are feeling because of a combination of high mortgage rates and high interest rates for other forms of credit.

My colleague in another place quipped that Homesure should really be renamed 'Homecon'. He, like I, believed that it was a $33 million con. The Premier, on a purely vote-grabbing exercise with Homesure, conned 33 000 South Australian families. They have been denied interest relief of $1 040 per year because Mr Bannon did not honour his Homesure election promise.

It is worth reminding Government members that the Homesure scheme was a direct and deliberate copy of the Liberal Party's home interest relief package. It was a promise that we costed carefully and, had we been in government, would have honoured. The Premier and his advisers worked feverishly overnight, we believe, to incorporate an almost identical scheme into the Premier's policy speech which was delivered on the next day. There was broad agreement between the Parties about the number of families who had purchased homes since housing interest rates were deregulated on 2 April 1986. On that, both Parties agree.

The Liberal Party estimated that about 80 000 families had purchased homes since that date and over 30 000 of them would be eligible for housing interest rate relief under the scheme, which was subject to a family income test. The Labor Party's scheme was virtually identical, but only the day before the Premier had denounced the Liberal Party's bold housing initiative. In the world of politics, it is strange how on one day something can be a bad idea and, on the very next day, it is taken to heart.

Members interjecting:

The SPEAKER: Order!

Mr BRINDAL: The essential elements of the scheme promised by Premier Bannon were as follows, and I quote directly from the initial advertisement for the Homesure scheme which appeared in the *Advertiser* on 2 January 1990:

You may be eligible for assistance if—

- you purchased your first home after 2 April 1986
- you purchased your home, other than your first home, after 2 April 1986 and are paying more than 30 per cent of household income in home loan repayments
- the interest rate charged on your first mortgage is in excess of 15 per cent
- you have no other property which could be occupied or sold
- the original loan(s) secured by way of a registered mortgage does not exceed $90 000
- the term of the loan is for a period not less than 20 years
- you have a household income of less than
  $40 040 with no dependants
  $45 240 with one dependant
  $47 840 with two dependants
  $50 440 with three dependants
  $53 040 with four dependants
  $55 640 with more than four dependants

Mr Atkinson: This is very important.

Mr BRINDAL: I take the honourable member at his word. I am sure that it is very important for people who are having difficulty meeting their mortgage repayments. It is more important that politicians on both sides of this Chamber, when they go to the people and make promises, are compelled at least by honour to abide by those promises. We as politicians often complain that the public does not take us seriously. If some of us are prepared to promise something that we will not honourably keep, we cannot blame the public for their low opinion of us. I thoroughly concur with the honourable member opposite by saying that he is right: this is most important.

The Premier indicated that about 35 000 families would qualify for this scheme which would commence operation on 1 January 1990. He stated that $36 million would be spent on interest rate relief in calendar year 1990. It is interesting to note that he has saved $36 million on the one hand yet he is looking for it on the other in every one of his departments. In other words, each of the 35 000 families had the potential to receive $1 040 in a full year. This was of vital assistance to home buyers suffering the impact of housing rates which were as high as 17.5 per cent, and would still be of assistance. Those 35 000 families represent about 80 000 people. It was a significant promise by the Premier, because it cancelled out the Liberal Party's home interest rate relief scheme and was particularly helpful in marginal metropolitan seats, where so many people likely to benefit from Homesure reside.

Some people would argue that it would have tipped the balance Labor's way in what was a cliffhanger election. But, instead of honouring this critical promise, the Premier and

Treasurer (John Bannon) reneged on it. The *Advertiser* of 2 January carried an advertisement inviting people who believed they were eligible for assistance under the Homesure scheme to apply. As I have already mentioned, this advertisement honoured the promise made at election time. However, just four days later, on 6 January 1990, another advertisement appeared in the *Advertiser* containing a critical difference. No longer were people eligible to apply for Homesure if they had purchased their first home after 2 April 1986. Under Homesure Mark II people were eligible for Homesure only if they had purchased a home after 2 April and were paying more than 30 per cent of their gross household income in home loan repayments.

Put simply, this critical difference in criteria disqualified 90 per cent of families who would have been eligible for interest rate relief under the Homesure scheme which was promised at election time. It was a dishonourable move. Put another way, only 10 per cent of families would have qualified for Homesure as promised at election time, and thus only 10 per cent of families remained eligible for assistance under the new guidelines. The reason for the dramatic fall in the number of eligible families is obvious to this House, just as it was obvious to the Premier and Treasurer of South Australia.

Banks and building societies, the main providers of housing finance in South Australia, will invariably not allow new home owners to commit more than 25 per cent of their gross income to mortgage repayments. Thus we see an exercise in cynicism in its most gross form. It will come as no surprise to members opposite to learn that Liberal members in marginal seats have been deluded—or rather deluged—

Members interjecting:

Mr BRINDAL: —with complaints from people who have now been disfranchised from the benefits of the Homesure scheme. Members opposite are picking up the fact that I was thinking on my feet inadvertently and using the word 'deluded'. Many people have approached me because they believe they were deluded—by this Government.

Members interjecting:

Mr BRINDAL: It is also true to say that members on this side of the House feel that they have been deluded. We believed that a Government which had been in power for so long would have some integrity in the promises it made in the election campaign so, whilst it was a slip of the tongue, I do not resile from the word 'deluded'. All of South Australia should feel deluded at the actions of this Government.

Members interjecting:

Mr BRINDAL: The Premier was not content to break one promise with respect to Homesure. Families were promised $20 per week, $86 per month and $1 040 per year. That was an election promise in black and white. However, under Homesure Mark II, families now receive assistance on a sliding scale ranging between $5 and $20 per week depending on the level of interest rates.

Members interjecting:

Mr BRINDAL: Only recently, the Minister of Housing and Construction in this place admitted that this assistance is now averaging only $13.63 per week. I have yet another complaint about the Homesure scheme. The Government has advertised the Homesure scheme in the worst and most cynical way possible. It has advertised the Homesure scheme on the side of buses and in newspapers, creating the impression that they have been promoting the scheme in a big way having, of course, cut the guts out of it in the beginning. They have spent tens of thousands of dollars on promoting the scheme in a most public fashion which has been both expensive and unnecessary. I seek leave to continue my remarks.

Leave granted; debate adjourned.

[*Sitting suspended from 1 to 2 p.m.*]

GOVERNOR'S MESSAGE

His Excellency the Governor, by message, recommended to the House of Assembly the appropriation of such amounts of money as might be required for the purposes mentioned in the following Bills:

Building Societies,

Corporations (South Australia).

PETITION: CANAAN HOMES DEVELOPMENT

A petition signed by 59 residents of South Australia praying that the House urge the Government to supervise and accept responsibility for the proposed Canaan Homes development was presented by Mr Lewis.

Petition received.

QUESTION

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

FIRST RADIO 5DN

In reply to **Mr S.J. BAKER (Deputy Leader of the Opposition)** 21 August.

The Hon. J.C. BANNON: SGIC has been a provider of finance to a number of South Australian-based corporate bodies and will continue to lend in the future. SGIC has advanced funds to First Radio Ltd. Funds advanced were on normal commercial terms negotiated between SGIC and First Radio Ltd. The investment is one of a number in the total portfolio of SGIC, which in recent years have provided excellent returns to the people of South Australia. SGIC is of the view that commercial confidentiality of transactions between borrowers and lenders must be respected. This is in keeping with normal market practice.

MINISTERIAL STATEMENT: LANDS SURVEY FEES

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I seek leave to make a statement.

Leave granted.

The Hon. S.M. LENEHAN: In response to the member for Chaffey's question earlier this week regarding land survey fees in the Riverland, I advise that there have been no increases in the fees charged by the Department of Lands for land divisions other than those reflecting inflation. The fee for lodgment of a certified survey is $54. Following acceptance a fee of $30 is charged for issue of a new title.

As a result of recent amendments to regulations under the Surveyors Act and Real Property Act, 10 areas of the State, including portions of the Riverland, have been declared designated survey areas.

All land divisions in these areas require a survey certified by a licensed surveyor. This has resulted in some cases in an increase in the fees charged by private surveyors for a plan of land division. The scale of fees published by the Institution of Surveyors recommends the following charges for plans of land division:

	$
Preparation of plan of division	611
Identifying new boundaries	766
Total	1 377

The additional requirement for a certified survey could add a further $1 242 to this cost. This action brings the cost of the division of freehold land in line with the costs associated with the division of land held under Crown tenure. The introduction of the suggested moratorium, even if it were possible under the regulations, would merely transfer responsibility and cost for identifying the new boundaries from the existing owner to the eventual purchaser. The changes to the regulations were designed to implement a modern and efficient land boundary system to the State, which will bring significant community benefit.

In response to the honourable member's concerns about Riverland water rates, interest penalties do not come into force for the Government irrigation areas until three months after the due date for payment. The interest free period expired on 31 October 1990 for the Loxton irrigation area. It will expire on 31 December 1990 for the Government highland irrigation areas, and on 31 January for the reclaimed swamp Government irrigation areas, including the Mypolonga highland irrigation area. Accordingly, most Loxton growers have already paid their irrigation rates, as have some growers of the South Australian Government highland and reclaimed areas. The payments now due are for water used in the preceding financial year, a year in which horticultural crops generally yielded higher prices than now.

On 30 and 31 October 1990 the Irrigation Advisory Boards for Berri, Chaffey, Cobdogla, Kingston and Moorook irrigation areas considered the level of outstanding rates. They advised that the present recovery procedures should be maintained with the exception that short-term extensions could be lengthened but payment should be made before the next half-yearly account became due. They did not suggest that interest should be waived. To do so would be out of step with commercial requirements and decisions taken by the Renmark Irrigation Trust. It is therefore not my intention to defer or waive the charging of interest. However in accordance with the advice of the Berri, Chaffey, Cobdogla, Kingston and Moorook Irrigation Advisory Boards, I have approved an arrangement under which irrigators who are in genuine financial difficulties, and who make individual application to the E&WS, will be granted an extension of time to pay of up to three months beyond the date from which interest will apply. To such applicants, water will continue to be made available for the extended period.

I also advise the honourable member that, on 23 October 1990, I announced that, due to additional rains in the upper catchment areas of the Murray River, it was possible to offer a four month extension for private and Government irrigators to use additional water without incurring penalty charges until the end of January 1991.

WILPENA STATION TOURIST FACILITY BILL

At 2.8 p.m. the following recommendations of the conference were reported to the House:

As to amendments Nos 1 to 7:

That the House of Assembly do not further insist on its disagreement to these amendments.

As to Amendment No. 8:

That the Legislative Council do not further insist on its amendment.

As to Amendment No. 9:

That the Legislative Council amend its amendment by—

Leaving out paragraph *(b)* and inserting the following paragraph:

(b) in relation to an increase in the capacity of the facility referred to in section 3 (6)—

(i) the Minister has increased the capacity under that subsection and the provisions of section 3 (7) have been complied with;

and

(ii) neither House of Parliament has disallowed the increase pursuant to section 3 (8a).

And make the following consequential amendment to the Bill:

Clause 3, page 3, line 42—Leave out paragraph *(a)*.

Page 4—After line 6 insert new subclause as follows:

(8a) The Minister must cause a copy of a notice referred to in subsection (6) to be laid before both Houses of Parliament as soon as practicable after the original was published in the *Gazette* and either House may disallow the increase in the capacity of the facility provided for by the notice within nine sitting days after the copy of the notice was laid before that House.

And that the House of Assembly agree thereto.

As to Amendment No. 10:

That the Legislative Council do not further insist on its amendment.

QUESTION TIME

The SPEAKER: Before calling for questions, I advise that questions normally directed to the Minister of Housing and Construction will be taken by the Deputy Premier and questions normally directed to the Minister of Mines and Energy will be taken by the Minister of Transport.

OPERATION ARK REPORT

Mr D.S. BAKER (Leader of the Opposition): I direct my question to the Premier. Who in the Government has assessed comments in the Operation Ark report prepared by Mr Justice Stewart about who is ultimately responsible for seriously inadequate police investigations of corrupt allegations, and who does the Government hold responsible? The Police Commissioner, through a report tabled in this House on 6 November, has explained his response to the recommendations of the Stewart report and, in sworn evidence to the NCA, Mr Hunt and other senior officers have admitted that police investigations of some of the Operation Noah allegations were seriously inadequate.

The Government has refused to recognise the Stewart report, yet the Police Force has conceded that many of the report's criticisms of its performance are justified and the Commissioner has acted on most of Mr Justice Stewart's recommendations. However, what remains unknown, because the Minister of Emergency Services has still to read the Stewart report, is who in the Government has assessed comments in this report about who was responsible for the performance of the police in this matter, and who the Government does hold responsible.

In this respect, the Stewart report contains comment under a section headed 'Where does the "buck" stop'. I refer to that section, and I seek the indulgence of the House in respect of a somewhat lengthy quote, made necessary because neither the Premier nor the Minister have yet read the report. Mr Speaker, I seek your indulgence to quote from that report.

The SPEAKER: As briefly as possible.

Mr D.S. BAKER: The report states:

The authority must admit to considerable disappointment when it heard from the Commissioner that the charging and ultimate conviction of the former head of the Drug Squad, Chief Inspector Barry Moyse, had 'devastated' him. Yet, during the course of evidence, he admitted that, beyond addressing the Senior Executive Group of the dangers of corruption within the ranks of the Police Force and published *ad hoc* writings from time to time in internal journals, he had issued no directions or policy guidelines concerning the drawing of such allegations immediately to his attention. The authority is aware of the recent publication by the Commissioner of a code of conduct for South Australian officers. It is certainly a step in the right direction. However, in the authority's view, some further and more immediate action was and is required in respect of 'getting the message home' to the officers and the other ranks of the South Australian Police Force. In this general sense, the answer to the question of who is to blame ultimately must be related to where the 'buck' always stops, namely, at the top.

This section of the Stewart report concludes:

The public is entitled to require of its Police Force that it be accountable for its actions, in particular so far as its members are concerned. If that accountability is not generated from within, it must be imposed from without. The authority's recommendations should be seen in this light.

The Hon. J.C. BANNON: Let me first say that the Government has not refused to recognise the so-called Stewart/Ark report as the Leader of the Opposition alleges. On the contrary, I refuse to recognise it. It is the interpretation of that phrase that I think is very important to this discussion, because what the Leader of the Opposition means by that is that the Government has said that the report is of absolutely no significance whatsoever. We have never taken that view. On the contrary, the recommendations contained in that report were in fact published by us and, as the Leader of the Opposition acknowledges, those recommendations were taken note of and acted upon by the Commissioner of Police. In other words, they were looked at and have been dealt with.

That must be put in the context of the Government's responsibility for recognition in what I would regard as a formal and appropriate sense. In fact, the Ark report of the NCA was the report that was forwarded to the Attorney-General in December 1989 by the NCA. That was the Ark report, and that report was released in full by the Attorney-General in January 1990. That is the official report to the Government of the findings and conclusions of the NCA about that particular operation.

The fact is that, as is well known, the official document that was forwarded to us differed from the Stewart report. Why did it differ? That difference has been explored very fully indeed because, in fact, the NCA, as constituted at the time the report was completed and at the time the report was forwarded to us, disagreed with what one might call the 'Stewart Ark report'. It made that disagreement quite clear and it made a report to us which did not pick up some of the more extended—one might even say flamboyant—language that was used in the Ark report. So, that is the report to which the Government has to have regard—and I would have thought there is no argument about that; if the Government is to receive reports from an authority, it receives them as the authority presents them and does not try to second guess them or ask for working papers or for early conclusions.

The fact is the NCA at the time disagreed with the text that was contained in the Ark report of Justice Stewart that was being completed at the time he retired. The fact that indeed we have gone further and acknowledged that those recommendations were worth looking at, despite the fact that they were not reproduced in all respects in the second report, I would have thought showed how very concerned we are to ensure this matter is fully explored. I would have thought the Commissioner of Police's response to this area is ample testimony to the desire of all concerned to ensure these matters are dealt with properly. Again, I repeat as I did yesterday: to try to invent some sort of conspiracy out of this is really drawing an extraordinarily long bow. The fact is, strictly speaking, there is only one report of the NCA, but the fact that another report was prepared earlier which the NCA of the time rejected has not in fact prevented us from picking up those recommendations, nor the Commissioner from doing something about it. That, I would suggest, indicates the comprehensive way in which we are prepared to deal with these matters.

BAROSSA WATER RESOURCES

Mrs HUTCHISON (Stuart): Can the Minister of Water Resources confirm that a moratorium has been placed on further surface and ground water development in the Barossa Valley water protection area and, if so, what are the reasons for this decision?

The Hon. S.M. LENEHAN: I thank the honourable member for her question. I am very pleased to announce to the House that as Minister of Water Resources I have declared a moratorium on further surface and ground water development in the Barossa Valley water catchment area. This has become necessary due to the increasing use of surface water for irrigation purposes in the upstream part of the North Para catchment and in the rapid development of ground water supplies in the Lyndoch and Williamstown area.

The North Para Water Resources Committee has been studying the problem for some considerable time and, indeed, has consulted widely with the district councils. The moratorium involves a one-year halt to further water resource development while the North Para Water Resources Committee prepares a management plan with the aim of ensuring sustainable development for the total water resources of the Barossa Valley.

The only exceptions to the moratorium will be: existing water users in the water protection area at the time of this announcement, with the proviso that current water use is not increased; the taking of water for stock and domestic purposes from either surface or underground resources and the storage of this water in dams of not more than five megalitres in capacity; and those people who can demonstrate that they have made a significant financial commitment to develop a new or expanded water supply in the past 12 months.

All residents of the Barossa Valley will have ample opportunity to contribute to the management plan, and the North Para Water Resources Committee will be consulting with local groups and residents at various stages during the production of the plan.

STATE BANK

Mr S.J. BAKER (Deputy Leader of the Opposition): My question is directed to the Treasurer. What is the current level of non-accrual loans in the State Bank group, and is the Treasurer confident that appropriate remedial action has been taken to prevent them from becoming bad debts and to halt any further increase?

At 30 June 1990 the level of non-accrual loans within the group was $635.2 million or 4.3 per cent of loans, advances and receivables which the chairman of the bank described

as an 'unacceptable level'. Of this total $214.7 million of non-accrual loans were held by the Beneficial Finance Corporation and the chairman of Beneficial, in its annual report, said that 'there is potential for the level of non-accrual loans to increase if the economy remains depressed and the property market does not improve'. Since 30 June 1990 the economy has worsened and the property market has not improved.

Ten weeks ago, during the Budget Estimates Committees, the Leader asked the Treasurer whether he could provide information to indicate the proportion of the State Bank group's total loans involved in property investments in other States and what proportion of the bank's non-accrual loans and provision for bad debts related to those loans. The only response so far has been a written reply from the Treasurer seven weeks ago which stated that 'the State Bank is still in the process of compiling this information and a reply will be forwarded to the Leader of the Opposition when it becomes available.'

The Hon. J.C. BANNON: The honourable member asks the question and then gives his own answer. I believe that the appropriate time for any of these figures would presumably be when the bank gives its half-yearly report. That is the normal practice. Incidentally, while the honourable member huffs and puffs about this aspect of the State Bank's accounts, he could well read the financial pages of the papers at the moment and the various reports that are being tabled by the major and minor private trading banks in this country and begin to understand what has been happening in banking generally and put the State Bank's performance in context because—

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —we must retain a sense of perspective about that. I must say that we in this State have a higher vested interest in the performance of the State Bank than in some of these other banks, because it is our bank, and we ought to be supporting our bank in its management and effective support of the South Australian economy.

MOTOR VEHICLE SALES

Mr HAMILTON (Albert Park): I direct my question to the Minister representing the Minister of Consumer Affairs in another place. Will the Minister of Consumer Affairs advise when a review of the Fair Trading Act and of the Consumer Transactions Act will commence? Will she, in reviewing those Acts, call for submissions from the public, the Motor Traders Association and other organisations so as to introduce legislation for cooling off rights for the purchasers of new and second hand vehicles? I have received a number of representations from constituents and I should like to give two examples. One constituent purchased a motor vehicle for about $23 000 and his mother was to finance the cost. His mother died very shortly afterwards. He is now in a very difficult situation, yet the vendor is not prepared to cancel the contract.

Secondly, when a constituent who had ordered a new vehicle visited the showroom to collect it, she was stunned to find that the vehicle had many faults, particularly with the paint work which was damaged. This matter was followed through with the company concerned, and it appeared that my constituent had to accept the vehicle that she had purchased with the company agreeing, after some effort on my constituent's part, to respray the vehicle.

Finally, it has been put to me that advocates of the cooling off system have pointed out that the same arguments for such a cooling off system were applied to house sales, and houses still sold; legally, there has been little trouble with such a cooling off system.

The Hon. S.M. LENEHAN: I thank the honourable member for that question and for the detail that he has provided to the House with respect to those incidents. I shall be pleased to refer that matter to my colleague in another place, the Minister of Consumer Affairs (Hon. Barbara Wiese) and bring back a report for the honourable member.

STATE BANK

Mr BECKER (Hanson): Has the Treasurer made any proposals to the State Bank Board in relation to improving the administration of the bank's affairs and, if so, what were they and when were they made? Section 14 (4) of the State Bank Act 1983 provides:

> The board shall consider any proposals made by the Treasurer in relation to the administration of the bank's affairs and shall, if so requested, report to the Treasurer on any such proposals.

Reports show that, with $921 million of taxpayers' equity tied up in the bank and the forecast in the State budget that there will be no return on it this year, it is important for the Parliament and people of this State to be aware of what proposals the Treasurer has made to ensure that the bank's administration and performance improves in the future.

The Hon. J.C. BANNON: The honourable member's question is very timely in the sense that only last week the State Bank announced a major restructuring and slimming down of its administration, overheads and expenses. In fact, because the State Bank has been through a period of quite remarkable expansion and major financial return to the State in so doing, it has also increased employment levels substantially over this time, and that was very welcome in our economy. For instance, it has given many young people an opportunity to get into one of the service sectors with good training support and good career and promotion prospects. It is a matter of great credit to the bank that it has been able to provide those opportunities but, as in every organisation, whether it be Government or private, in the current environment everyone is looking at costs and administrative structures and trying to slim them down to ensure that they are developing the greatest productiviy and value possible.

In that respect the bank has restructured itself into three divisions: financial services, finance and banking. There have been some changes in the senior management positions, which have led to a redeployment of some staff. I am advised that those changes will certainly improve the performance of the bank administratively. It has always been pretty good in terms of its overall administrative structure, but this will make it even more effective. The consequence will also be that there will be a reduction in overall employment in the State Bank as part of the policy, and that will be achieved, obviously, as much as possible, through natural attrition and not resulting in wholesale sackings or redundancies of that sort.

I would hope in that process that the bank is able to ensure that that low level of employment opportunity, that is, those young people who have come into banking and finance in the last few years can be retained in the structure, because there is no question that, when the economy improves, we will be back onto a growth pattern; the State Bank will be right at the forefront of that, and it would be tragic if a number of the skills and abilities of that junior section are lost in the meantime. I am sure that the bank does have that in mind and, in the periodic discussions I

have with the Chairman and General Manager, I will certainly be suggesting that to them. I am satisfied that the bank is certainly attending to its overheads and administration, and doing so in an effective way.

ST PAUL'S BUILDING

Mr TRAINER (Walsh): Can the Minister for Environment and Planning advise the House of the present position regarding St Paul's building, which was previously approved for demolition and has been the subject of great community concern that the building should be retained as part of the heritage of this city and in an environment in which the concept of streetscaping could be applied?

The Hon. S.M. LENEHAN: I am delighted to be able to inform the House that the circumstances relating to the building known as St Paul's have indeed changed. The building is now on the market, and today I have placed the building on the interim register of State heritage items and authorised an urgent conservation order on it. Officers of the Heritage Branch of my department have been in consultation with officers of the Adelaide City Council, and I understand that the council proposes to take the necessary steps, including full public consultation, towards placing the building on the Adelaide City Council's register of heritage buildings. It is important that the House understands what the consequences of my actions have been. My actions imply that there will be full public consultation, which can be undertaken by the Adelaide City Council, and this in no way takes away from the existing general development rights that currently exist on that building. This will allow proper and full consultation to take place with respect to the Adelaide City Council making a decision on whether or not to place the building on its register of heritage buildings.

PRESCRIPTION FEES

Dr ARMITAGE (Adelaide): I direct my question to the Minister of Health. Why has the Government done an about-face on charging pensioners who obtain pharmaceutical supplies from public hospitals $2.50 per prescription as provided in the Federal budget? On 23 August in response to my question on this matter, the Minister stated:

> The assistance and remissions that pensioners currently obtain will continue. However, where non-pensioners go to a hospital as outpatients, almost certainly the charge will apply.

I contrast this reply with the Government's decision now to impose the $2.50 charge from 1 November on pensioner health benefit cardholders and I ask him to justify this complete about-face.

The Hon. D.J. HOPGOOD: I do not know where the honourable member has been, because the decision was taken some time ago to be effective from the beginning of this month and, indeed, it was publicly announced and justified. The whole point of the matter is that, in making that charge, the Commonwealth made it clear that the additional $2.50 would be available to pensioners in order to cover the charge. The Government felt that it was in a position where it had to protect the balance between what happens at public hospitals and what happens outside them.

Otherwise, all we would get would be a flood, an inundation, of people racing to the hospitals. I do not see that we really had any alternative. In fact, if there had been no $2.50 available from the Commonwealth, if there had not also been that aggregation proposal which the Commonwealth has now adopted, I am sure that we would have seen things in a different light, as I think we probably did when initially it was announced that this charge would be put on. But, in the light of the additional assistance which the Commonwealth has made available and which has been widely canvassed in here in the context of whether it should be taken into account in the setting of Housing Trust rents, it seems to me that we are in the position where *(a)* the pensioners are no worse off (indeed, it has been justified as a more rational system than what previously applied): and *(b)* our hospitals would be far worse off if we had not done it.

STA PROPERTY DAMAGE

Mr ATKINSON (Spence): Will the Minister of Transport advise the House of the conduct expected of good citizens when they find people vandalising STA property?

The Hon. FRANK BLEVINS: I thank the honourable member for his question. He is one of the few Parliamentarians who use public transport all the time: it is his only means of transport, and I add that he finds the system excellent.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: However, in response to the question, it is the civic duty of everyone in South Australia, upon witnessing a crime being committed or someone vandalising STA property, whether it is by means of graffiti or any other act of vandalism, to report it. It ought to be reported to the STA, to members of the transit squad or an STA employee, or to the police, because action can be and is taken whenever we have sufficiently soundly based reports. Some acts of vandalism take place in broad daylight on our railway stations, for example, while passengers are waiting for trains. In broad daylight some young people paint graffiti, damage and vandalise STA property in full view of passengers on the platform. It is incumbent on those passengers to notify us as quickly as possible so that action can be taken. We recently announced a transit watch program whereby rewards are paid by the STA for information that leads to the apprehension of some of these so-called graffiti artists or vandals. That has had some success, and some rewards have been paid.

No doubt we are looking for greater public involvement because without it the problem will not improve. There is no way, in a system as extensive as the STA, that it can be under surveillance by STA employees 24 hours of the day—it is simply not possible. We rely very much on the general population of Adelaide to assist us in watching the property. It involves not only the STA—vandalism and graffiti are becoming an increasing problem in the community, in this State and elsewhere. Local councils are now having to put aside considerable amounts of money to deal with this difficult problem.

The Government has announced that it intends to reintroduce legislation to make parents more responsible for the actions of their children. I refer not to responsible parents who do the right thing with a child who does the wrong thing occasionally but to parents who deliberately neglect to supervise or who do not appear to care about what their children are doing during the day and night. I hope that all members opposite have had second thoughts about that legislation. They opposed it last time it was before the House, and I hope that this time they will support it. It is the civic duty of everyone in Adelaide to assist us with this very difficult problem.

PASTORAL LEASES

Mr LEWIS (Murray-Mallee): Does the Minister of Lands recall telling a pastoral industry meeting at Port Augusta in November 1989 that good management of a lease, that is, conserving the native vegetation, along with the level of improvements, would be considered as deductions in computing pastoral rents? Is it now a fact that the rent—that is the Crown's interest—will be higher if the vegetation on the lease is deemed to be in good condition—an opinion consistent with the one that only last week the Minister sought to incorporate in law in the Valuation of Land Act Amendment Bill?

The Hon. S.M. LENEHAN: In answering the honourable member's question, I remind him that it was the Pastoral Act passed by this House that gave the Valuer-General responsibility for the setting of pastoral rents. This House and the other place very carefully specified the particular criteria the Valuer-General must take into account in ascertaining and determining the level of pastoral rent. From my discussions with the Valuer-General, I understand that that is exactly what he is proceeding to do. However, for the benefit of the honourable member, I will refresh his memory as to an answer I gave some time ago in the House about the setting of new Pastoral Land Management and Conservation Act rents that come under the new Act. That answer reads as follows:

The Valuer-General will annually determine the fair market rent for only the Crown's interest in the land held under a pastoral lease. This means that the value of any improvements not owned by the Crown is disregarded. In determining this rent, the Valuer-General must also take into account the proximity and accessibility of markets and all other factors affecting the profitability of the commercial enterprise under the lease. Initially, a number of approaches were considered.

An honourable member interjecting:

The Hon. S.M. LENEHAN: I should like to have the opportunity to answer the honourable member's question fully and frankly. My answer continues:

Initially, a number of approaches were considered, as is normally the case with any valuation. However, the basic approach has always been the direct application of market rent and evidence from comparable properties. Briefly, the approach adopted by the Valuer-General is, first, to determine a rental based on comparable market evidence for the whole property as a going concern. The lessee's interests, that is, the improvements, are then valued separately and a rental imputed to those improvements at the appropriate rate of return, as also indicated by market evidence.

By deducting the rent appropriated to the improvements from the total rent payable for the property as a going concern, the market rent of the Crown's interest is then deduced. A great deal of time and research has been carried out by the Valuer-General and his staff in order to ensure an accurate and equitable determination of these rentals. This has included many meetings with the United Farmers and Stockowners Pastoral Task Force, and that body's own private valuer.

I should be very pleased to take up any specific points in the honourable member's question, but again refer him to the fact that the Valuer-General reports directly to this Parliament. The Valuer-General is not under my control—he reports to this Parliament. He has been given very clear instructions and guidelines by this Parliament on the procedure for determining fair market rents for pastoral leases. I understand that these are the procedures he is following.

RECREATIONAL FISHING NETS

Mr FERGUSON (Henley Beach): Will the Minister of Fisheries inform the House whether the freeze on the use of recreational mesh nets for fishing is likely to be lifted? Since the use of recreational fishing nets was frozen in 1985, I have been approached by several constituents to see whether it is possible to have this freeze lifted. My constituency is similar to yours, Sir, and I have many boat owners and people interested in fishing within that constituency. The use of nets was widespread in the nearby coastal waters a decade ago.

The Hon. LYNN ARNOLD: I appreciate the honourable member's concern on behalf of his constituents, and I know that many other members of this place have a similar concern on behalf of their constituents who are involved in either the recreational or commercial fisheries. A green paper process is presently under way with respect to the marine scale fishery, and I anticipate later this year or early next year releasing a supplementary green paper into that fishery.

That paper will deal further with a number of issues related to netting in both the recreational and commercial fisheries. It would greatly surprise me, however, if we were to free up the situation with respect to recreational nets, as a very serious problem developed in the mid 1980s that needed urgent action in the form of the freeze that was applied in the first place.

I have a table of statistics showing the number of fishing nets registered in the recreational sector. It is a purely statistical table and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Recreational Fish Nets

	80-81	81-82	82-83	83-84	84-85	85-86	86-87	87-88	88-89	89-90
Number of fish nets registered	11 582	11 431	11 508	13 069	14 943	23 574	22 817	14 183	12 071	10 754

The Hon. LYNN ARNOLD: In summary, the table shows that in 1980-81 there were approximately 11 500 licensed recreational nets. By 1986 that figure had virtually doubled to over 23 000 nets. At that time, the freeze was put on and in the year 1989-90 the figure had come down to 10 754. In other words, the number is now less than it was in 1980-81. I think that the freeze has resulted in a large reduction of impact on the fishery. While there is a legitimate purpose in the use of netting in the hierarchy of fishing strategies, it is important that the balance is correct. So, with respect to the recreational fishery (where it was argued that there was not a great deal of recreation in putting out a net, going away and just allowing fish to be caught), it was quite reasonable to apply the freeze. I know that some people would argue with that point of view, and we will deal with that further in the supplementary green paper. But, as I say, I would be most surprised if that ban is ultimately removed.

LIVE SHEEP EXPORTS

The Hon. TED CHAPMAN (Alexandra): Will the Minister of Agriculture detail his Federal colleagues' policy regarding the setting of quotas for live sheep exports from

Australia, and will he indicate to the House whether he supports the policy?

The Minister will be aware of the collapse in the live sheep export trade to the Middle East. It has been accelerated by the current Iraq/Kuwait crisis, and further compounded by the 40 million excess sheep we have at present within the Australian rural arena. I am made aware from Mr Kerin's letter of 15 November 1990 to Mr Hayward of the AMLC that he now acknowledges that there is significant disquiet amongst livesheep traders over what he describes in that letter as the 'AMLC quotas Bill'.

The Hon. LYNN ARNOLD: I thank the honourable member for his question and I certainly appreciate his ongoing and significant interest in respect of the live sheep export industry, and I note and share his concern in respect of the deterioration in that trade. It is quite true that there has been a significant deterioration. In 1988-89, some 6.3 million sheep valued at $200 million were exported in the live sheep trade. This fell to 4.5 million in 1989-90, valued at some $95 million. Of course, the situation this year is that the market has dropped away even more. It is true that the Federal Minister has indicated that two Bills will be discussed in Federal Parliament. I understand that they will be debated in the first week of December in the Senate to deal with the quota arrangements referred to by the honourable member.

As it stands at present, the Australian Meat and Livestock Corporation (AMLC) currently has the powers to restrict the quantity of meat and livestock from Australia; prohibit the export of meat and livestock to particular countries; and to administer meat quotas to a particular country where restrictions are, or in the opinion of the corporation will be, imposed by either that country or Australia. Of course, there has been the recent disruption to the live sheep trade to the Middle East resulting from the rejection of some shipments on apparent or alleged animal health grounds that has pointed out shortcomings in the AMLC's powers to impose and administer the scheme to limit exports.

In particular, the corporation wished to introduce a scheme under which the total number of sheep exported to Saudi Arabia would be limited to a pre-determined level, and authority to export would be allocated to licensed exporters on the basis of entitlements purchased under a trade auction system. While the corporation can limit the quanity of exports to Saudi Arabia by issuing approvals on a shipment-by-shipment basis, this places the corporation in the situation of continually making decisions about when shipments can depart, which exporters can make shipments, and in what order the shipments may depart.

Exporters are continually lobbying the corporation for favourable treatment and, although the corporation has set criteria designed to ensure some degree of efficiency and equity when making these decisions, the criteria are necessarily subjective, leaving the corporation vulnerable to charges of favouring one exporter over another, and to the possibility of legal action by an aggrieved exporter. The corporation does not currently have the power to sell entitlement to quota.

The corporation consequently requested the Federal Government that it be given powers to establish quotas for live sheep exports to Saudi Arabia and that it be given power to sell entitlement to such quota. That is the situation to which the Federal Government has acceded and, hence, the legislation that is before the Federal Parliament. I am certainly happy to convey the opinions of members of this place to the Federal Government in anticipation of that Bill being discussed in the Federal Parliament. I will certainly keep members informed of developments in relation to this very important issue.

YELLOW PAPERWASP

The Hon. T.H. HEMMINGS (Napier): I direct my question to the Minister of Agriculture. Has the Department of Agriculture any contingency plans to put into effect if the *Polistes dominulus*, commonly known as the yellow paperwasp, establishes itself in South Australia? The Minister will be well aware that in some parts of the eastern States, particularly in Sydney, the yellow paperwasp has created problems in that it has habits that are similar to those of the European wasp.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: The only plans that we might have are with respect to a better education program about what is a yellow paperwasp and what is a European wasp. The fact is that the yellow paperwasp, is a bit of a paper tiger of a wasp and does not present the same problem as the European wasp. The yellow paperwasp, the *Polistes dominulus*, is a member of the Vespidae family, or the wasp family. Most wasps in that family have the ability to inflict painful stings and, consequently, some members of this group, such as *Vespula germanica*, the European wasp, are considered to be urban pests. There are some native vespid wasps. The yellow paperwasp is an introduced wasp, as is the European wasp and the English wasp. The yellow paperwasp was introduced from Europe and has been present in Western Australia since 1977 and more recently, was identified in Sydney in May 1989.

However, the best advise we have is that it is unlikely to cause major problems if it becomes established in South Australia. It has the ability to inflict a painful sting if it is disturbed, but the frequency of such an event is considered to be extremely low. Native wasps of the same genus with similar habits and behaviour are already found in South Australia, but reports of stings from these species are likewise very rare. Of course, the same cannot be said of the European wasp. The yellow paperwasp is similar in size and colour to the European wasp and may sometimes be confused with that species. That is the issue that may need to be addressed if it does become established; people will need to know whether they are dealing with a European wasp or a yellow paperwasp infestation.

UNIONISM

Mr GUNN (Eyre): I direct my question to the Minister of Labour. What distinction does the Minister draw between compulsory unionism and preference to unionists in employment? I draw the Minister's attention to the case of an 18-year-old boy who, under duress, signed a form undertaking to join a union in a 'reasonable time' in order to get a job as a general maintenance caretaker employed by the Education Department in Ceduna. He has now received a letter from the Federated Miscellaneous Workers Union saying that, unless the union receives his union application form by 19 November, steps will be taken to see that a unionist is placed in the position. Presumably, since the time limit has now expired, steps are already in train. A union official who visited the school followed one employee around the school grounds while that person was working and attempted to force that person to join the union.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: The member for Eyre has asked a serious question, but he should know, as has been enunciated in this House many times before by previous Ministers of Labour and by me, that the Government has an agreement with the trade union movement that people in Government employment should be in the trade union movement. We do that for very good and sound reasons—

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: —because it reduces the incidence of industrial disputation and—

Members interjecting:

The SPEAKER: Order! The honourable member is out of order. The honourable Minister.

The Hon. R.J. GREGORY: As I was saying, it reduces disputation and it ensures that, when negotiations are conducted with the trade union movement about employment conditions for people employed by that establishment, they are conducted with people who can negotiate on behalf of the employees at that place.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: It will take only another 15 minutes, Sir.

The SPEAKER: I assure the Minister that it will not.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: As to compulsory unionism, there is a very real difference. There is no compulsory unionism in this country.

Members interjecting:

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

Members interjecting:

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

The Hon. R.J. GREGORY: As I said, there is no compulsory unionism in this country and I will describe to this House what compulsory unionism is. In other countries where compulsory unionism is enforced, if one does not join a union when working at an establishment one can be fined for not doing so. We do not have those laws in this country: what we have is a situation where employers and the trade union movement reach agreements about certain conditions of employment and, in many instances, apart from the Government, agreements are reached that non-unionists will not be employed on certain building sites, in a particular factory or in any other establishment. Those agreements are reached, and people honour them as they do any other contract that is entered into. I see that as being a very distinct difference, because there are a number of companies in relation to which those agreements do not exist. However, the Government does have preference for unionists and does have agreements with appropriate trade unions.

PORT ADELAIDE YOUTH WORKER

Mr DE LAINE (Price): Will the Minister of Family and Community Services review the decision made by his department to withdraw funding for the youth worker at Port Adelaide? The Port Adelaide Central Mission has been advised that funding for its youth worker will not be renewed after 31 December 1990. Port Adelaide still rates as a high priority area for youth work, given a range of indicators, namely, unemployment, offending behaviour, families on low income, accommodation needs and so on.

The Hon. D.J. HOPGOOD: Often, a difficult choice must be made in that a new area has to be funded by defunding an older area, and that, in effect, is what has happened in this case, following a review of the commitments we feel we must make to the neediest areas. The Port Adelaide Mission, of course, is and continues to be a participant in the Multicultural Western Youth Service and, pending any further decision by the Government, that is the situation that will obtain. I can tell the honourable member that the matter will be further reviewed for the 1992 year in the light not only of the priorities and needs in that area but also of those that exist in other areas. However, given that in effect the funds that are available for this sort of activity across the whole of the State have not increased, except to cover inflation, the only step that was available in servicing new initiatives was, in some cases, to cut back on previous ones.

That is not the only instance that has been nominated in this Chamber in recent days, or, indeed, during the budget estimates debates. We will, however, sensitively review the whole area, and there may be an opportunity for a renewal of the funding, or something like it, in 1992.

HOUSING TRUST TENANTS

Mr BRINDAL (Hayward): Will the Deputy Premier, representing the Minister of Housing and Construction, ask his colleague to allow the Housing Trust of South Australia either to put tenants in new locations on three months probation or to have the maximum flexibility to look at the circumstances surrounding such areas as the background, especially any criminal record, and past performance of tenants so that, while not denying to anyone their right to a house, the trust is given maximum flexibility in respect of the most suitable placement of tenants? This morning I was approached by an elector who is a Housing Trust tenant. Her problems are complex and extend over eight months. Her neighbour had been visited by our police on at least three occasions. One such occasion involved the Star Force, fully equipped and operational. The result of that visit was a series of charges, owing to the recovery of allegedly stolen goods. The trust has tried to intervene.

On one occasion three trust cars, the police and a locksmith attended, attached eviction notices and changed the locks. It took the gentlemen less than 10 minutes to regain possession, and that was over a month ago. This woman's teenage daughter is suffering from high blood pressure and has recently been sent home from school with a rash caused by emotional stress.

Elsewhere in the electorate, I have a large number of elderly single women who live in medium density housing group. Recently, housing in their midst has been allocated to a number of young single males, with subsequent visiting by a number of bikies using loud offensive language and exhibiting disorderly behaviour, and their tendency to urinate openly on the lawns whenever the need arises has caused these women a great deal of distress. Finally, we have another group of units in which the behaviour of one juvenile has been so outrageous that the trust has moved some 25 per cent of the tenants to other locations and has had to put up with approximately eight unallocated units rather than shift the offender and his family.

The Hon. D.J. HOPGOOD: I appreciate the gravamen of the honourable member's question. Those of us who have been here for any length of time will know that this

is nothing new. Most members, at some stage in their parliamentary career, have been approached by people to have somebody in their midst removed to some other rental location. I can recall a situation in my electorate many years ago where an individual was so nasty to everyone that a petition was obtained from everyone in the street to have that individual removed. On further examination, it was discovered that he was living there only because he had previously been shifted from somewhere else following a similar set of signatures having been sent to the Housing Trust. The Housing Trust was reluctant to shift him, preferring mediation and so on, but eventually after a prolonged campaign by the local people he was further shifted. One person said to me that he thought that this person's only chance of living harmoniously with his neighbours was to be made a lighthouse keeper somewhere. As a result of experience, the trust would prefer a considerable mix.

I can remember the late Alec Ramsey saying that as an experiment the trust decided to put in a cul-de-sac (in a suburb that I will not name) and to fill it up completely with single mothers. That apparently was an absolute disaster. A mix of older and younger people, in some cases women living with children but no father, or young men on their own, is probably the best way to go. The problems involved before people are shifted into these locations are such that it is not always possible, without the sort of gross invasions of privacy that would not be countenanced by anyone in this place, for the trust to know all that it perhaps should know in locating tenants.

So, that is the problem we have. Sometimes the antisocial behaviour only manifests itself following the locational decision, and it was not something necessarily obvious prior to the decision. It is not an easy problem. It is one with which I have no doubt the trust has been grappling since about 1938. However, I will certainly refer the honourable member's question to my colleague, who will no doubt bring back a considered answer.

COASTAL EROSION

Mr HAMILTON (Albert Park): Will the Minister for Environment and Planning advise my constituents whether the feasibility study of various methods of halting or combating coastal erosion has been completed and, if it has, when will that report become available? If it is not available, can the Minister give an update on what methods are being investigated? Semaphore, Semaphore Park and Tennyson constituents, as the Minister is aware, have expressed considerable interest in this matter and have sought a further update on it.

The Hon. S.M. LENEHAN: I thank the honourable member for his question, which I understand was precipitated by an article entitled 'Disappearing dunes' that appeared in one of the local papers. I remind the honourable member that, when we talk about the whole question of erosion, we are talking about something that is 3 000 years old. The Adelaide coastline has been eroded by nature for about 3 000 years, but the advent of white civilisation (for the want of a better word) has exacerbated the natural erosion process.

The Coast Protection Board has the responsibility not only for ensuring that we arrest this continuous degradation and erosion of our beautiful beaches and coastline but also for trying to regenerate and replenish sand in these areas. I cannot give the honourable member specific information about a feasibility study or the date of release of that report, but I can tell him briefly about some of the things that have proven to be successful.

I want to preface my remarks by saying that there is no one magical panacea in terms of solving this serious problem of coastal erosion, although it would be nice to think that there was. We have tried a number of solutions and a degree of research has now been built up to ensure that we choose the correct situation. The strategy for coastline beaches over the past 18 years specifically and primarily has been sand replenishment, with rock protection as the last line of defence. This has been successful, as can be judged from the massive damage that occurred prior to the board's work.

That is the only objective criterion about how successful some of these programs are now becoming. Apart from holding the beaches in many areas, dunes have actually been reformed in the areas of Brighton and Seacliff, as the honourable member representing that area would be aware. In fact, we have inspected that area together with the local council and with Rob Tucker, from the board.

I am sure that the honourable member would be aware of the complexity of some of the solutions put forward by local residents right around the coastline of South Australia. Certainly, there is more work to be done in stemming erosion in certain areas, but I remind members that this can be done only within the realities of the ecomonic situation and conditions that now prevail. It is also true that groynes have their place in certain circumstances, particularly in areas that have small bays.

The board and the Government are confident that the current strategy of sand replenishment, with some rock protection, is the most cost-effective way of working with nature. It is important we recognise that we have to work with nature, because to do anything else is fraught with disaster. We must move to preserve our magnificent beaches and protect our coastal properties. It is, nevertheless, a strategy sensitive to the cost of moving sand and changed circumstances such as increased sea levels and, therefore, subject to continuous investigation.

Briefly, I conclude by saying that we have moved to a system of pumping offshore sand into areas that have suffered from erosion. This not only is environmentally sound and sensitive but it also has ensured for residents a considerable reduction in pollution and noise from trucks that have been traversing the coastal areas. However, I remind the House that this has had an added cost to the Government, and we have been willing to accept that for the last three budgets.

DEPARTMENT OF MARINE AND HARBORS

The Hon. H. ALLISON (Mount Gambier): Is the Minister of Marine aware of any parties to be held in the Marine and Harbors Department boardroom, or of any undue extravagance by the board? I have in my possession a replenishment requisition issued last Monday for the supply of beverages for the departmental boardroom. The list contains an array of spirits, wines, beers and soft drinks which will cost well over $400 at current city discount outlet prices. The significance of the question is that the Opposition has been supplied with this list by lower paid departmental employees who complain that it comes on top of salary increases of 22 per cent and the issue of private plated motor vehicles to their departmental executives. They have complained to us that they are paying for the extravagance, as blue collar positions continue to be axed, and they question how this sort of spending can be consistent with the Minister's claim that the Government is restraining expenditure.

The Hon. R.J. GREGORY: I am not aware of the day-to-day affairs of the Department of Marine and Harbors and what it ordered. However, I am aware that, at this time of year, businesses organise functions for their customers and for people with whom they do business. I would not be surprised if the amount of beverages and food that will be used over the Christmas period in entertaining people with whom the department does business is as modest as the bill mentioned by the member for Mount Gambier. As the member for Mount Gambier and other members opposite would know, at this time of the year, when dealing with shipping companies or any businesses, there is a need to ensure that your business contacts are kept and the business maintained throughout the forthcoming year, so a form of hospitality is provided.

Indeed, the member for Mount Gambier would have provided that hospitality when he was a Minister in the Tonkin Government, as would other Ministers, thanking their good customers. I should think that any members of this place, who are mean enough to say to the customers they have had throughout the year that they are not going to provide a function at Christmas time to ensure that their business keeps operating are foolish. What the department is doing is very good business sense, as has been shown by the turnaround in the cash surplus of the department over the past three years. I remind the member for Mount Gambier—

Mr D.S. Baker interjecting:

The Hon. R.J. GREGORY: —and the Leader of the Opposition, who cannot seem to keep his mouth shut, that we had a cash surplus last year of $3 million; the year before it was $1.85 million; and the year before that we had a loss of $1.85 million. That turnaround has occurred because the Director and other executive officers have been working very diligently at increasing customer activity through the Port, and that has generated income for the Department of Marine and Harbors. That department is a business unit, and it is operating very effectively at the moment.

WRONGS ACT AMENDMENT BILL (No. 2)

The Hon. G.J. CRAFTER (Minister of Education) obtained leave and introduced a Bill for an Act to amend the Wrongs Act 1936. Read a first time.

The Hon. G.J. CRAFTER: 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 seeks to implement a recommendation made by the Children's Protection and Young Offenders Act Working Party in its interim report in October 1988. It is the third occasion on which the Government has sought to give effect to this recommendation. The Bill currently before the House was put to the Parliament on two other occasions: once in October 1989 when it lapsed because of the prorogation of Parliament and once in February of this year when it was defeated. The Bill is reintroduced in the same format because the Government is committed to the principle of parental responsibility for their children and because of widespread support in the community for the concept. However, there are a number of alternative views on the way in which that parental responsibility ought to be exercised.

The Government therefore wishes the Parliament to express its support for the principle contained in this Bill and thus allow the community to have its say. That is why I will move at the conclusion of this speech that the Bill be referred to a select committee. The working party on the Children's Protection and Young Offenders Act recommended that consideration should be given to imposing some measure of responsibility on the parents and guardians of young offenders. Parents who can be shown to have taken little or no responsibility for their children should not be able to escape complete responsibility for the actions of their children. It is the Government's perception that this is a matter of community concern which needs to be fully examined by the Parliament.

Traditionally, a parent has not been held responsible for the acts of his or her child, although parents may be held personally, rather than vicariously liable for torts committed by their children. Liability may arise because the parents authorised the actions of their child or because they have not reasonably controlled their child. The usual case in which parents are held personally responsible for torts committed by their children is where a child injures somebody while playing with a dangerous article such as a shanghai, gun, dart or such like.

The law in South Australia, and the rest of Australia, is in contrast to that under some civil codes of Continental Europe. For example, Article 1384 of the French Code Civil provides:

> The father, and the mother after the father's death, are responsible for the damage caused by their minor children residing with them. The aforesaid responsibility is imposed unless the father and mother can prove that they could not prevent the act which gives rise to that responsibility.

The working party did not recommend the adoption of the Continental approach. Rather, the committee recommended that where a court is satisfied that the acts or omissions of the parents or guardians of a child under 15 have materially contributed to the criminal conduct of the child, the court should be empowered to order the parents or guardians to pay so much of the damage incurred by the child as is fairly attributable to the acts or omissions. It was recommended that the institution of such an action against the parents or guardians should be in the civil courts. The age of 15 was chosen to coincide with the age at which children are under no compulsion by law to attend school.

The amendment contained in the Bill is a refinement of that proposed by the working party, which on further examination proved difficult to implement. New section 27d makes a parent joint and severally liable with the child for injury, loss or damage resulting from a tort where the child is also guilty of an offence arising out of the same circumstances, if the parent was not, at the time of the commission of the tort exercising an appropriate level of supervision and control over the child's activities.

It is a defence to a claim against a parent to prove that the parent generally exercised an appropriate level of supervision and control over the child's activities. Thus, those parents who are responsible parents will not be liable for the injury, loss or damage caused by their children.

Clause 1 is formal.

Clause 2 provides for commencement of the Act by proclamation.

Clause 3 inserts a new section that makes a parent of a child who, while under 15 years of age, commits a tort, jointly and severally liable with the child for injury, loss or damage resulting from the tort, but only if two factors exist, namely, that the child is also guilty of an offence arising

out of the same incident and the parent was not, at the time of the commission of the tort, exercising an appropriate level of supervision and control over the child's activities. Subclause (2) provides that the child must have been convicted or found guilty of the offence or the court before which proceedings under this section are taken must be satisfied beyond reasonable doubt of the child's guilt. Subclause (3) gives a defence to a parent who can establish that he or she generally did provide, as far as reasonably practicable, an appropriate level of supervision and control over the child's activities. Subclause (4) limits the liability to the natural or adoptive parents of the child. Subclause (5) provides that this liability will only arise in relation to torts committed after the commencement of this amending Act.

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

STATUTES AMENDMENT (WATER RESOURCES) BILL

The Hon. S.M. LENEHAN (Minister of Water Resources) obtained leave and introduced a Bill for an Act to amend the Irrigation Act 1930; the Local Government Act 1934; the Pollution of Waters by Oil and Noxious Substances Act 1987; the Public and Environmental Health Act 1987; and the Waterworks Act 1932. Read a first time.

The Hon. S.M. LENEHAN: 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 amends five Acts of Parliament as a consequence of the introduction of a new Water Resources Act earlier this year. All of these Acts impact on water and it has therefore been necessary to assess the overlap between them. The following amendments are considered appropriate:

1. Irrigation Act 1930—This amendment makes the taking of water from or the discharge of water into the Murray River or any body of water flowing through or adjacent to an irrigation area subject to the Water Resources Act 1990. This complements the provisions of the new Act.

2. Local Government Act 1934—An administrative amendment to make reference to the new Water Resources Act 1990 in lieu of the repealed Act in relation to the protection and management of watercourses by local government.

3. Pollution of Waters by Oil and Noxious Substances Act 1987—The definition of 'State waters' in this Act refers to waters within the limits of the State including inland waters, for the purpose of controlling the pollution of coastal waters. The new Water Resources Act 1990 is the vehicle for the control of pollution of inland waters. This amendment provides for a new definition of waters for the purpose of the pollution of waters by Oil and Noxious Substances Act, limiting it to waters that are subject to the ebb and flow of the tide hence restricting control to coastal waters.

4. Public and Environmental Health Act 1987—Sections 21 and 22 of this Act deal with the pollution of water and currently overlap with Part V of the Water Resources Act 1990 covering the protection of water resources. Under the latter Act authorisation may be granted for the release of certain wastes under specific terms and conditions. The release of this authorised waste however constitutes an offence under the Public and Environmental Health Act. The amendment to section 21 resolves this untenable situation by exempting such authorised waste.

Section 22 prohibits or restricts the taking or use of polluted water. Pollution under the Public and Environmental Health Act means rendering a supply unfit for human consumption. A lot of water distributed throughout the State including irrigation supplies, does not meet the standards for human consumption and because of its particular use this is not a requirement. The amendment to section 22 limits the section to waters distributed for human consumption.

5. Waterworks Act 1932—These amendments delete all the provisions relating to 'Watersheds and Zones' for the controlling of water pollution. These are now covered in the Water Resources Act 1990 by section 46 which enables regulations to be made to prohibit, restrict or regulate activities in any part of the State.

I commend these amendments to the House. They will enhance the effective administration and proper management of the water resources of the State.

Clauses 1 and 2 are formal.

Clauses 3 to 7 make amendments to various Acts for the reasons that have already been given.

The Hon. D.C. WOTTON secured the adjournment of the debate.

ROADS (OPENING AND CLOSING) BILL

The Hon. S.M. LENEHAN (Minister for Environment and Planning) obtained leave and introduced a Bill for an Act to provide for the opening and closing of roads; to repeal the Roads (Opening and Closing) Act 1932; to amend the Highways Act 1926; and for other purposes. Read a first time.

The Hon. S.M. LENEHAN: 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 is the culmination of a complete review of the provisions for the opening and closing of roads contained in the Roads (Opening and Closing) Act 1932. Apart from a few administrative and operational amendments made to overcome procedure problems that have arisen from time to time, and to cater for changes brought about by the introduction of other legislation such as the Planning Act 1982 the Act has remained substantially unchanged since 1946.

Over recent years, local government and other authorities, and members of the public generally, have expressed dissatisfaction and frustration with the cumbersome and time consuming procedures relating to the Act. Various reviews of, and reports on, the legislation have been conducted, and each has identified significant problems in its functions. These reinforced the concerns expressed by users that the current procedures lacked the flexibility to meet the demands of a modern community. It was decided that a further comprehensive review of the Act would be undertaken to develop any legislative and administrative changes considered necessary. It soon became apparent that a completely new Act was appropriate.

Specific problems that needed to be addressed concerned the length of time taken to open or close a road, the relevance of some groups or persons carrying out various activities under the Act, and express problems in the

extinguishment of rights over a road when a road is opened or closed. The existing Act gives councils or the Commissioner of Highways the power to commence road alteration proposals and, following a public notification and objection process, power to make any relevant road opening and/or closing order, and places the responsibility for confirmation of that order with the Minister of Lands upon a recommendation from the Surveyor-General. The average time taken to process such applications from the time of lodgement to confirmation has been estimated at 5-6 months. This does not include the lead-time taken by the lodging authority to initiate the proposal, negotiate with landowners involved, and prepare the necessary survey plan and documents. It does however include the time taken to identify and resolve objections, and to examine and approve the survey plan, all of which may, on occasion, take considerable time.

Integral requirements in the Act recognise that the general rights of the public and the specific rights of persons or groups that may be affected by the process should be protected. For example, a number of public submissions have been received from time to time from various groups representing sections of the community, notably bushwalkers, concerning the recreational use of roads and the need for walking tracks to enable persons to gain access to areas of natural beauty. The proponent of a process (a council or the Commissioner of Highways) could be seen as having a vested interest in ensuring that process is carried out, in the face of valid objections. So the final decision on whether or not the process is justified is placed with the Minister of Lands. The review has concluded that the continued protection of the public interest is warranted.

Part of the plan examination process requires determining whether any road to be closed is a public road and involves the location and examination of disparate records in the Department of Lands. If the search reveals that the road is not a public road, or if the status of the road is in doubt, the lodging authority must take action to declare the road public, and ensure that it is properly registered in the public record. This additional process is particularly frustrating to authorities wishing to close such a road, and substantially delays the ultimate closure.

In conjunction with this process of public road verification is the more contentious issue of ascertaining whether extant rights exist over roads to be closed. The existence of such rights is an obstacle (sometimes insurmountable) to subsequent land development. Rights that are recorded over private roads become unrestricted to all persons if the private road is declared to be a public road, even though the private right previously established will continue to be recorded on the relevant title as an appurtenant right. When one of these public roads are subsequently closed, the rights that existed over the road when it was a private road are not extinguished but are revived.

Before any road is closed, a thorough search of the records must therefore be made to establish if any prior rights exist. The Highways Act 1926, Local Government Act 1934 and similar legislation in most other States include provisions for the cessation of private rights when a public right exists or is created. It is implicit in these provisions that the private rights of an individual are not prejudicially affected by the creation of an over-riding public right, and appropriate provision for compensation is accordingly made. These particular concerns have been addressed in this Bill.

As part of the review process, comment was sought from interested clients. Significant submissions were received, demonstrating that people were taking a keen interest in the development of the Bill. Each of these submissions has been considered as drafting proceeded. Comparison has also been made with similar legislation from the other Australian States and the Northern Territory, and some benefit has been gained from this exercise. Subsequently, draft proposals for a new Roads (Opening and Closing) Act were presented at two seminars, at which members of the surveying profession, local and State government were invited to attend. Resultant discussion and comment was of considerable value in formulating the proposed legislation.

Attention may now be given to specific aspects of the Bill. The object of this Bill is to repeal the Roads (Opening and Closing) Act 1932; to provide new legislation for the opening and closing of roads, the disposal of closed roads, the creation or retention of significant interests and the extinguishment of any other registered interest, compensation in certain cases, and for other purposes; and to make consequential amendments to the Highways Act 1926.

The purpose of the new Act is to provide a means of rationalising road and traffic needs and disposing of unwanted or disused roads, while preserving the proprietary rights of individuals in particular and the public in general. Many public interest groups regard retention of these old road corridors as of paramount importance, for such diverse reasons as preservation of natural vegetation and for leisure or recreational activities.

The Bill provides that councils will initiate road processes within their areas and prepare relevant documents and plans, and places the responsibility for considering representations and for making a road process order in relation to that process with a prescribed relevant authority. The circumstances in which each relevant authority may act are set out in the Act, and have regard as to whether the road process forms part of a development for which the appropriate planning authority is the South Australian Planning Commission, the City of Adelaide Planning Commission, or the council. The authority to confirm or decline road process orders is entrusted with the Minister of Lands, upon a review of the process and recommendation by the Surveyor-General.

A major departure from former procedures is that councils will perform the public notification function (instead of the Surveyor-General) for all but those proposals to be heard by a planning authority. This will comprise most proposals. Most councils currently seek information, public reaction and feelings in an informal manner prior to formally instigating proceedings with the Department of Lands. Councils will now be able to combine these advertising processes in the one action. The Surveyor-General will still effect notification on behalf of planning authorities.

A separate simplified process and special power is provided for the Minister of Lands to make an order to close roads completely encompassed by Crown Land, or any disused roads out of council areas that are not established and maintained as roads by the Commissioner of Highways, and to vest the same in the Crown.

It will be noticed that the Commissioner of Highways no longer takes an active part in the proceedings. This departure from previous procedure is taken because of a pending revision of existing legislation for the establishment and maintenance of principal (main) and outback roads, and because of representations made by the Department of Road Transport. Interim amendments to the Highways Act 1926 are proposed, to allow the Commissioner to close roads and vest the land in the Crown, without recourse to the Roads (Opening and Closing) Act.

One problem that councils always face when initiating any road closing proposal is the possibility that all the preliminary work and expense may come to nothing because

of objections made and upheld, either by the council itself, or by the Minister on the recommendation of the Surveyor-General. Therefore a set of criteria, which the relevant authority must have regard to, for determining whether an Order should be made or not, have been provided. These same criteria, and substantial compliance with Act requirements, will form the basis for the Surveyor-General's review and recommendation to the Minister.

Another costly exercise for councils, dependent on the process reaching finality, is the current requirement to deposit a detailed and certified survey plan with the Department of Lands at the commencement of proceedings. If the proposal fails, the financial outlay may not be recoverable. A preliminary plan system has therefore been introduced in this Bill, for the purposes of evaluation of road alteration proposals, to be followed by a detailed survey plan, if and when the road process order is made.

A matter of contention for councils and clients (in particular) has been the requirement in the existing provisions for the upfront payment for the land in a road to be closed, often many months before the road is actually closed and the land transferred to the client. The client has no use or benefit of the money during the transaction period. The present Act stipulates that, prior to public notification of a road proceeding, any application for title must be deposited with the Surveyor-General and must contain a statement that purchase-money payable in respect of the sale has been paid. The Bill has removed that statutory obligation to pay at the start. Payment may now be by agreement between the council and client.

Of particular interest to councils and the prescribed planning authorities will be the provisions which allow road process orders for any process where no objection or application for an easement is received, to be made at any time after the expiration of a 28 day objection period, without having to present the matter to a full meeting. A meeting will still have to be held, however, if submissions are received. In making its order, the relevant authority must detail the disposal of all land subject to road closure and, where required, include any order for the granting of an easement.

Generally, these easements will be statutory easements in favour of a prescribed public utility, but can be private easements annexed to adjacent land. Concise requirements for dealing with the land in a closed road and for determining whether to grant any easement, are set out in the Bill. Any existing easement not provided for in the order is automatically extinguished upon final confirmation of that order. One important aspect of the new legislation is that a relevant authority cannot simply close a road without formally providing for its disposal, as was the case in the existing Act. This will halt the further proliferation of old closed road parcels that now exist throughout the State.

The dissatisfaction of councils (in particular) with the length of time taken to finalise a proposal has been reconciled in several ways. Two measures have been presented already, that is, the revised notification and meeting procedures. Two other improvements have been made. The first is a new approval process, in which confirmation of a road process order by the Minister may be made conditional on approval and deposit of the survey plan by the Registrar-General. The benefits of this are two-fold. The council and its clients will be made aware of the ratification of the proposal much earlier than under the existing Act (thus allowing any further events to be set in train), and, preparation of documents of title may be effected concurrently with the plan examination instead of subsequently as in the present case. Coupled with this is a new vesting power whereby, upon publication of the notice of confirmation in the *Gazette*, land in a closed road vests in the Crown in certain cases and is automatically incorporated with adjoining lands, without a need for further action to be taken. All vestings of land as a closed road are subject to any easement required by the order, but free of any other interest whatsoever.

One issue that arose during the drafting and consultation stages of the Bill concerned the integration of the provisions of the Land Acquisition Act 1969 with the Roads (Opening and Closing) Act, in cases where land is to be opened as new road. It was considered that, since the Land Acquisition Act specifically applies to and in relation to every authorised undertaking involving the acquisition of land in this State, the provisions of this new Act should not derogate from the application of the Land Acquisition Act. Allied with this was the belief that owners of land affected by a proposed road opening should be restrained from any other dealing with that land without the consent of the council. Logically, these owners should then have recourse to compensation in the event that the road opening is discontinued or lapses. The Bill clearly sets out the obligations and duties of a council and landowners in this process.

A related provision to allow a council to acquire additional land adjoining other land being acquired for road, consistent with the Land Acquisition Act 1969, and subject to approval by the Minister and compliance with the provisions of the Planning Act 1982, has been included, and will be of great benefit to councils in their planning considerations. The Bill contains several other reforms and revisions. The Government trusts that it will be well received, and looks forward to its passage through Parliament and its successful implementation.

Clause 1 is formal.

Clause 2 provides that the measure is to come into operation on a day to be fixed by proclamation.

Clause 3 is an interpretation provision. The following definitions are central to the measure.

'road process' means a road opening, a road closure, or a combination of the two. Under subclause (2) a road opening includes a road widening and a road closure includes a road narrowing:

'road process order' means an order for a road opening or closure (or both)—as well as any incidental order—made by a relevant authority:

'relevant authority' means either a council or (where the road process is part of or directly associated with a development under the Planning Act 1982, or the City of Adelaide Development Control Act 1976, that requires the approval of the South Australian Planning Commission, the City of Adelaide Planning Commission or the Governor) the South Australian Planning Commission or the City of Adelaide Planning Commission:

'person affected' (in relation to a road opening or closure) means:

(a) a person who has an interest in land that is subject to the opening or closure, or in adjoining land;

(b) a Minister, statutory authority or other person declared by regulation to be a 'prescribed public utility' for the purposes of the Bill;

(c) (in relation to an opening or closure that concerns land of a prescribed class) a public authority (other than a public utility) prescribed in relation to land of that class;

and

(d) any other person who would be substantially affected by the opening or closure:

'agreement for exchange' means an agreement between a council and another person for the exchange of land that is subject to a proposed road opening for land that is subject to a proposed road closure, whether an amount of money is to be paid for equality of exchange or not. It includes an agreement whereby land is taken from a Crown lease (or agreement to purchase) for a road opening in exchange for the addition of land to such a lease (or agreement to purchase) from a road closure, as well as agreements under which it is the fee simple that is exchanged:

'agreement for transfer' means an agreement (other than an agreement for exchange) between a council and another person for the transfer of land in a proposed road closure to that other person (whether for consideration or not). It, too, includes an agreement whereby land is to be added to a Crown lease or an agreement to purchase as well as agreements under which the fee simple is transferred.

PART II (clauses 4 to 8) sets out general provisions dealing with the power to open and close roads and the vesting of newly-opened roads.

Clause 4 provides that a road may be opened or closed by a road process order made by a council (or the South Australian or City of Adelaide Planning Commission) confirmed by the Minister and notified in the *Gazette*.

Clause 5 provides that a road opening or closure (or both) may be commenced by a council in relation to a road or proposed road within the council's area.

Clause 6 gives the Minister, on the recommendation of the Surveyor-General, a special power to close roads. This power applies to two types of road:

(a) roads within or outside a council area, where all of the adjoining land belongs to the Crown or a Crown instrumentality (and is not granted, contracted to be granted or leased (to someone other than an instrumentality) or subject to an agreement to purchase) or is used or occupied by the Crown or a Crown instrumentality;

and

(b) roads outside a council area which the Minister is satisfied are not in public use and will not be required for public use in the forseeable future. The Minister can close these roads in accordance with Part VII of the Bill.

Clause 7 prevents the closure of roads that form part of a stock route.

Clause 8 provides that roads opened under the Bill are (subject to the Highways Act 1926) vested in the council for the area in which they are situated and are under the care, control and management of that council. They are also dedicated as public roads while open.

PART III (clauses 9 to 24) sets out the manner in which a road is to be opened or closed under this Bill.

DIVISION I of PART III (clauses 9 to 13) sets out the proceedings that may be undertaken prior to the making of an order to open or close a road.

Clause 9 provides that where a council proposes to open or close a road, it must prepare—

(a) a preliminary plan of the land that is the subject of the opening or closure;

and

(b) a statement containing the names and addresses of all persons affected by the proposed opening or closure (who can be identified by reasonable inquiry) and such information in relation to the land concerned as the Surveyor-General requires.

A copy of the preliminary plan and statement has to be deposited (with the prescribed fee) at the Surveyor-General's Adelaide office.

Clause 10 provides for the notification of the public and all affected persons where a council commences a road opening or closure. After preparing the preliminary plan and the statement in accordance with clause 9, the council (or, where the council is not the relevant authority in relation to the opening or closure, the Surveyor-General) must give public notice of the proposal in accordance with the regulations and must at the same time serve notice of the proposal on each person affected who can be identified by reasonable inquiry. A copy of the notice must be deposited at the Adelaide office of the Surveyor-General.

Clause 11 provides for the protection of potential purchasers of any land that has become subject to a proposed road opening. Where a council commences a road opening over Real Property Act land, a note of the proposed road opening is required to be placed on the title to the relevant land. The council may also lodge a caveat to prevent any dealing with the land without its consent. Both note and caveat are required to be removed if the opening is discontinued. Where a council commences a road opening over land that has not been brought under the Real Property Act 1886, a person with an interest in that land (who has received a notice of the proposed opening under clause 10) is forbidden from entering into any transaction in relation to the land without first disclosing the existence of the proposal to open a road over that land. Failure to disclose the existence of the proposal renders any agreement entered into in respect of the land voidable at the option of the other party to the agreement. In addition, the council may (after lodging a copy of the road opening notice at the General Registry Office) require any person to deliver up to the Registrar-General any document evidencing their interest in the land over which the road is to be opened. Failure to deliver up such a document without reasonable excuse is an offence punishable by a division 7 fine (maximum of $2 000).

Clause 12 empowers councils to enter into preliminary agreements for the disposal of closed roads to adjoining landowners. These agreements may be made at any time prior to the making of the order for closure of the road by the council (or other relevant authority). A council cannot enter into such an agreement unless it first endeavours to secure agreements for exchange with adjoining landowners who are losing land to a proposed road opening. It also cannot make an agreement to sell to an adjoining landowner unless it has first invited offers from all adjoining landowners. An owner for the purposes of this clause means a lessee under a Crown lease and a purchaser under an agreement to purchase, as well as an owner in fee simple. An agreement entered into under this clause is void unless there has been substantial compliance with the procedures set out and becomes void if the road opening or road closure is discontinued in relation to the land that is the subject of the agreement.

Clause 13 makes provision for people to object to proposed road openings or closures and to apply for easements over roads that are to be closed. Any person may object to a proposed road process and any 'person affected' by a proposed road closure may apply for an easement. An objection, or an application for an easement, must be made by lodging a notice of objection or application at the office of the council or other relevant authority (and a copy at the

Adelaide office of the Surveyor-General within 28 days of the date of the public notice under clause 10.

DIVISION II of PART III (clauses 14 to 20) sets out the procedures to be followed by a council or other relevant authority in making an order for a road opening or closure.

Clause 14 requires a council (or other relevant authority) to hold a meeting if there has been any objection to the proposed opening or closure or any application for an easement and to consider those objections or applications at the meeting or at an adjournment of the meeting. The council or other relevant authority must give written notice of the meeting to any person who has lodged an objection or application and such a person (or their representative) may attend the meeting or any adjournment in support of the objection or application.

Clause 15 requires a council (or other relevant authority) to either—

(a) make an order for a road opening or closure in relation to all or part of the land to which the proposal relates; or

(b) determine that no order for an opening or closure is to be made;

as soon as practicable after the expiration of the time allowed for objections and applications (and after considering any such objections and applications). If an order for a road opening is made, that order must specify any land forming part of the proposed new road that is being acquired in exchange for part of a road that is being closed under a preliminary agreement for exchange. If the council or other relevant authority determines that no order is to be made, it must as soon as practicable give notice of that decision to the Surveyor-General, any person who lodged an objection or application and any person with an interest in land that was subject to the proposed road opening.

Clause 16 sets out the criteria that a council or other relevant authority must have regard to in deciding whether to make an order for a road opening or closure and what such an order should contain. The criteria include: the matters to which planning authorities must have regard in determining applications for approval or consent under the Planning Act 1982 or the City of Adelaide Development Control Act 1976 in relation to the relevant area; any objections to the proposal that have been made under the Bill; whether the relevant land is reasonably required as a road for public use in view of present and likely future needs in the area; and alternative uses of the relevant land that would benefit the public or a section of the public. The council or other relevant authority may also consider any other matter that it considers relevant.

Clause 17 requires a council or other relevant authority, when ordering the closure of a road, to make further orders for the disposal of the land contained in that closed road. All of the land must be disposed of, though different parts of the road to be closed may be disposed of in different ways. The following orders for disposal may be made in relation to any land forming part of a proposed road closure:

(a) that the land be transferred or added to other land in accordance with a preliminary agreement for exchange or transfer entered into under clause 12;

(b) that the land be sold by public auction or tender (but only where the council or other relevant authority considers that the land can conveniently be used separately from other land);

(c) that the land be sold or transferred for use for some public, charitable or beneficial community purpose;

(d) that the land be retained by, and registered in the name of, the council, (but only where that land is required by the council for some purpose);

(e) that the land be added to adjoining dedicated land;

(f) that the land be transferred to the registered proprietor of adjoining land that is held subject to a trust;

(g) that the land be vested in the Crown.

Clause 18 empowers a council or other relevant authority, when ordering the closure of a road, to make an order for the granting of an easement over the proposed closed road. An order may be made in favour of a person who has applied for an easement under clause 13, or may be made in favour of the council itself. The council or other relevant authority is compelled to make the order where a Minister, statutory authority or other person declared by regulation to be a 'prescribed public utility' has applied for an easement, but has a discretion in the case of other applicants. Where a person has applied for an easement as the owner of adjoining or nearby land, an order granting the easement may only be made if the council or other relevant authority is satisfied that the person's use or enjoyment of the adjoining or nearby land would be substantially affected by the lack of that easement. If an easement is ordered to be granted in favour of such an adjoining or nearby landowner, the easement must be annexed to the adjoining or nearby land so as to run with that land.

Clause 19 sets out the notice that must be given to various parties when an order for a road opening or closure is made by a council or other relevant authority. Written notice of the order must be given to any person who objected or applied for an easement. In the case of a road opening, written notice of the order must also be given to any person who has interest in land over which the road is to be opened, and if the order does not deal with part of the land over which the road was originally proposed to be opened (as set out in the public notice under clause 10) written notice of the discontinuance of the opening with respect to that land must be given to those with an interest in it. A certified copy of the minutes of all meetings held by the council or other relevant authority in relation to the road opening or closure must be delivered to the Adelaide office of the Surveyor-General. Where it is not a council that makes the order for the road opening or closure (i.e. where it is the South Australian, or City of Adelaide, Planning Commission), two copies of the order must be delivered to the council.

Clause 20 sets out the documents that must be deposited by a council at the Adelaide office of the Surveyor-General within three months of making an order for a road opening or closure. They include: two copies of the order; such survey plans as are required by the Registrar-General; a copy of any preliminary agreement for exchange or transfer (on which the appropriate stamp duty has been paid) where land in a road closure has been ordered to be transferred or added to other land in accordance with that agreement; a statement that the order complies with the requirements of clause 38 as to the minimum width of roads (where a road is to be opened or narrowed); and any other document required by the Surveyor-General. Any fees prescribed by regulation must also be deposited within the three months. If these requirements are not complied with, the order cannot be confirmed by the Minister and the road opening or closure lapses. Where an opening or closure lapses through a failure to comply with this clause, the council must as

soon as practicable give written notice of that lapse to any person who made an objection or application for an easement and, in the case of a road opening, to any person with an interest in land over which the road was to have been opened.

DIVISION III of PART III (clauses 21 to 24) provides for the review and confirmation of orders for a road opening or closure made by a council or other relevant authority.

Clause 21 requires the Surveyor-General to review an order for a road opening or closure on receipt of the relevant documents pursuant to Division II. In reviewing the order, the Surveyor-General may seek expert advice on any aspect of the order.

Clause 22 empowers the Surveyor-General to correct or supply any error or deficiency in an order for a road opening or closure at any time before confirmation of the order by the Minister. The Surveyor-General must consult the council or other relevant authority before exercising this power unless acting at the request of the council or other relevant authority.

Clause 23 requires the Surveyor-General as soon as practicable to report to the Minister on the results of the review of an order and make a recommendation as to whether the order should be confirmed. In determining whether to recommend confirmation of an order, the Surveyor-General may have regard to any matters that the Surveyor-General considers relevant, including whether the procedures and requirements of the Bill have been substantially complied with. The Surveyor-General is empowered to recommend that an order be confirmed conditionally on the approval and deposit of the survey plans by the Registrar-General. Both copies of the order for an opening or closure must accompany the Surveyor-General's recommendation to the Minister.

Clause 24 requires the Minister to confirm or decline to confirm an order for a road opening or closure as soon as practicable after receipt of the Surveyor-General's recommendation on the order. The Minister can confirm the order conditionally on approval and deposit of the survey plans by the Registrar-General. If the Minister declines to confirm an order, written notice of that decision must (as soon as practicable) be given by the Surveyor-General to the council responsible for the road process and the council must (as soon as practicable) give written notice to any person who made an objection or application in relation to the road process or who has an interest in land over which a road was proposed to be opened. If the Minister confirms an order for a road opening or closure, a notice of that order and confirmation (which must provide a general description of the nature and effect of the order) must be published in the *Gazette* by the Surveyor-General as soon as practicable after the confirmation or after the fulfilment of any condition attached to the confirmation. Publication of the notice in the *Gazette* is sufficient evidence of the due making and confirmation of the order.

PART IV (clauses 25 to 30) sets out the legal effect of an order for a road opening or closure that has been confirmed by the Minister and the manner in which that effect comes to be reflected in documents of title.

Clause 25 vests land and extinguishes interests on publication of notice and confirmation of an order for a road opening or closure. In the case of a road opening, on publication of the notice and confirmation of the order the land over which the road is opened vests in the council (unless the council already owns it) and all other interests in that land are extinguished. In the case of a road closure, the effect of publication of the notice and confirmation of the order on the land contained in the closed road depends on the additional orders as to the disposal of the land made (under clauses 17 and 18) as part of that order:

(a) if it was ordered that land be transferred to a given person, the land vests in that person in fee simple;

(b) if it was ordered that land be added to that of a Crown lessee or a person with an agreement to purchase, the land vests in the Crown and is incorporated as part of the land subject to the lease or agreement;

(c) if it was ordered that land be added to dedicated land, the land vests in the Crown and is incorporated as part of the dedicated land;

(d) if it was ordered that land be transferred to the owner of dedicated land that has been granted in fee simple, the land vests in that owner in fee simple subject to the same trust;

(e) if it was ordered that land vest in the Crown, it vests in the Crown;

(f) if it was ordered that land be sold by auction or tender or for public, charitable or beneficial community purposes, the land vests in the purchaser in fee simple, but only on payment of the purchase price and any prescribed fee.

In each case the land vests subject to any easement specified in the confirmed order, but free of any other interest. Easements that were ordered to be granted in favour of adjoining landowners and annexed to the adjoining land so as to run with that land become subject to any mortgage or other encumbrance that the adjoining land is subject to. Where it was ordered that land in a closed road be sold by auction or tender or for some public, charitable or beneficial community purpose, but that is not done within 12 months from publication of the order and its confirmation, the Minister can vest the land in the Crown (subject to any ordered easement but free of any other interest) by notice in the *Gazette*.

Clause 26 empowers and requires the Minister, where an order for a road closure is confirmed and published and where land in the closed road is vested in a person in fee simple (either on publication or confirmation, or on a subsequent sale) or is retained by the council or vested in the Crown as part of land subject to a Crown lease or an agreement to purchase, to issue a closed road title certificate to the Registrar-General.

Clause 27 sets out the information and instructions that a closed road title certificate issued by the Minister under clause 26 must contain. The certificate must describe the land to which it relates, and—

(a) if that land is vested in a person in fee simple, the certificate must state that fact, describe the person and describe any trusts to which the land is subject by virtue of this Bill;

(b) if that land is to be retained by the council, the certificate must state that fact and that a certificate of title is to be issued for the land;

(c) if that land is vested in the Crown and incorporated as part of land subject to a Crown lease or agreement to purchase, the certificate must state that fact and describe the lease or agreement;

(d) describe any easement to which that land is subject;

and

(e) set out any other matter required by this Part of the Bill or by the Registrar-General.

The certificate may also specify (where the Surveyor-General has so recommended) that a separate certificate of title be issued for the land that it describes rather than allowing other land to be incorporated with that land in a certificate of title (see clause 28 (3)). Where the land will be incorporated with other land in a single certificate of title as a result of the operation of other provisions of this Bill (see clause 28 (3), (5)) the closed road title certificate must, if the registered proprietor of that other land so requests, include a statement that the land from the closed road is not subject to any specified interest or caveat to which the other land is subject. The same applies where the land to which the closed road title certificate relates is incorporated as part of other land subject to a Crown lease or an agreement to purchase: the certificate must specify, if the registered proprietor of that other land so requests, that the land from the closed road is not subject to a specified registered interest or caveat to which the other land is subject. (Otherwise the closed road land will normally be subject to all registered interests or caveats to which that other land is subject: see clause 29 (3)).

Clause 28 sets out the action to be taken by the Registrar-General on receipt from the Minister of a closed road title certificate relating to land vested in a person in fee simple or land for which a certificate of title is to be issued to a council. The Registrar-General is required to issue a certificate of title for the land on receipt of the closed road title certificate. Where the person entitled to the certificate of title is the registered proprietor of adjoining land, then (unless the closed road title certificate otherwise provides under clause 27) the Registrar-General must combine the adjoining land and the closed road land into one certificate of title and can (with the consent of the registered proprietor) merge other land of that registered proprietor into that certificate as well. The new certificate of title must be expressed to be subject to all easements and trusts set out by the Minister in the closed road title certificate. In addition, unless the closed road title certificate otherwise provides (see clause 27), the land described in the new certificate is subject to all registered interests and caveats that any adjoining or other land merged into that certificate of title was subject to and any easement that ran with any part of the land merged into the new certificate of title runs with the whole of the land in the new title.

Clause 29 sets out the action to be taken by the Registrar-General on receipt of a closed road title certificate relating to land vested in the Crown and incorporated as part of land subject to a Crown lease or an agreement to purchase. The Registrar-General must register the closed road title certificate in the Register of Crown leases. On registration the land described in the certificate is subject to all registered interests and caveats to which the Crown lease or agreement were subject, unless the closed road title certificate otherwise provides (see clause 27).

Clause 30 requires the Registrar-General, following publication of notice and confirmation of an order for a road opening or closure, to make all changes to the Register Book, Register of Crown leases or other records that are necessary as a result of that order or as a result of the operation of the Bill. The Registrar-General can for that purpose require any person to furnish information or produce documents. It is an offence to fail to provide information or documents within two months of being required to do so. The penalty is a division 7 fine (maximum $2 000).

PART V (clauses 31 to 32) deals with the issue of compensation for land made subject to a road opening. Clause 31 provides that where an order for a road opening is confirmed and notified in the *Gazette,* compensation is payable by the council for the land in the new road. The council must serve written notice of the confirmed order on each person divested of an interest in the land by the opening and must attach a written offer of compensation to the notice. The Land Acquisition Act 1969, is applied to the road opening and (to avoid duplication) the publication of notice and confirmation of the order (which vests the land in the council—see clause 25 (1)) and the notice and offer of compensation are deemed to constitute certain steps that are required under the Land Acquisition Act for the acquisition of land. Compensation is not payable under this clause for a road opening if a power of making roads was reserved in the original grant, Crown lease, agreement to purchase or dedication of the land over which the road is opened. Nor is it payable if an agreement for exchange of the relevant land has already been entered into (see clause 12).

Clause 32 provides for the payment of compensation where a road opening was commenced in respect of land, but not completed. Where a road opening is discontinued (through no order being made in relation to the land by the council or other relevant authority, or through a failure to comply with time limits or through the Minister declining to confirm the order—(see clause 3 (3)) a person who has an interest in the land may claim compensation from the council by notice in writing not more than three months after receiving notice of the discontinuance. Compensation is required to be recovered and assessed in accordance with the Land Acquisition Act 1969.

PART VI (clause 33) deals with the acquisition of additional land adjoining land subject to a proposed road opening. Clause 33 empowers a council, where it proposes to open a road over any land, to acquire additional adjoining or nearby land if it considers it appropriate in the circumstances and if the Minister approves. The land need not be required in connection with the proposed road. The Minister's approval for the acquisition of additional land may be given subject to such conditions as to how that land is to be dealt with as the Minister considers necessary to ensure compliance with the Development Plan under the Planning Act 1982. The acquisition of the additional land must be effected in accordance with the Land Acquisition Act 1969, subject to the following qualifications:

(a) where a notice of intention to acquire the land is served under the Land Acquisition Act, before or at the same time as the notice of the proposed road opening is served under this Bill (see clause 10) then objections to the acquisition are to be made in the same way as objections to the road opening under this Bill (rather than in accordance with the Land Acquisition Act objection provisions);

(b) a notice of acquisition in relation to the additional land may not be published under the Land Acquisition Act (thereby acquiring title to the additional land for the council) until the order for the road opening under this Bill has been confirmed (thereby acquiring title to the new road for the council);

(c) the Land Acquisition Act requirement that acquisition take place within 12 months of service of the original notice of intention to acquire does not apply;

(d) any agreement to acquire the additional land under the Land Acquisition Act must be made subject to confirmation of the order for the road opening;

(e) the Land Acquisition Act requirement that any agreement to acquire be entered into within 12 months of service of the notice of intention to acquire does not apply.

The council may dispose of the additional land (once acquired) in any way that it deems appropriate, subject to any conditions that the Minister may have imposed as to the manner in which it was to be dealt with, and any proceeds of sale can be applied to defraying council expenses in relation to the road opening.

PART VII (clause 34) deals with the special power of the Minister to close roads. Clause 34 sets out the procedures that are to be followed in exercising the special power of the Minister to close roads (see clause 6). Where a road is to be closed under this special power, notice must be given to the Commissioner of Highways, any relevant council and each Minister, statutory authority or other person declared by regulation to be a 'prescribed public utility' for the purposes of the Bill. Representations may be made by those persons or bodies within 28 days of that notice. After 28 days have expired, any representations that have been received must be forwarded to the Minister together with the Surveyor-General's recommendation on the proposal. After considering the representations and recommendation, the Minister may make an order for a road closure and may order the granting of an easement over any land subject to the closure.

As soon as practicable after the order is made, the Surveyor-General is required to draw up survey plans (and any other documents required by the Registrar-General) and then publish the order in the *Gazette.* On publication of the order the land in the closed road vests in the Crown, subject to any easement ordered to be granted but free of any other interest. The Minister is empowered to issue a closed road title certificate (see clauses 26 and 27) requiring the Registrar-General to issue a certificate of title to a Minister or Crown instrumentality for land vested in the Crown under this clause. All of the provisions of the Bill relating to closed road title certificates (see clauses 26 to 30) then apply as if the land had been vested in the Minister or instrumentality in fee simple. The Minister does not have to obtain a certificate of title in this way: all normal powers to deal with Crown land are preserved.

PART VIII (clauses 35 to 49) deals with miscellaneous matters. Clause 35 forbids the consideration of an order for a road opening or closure under this Act by the Supreme Court after publication in the *Gazette* of notice and confirmation of that order. However, before an order for a road opening or closure is made by a council or other relevant authority, questions of law can be reserved for the consideration of the Supreme Court (and no order may then be made until the decision of the court is known).

Clause 36 sets out the manner in which money paid or received as part of a preliminary agreement or as a result of a sale is to be dealt with. Money paid under an agreement for exchange or transfer or for land sold in accordance with an order after confirmation of that order is to be paid to, and forms part of the revenue of, the council. If an agreement for exchange or transfer becomes void (see clause 12 *(a)*) any amount paid to the council under that agreement must be repaid, as must any stamp duty paid on the agreement.

Clause 37 empowers the Surveyor-General to attempt to confer registered title upon a person in possession of land forming part of a road closed prior to the passing of the Roads (Opening and Closing) Act Amendment Act 1946 for which there is no certificate of title. If the person entitled to the issue of the certificate of title to that land is dead or unknown and the Surveyor-General is satisfied that the person in possession is entitled (by purchase or otherwise) to be in possession and that it is desirable that a certificate of title be issued, the Surveyor-General can publish a notice in the *Gazette* stating that a certificate of title will be issued to that person unless someone claiming an interest in the land objects within 28 days (or such longer period as the notice specifies). Notice of the Surveyor-General's intentions must also be given to each adjoining land owner. If no objection is received within the required time, the Minister may, on the recommendation of the Surveyor-General, issue a closed road title certificate for that land, subject to any interest described in the certificate. The normal provisions of the Bill relating to closed road title certificates (see clauses 26 to 30) then apply.

Clause 38 requires a road opened pursuant to the Bill to be at least 12 metres wide (unless it is a continuation of a road that is already less than 12 metres wide) and forbids the narrowing of a road pursuant to the Bill to less than that width. The Surveyor-General may exempt a road from this requirement and set a minimum width of less that 12 metres for that road.

Clause 39 requires a council to build fences along the new boundary of a road where existing boundary fences have been removed as a result of an alteration or diversion of the road. The fence must be substantial and of the same nature as the fence previously on the boundary of the road and the abutting land.

Clause 40 relieves the Register-General and a council from any duty to take the usual steps to record that a road has been converted into a public road, where that conversion was undertaken by the council in order to close the road. It provides that where a council declares land to be a public street or road (and the land vests in the council under the Local Government Act 1934 on publication of notice of the resolution in the *Gazette)* and, after doing so, commences a road closure under this Bill in respect of that land, the Registrar-General and the council are relieved from any duty to take any action in relation to the vesting of that land in the council (unless the closure is discontinued).

Clause 41 requires that the Registrar-General to remove or vary an easement created under this Bill (or the Act repealed by this Bill) in favour of a Minister, statutory authority or other person declared by regulation to be a prescribed public utility or in favour of a public authority, on application by the public utility or public authority and the proprietor of the land over which the easement extends. The Registrar-General must also make any other necessary changes to the records.

Clause 42 makes it clear that the provisions of this Bill apply notwithstanding the provisions of the Real Property Act 1886, and also prevents the provisions of the Planning Act 1982 and the City of Adelaide Development Control Act 1976 from applying to a road opening or closure or other action taken under this Bill.

Clause 43 preserves any power to open or close a road that exists under any other Act.

Clause 44 requires the Surveyor-General to make any document deposited with the Surveyor-General under this Bill available for inspection on request (during ordinary office hours at the Surveyor-General's Adelaide office).

Clause 45 ensures that the powers of delegation that councils, the City of Adelaide Planning Commission and the South Australian Planning Commission have under their respective Acts apply to any powers, duties or functions conferred upon them by this Bill.

Clause 46 sets out the means by which documents are to be served under this Bill. Where the Bill requires a document to be served on or given to a person, that can be done personally or by post. If the person's whereabouts are unknown, the document can be published in an appropriate newspaper or fixed in a prominent place on the relevant land instead.

Clause 47 is a regulation making power. The Governor may make regulations that are contemplated by, or necessary or expedient for the purposes of the Act. These regulations may require the payment of fees (or the refund of fees), prescribe forms or specify the information to be contained in notices or other documents under the Bill.

Clause 48 repeals the existing Act, the Roads (Opening and Closing) Act 1932

Clause 49 amends the Highways Act 1926. It makes a consequential amendment to section 27a of that Act, deleting a reference to powers of the Commissioner of Highways under the existing Roads (Opening and Closing) Act 1932, that the Commissioner will no longer have under this Bill. It inserts a new subsection (2) into section 27aa, providing for the same method of service of documents where the Commissioner closes a road under section 27aa of the Highways Act as is provided for in this Bill (see clause 46). It also amends section 27ab of the Highways Act to permit the land comprised in a road closed under section 27aa of the Act to vest on closure in the Crown (where appropriate) rather than having to vest in every case in the Commissioner of Highways, as at present.

The Hon. D.C. WOTTON secured the adjournment of the debate.

LAND ACQUISITION 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

It amends the Land Acquisition Act 1969 ('the Act') and so that the same interest calculations are applied to both the offer of compensation paid into court and any further amount of compensation agreed or ordered to be paid by the Supreme Court. In a significant proportion of claims for compensation arising out of the compulsory acquisition of land for various Government undertakings it is necessary to pay an offer of compensation into the Supreme Court, which compensation is credited every six months with interest which compounds every successive six months at a rate fixed by reference to the State Bank. When the disputed claim for compensation is resolved by agreement or court order for an amount larger than originally offered and paid into court, that further amount of compensation above the sum paid into court is increased by simple interest pursuant to section 33 of the Act at the rate prescribed by the regulations as the long term Commonwealth bond rate that was payable on the day on which the offer of compensation was paid into court.

Because of a change in Federal financial policies introduced in the 1988-1989 financial year there are now very few and infrequent issues of Commonwealth Treasury Bonds, thereby creating difficulty in ascertaining what is the prescribed rate referred to in section 33 of the Act. Furthermore, in the existing situation there is the potential for money market movements to cause large differences between interest accretions on money paid into court as compared to interest payable on additional compensation payable pursuant to section 33 of the Act. There is no logical justification for this situation and the Under Treasurer has suggested that the prescribed interest rate for the purposes of section 33 of the Act should be the same as the rate to be applied to moneys held by the court. I commend the Bill to members.

Clause 1 is formal.

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

Clause 3 amends section 20 of the principal Act. Where land is acquired under the principal Act by publication of a notice of acquisition, the authority acquiring the land is required by section 20 to pay into court within seven days the total amount of compensation that it offers for the land. Under subsection (2) that compensation has to be invested by the proper officer of the court in any prescribed securities and the interest accruing has to be paid to the person previously entitled to the rents and profits of the land. This clause deletes the requirement that the compensation be invested in prescribed securities and substitutes a requirement that it be invested in an authorised trustee investment on which interest is payable, compounding at least monthly.

Clause 4 repeals section 33 of the principal Act and substitutes a new section 33. The existing section 33 provides that where an authority eventually agrees or is ordered to pay a greater amount of compensation for the acquisition of land than that originally offered and paid into court by the authority, interest is payable on the difference between the two amounts at a prescribed rate from the date of acquisition. The new section 33 is to the same effect, except that the sum payable on the difference between the two amounts is calculated not by reference to a prescribed rate of interest but by reference to the additional amount that would have accrued had the correct (that is, greater) amount of compensation been paid into court in the first place.

Mr INGERSON secured the adjournment of the debate.

FENCES ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 22 August. Page 490.)

Mr S.J. BAKER (Deputy Leader of the Opposition): The Opposition supports the measure before the House and, indeed, we do not require it to be considered in Committee.

The Hon. G.J. CRAFTER (Minister of Education): I thank the Opposition for its indication of support for these minor amendments to the Fences Act.

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

WILPENA STATION TOURIST FACILITY BILL

The Legislative Council intimated that it agreed to the recommendations of the conference.

Consideration in Committee of the recommendations of the conference.

The Hon. S.M. LENEHAN: I move:

That the recommendations of the conference be agreed to.

It is usually appropriate that the Minister who represents the managers of the House of Assembly gives some explanations, and I will do that.

The Hon. Ted Chapman interjecting:

The Hon. S.M. LENEHAN: Yes, we had at least six sessions. However, I think it is appropriate that I put on the public record some comments about the conference. First, I would like to congratulate those members who participated in the conference. There were five from the House of Assembly and five from the Legislative Council. I believe that there was a spirit of cooperation and willingness to ensure that, at the end of the day, we had a successful project for this very important area.

I refer members to the amendments. In fact, 10 amendments were not agreed to by the House of Assembly. In the conference it became apparent that there was general agreement for the first six of those amendments and, in fact, that was the case. I do not intend to dwell on those amendments, because I do not believe that they are in any way contentious. Amendment No. 7 changed the normal procedure by which the Minister of the day implements conditions recommended by the officially recognised environmental impact assessment. It seemed inappropriate to move from that position. However, in the spirit of cooperation, it was determined that that clause would be agreed to by members of the House of Assembly. As a result, amendment No. 7 was agreed to.

As to amendment No. 8, the Legislative Council had moved to leave out (clause 9, page 6, lines 42 to 44) the words 'and those acts and activities may be undertaken in accordance with this Act notwithstanding any other Act or law to the contrary'. Members of the conference believe that it was important to retain those words because, after all, the purpose of this legislation was to ensure that the proponents of the lease—the lessee—had an unfettered right to proceed with that lease and, indeed, it was put to both Houses that that would be the intention of the Parliament. I am very pleased to report that that was the intention of the conference, and certainly of this House. Consequently, amendment No. 6 was not proceeded with and the Legislative Council did not insist on that amendment.

The other two amendments necessitated our having some six conference meetings from Tuesday through until 1 p.m. today; there was a difference in interpretation, and I do not intend to go over the past. A whole range of issues was canvassed in both Houses during the lengthy debates that took place. I hope that I will not raise the temperature of the House; I will try to be conciliatory. I recognise that there was a genuine difference of interpretation as to what had been agreed by the House of Assembly in terms of the Bill that actually left this place, that is, that the proponent of the development had, under the lease, a right to build accommodation with capacity for approximately 3 600 people, but that, after reaching a level of 2 900, if the lessee wished to have the protection of this enabling Act, that lessee would have to come back to Parliament and a measure would have to go through both Houses of Parliament before the lessee could proceed. However, if the lessee wished to proceed with his or her rights under the lease but did not wish to have the protection of Parliament, the lessee could choose to do that in the clear recognition that none of the provisions of this enabling piece of legislation could be brought into power.

Indeed, the Legislative Council had a different view. It felt that it was important that the Parliament, in some form or another, had the right to make a decision, irrespective of the lessee's wish to proceed from 2 900 beds to 3 600 beds. I must say that, in a spirit of cooperation and because this House believed it was important that this project proceed given the lengthy delays and the fact that it has been seven years since the beginning of discussions to ensure the rehabilitation, revegetation and regeneration of that very sensitive area, this House agreed to an amendment put forward by the Legislative Council. For the benefit of members, I will cite that amendment.

It provided that paragraph (3) of clause 3 (page 3, line 42) of the Bill be left out, thus striking out from the current Bill 'both Houses of Parliament have passed a resolution approving the increase'. Thus paragraph *(b)* would become paragraph *(c)* and then paragraph *(c)* would move up to become paragraph *(b)*. A new clause (8a) would be inserted to provide:

The Minister must cause a copy of a notice referred to in subsection (6) to be laid before both Houses of Parliament as soon as practicable after the original was published in the *Gazette* and either House may disallow the increase in the capacity of the facility provided for by the notice within nine sitting days after the copy of the notice was laid before that House.

It is important to note that the House of Assembly agreed to that amendment. In fact, that means that, through the whole question of gazettal and through the subordinate legislation process, both Houses of Parliament do not have to agree to the increase in capacity up front but that, after the Minister has gazetted the notice, within a period of nine sitting days, if neither House has disallowed that regulation, the development may proceed from approximately 2 900 beds to approximately 3 600 beds. I believe that the acceptance of this amendment indicated the Government's willingness to work constructively with those members opposite who have indicated publicly and, indeed, in the conference, their support for this vitally important tourist facility for the Flinders Ranges National Park and the area which has been designated and in which it will take place.

I also inform the Committee that the conference has determined that the Legislative Council do not further insist on its amendment to clause 10. I think it is appropriate to inform the Committee that this was agreed to subject to an agreement in principle and I believe that I have the responsibility of ensuring that, under the legal audit processes, our agreement can be executed—that the Government would undertake to make an *ex gratia* payment of up to a maximum of $10 000 towards the party and party legal costs of the Australian Conservation Foundation Inc., and the Conservation Council of South Australia Inc. in relation to Action No. 2946 of 1988 in the Supreme Court and Actions Nos A7 and A23, both of 1990, in the High Court of Australia incurred up to 11 October 1990—which I remind members was the date on which this legislation was introduced into this place—and that the legal costs be presented for payment on or before that date, which costs shall be verified in accordance with procedures that will be approved by the Auditor-General.

There was agreement at the conference that that be undertaken, but it was not written into the legislation. I am aware that other members may wish to contribute: however, I think it is important to pay tribute to the member for Elizabeth for his constructive contribution to the conference and, certainly, to the members of the House of Assembly, particularly the member for Stuart and the Opposition spokesperson on environment and planning (the member for Heysen) and the local member—

Members interjecting:

The Hon. S.M. LENEHAN: Well, I leave the local member until last, because it was important that the local member be a member of the conference, given that this facility will be located within the District of Eyre. I believe that

the environmental considerations are now ensured in absolute totality in the sense that they were previously covered by the lease and are now enshrined in legislation, and I refer to the environmental considerations of water, the environmental maintenance plan, the size, and, if you like, the architectural style of the development, such that all South Australians will be proud of that development.

I want to acknowledge the support of the member for Eyre, and, indeed, of the other members who participated in the conference. I believe this is a very worthwhile tourism facility development; it will be proceeded with under the terms and conditions of the lease and under the terms and conditions that have been laid down by both Houses of Parliament. I would hope that, in the spirit of democracy, once the Parliament has made its final decision, members of the community and members of the Parliament will get behind this incredibly worthwhile and vitally important tourism facility for South Australia and that some of the acrimony of the past can be left there so that we can work together as a community for the benefit of all South Australians.

In conclusion, I as the lessor must highlight a number of specific elements, namely, that this facility will ensure that we can close the existing facilities at the very sensitive mouth of the Pound which, while they have provided an adequate service to the community of South Australia for many years, are now recognised as being inadequate and not meeting the very sensitive environmental needs which the community demands and which I as Minister intend to safeguard. Therefore, we will be able to relocate those facilities three kilometres into the original home paddock of the Wilpena Station, which the Government purchased and added to the national park. We have carefully removed that section and made it a special area within the park, and those people who took a completely purist view in terms of the development within parks may take some comfort from that action.

We believe it is vitally important that we provide a range of facilities and accommodation for a range of people—the community we live in is a pluralist one. We have people with infirmities and disabilities; we have young people, old people and families; we have those people who seek to camp on unpowered sites and those who want a little more comfort in something that will approximate a 3½ star facility—all will be catered for under the new tourist facility.

As well as that, it is vitally important for the community of this State to recognise clearly a number of other benefits. First, the airport in the Wilpena area will be closed and relocated to Hawker. That is a significant move forward. Secondly, the interpretation facilities will not only inform members of the community who visit what I believe is one of our greatest and famous national parks but also educate people to ensure that they clearly understand the vitally important area that they are visiting and that they exhibit the care and concern that we as a Parliament expect of all people when they visit our national parks.

I believe this is of enormous benefit to the Aboriginal community of this State. For the first time in South Australia we will have the ability to enable local Aboriginal communities and local Aboriginal people to interpret their own history and culture and to enter into commercial activites without the white community dictating how they will do it. They will work with the developers, and already an agreement has been drawn up with respect to the employment of Aboriginal people in this area.

Finally, I refer to regional implications. As the member for Eyre and, indeed, the member for Stuart identified, this development will provide employment opportunities; it will provide opportunities so that young people do not have to leave their homes and go to other places, such as Adelaide and other major regional towns. It will ensure that there is properly planned and managed regional growth.

On all counts I believe this is truly an environmentally and economically sustainable development. It is the sort of development that this Government and both Houses of Parliament should and will support, and I believe it shows the community, the environmental movement and the development community that we are serious about sustainable development, and by that I mean environmentally and economically sustainable development. I commend the decision of the conference to the House.

The Hon. D.C. WOTTON: I support the recommendations of the conference. There is no doubt in my mind that we will have a more environmentally sensitive tourist facility at Wilpena than was originally envisaged by the Government. The conference has determined, as a result of amendments moved by the Opposition, that any further increase in the level of overnight accommodation approved by the Minister will be subject to parliamentary scrutiny. Let me just go back a little and remind members that, as a result of amendments moved by the Opposition in this place, before the number of overnight visitors reaches 2 924 the Minister must be totally satisfied that an adequate and permanent supply of water is available to the facility.

All reference to the form of accommodation to cater for the 2 924 overnight visitors has been removed from the legislation, leaving the decision as to what form the accommodation should take in the hands of the Minister, and I presume that that would occur as a result of consultation with the lessee. I believe that it is important, and the responsibility of both the Minister and the lessee, to ensure that there is an appropriate and adequate mix of accommodation facilities catering for both hotel accommodation and, in particular, family style camping. I believe that that is essential. Whereas under the legislation that first came into this House the Minister had the power to increase the number of overnight visitors to 3 631 merely by placing a notice in the *Government Gazette*, it is now necessary as a result of the resolutions of the conference that a notice approving the increase be laid before both Houses of Parliament and that if the lessee, with the knowledge of the Government, is not doing the right thing and if there is dissatisfaction with the way in which the development is proceeding, there is an opportunity for either House to move a disallowance regarding that increase.

I support the necessity for that to take place, and it should happen as quickly as possible, but with appropriate and proper consultation, I believe that it is necessary and quite appropriate that a time limit of nine sitting days be set aside to enable such a resolution and notice of disallowance to take effect. It will also be necessary, as a result of the amendments introduced by the Opposition, for both the public information plan and the environmental maintenance plan to be tabled in State Parliament, again ensuring the opportunity for public scrutiny. The Minister will also be required to table a report annually to Parliament on the lessee's compliance with both plans. It is vitally important that this Parliament be kept informed of the progress of the development, and through this Parliament the community of South Australia will be informed.

Furthermore, agreement has been reached that the Government will undertake to make an *ex gratia* payment of up to a maximum of $10 000 towards the party and party legal costs of the Australian Conservation Foundation and the Conservation Council of Souh Australia, incurred up to the date that the legislation was introduced in the House

on 11 October 1990. That payment should be made in accordance with procedures approved by the Auditor-General. In considering and amending the legislation, the Liberal Party has taken into account the many conflicting viewpoints expressed in regard to this legislation. I have found this legislation to be possibly one of the most difficult and frustrating Bills to consider in the 15 years that I have been a member of this place.

There has been an incredible strength of feeling about the legislation, both for and against, and the Opposition has found it necessary to try to take into account that strength of feeling. We believe that the legislation that comes out of the conference has achieved the most appropriate balance. Our amendments sought to reconcile a range of views about the desirability of a development at Wilpena.

I recognise the strength of feeling in regard to whether or not a development of this type or any major development should be built in a national park. I recognise that since the Government has indicated that it supports this development it has said publicly that this will be the last major development in a national park. I will be most interested to see whether that promise is adhered to. When the Government sought to exempt the project from the Planning Act, it could not expect Parliament to merely rubber stamp the deal, as the Minister has indicated today. Parliament had a responsibility to scrutinise the lease and build in safeguards, which is exactly what has not been achieved.

Whilst taking into account the genuine concerns of the Liberal Party to protect the environment, the amended legislation now provides for a viable tourist facility at Wilpena which can be managed under the close scrutiny of Parliament and with sensitive environmental management. If that does not occur, the opportunity is there for the Parliament quite appropriately to take the necessary action. In considering and amending the legislation, we have tried to accommodate the many conflicting viewpoints, and I believe that the final results of the conference will bring about the most appropriate balance.

I commend the people who took part in the conference from the House of Assembly. I particularly commend the members of the Upper House. My colleagues, the Hons Mr Griffin and Mr Lucas put a considerable amount of time, effort and thought into determining the appropriate procedures to be adopted by the conference, and I commend them. I hoped that I would have the opportunity to ask the Minister a couple of questions, as is appropriate, but she is not in the Chamber, so I will have to do so at a later stage. I wanted her to place on the record the reason why it was not possible to include in the legislation the expressed desire of the conference to ensure that an *ex gratia* payment was made to the Australian Conservation Foundation and the Conservation Council. I hope that the opportunity will be provided at a later stage for the Minister to explain that point.

I wanted to take up another matter of particular concern in regard to what has been said by the Minister about the involvement of the Aboriginal people. It concerned me considerably when a short time ago I had the opportunity to talk to Aboriginal people who have been involved with negotiations and were strongly of the opinion that they would be given the opportunity to participate through employment in the facility. I hope most sincerely that those people will not be disappointed. On a number of occasions in this place the Minister has indicated that it is the Government's intention that that be the case. If that has been said and if the Aboriginal people have been told that that is what is expected, I hope for their sake that it will occur.

To take one more example, I refer to the building of Wadlata at Port Augusta. As a member of the Public Works Standing Committee, I had the opportunity to participate in the early stages of that development. People who gave evidence said on occasions that it was intended that that facility should provide employment for Aborigines, and that was stressed. It is of considerable concern to me that not one Aborigine is employed—

Mrs Hutchison interjecting:

The Hon. D.C. WOTTON: I believe that to be the case. When I made inquiries a short time ago I was informed that no Aborigine was working at Wadlata at that time, and I believe that still to be the case. I am pleased with the results of the conference. It has been a very difficult conference for all parties, but I believe that its achievements will bring about a more environmentally sensitive tourist facility for what must be the most magnificent part of this State, a part of the State that I believe the vast majority of South Australians, if not all, would want to see preserved.

The Hon. JENNIFER CASHMORE: My opposition to the Bill remains undiminished. The Minister, in responding to the amendments and the results of the conference, described the Wilpena resort as a successful project, incredibly worthwhile and vitally important. I believe that it is none of those things. I sincerely doubt whether it will ever be successful, because every piece of advice that I have had from tourist sources for which I have considerable respect indicates that the forecast of visitor numbers is fantastically out of tune with reality. The chances of economic viability in those circumstances are indeed remote. For anyone to suggest that this is an environmentally sound project is to play with the truth.

I will deal with the amendments in turn to demonstrate that the Minister's claims cannot be sustained. In relation to amendments Nos 1 to 7, which were moved by the Opposition, obviously each in its own way makes the Bill less obnoxious than it would otherwise have been. Amendment No. 8 now simply confirms that the lease overrides the law of this State. It means that the lessee has unfettered rights over the lease and is not bound by the Planning Act or the Native Vegetation Management Act. In an area of the State which is in a class A environmental zone and a national park which is governed by the National Parks and Wildlife Act, I suggest that it means that the Government no longer has any moral authority whatsoever in respect of its administration of both those Acts.

Amendment No. 9 gives the Parliament some scrutiny over this unhappy project. If it were not for the Liberal Party's amendments to this section of the Bill, the Minister and the developer would simply be able to go their own way under the lease with no scrutiny whatsoever and no protection for the public interest in the administration of the lease.

Amendment No. 10 was moved by the Legislative Council and not insisted upon following the conference. That simply means that the Parliament and the public now have an assurance from the Minister (whose assurances in the past have not always been upheld) that an *ex gratia* payment of up to $10 000 will be made to the Australian Conservation Foundation in recognition of the totally unconscionable injustice which has occurred as a result of the Government's pre-empting the right of that body to have its appeal heard before the High Court of Australia in respect of the validity of the Government's development approval. I understand that the Australian Conservation Foundation has spent substantially more than $10 000; the costs so far are in the region of $20 000. If anyone in this Parliament can claim that natural justice has been upheld as a result of this

decision, I do not think that view would be shared by any fair-minded member of this community.

I feel deeply ashamed that the Parliament of this State can override the rights of citizens—rights which are laid down under Magna Carta and the Bill of Rights—in the way that has been done with this Bill. That is one of the principal reasons why I regard the Bill as utterly untenable in any democratic terms. It has set a very dangerous precedent. Let no member of the Government Party or, indeed, of any other Party argue in future against retrospectively taking away the rights of people to pursue their normal common law rights in the courts, because to do so, after the passage of this Bill, would in my opinion be totally hypocritical.

As regards the Minister's claims that this is an environmentally sound project. I refer yet again to the fact that no-one—not the Minister, not the Director of National Parks and Wildlife, not any senior public official, not any independent body—has challenged the truth that the long-term sustainability of the water supply for this project has not been proven. In short, the Parliament is giving its approval to a project which could have damaging long-term effects on one of the most fragile areas of this State which is in a pastoral district and which is of extreme economic importance to the State. I say this in the knowledge that I am supported in my view by a substantial number of pastoralists in that area.

The Minister claimed that the economic benefits of this project would have good effects in the local community, and in particular in the Aboriginal community. I view with the utmost scepticism the Minister's bland assurances about Aboriginal employment and local youth employment. The experience of the present operators is that local youth cannot be employed at that distance from their own homes; that those who seek that kind of employment come from some distance. They are relatively short-term employees and they live on site; they do not come from the nearby towns to work in a tourist resort. That is the experience all over Australia.

I believe that this project has been a bungle from start to finish and that it is not finished yet. Even though the Bill will be passed this afternoon, the project cannot proceed without funds. At every stage the Government has assured the Parliament and the public that no public funds will be used to finance this development. I think it is important to note that, if so much as a single dollar is lent to this project by the State Bank of South Australia or by any of its subsidiaries, those Government assurances will have been breached and there should be an outcry from all South Australians.

As regards the Minister's attempts at conciliation, she should be, and I am sure is, aware that there is bitter, sustained and well founded opposition to this development not only by the conservation movement but, I believe, by the majority of South Australians who hold in the deepest affection the Flinders Ranges and the national park that those ranges embrace.

I can only say that it is a very sorry day for this Parliament, for the credibility of the Government and for the advancement of any conservation cause in this State that the Bill should be passed. If the Minister hopes that the passage of the Bill will somehow dissolve public opposition to the project, she is seriously mistaken. Fortunately, in a democracy—and, as the Minister said, we live in a pluralist society—power is distributed; it does not reside totally in Parliament. There is still power with the people, as has been demonstrated in projects all over this country and the world, to ensure that, even though a law may have been passed, a project need not necessarily go ahead. I regard it as extraordinary that, in the final stages of this debate when the Minister should be present to answer questions from those who did not participate in the conference, she is not present in the Chamber. I regard that as yet a further abdication of responsibility.

Mr LEWIS: The member for Coles has just drawn attention to the concern that I also share, as a matter of principle, in the last remark that she made, namely, that this is an important matter. It has been controversial. Regardless of the view that we may have about it, the Minister should at least show her courtesy to the Chamber by being present while we discuss the report.

The Hon. D.C. Wotton: Where do you think she is?

Mr LEWIS: I have no idea, but I am anxious to discover from her what facilities she can guarantee will be provided to the public for their personal ablutions free of charge in that locality. There will be a substantial number of daytrippers visiting the Pound who will need to be able to obtain access to hand basins and toilet facilities, none of which have been countenanced in any part of the plan.

The Hon. Jennifer Cashmore: There could be one million visitors a year.

Mr LEWIS: They are figures that the Minister has speculated about but, whether they are accurate, I have no idea. There may be as many as one million visitors a year. I cannot say with any certainty or knowledge as to when that figure will be achieved. Notwithstanding that point, it is important to remember that anyone who visits such a phenominal natural geographic, geologic, topographic, botanical, zoological or natural scenic attraction will, from time to time, need to clean up, or clean up their babies. I do not agree with the treatment that has been meted out to the general public visiting yet another Australian monolithic land form, which we used to know as Ayers Rock and which we now know as Uluru, which has had its public ablution facilities demolished. If one wants to get to toilets or to any other facilities there, people are virtually bound to pay to get in and, more or less, bluff their way past staff, by pretending to be a patron of the facility. That is not an appropriate way to proceed. Certainly, it is quite outside our Australian tradition. What is more, it has unfortunate consequences.

All members would know that at present when nature calls the general practice is not appropriate, because the facilities are not adequate in that part of the Flinders Ranges or in many other places around South Australia. People simply have to go bush if no facilities are provided.

The Hon. Jennifer Cashmore: Ask the Minister at the table.

Mr LEWIS: Can the Minister of Labour at the table answer those questions and reassure the Committee about the provision of such basic amenities as ought to be provided where large numbers of people constantly congregate? One runs out of space if one has to go bush.

The Hon. Jennifer Cashmore: Especially with one million people.

Mr LEWIS: Yes, and the place becomes so defiled that you are incapable of traversing it safely in the daylight, let alone the dark. One does not have to go too far from the access point at the base of Ayers Rock to find that problem right now. I am reliably informed that it is an unpleasant place to be just after there has been a shower of rain, because it really gets on the nose. It is okay if there are not so many people visiting a location of that kind: nature has ways wonderous and beyond most peoples' ken. So, what we need to know from the Minister is whether ablutions are

available, whether water is available and whether fresh drinking water is available.

The Hon. JENNIFER CASHMORE: Is this Parliament to be treated with such contempt, given that the Minister in charge of the Bill has not been in the Chamber for the past 15 minutes? This is a controversial Bill on which a conference has met no less than six times. Where is the Minister? Why is she not here to answer the questions? Has she no sense of responsibility whatsoever? Will the Minister at the table advise the Committee where the Minister is and why she is not present?

Mr S.J. BAKER: Mr Chairman, I draw your attention to the state of the Committee.

A quorum having been formed:

Mr LEWIS: Once again, will the Minister tell us whether or not public amenities are available within the proposed development, that is, providing fresh water for drinking, toilet facilities for daytrippers and ablution facilities for young mothers who wish to change their babies? If so, will the people who visit the facilities as daytrippers be able to obtain access to those facilities without having to pay?

The Hon. S.M. LENEHAN: As I understand the honourable member's question, he is asking whether, in the proposed tourist facility, ablution facilities will be available for people visiting as daytrippers, visiting in private vehicles or on bus tours and whether adequate facilities will be available. I would have thought that that would be obvious. Why would any park management or developer want to attract people to their tourist development and not provide adequate facilities? Part of the whole rationale of this tourist facility has been to upgrade and provide facilities to the community, as a number of surveys over several years have shown the public have requested.

The simple answer to the question is 'Yes, of course, proper facilities will be provided.' That seems to be one of the fundamental environmental questions: that we do not have people—and I raised this at the second reading stage—not being catered for and we preserve the integrity of the streams, creeks and the environment generally by providing adequate facilities and being able to manage and control visitors to this very sensitive national park.

The Hon. JENNIFER CASHMORE: Will the Minister give the Committee an unqualified assurance that neither the State Bank nor any of its subsidiaries, nor any company associated with any of its subsidiaries, will provide finance for this project?

The Hon. S.M. LENEHAN: As the honourable member would know, this enabling legislation is not technically through Parliament, therefore it would be premature for anyone to talk about who may or may not be the financiers of this project. I can assure the honourable member that I have had absolutely no involvement with the State Bank or with any other finance company in terms of trying to establish financial backing for this project. I do not know whether that is what the honourable member is getting at.

The honourable member is aware that I am the Minister for Environment and Planning as well as holding other portfolios, but I am not the Treasurer and I am not the Minister of Finance. I do not know whether it would be appropriate for any member of Parliament either to seek or to give that sort of assurance, because the State Bank operates at arm's length from Government, as the honourable member knows only too well. She is aware that the State Bank carries out its own financial transactions which have nothing to do with the State Government. If the honourable member is now trying at this eleventh hour to sink this project, all I can say is that I am very deeply disappointed. The honourable member must surely be prepared to accept the majority decision in what has to be seen as a democratically elected Parliament of both Houses, and not to start saying now, 'We are going to undermine the project by letting hares run around the community.' I have no knowledge about, and have not spoken to the developer about, who may or may not finance the project. That is entirely a matter for the lessee, and I will not give such an undertaking, because I think that it would be totally inappropriate for me as Minister for Environment and Planning to make undertakings on behalf of the State Bank or of any other financial institution in South Australia.

The CHAIRMAN: Order! I point out that the matter before the Committee is the report of the conference, and not the second reading debate of the Bill. The honourable member for Heysen.

The Hon. D.C. WOTTON: I have two questions for the Minister.

Members interjecting:

The CHAIRMAN: Order! The member for Heysen.

The Hon. D.C. WOTTON: The question has been asked of me and I believe that it is essential that the Minister, as the person responsible for the conference, indicates to the Committee why it was not possible to proceed with amendment No. 10, to set into the legislation the figure that would be provided by way of compensation. It is important for the Minister, because of the responsibility she had in leading the conference, to explain to the Committee why it was not possible to have the matter of costs and the amount referred to written into the legislation.

The Hon. S.M. LENEHAN: I find that a most amazing question from the Opposition's lead speaker in this debate. The honourable member is very well aware of the discussions that went on during the conference.

Members interjecting:

The Hon. S.M. LENEHAN: I am very happy to restate the position that was arrived at by the conference, which is, as the Chairman is also well aware, that the Government agreed to pay up to a maximum of $10 000; that would be subject to party and party costs incurred under the specific actions mentioned in what I have read into *Hansard*; that accounts must have been presented for payment on or before 11 October; and that the Auditor-General would set down the procedures by which the proper accreditation of those accounts would be undertaken. It is quite inappropriate for us to canvass any further arguments. That was the agreed position and, as the Government's representative on the conference, I have every intention of ensuring that that agreement is carried out.

The Hon. D.C. WOTTON: Obviously, the Minister was not listening to the question I asked. As a member of the conference, I know full well what was agreed at that conference. I believe it is appropriate that the Minister explains why it could not be written into the legislation, and why it was seen to be necessary—

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: Do not let the Minister start talking about precedents.

The CHAIRMAN: Order! The member for Heysen.

The Hon. D.C. WOTTON: The whole Bill is a precedent. I want the Minister to explain, since it is appropriate that she do so, why this particular information is not provided in the legislation.

The Hon. S.M. LENEHAN: If the honourable member wants to play games, I do not intend to participate. If the honourable member wants that information in the public record, let him put it there.

Motion carried.

ABORIGINAL LANDS TRUST

Adjourned debate on motion of the Hon. S.M. Lenehan:

That this House resolves to recommend to His Excellency the Governor that, pursuant to section 16 (1) of the Aboriginal Lands Trust Act 1965-1975, allotments 93, 97 and 98, town of Oodnadatta, north out of hundreds, out of counties be transferred to the Aboriginal Lands Trust; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 9 August. Page 185.)

The Hon. B.C. EASTICK (Light): I am not the lead speaker in this debate.

Members interjecting:

The SPEAKER: Order!

The Hon. B.C. EASTICK: The Opposition is prepared to approve the recommendation contained in the motion. There is a very worthwhile reason why the recommendation should go to His Excellency the Governor to tidy up several parcels of land in the town of Oodnadatta, and I am quite sure that my colleague the member for Murray-Mallee, who is to be the lead speaker, will now convey that message.

Mr LEWIS (Murray-Mallee): Even though this matter has been on the Notice Paper for months, just before Question Time today the Minister kindly provided me with the only substantial information anyone in this Chamber or in this Parliament has had about this proposal, and that was simply an-up-to date town map of Oodnadatta. The local residents do not know where these lands titles sites are, as they are not on the information made available to them by the Lands Titles Office when they first made inquiries after the motion was introduced to the Chamber.

After I received the map from the Minister, I consulted with the local progress association. The land is currently on the opposite side of a terrace on which most allotments in the town are located. Section 93 at the present time contains some disused buildings. Section 98 poses no problem whatever. However, section 97 is in the middle of a watercourse.

The Minister herself, earlier this year, brought in legislation preventing the development of facilities, buildings and so on in watercourses, yet here we have a recent survey of a new allotment in the town of Oodnadatta smack in the middle of a watercourse, presumably for the purpose of allowing the Aboriginal Lands Trust to make improvements to that land. That is really absurd. It is a pity that neither the Minister nor her officers bothered to check the topography of the land they have sought to allocate to the Aboriginal Lands Trust by this motion. It is equally a pity that they did not check with the local people, regardless of ethnic origin or racial background, as to how the land is presently being used.

The local community has been working as one to build a BMX track on allotment 97, and the track is nearly complete. It will now be handed over to the Aboriginal Lands Trust. Members can imagine what a stir that has caused in Oodnadatta. I faxed to the community of Oodnadatta the map that the Minister kindly gave me at the commencement of Question Time today. There is only one fax machine in Oodnadatta, and it will not take the Minister long to realise where that is; it is in the local roadhouse. It was received with some dismay when it was realised exactly where the allotments are.

Having such short notice of the way in which the land is currently being used by local residents in the case of allotment 97, I am therefore not in a position to say on behalf of the Opposition that we give this proposal our unqualified support. But, I am not going to stand in the way. I have told the House what I now know of the way in which the local community uses the land in question: there is no problem with allotments 93 and 98 but there is a problem with allotment 97. It is on the Government's head, not my head or the Liberal Party's head, and I am quite sure that my friend and colleague the member for Flinders would equally want to distance himself from that proposition. I leave any responsibility and odium then for the ineptitude that seems to have occurred in consequence of the lack of consultation between the local people, the Minister and the Government.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I thank the honourable member for the enormous amount of research and work that he has done personally on the issue, and I take the point that he made: I have not visited the allotments personally, but I think the honourable member would appreciate that, given my huge range of portfolios, I cannot always visit every single location and area personally in respect of every decision I make. As Minister for Environment and Planning, for example, I would be doing nothing but rushing around the State looking at every individual planning matter. However, I make a practice of visiting those areas where hard decisions (to use that term) need to be taken, and I pride myself that I do not take hard decisions without having first-hand information and knowledge of the area and the issues and speaking with the local community.

I have not personally visited the area and I will take on board the points that the honourable member has raised. I thank him for the research and the work he has done in respect of this issue. I really cannot say any more than that at this point because, obviously, I need to convey that information to the appropriate organisation and the officers.

Motion carried.

STOCK BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

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

That the House do now adjourn.

Mr LEWIS (Murray-Mallee): At the outset, may I state the first grievance that I have at this time: namely, it is incredible that in this session this is only the third occasion upon which we have been able to have a grievance. To my mind, the Government is pushing too hard to get controversial legislation through this Chamber to avoid public scrutiny of such legislation and to avoid public controversy about the consequences of it. We have sat daily, whenever sitting at all, beyond the normal adjournment time on all but those very few occasions—and I have only four fingers on my left hand and I still have a spare after I count them.

To my mind that is an abrogation of the commitment that the Government gave this House and the Deputy Leader of the Opposition that we would have more sensible sittings and we would not transgress into the opportunities of private members to grieve about things that affect them adversely. It annoys me enormously that the Government has done this. Nobody can say that the Opposition has been unduly verbose and that members of the Opposition have

engaged in prolixity. It is simply a matter of the Government's attempting to do too much in too little time.

The next matter to which I wish to draw attention is the substance of the question that I asked the Minister today. The Government, indeed the Minister in the Chamber, falls between two stools—or maybe there are more than two stools involved. Certainly, I can see two and in prospect there may be many more. I sought from the Minister an answer to the question: did she not tell the pastoral industry at a meeting in Port Augusta just 12 months ago—in November 1989—that good management of a lease, that is, conserving the native vegetation, the natural vegetation on the lease, along with the level of improvements on the lease, would be considered deductions as a matter of policy by the Government when it came to introducing legislation affecting pastoral rents. That legislation has subsequently been introduced, and the Government and the Minister did not honour that commitment.

We now find that, in fact, the rent—that is, the Crown's interest in those leases—will be higher as a direct consequence of the good management of those leases and the retention of the diversity and density of natural vegetation on those leases. In consequence, good management is being penalised. Not only that, but it is, I confess, consistent for the Government to adopt the attitude that it will value the plants, herbage and trees on the lease as part of the notional value of the lease. Regarding the Land Valuation Act Amendment Bill, which we debated just last week, the Minister deleted all reference in the legislation to trees on the land. As the measure has left this Chamber and will presumably find its way into law, it is the intention of the Government to have trees on land, on site, valued as part of that land.

Therefore, any incentive to plant more trees is lost; any incentive to look after the existing trees and the existing bushes and herbage, regardless of where they may be, is lost. The incentive to maintain and to improve the status and standard of the native vegetation regimen on any land is impaired and, in my judgment, destroyed by a Government that cannot get its priorities sorted out. On the one hand it wants revenue and it wants to claim that it is giving revenue to local government, and it says it is doing that by including those improvements standing on the land in the form of vegetation as part of the land; yet, on the other hand, the Government says that it has a top priority to encourage people to plant trees for a variety of reasons that we can simply and easily describe as environmental. Many of those reasons, when examined in detail, may not be valid.

Earlier this year we heard the Minister of Transport bignoting himself in the public arena by saying that he would plant more than 100 000 trees. The consequence of his doing that would be that the emission of carbon dioxide from buses in the State fleet would be used up by the trees. That really is quite inane; it defies logic. There is no reason behind such a statement. It misleads the public and it is not responsible for, as you and I know, Mr Speaker, those trees are involved in a carbon neutral life cycle. Their leaves, when digested by a caterpillar, or when they fall to the ground at the end of their useful life in photosynthesis, being shed by the tree, will be colonised by bacteria and fungi, or chewed up by insects, or any combination of those three, as will their twigs, limbs, trunks and roots. In the process, those other life forms convert the carbohydrate energy that has been trapped in various parts of trees, whether in the leaf in the few months that it lived before it was shed or digested, or the trunk or the roots, which might have lived for decades, or for over a century more.

It does not matter: once that matter is digested, the respiration process of life takes in oxygen from the atmosphere and, in due course gives off the carbon dioxide that was once trapped in the carbohydrate stored away for the short time it was put down in consequence of the process of photosynthesis that took the carbon dioxide from the atmosphere in the first place. Therefore, one can see there is no sense whatever in what the Minister of Transport argued. It is a nonsense to presume that by merely planting trees we will solve the so-called greenhouse effect. That will not happen.

Notwithstanding that, I have been a member of the international organisation Men of the Trees for many years. I am now a member of its successor organisation, Greening Australia. I am committed to, and very supportive of, revegetating barren tracts of land or, for that matter, redecorating those areas that presently have less vegetation, particularly native vegetation, than they might otherwise have, where no economic loss or undesirable consequence results from the practice of replanting. I have done a lot of that myself on my home block at Tailem Bend over the 10 years I have been there. I did the same thing when I was a market gardener at Athelstone. There is no question about the fact that I am an admirer of trees for aesthestic reasons and for all the other good reasons, such as the beneficial effect they have on steadying the natural processes of erosion and on maintaining stable soil/water levels and watertables which, in many instances, prevent undesirable salinity buildups in low lying areas and the like.

I therefore make the point, and underline it by referring to a letter that the Minister has received from the proprietors of the Middleback Station at Whyalla. The letter was sent to the Minister on 14 November outlining some of the concerns that people in pastoral areas have now about the duplicity with which the Minister, her staff and officers—

The Hon. S.M. Lenehan interjecting:

Mr LEWIS: Yes, it was addressed to the honourable Minister, Mr Speaker. It was sent to officers of her department and to her staff. It deals with the contempt and abuse that has been dealt out in meetings with people from pastoral areas. It has been appalling. I will not cite that letter on this occasion, but I believe that the Minister has a responsibility to respond publicly to the letter from Mrs Sarah Nicholson. If the Minister does not have a copy of the letter, I will give her a copy because, clearly, it has been hidden from the Minister's attention by her staff because of their embarrassment.

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

Mr QUIRKE (Playford): I rise this afternoon to make a few remarks in what I think will be, arguably, the most important debate in the Australian community in the next 10 years. I refer not only to the future of our industry policy but to many other economic considerations in respect of the great tariff debate that is now developing in all parts of Australia and, in fact, in all areas of the community. Recently we were treated to some examples of the implications of the prevalence of cheap imported materials destroying the livelihood of people, particularly in the Riverland. Some two weeks or so ago, I recall that the member for Chaffey made what I thought was a reasoned speech in respect of the problems of fruitgrowers in the Riverland.

I well remember the case he made out in that speech for the cost of the fruit grown in the Riverland and sold to Australian manufacturers and how in fact it was some 30 per cent or more dearer than the concentrate, which I understand is coming onto the Australian market now in

the case of orange juice at $1 400 a tonne. In fact, the member for Chaffey went on to make out the case, if I have the figures correctly, that the cost of producing fruit in Australia is about $140 per tonne and that the concentrate currently coming in represented a cost of about $80-$90.

If I do not have the exact figures I do not think it makes a lot of difference, because the reality is that the foreign import is a great deal cheaper than the locally produced product, which brings us to the past two weeks and to the way the debate has unfolded. It is very interesting that what happened is that there seems to be a big opening—a cleavage—with respect to protection—tariff policy—and where we are going within the conservative ranks, and I hope we can get this act together.

Whilst I see on the conservative side of politics no doubt at all that Riverland fruit growers and many other primary producers need assistance so that they can survive the 1990s and anti-dumping measures to make sure the current bottoming of prices in the primary production area ends, we witness an absolute silence on what is happening in a number of other areas. I think the State Liberal Party will have to take up its attitude to protection very seriously with its Federal counterparts. Within a couple of years this country will face another general election, and the Treasury benches in Canberra may well change. No doubt members opposite would agree. I simply say to them that, if there is such a change, they had better make sure they get their act together on what is arguably for this State and country, but particularly this State, an extremely important issue.

In fact, the *Financial Review* of 26 October contained a very important article under the heading of 'Key Liberals query policy to abolish tariff protection'. The article, written by Steve Burrell, states in part:

> Senior Liberal Party figures yesterday cast strong doubts over the Party's policy to effectively abolish tariff protection by the end of the decade, saying it could kill Australian manufacturing.

The article further states:

> The council debate [the Liberal Party council debate] revolved around a resolution which sought endorsement for the new policy to reduce protection unilaterally to 'negligible levels' by the year 2000, which the [Federal] Opposition Leader, Dr Hewson, has proudly brandished as an example of his bold new approach to economic policy.

I find a twofold problem with that. First, I understand that Dr Hewson was a professor of economics before he reached—or should I say that he fell into—his present exalted position. The reality is that, as a teacher of economics and as a user of economic texts, no doubt he has been deeply influenced by the movement over the past 20 years which has taught in many circles that protection cocoons industries and does not encourage them to compete on either the international or the national market. I understand that in many respects there is some truth in that, and no doubt many industries in Australia have used tariff walls and have seen, in the presence of protection of one form or another, a safety net by virtue of which they have not had to go out there and seek to compete.

However, there is a second aspect to that which I think needs to be explored. There is no doubt in my mind that Australia is playing in a world where there is nowhere near an even playing field. The farmers, who have made their point quite clearly over the past few weeks (in fact, many members opposite have made that point in all sorts of ways in this House, and I think it is a legitimate point), also need to come to understand that many of our trading partners in the manufacturing industry put all forms of protection of one type or another onto their product. It must be understood not only by the member for Chaffey, who makes out the case very well for the fruitgrowers on the Riverland, but also by many other members opposite and those in Canberra that the Australian community, and in particular the South Australian community, has an awful lot to lose if we dismantle willy-nilly the protections that have guaranteed a manufacturing sector in South Australia for many years. In fact, I would say that the State that will be the worst hit is the State that we are now in—South Australia.

There is no doubt in my mind that if the free trade movement, which seems to be quite strong within the Liberal Party in terms of the manufacturing sector, has its way, by the turn of the century Mitsubishi in particular in South Australia and General Motors Holden's will still be here, but they will not have anywhere near the level of employment that they currently have. There is no doubt that if protection is ripped from those factories at a rate that is proposed by the Federal Liberal Party, those two organisations in South Australia to which I have just referred will simply become screwing-together operations for products that are made offshore.

There is no doubt that the Governments of Malaysia and other countries are quite happy to afford protection of any kind to encourage local manufacturing. There are all sorts of other protections in Japan. In fact, in trading with Japan, Europe and the United States, we are not dealing with free trading partners, and I think that has to be understood. To have a blanket policy to end by the turn of the century all forms of protection, whether they be tariffs or various other measures of protection, would be disastrous for the Australian community, and particularly for the South Australian community.

I conclude tonight by pointing out that I have seen a lot of contradictions in Liberal Party policy. Some would say—and I think the member for Napier would be one—that hypocrisy is a better word to use. There is a wonderful letter to the Editor in the 20 November issue of the *Bulletin*. Headed 'Farmers taste their own medicine' it states, the page headed 'Flack':

> If they were given the choice now, would the farmers prefer to pay slightly more for their ploughs, mowers and tractors—purchases which they could defer for a season if they could not afford them—or be bound to crippling interest rates on their mortgages, whether they liked it or not?

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

Mr MATTHEW (Bright): I rise this afternoon to address the scurrilous document which has been referred to during Question Time on a couple of occasions in this House and which was circulated to school students in South Australia. I was absolutely disgusted as the father of a four year old child to find that this sort of material had been thrust into her hands at her kindergarten, which is run by the South Australian Education Department. What sort of Government do we have in this State that stoops to the level of placing political material in the hands of four year old children? I propose to read part of that document to members to give an example of the sort of trash that is being promulgated at this time. Part of the letter states:

> I am writing to inform you of recent State Government decisions on education and to assure you that our schools will continue to provide young people with a quality education.
>
> The decisions have been made in a difficult economic climate. However, I am confident that we, as a community concerned about the education of our young people, will work together to improve further the quality of our schools. As you are aware, our teachers are now the highest paid in Australia. This follows a pay decision by the Teachers Salaries Board which provides teachers at the top of the automatic scale with a salary of $38 200. The highest paid school principals will now earn $65 000 and other teachers in promotion positions will also earn more. The size of

the pay rise was not expected, and the board ruled that it must be paid immediately and backdated to 11 October.

Mr Atkinson: What's wrong with that?

Mr MATTHEW: The implication of this letter is that all principals earn $65 000 a year; that all teachers earn $38 200; and that some principals earn more than $65 000. This letter is deliberately designed to deceive parents into believing that teachers are paid a higher salary than is the case. The letter continues:

> Teachers will be asked to spend more time teaching in the classroom.

That point is underlined. The implication by this Government is that our teachers are not spending enough time in the classroom. What sort of Government implies that teachers are being paid more than they are and that teachers are not spending enough time in the classroom and bucket them for it? Is it any wonder that the morale of teachers in our work force in this State is plummeting to an all time low? Is it any wonder that they are starting to leave the profession? The best teachers in this State are the ones who are leaving rather than the worst ones. They are throwing up their hands and saying, 'We do not want to put up with any more of this sort of treatment. I remind members of the words of the Minister as follows:

> I am confident that the community is concerned about the education of our young people.

He also says that 'our schools will continue to provide young people with a quality education'. Let us look at the effect that these cuts have had on some schools in my area.

I will address my remarks in the main to Mawson High School—a school in my area with 502 students. It draws its student population from a wide area—from many suburbs represented by numerous members in this place, from as far south as Aldinga to as far north as Smithfield Plains. They come from those diverse areas for one reason, namely, that Mawson High is recognised as a school which provides excellence in special education; so much so that applicants for the recently vacated position of principal were told that almost half the students in Mawson High have some sort of learning difficulty and almost 70 of those students have a moderate to severe learning difficulty.

In 1991 it is expected that it will have 52 students in a level 3 learning category, 15 students in level 4 and one in level 5. With the changes imposed by this Government, the wonderful curriculum guarantee package has lost Mawson High 3.6 teachers for next year and, with the latest round of cuts, a further 3.5 teachers will be lost. In total, in 1991 that school, which provides education for children with special needs, will lose seven teachers. It will lose seven of its current 43 teachers, finishing up with 36 teachers, and that must affect many members in this place.

Indeed, the member for Mawson who is in this Chamber now has students from her electorate at that school, as does the member for Hayward. I am sure that they are concerned about this dramatic effect on the school. The end result is that this school must now look at which programs it will axe and which subjects it will abolish in order to survive next year. It has to restructure the entire school and work out which teachers are to go. None of the schools losing teachers have any flexibility to determine which teachers must go because, quite clearly, it will be the teachers on contract who are subjected each year to stringent evaluation processes and reporting procedures by principals and senior teachers. Only the performers get a contract the following year. Next year there will be no contracts and the non performers will be protected. That is having a devastating effect on the morale of teachers and students.

I will briefly quote an extract from a letter sent to Mr Trevor Fuller, the Acting Director of Southern Area Education, by the chairperson, Kay Hatherley, on behalf of Mawson High School Council. She states in part in her letter of 23 October:

> Mawson High School is being undermined by the ever increasing department policies in which formulae are used to determine resources. As we do understand that there must be a rationalisation and accountability of public spending, it is also very pertinent to provide alternatives to large, specific curriculum geared schools for those students who, for a variety of reasons, inquire what Mawson has to offer. It cannot always be perceived on a ratio basis, as often students in circumstances not suited to them can cause more exhaustive use of available manpower (support), thereby reducing the effectiveness of that resource. The choices available to students are being curtailed and restricted each year by a steady reduction in staff. In 1986, with a similar number of student enrolments, there were seven more teachers at the school than the projected number for 1991.

I remind members that the letter was written on 23 October—before the school was aware that it would lose another 3.5 teachers. The letter continues:

> It is becoming very evident in program choices and morale. The uniqueness of Mawson, as being an individual supportive caring community offering all students the variety to be able to achieve their own success and maximum potential, is being threatened.

It further states:

> As a school council we ask that due consideration be given to extra staff for our school to maintain its valuable contribution to students' education, and that the Education Department circulate a statement refuting rumours of our closure . . .

The whole problem is that this school is providing an excellent standard of education for children with special needs, but it will have that role threatened next year. These are the same students who, without this special attention, probably will not have the opportunity to increase their learning at the rate that they have been, and perhaps they are some of the same sorts of students who might turn to vandalism in sheer frustration at not being able to learn. It is a complete picture and the whole perspective that we must look at in this State and not just at how many teachers we have or need in a particular classroom. What happens or does not happen in the school classroom is a direct reflection of the social problems which occur outside.

Regrettably, this Government does not have the breadth to be able to appreciate the whole problem in perspective. In the short time available to me I will quote a couple of sentences from a letter that I received from a student of Mawson High School who was absolutely devastated by the recent staffing cuts announced. The student states:

> I feel that a lot of the students of Mawson High School will sense a great loss, considering the fact that the Mawson community studies unit is probably first on this list for being closed. Mawson community studies unit is an area where students can be independent, enhance their various skills and talents, learn to cope on their own and learn to be responsible. The students choose their own courses and teachers are always there to keep a watchful eye on those who seem a bit reckless or just to lend a hand. It is sad to see such a great place being closed just as it is blossoming into something worthwhile.

I am certainly doing my best with the teachers and principal of that school to ensure that that unit does not close, but that is the sort of program that is being threatened.

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

Motion carried.

At 4.54 p.m. the House adjourned until Tuesday 4 December at 2 p.m.