HOUSE OF ASSEMBLY

Tuesday 14 April 1992

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

PETITION: PUBLISHING STANDARDS

A petition signed by 54 residents of South Australia requesting that the House urge the Government to stop reduced standards being created by publishers of magazines and posters debasing women was presented by Mr Becker.

Petition received.

PETITION: GAMING MACHINES

A petition signed by 79 residents of South Australia requesting that the House urge the Government not to introduce gaming machines into hotels and clubs was presented by Mr Brindal.

Petition received.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 270, 391, 407 and 437.

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. J.C. Bannon)—

Public Finance and Audit Act 1987—Regulations—Adelaide and Flinders Universities.

By the Minister of Transport (Hon. Frank Blevins)—

Commercial Motor Vehicles (Hours of Driving) Act 1973—Regulations—Exemptions.

Metropolitan Taxi-Cab Act 1956—Applications to Lease, 1 April 1992.

By the Minister for Environment and Planning (Hon. S.M. Lenehan)—

Report on the Administration of the Planning Act by the South Australian Planning Commission and the Advisory Committee on Planning, 1990-91.

By the Minister of Labour (Hon. R.J. Gregory)—

Industrial Relations Advisory Council—Report for Year Ended 31 December 1991.

MINISTERIAL STATEMENT: MARCEL EDWARD SPIERO

The Hon. FRANK BLEVINS (Minister of Correctional Services): I seek leave to make a statement.

Leave granted.

The Hon. FRANK BLEVINS: The Department of Correctional Services has completed its investigation into the escape of Marcel Edward Spiero whilst being escorted from Yatala Labour Prison to the Supreme Court on Tuesday 11 February. I have previously reported to the House that prisoner Spiero escaped when the escort vehicle was stopped in heavy traffic on Regency Road. Two armed men got out of the car in front of the prison van. One ordered the two escorting officers to stand on the footpath, facing a wall, the other gunman ordered the driver to release Spiero from the back of the high security van. The gunmen and Spiero then escaped in their vehicle. The officers radioed Yatala control for police assistance and pursued the offenders' vehicle, but lost them in the back streets.

The final report of the investigation of the escape addresses all outstanding matters relating to the escape and subsequent allegations. The interim report from the department raised concern as to why the Dog Squad was not escorting the prison van to the Supreme Court. The need for the departmental Dog Squad to escort prisoner Spiero was made mandatory after Spiero's involvement in an unrelated escape conspiracy came to light on 27 December 1991. The prisoner subsequently attended court on four occasions prior to his escape on 11 February. Three of the appearances were at the Supreme Court and one was at the Adelaide Magistrates Court. The police escorted prisoner Spiero to the Magistrate's Court as police conduct all Magistrates Court escorts.

On the three occasions that prisoner Spiero attended the Supreme Court (that is, 13 January, 21 January and 3 February), the Dog Squad did accompany the escort to court. On one occasion, that being 3 February, the Dog Squad did not escort the prisoner back from court. Written instructions that a Dog Squad escort was required for the escort of this prisoner were given by a senior officer at Yatala Labour Prison at approximately 8.15 a.m. on 11 February. There is no doubt that this officer committed this instruction in writing prior to the escort commencing. The report draws the conclusion that, in their rush to ensure the prisoner arrived at court on time, the officers simply failed to follow these instructions.

The departmental investigation and police evidence reinforce the view that allegations that the escort form had been tampered with after the escape and that, more seriously, there was inside collusion by officers, are unsubstantiated. The investigation also finds the claim that the escort had deviated from a designated route is also unfounded. At the time of the escape there were no designated routes to be used by escorts from Yatala Labour Prison. The route taken has always been at the discretion of the driver. However, as part of improved security procedures, a number of designated routes have been identified.

Having independently considered all the evidence and advice available to him, the Chief Executive Officer has decided not to charge any of the officers involved in the escort of Spiero, under the Government Management and Employment Act. The Crown Solicitor has advised him that there is evidence to suggest that the officers would be liable to disciplinary action under section 67*(e)* of the Act. However, the Chief Executive Officer is required by the Act to form an opinion independently of any such advice. He has done so and considers any such action would be out of proportion, given the other things that have happened to these officers.

During the incident, the three officers were seriously traumatised as a result of firearms being pointed at their heads. They had genuine cause to be in fear of their lives. These officers have also suffered through the escape, as have their families. They have been publicly subjected to criticism and humiliation and their integrity has been questioned. The Chief Executive Officer has also taken into account the actions of these officers, once the offenders made their getaway. The officers quickly returned to the prison van and

gave chase, obtaining details of the number plate of the getaway car and contacting Yatala Labour Prison control by radio for police assistance.

These actions demonstrate concern about the escape and professionalism under the circumstances. The Chief Executive Officer has therefore counselled these officers in regard to their responsibilities and their conduct which may have contributed to the escape. Following allegations about the conduct of the departmental investigation a copy of the report of the investigation has been forwarded to the Ombudsman, the independent official of Parliament. Being confident that the investigation has been thorough and complete, the Chief Executive Officer has invited the Ombudsman to use his powers to review the department's management and investigation of the incident and form his own conclusions.

The department has also taken action to minimise the risk of such an escape occurring again. Procedures already in place include police Star Force support and departmental Dog Squad support for the escorting of all High 1 category prisoners. In addition, radio communication now uses digital voice protection which will prevent illegal surveillance. The security of the escort vehicle itself has also been reviewed and the department has found that the value of increasing the security of the driver's cabin is doubtful, given the additional security measures which have already been outlined. Finally, I remind the House that the department has maintained a very good record with respect to escape incidents. The public can be assured that the department is constantly reviewing and evaluating departmental policies and procedures, with a view to further improving security and public safety.

MINISTERIAL STATEMENT: SOUTH AUSTRALIAN SPORTS INSTITUTE

The Hon. M.K. MAYES (Minister of Recreation and Sport): I seek leave to make a statement.

Leave granted.

The Hon. M.K. MAYES: On Wednesday and Thursday of last week the member for Morphett raised a number of questions in relation to an administrative audit of the South Australian Sports Institute commenced on 24 October last year by officers of the Department of Recreation and Sport. In particular, the honourable member sought information on the following matters:

details of individual transactions on credit card at SASI since July 1990;

equipment purchased in the period July 1990 to October 1991 by institute officers who did not have appropriate purchasing authority;

purchases valued at more than $10 000 which were made without the proper procedures for obtaining quotes; and

names of companies from which the institute obtained its sport, gym and sports science equipment referred to in the audit report.

The honourable member suggested that such information should be readily available from the departmental officers who carried out the audit. Certainly, some of the information sought by the honourable member relating to the period of the audit is now available, and that period is from 1 July 1990 to 30 June 1991. I have that statistical information relating to the use of credit cards, and I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

AMERICAN EXPRESS CARD EXPENSES—JULY 1990-DECEMBER 1990

Staff	July	August	September	October	November	December
M. Nunan	0.00	253.67	59.70	51.92	0.00	0.00
N. Craig	0.00	1 547.69	0.00	51.00	0.00	0.00
M. Turtur	0.00	241.50	2 997.13	1 261.90	0.00	0.00
C. Martin	0.00	100.00	0.00	0.00	0.00	0.00
D. Bolton	48.80	51.00	0.00	92.10	55.27	0.00
M. Angove	0.00	0.00	0.00	0.00	0.00	948.81
M. Clark	61.20	0.00	0.00	0.00	0.00	0.00
N. McGachey	0.00	0.00	0.00	0.00	0.00	0.00
S. Pisani	260.36	42.25	105.00	0.00	40.00	0.00
J. Dry	0.00	0.00	219.33	0.00	0.00	0.00
J. Williams	0.00	0.00	0.00	0.00	0.00	0.00
K. Haarsma	0.00	0.00	0.00	0.00	69.40	0.00
M. Flynn	26.64	12.66	12.87	332.18	439.83	0.00
W. Ey	145.80	0.00	41.86	0.00	171.00	15.75
G. Pearce	0.00	0.00	0.00	0.00	0.00	0.00
E. MacFarlane	0.00	0.00	0.00	0.00	0.00	0.00

AMERICAN EXPRESS CARD EXPENSES—JANUARY 1991-JUNE 1991

Staff	January	February	March	April	May	June	Grand Total
M. Nunan	247.50	0.00	0.00	402.00	0.00	0.00	1 014.79
N. Craig	15.00	0.00	0.00	51.00	0.00	269.13	1 933.84
M. Turtur	0.00	0.00	0.00	2 674.25	0.00	0.00	7 174.80
C. Martin	15.00	15.00	0.00	0.00	0.00	0.00	130.00
D. Bolton	308.10	27.24	57.11	0.00	0.00	131.87	771.49
M. Angove	0.00	0.00	0.00	0.00	0.00	58.10	1 006.91
M. Clark	0.00	0.00	0.00	0.00	0.00	0.00	61.20
N. McGachey	0.00	Cancelled	Cancelled	Cancelled	Cancelled	Cancelled	0.00
S. Pisani	0.00	0.00	0.00	67.20	0.00	0.00	514.81
J. Dry	Cancelled	Cancelled	Cancelled	Cancelled	Cancelled	Cancelled	219.35
J. Williams	15.00	0.00	0.00	0.00	0.00	0.00	15.00
K. Haarsma	627.00	0.00	0.00	0.00	0.00	0.00	696.40
M. Flynn	45.00	0.00	0.00	0.00	0.00	0.00	869.18
W. Ey	283.00	15.00	30.00	0.00	0.00	0.00	702.41
G. Winter	0.00	0.00	15.00	0.00	0.00	0.00	66.00
G. Pearce	0.00	0.00	0.00	195.97	0.00	160.86	356.83
E. MacFarlane	0.00	15.00	0.00	0.00	51.94	1 130.73	1 197.87

The Hon. M.K. MAYES: The other information sought by the honourable member relating to purchasing authorities and equipment purchased is still being researched and I understand will be available later today. Therefore, I will table that further information relating to the period of the audit at the earliest opportunity. The member for Morphett has also sought information on some of these matters for periods of time after the audit period. I am informed by departmental officers that further work will be required to gather that information, a process that is estimated to take at least five working days. I am not sure whether the honourable member realises that the information he seeks is outside the period of the original audit, but additional works will be done to gather that information if he so desires.

I make this point because I question what the honourable member hopes to achieve by his continued questioning of the departmental audit process. I indicated in my ministerial statement of Wednesday 1 April that the inadequate procedures identified in the audit had been addressed. That advice came from the departmental officers responsible for the audit and has been confirmed by the Acting Chief Executive Officer.

Furthermore, I am also advised, as I indicated in my ministerial statement of 1 April, that there is absolutely no evidence of impropriety by any officer of SASI arising from the audit review. The member for Morphett has already questioned that assertion in this place but has not produced a shred of evidence to support his insinuation that SASI staff have been guilty of improper behaviour. He now seems to be questioning the integrity of departmental officers when they assert to me that the procedural issues identified in the audit have been rectified.

The truth is that the honourable member knows that these matters have been addressed, and he knows that I, as Minister, have ensured the accountability of SASI to Government over the past 12 months. Indeed, in the Estimates Committee hearing last year I pointed out precisely and unequivocally to the honourable member the need for the institute to be accountable to the Government. The fact is that the honourable member is pursuing this issue for his own cheap political ambitions, to the detriment of the morale and good name of the institute. In a quite outstanding display of hypocrisy, the honourable member sheds his crocodile tears and claims that sports people—

The Hon. JENNIFER CASHMORE: On a point of order, Mr Speaker, the House gives leave for a ministerial statement and not for a debate or for abuse of a member.

The SPEAKER: I uphold the point of order. The Minister will contain his comments to the statement and not debate the issue.

The Hon. M.K. MAYES: The member for Morphett's attack on the institute is not only unjustified but also totally illogical. At one moment he is threatening to ask the Auditor-General to examine SASI's affairs, in other words demanding full accountability to Government: the very next moment he appears in the press telling the Government to get out of sport and let the board run the institute. Well, what does he want? He cannot have it both ways.

The Hon. JENNIFER CASHMORE: On a point of order, Sir—

The SPEAKER: Order! The Minister is continuing to debate. I assume that that is the point of order.

The Hon. JENNIFER CASHMORE: That is my point of order, Mr Speaker.

The SPEAKER: The Minister will be careful with his comments in his statement and not debate the matter.

Mr Lewis: Hang your head—

The Hon. M.K. MAYES: The one person who should hang his head is the member for Morphett. I wish to deal briefly with the board and its role, because, as I have said, the honourable member has again publicly challenged the board's charter as an advisory body and proposed that it should take on the full legal, financial and managerial responsibility for the institute.

I reiterate the fact that the board of the institute has never had any statutory authority, and has always had a purely advisory function. The current board is composed of eminent, successful and highly respected achievers in their various careers in sport, sports administration and business. They are also very busy in the pursuit of those careers. I think it is fair to say that they have indicated to me that they are very happy to have an advisory role which does not include the time consuming demands of having to deal with day-to-day administrative and program details.

They are also satisfied with not having to take on the onerous legal responsibilities which are incumbent on a board with statutory powers and a managerial charter. That is not to say that the board does not have a critical role to play in the effective operation of the institute. As I have indicated on many occasions, the board is vital in providing an overview by sport of the policy and operations of the institute, as well as a representative voice for sport to the institute management. As well, the board is looking forward to the challenge of providing advice to Government on matters of broad sports policy.

This year is, as we well know, an Olympic year. The current period in the lead up to Barcelona is a critical period in the operation of SASI. It is essential for success at the Olympics that morale amongst coaches and athletes is high and that their energy is focused directly on the task ahead. That is why the negative, carping, unfounded attacks of the Opposition are particularly destructive at this time.

Members interjecting:

The SPEAKER: Order! There is a point of order.

Members interjecting:

The SPEAKER: Order! The member for Morphett.

Mr OSWALD: On a point of order, Mr Speaker, the Minister is once again debating—

The SPEAKER: Order! The Chair does not uphold the point of order. I do have a copy of the ministerial statement.

Mr OSWALD: On a further point of order, Mr Speaker, in terms of clarification, the Minister said that I was making 'negative, carping and unfounded attacks'. I think that that is debating the subject.

Members interjecting:

The SPEAKER: Order! There is a point at issue. Standing Orders do not provide in relation to debate in the course of a ministerial statement: there is nothing to prevent debate in a ministerial statement under Standing Orders as they stand at the moment. The Chair, in upholding the point of order, was trying to uphold the standard of ministerial statements, but in fact there is no provision.

Mr OSWALD: On a further point of order, Mr Speaker, Standing Order 127 refers to digression and personal reflections on members. I would hold that that statement by the Minister was a reflection on a member.

Members interjecting:

The SPEAKER: Order! The Chair needs clarification about what the honourable member finds offensive in the ministerial statement.

Mr OSWALD: I refer to Standing Order 127.

The SPEAKER: What was the actual comment?

Mr OSWALD: The Minister referred to me as making 'negative, carping and unfounded attacks': that is historically in breach of Standing Order 127.

The SPEAKER: The Chair does not uphold the point of order. The honourable Minister.

Mr Lewis interjecting:

The SPEAKER: Order! The member for Murray-Mallee is out of order. The Minister.

The Hon. M.K. MAYES: My major concern is for the state of morale at SASI. It is essential that they be allowed to get on with the business of preparing for Barcelona. I therefore repeat the challenge issued to the member for Morphett last Thursday. If he has evidence of impropriety by SASI staff, or a lack of action on the issues raised in the audit, then let him make those allegations, or let him allow SASI to get on with the business of achieving success for elite sportspeople in South Australia. The sporting community has had enough of the honourable member's innuendo and backbiting. Let him put up or shut up.

Members interjecting:

The Hon. M.K. Mayes interjecting:

The SPEAKER: Order! The Minister of Recreation and Sport is out of order.

QUESTION TIME

The SPEAKER: Before calling for questions, I wish to advise that any questions directed to the Minister of Health will to be handled by the Minister of Transport, and any questions on community welfare will be handled by the Minister of Education.

MINISTER OF TOURISM

Mr D.S. BAKER (Leader of the Opposition): Will the Premier agree that, as Premier, he has the ultimate responsibility for standing aside any Minister from Cabinet? Will he also agree that any full inquiry into conflict of interest issues involving the Hon. Barbara Wiese MLC must cover her reponsibilities as Minister of Tourism and Minister of Consumer Affairs? Will he therefore give a commitment to this House that he will stand aside the Minister from all her portfolios during the inquiry?

The Hon. J.C. BANNON: The witch-hunt continues, which is not surprising, given the way in which the Opposition has handled this whole business. No doubt Opposition members are feeling a little smug and self-satisfied that they have helped set up a situation where the Minister has called for an inquiry or where an inquiry is to be held. In terms of the ultimate responsibility in relation to the Minister's standing aside, yes, I concede it is mine. What I am doing in respect of this matter is discussing it with the Minister. The question of whether the Minister should stand aside, and in what way, is dependent on the terms of reference as finally formulated. I hope that the Attorney will be in a position to announce that shortly. The Minister has indicated that, if the terms of reference are such that it would be appropriate for her to stand aside, she will. Until that has been finalised and we are in a position to make a further announcement, I can make no further comment.

Members interjecting:

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

GAS SUPPLIES

Mrs HUTCHISON (Stuart): Will the Minister of Mines and Energy indicate whether South Australia has yet achieved its objective of securing a rolling 10-year forward cover of natural gas? My question is based on the fact that, when the south-west Queensland gas contracts were signed in July last year, we were said to be very close to achieving our forward cover requirements.

The Hon. J.H.C. KLUNDER: The honourable member is quite correct in stating that the signing of the south-west Queensland contract has brought us close to the point of having a 10-year rolling supply of gas. What was still required at the time of signing that contract was the confirmation that the South Australian Cooper Basin producers had found sufficient gas reserves during the past three years to meet the conditions of the 1989 gas sales agreement. I can inform the House that, following examination of the producers' additional gas quantities by the Department of Mines and Energy, last month PASA accepted the adequacy of the additional reserves, and a rolling 10-year gas contract is now in place. It is difficult to overestimate the importance of that situation.

It was only a couple of years ago that we had a maximum of two to three years gas supply for the State and things were looking fairly bleak, but cooperation between the department and the producers in the Cooper Basin and the contract that has just been signed with the south-west Queensland producers have put us in the situation where we can now say to people who want to set up in South Australia industries using gas that the time span of a 10-year rolling contract is now in place and that will allow them security of supply, knowing that at any given point they will have 10 years warning that there may be some problems. Indeed, for the consumers of this State, it is good news because one of the interesting things about gas supplies in South Australia is that we have the second lowest gas prices in the country and we are doing reasonably well in the gas field altogether. However, it is also anticipated that the demand for gas will probably increase over the next few years and, consequently, negotiations are proceeding with a number of potential suppliers for additional quantities in future.

MINISTER OF TOURISM

Mr S.J. BAKER (Deputy Leader of the Opposition): What assurance will the Premier give that the Opposition and the Australian Democrats will be consulted before details of the independent inquiry into conflict of interest issues involving the Hon. Barbara Wiese are finalised? What assurance will he give that the terms of reference will be sufficiently wide to cover all the matters raised in this Parliament during the past three and a half weeks?

The Hon. J.C. BANNON: There is no point in having an inquiry unless the terms of reference enable matters that have been raised to be properly and adequately covered. That is certainly the intention of the Attorney-General. I know that in doing that he has had regard to the proposals made by the Opposition and the Democrats in relation to terms of reference. I might say in respect of some of those that there have been some quite extraordinary propositions. I understand that the Democrats have suggested that each and every project that the Tourism Department has had any involvement with over the period that the Minister has occupied that post should be subjected to inquiry and scrutiny. That is absolutely extraordinary. We are talking here, of course, of a considerable period, because the Minister is the senior Tourism Minister in Australia. She is recognised universally in this country as being extremely eminent in her field. She has very strong support in the industry, both nationally and in this State. I would have thought that members had been made aware of that over the past few weeks.

Members interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: So, in fact, the great effort that the Opposition has made to discredit her and the extension of that effort into trying to ensure that the whole of her tenure of that office is subjected to some sort of inquiry is totally misplaced and would be totally rejected by the industry over which she has presided so well in this State. I repeat: I do not believe the Minister has anything to be concerned about from an inquiry or that such an inquiry should cover all those matters that have been raised in whatever circumstances—however sleazy—by members of the Opposition.

WEST LAKES WATERWAY

Mr HAMILTON (Albert Park): Can the Minister of Marine give the House a progress report on the hydrological survey of the West Lakes waterway? Last year the Minister announced that a considerable amount of money would be spent on this survey.

The Hon. R.J. GREGORY: The contract was let last year for $143 000. Research is being undertaken by a company and a computer model was sought from a Dr Wang. It was thought that this computer model would be suitable for West Lakes, but the work done so far has led the person conducting the survey to believe that the computer model needs some modifications and he has indeed proceeded to do that. He also is not happy with some of the measuring equipment supplied because he believes it is inaccurate in measuring flow rates.

The work taking place at West Lakes at the moment can best be described as being on the cutting edge of technology. Apparently, such work has never been undertaken to this extent previously and, when the modelling is finished, it will be a unique piece of work from which other people will be able to learn, and I hope that whoever has developed it can sell it and get some money for it. The project will not cost any more. The delay resulting from this inability to have correct measuring equipment and doubt about the computer model will not increase costs because the contract is for a fixed sum. I am very pleased that in South Australia we are once again doing something that is leading the rest of the world.

PRISONER'S ESCAPE

Mrs KOTZ (Newland): Will the Minister of Correctional Services explain the conflict between his statement to this House on 19 February relating to the escape of Marcel Spiero and his statement this afternoon? In his statement on 19 February the Minister said:

> The issue of why the Dog Squad did not accompany the escort vehicle is of concern. The Dog Squad was booked for the escort at 4 p.m. on Monday 10 February 1992...

However, in his statement this afternoon the Minister said:

> Written instructions that a Dog Squad escort was required for the escort of this prisoner were given by a senior officer at Yatala Labour Prison at approximately 8.15 on 11 February.

The Hon. FRANK BLEVINS: I did not personally write the instructions for the Dog Squad but I will have that matter examined, see who did and check precisely when they did it. I will make another ministerial statement, if necessary, tomorrow.

COLLECTIONS FOR CHARITABLE PURPOSES ACT

Mr HOLLOWAY (Mitchell): Will the Minister of Finance inform the House what progress has been made with the review of the Collections for Charitable Purposes Act? Last year I raised allegations in the House that some charities had employed professional collectors who were taking up to 90 per cent of the proceeds of collections for themselves. In his answer the Minister announced that a review of the Act had begun.

The Hon. FRANK BLEVINS: I thank the member for Mitchell for his question and his continuing interest in this area. The Collections for Charitable Purposes Act has remained largely unchanged since 1939. It was enacted to broaden the purposes for which charitable collections could be made and to provide controls with respect to the collecting of money or goods for charitable purposes. The provisions of the Act have become outdated and do not deal adequately with present day circumstances.

In August 1990, a brief discussion paper was issued to 250 organisations, mainly licensed charities, to provide an opportunity for them to suggest amendments to the present legislation which might make it more effective. Subsequently, more detailed proposals for change have been developed to provide the basis for further discussions with charities and other relevant organisations. Areas for discussion will include the definition of 'charitable purposes', penalties, licensing requirements, procedures for the use of collection bins/boxes/tins, payment to collectors and use of professional fundraisers, the need for collectors to wear some form of identification, definition of door-to-door collection times, the age of collectors, and the need for disclosure by charities of the distribution of the proceeds from donations between administration and welfare programs.

To guide the review through its final stages, a working group has been established to consider these areas for discussion and any others then may be relevant and then to make recommendations to the Government on rules and procedures to govern collections from the general public, giving particular attention to the issue of disclosure by charities of the distribution of the proceeds from donations between administration and welfare programs.

The nomination of representatives for the working group was completed recently. The group will comprise representatives from the Australasian Institute of Fundraising, large and small charities, the commercial fundraising industry, the State Treasury, the Department for Family and Community Services, the South Australian Council of Social Services, the State Business and Corporate Affairs Office and the Local Government Association. Subject to the availability of individual representatives, the first meeting of the group will be arranged within the next week or so. It is proposed that the review and the development of revised legislation will be completed this calendar year.

I ask the member for Mitchell and any other members who have an interest in this area—and I know there are a number of them—to make representations to the working party. There are various interest groups, but it is necessary for the general public to take an interest and make representations. From time to time, I am contacted by members of the public who are irate about various things that occur during collections for charitable purposes. I refer, for example, to the soliciting of donations or the sale of goods by telephone. That absolutely outrages me, and I know from conversations with others that it annoys most people. I do not think that charities engaging these fundraisers are in the long run doing themselves any favours by annoying half the population by telephone.

Also of concern is the amount that these fundraisers take as expenses. I have heard that as low as 10 per cent of the amount collected goes to charities. That may be perfectly legitimate, but when a person is giving a dollar to a charity it is that person's right to know just how much is actually given to the charity and how much is given to the person door knocking. It may well be that the person still wants to give the amount, and that is fair enough, but I think that information should be available. So, I ask all members to inform their constituents by newsletter or *Messenger* newspaper, and so on, that this working party has been established, because if it is to be successful it requires public input.

ST JOHN AMBULANCE

Dr ARMITAGE (Adelaide): Does the Premier share the Opposition's concern that recent industrial events concerning the St John Ambulance service will lead inevitably to the disappearance of St John and the complete union domination of the service with greatly increased cost to the community?

The SPEAKER: The honourable Premier. The Minister of Transport.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! The Minister of Transport.

The Hon. FRANK BLEVINS: Mr Speaker, I thought I heard you say at the start of Question Time that I was to take questions properly directed to the Minister of Health. I insist on taking this question.

Mr S.J. BAKER: On a point of order, Mr Speaker—

The SPEAKER: Order! The Minister will resume his seat.

Mr S.J. BAKER: On a point of order, Mr Speaker, the Premier was rising in his place and the Minister sat him down; is this normal procedure?

The SPEAKER: Order! That is a frivolous point of order and wastes Question Time which, I thought, was of great benefit to the Opposition.

Dr ARMITAGE: On a point of order, Mr Speaker, my question is directed specifically at the costs entailed in the service; it has nothing to do with the standard of the service, which would have been appropriately directed to the Minister of Health.

The SPEAKER: Order! The member for Adelaide will resume his seat. The principle as the Chair understands it is of shared ministerial responsibility and, as I understand the form of our Parliament, Cabinet is a shared responsibility and any Minister may take any question that he or she considers to be under his or her responsibility. The Minister of Finance.

Members interjecting:

The SPEAKER: Order!

The Hon. FRANK BLEVINS: Thank you very much, Mr Speaker. I am very pleased to answer the honourable member, because when I was the Minister of Health, rather than just standing in for him this afternoon, I got involved quite heavily with the ambulance service and I thought I did a very good job indeed.

An honourable member interjecting:

The Hon. FRANK BLEVINS: That is right. The position has been stated by the Government on many occasions. We do support very strongly the use of volunteers in our ambulance service and in a whole range of other areas. We believe that that is to the benefit of the people who receive the service of the volunteers and of the volunteers themselves. I think it is something that the community ought to support in appropriate areas. Of its own volition, St John has chosen not to have volunteers in the metropolitan area. That was a decision it took because they thought it was just no longer worth the effort and that the amount of industrial disruption that it caused was not worth it. As Minister of Finance I regret that decision, and the Government regrets that decision, because the Government and I believe that volunteers did have a role, but St John took that decision itself.

Volunteers play an extensive role in providing ambulance services outside the metropolitan area, and the Government would want that to continue and would encourage it to continue. The present industrial dispute is unfortunate. It is one of those disputes that are very difficult to deal with, because it revolves around the personalities of those who run the ambulance service and some of its senior employees and the question of whether they resigned or whether they were dismissed. All I hope is that patients are not inconvenienced in any of this dispute.

An honourable member interjecting:

The Hon. FRANK BLEVINS: Well, I have said all that. I will go through it again. I would expect ambulance officers in no way to interfere with the necessary transport of sick and injured people, and I believe that is the case. As regards the cost if volunteers left the service completely, I do not know whether it has been calculated, but it is hypothetical, in any case. We would and do encourage volunteers to stay in the service. We think it is a worthwhile thing for them to do and a worthwhile thing for communities outside the metropolitan area.

HERITAGE PROTECTION WORKS

Mr De LAINE (Price): Will the Minister for Environment and Planning advise the House of the total funding for South Australia for heritage protection works announced by the Prime Minister in the One Nation statement, and how this allocation will be spent?

The Hon. S.M. LENEHAN: I thank the honourable member for his ongoing interest in this area. The total grants from the Federal Government were in the vicinity of $1.68 million to South Australia for heritage protection works, and of that, as members on both sides of Parliament are already aware, some $1.1 million is to be spent on the Palm House in the Botanical Gardens. The Commonwealth Government has sought a list of projects to be undertaken with the remaining $580 000, and the National Estate Register has been proposed by the Commonwealth Minister as the basis for the selection of heritage items eligible for funding of protection works.

However, I personally believe that eligibility should be extended to include items on the State heritage register, and I have written to the Federal Minister requesting that the final list of properties to receive assistance come from the broader listing of not just the National Estate Register but also State heritage listings. I make clear that I will be seeking discussions with my colleagues the Minister for Housing and Construction and the Minister for the Arts and Cultural Heritage so that we can ensure that the remaining $580 000 is most appropriately spent in South Australia. I look forward to a successful resolution with the Federal Government and to moving ahead with the spending of this money to preserve our heritage.

AMBULANCE DISPUTE

Mrs KOTZ (Newland): Was the Minister of Labour merely fulfilling the role of 'honest broker' in the ambulance dis-

pute when he suggested that the AEA should be involved in selection panels of management positions at all levels; and does he support the AEA in insisting on the reinstatement of Mr Alf Gunther as part of the negotiated agreement? In a letter to the board last week, the AEA secretary Mr Palmer quotes a suggestion that the Minster of Labour made to the Chairman, David Young. This suggestion would allow the AEA position on staff selection panels; would charge the new Chief Ambulance Officer with the restructuring of senior management; and require the AEA to be involved in drawing up the job specifications for the Chief Ambulance Officer and any other new positions. In reply to a question last week, the Minister of Health said he and the Minister of Labour were merely acting as 'honest brokers' in the dispute.

The Hon. R.J. GREGORY: I thank the member for Newland for her question. It is obvious that members opposite do not understand how industrial relations are developing in this country. We have just seen an example of that lack of understanding. In the whole of the Public Service where promotional positions are sought, including those where the CEO is being appointed to a department, an employee is involved in the selection panel. It is only proper that that should happen, and it is a worthwhile exercise. It ensures that employee organisations and employees in general have some say and ownership in what happens. It is a policy that has led to very good appointments within the Public Service. It has also led to a situation where we have very few appeals against promotional positions.

Members interjecting:

The Hon. R.J. GREGORY: Members opposite interject that we do not know where the direction of industrial relations is going. There is a stark choice in this. Members opposite want to go back in time to the *laissez faire* approach where workers went to work, were told what to do and how to do it and were not allowed to speak. Things have changed, and, boy, have they changed. Members opposite do not understand this. They ought to read some books on management practices coming out of America at the moment. America, as we know, led the world in the industrial revolution. It revolutionised the manufacture of goods and showed the world how to do it. Today it is having great difficulty responding to that flexibility of changing products and changing where change is needed. In America today the companies prospering, surviving and coping with the change are those that involve their employees and their unions in the decision-making process. Those that exclude the workers and the unions from the decision-making process are going down the chute. The model that the member for Newland is promoting is the one that is disappearing fast.

FISH MEAT

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Industry, Trade and Technology outline to the House whether any research has been done on the value of specific food compounds in fin fish meat? The Minister will be well aware that the dietary virtues of seafood are now more fully understood and accepted by the community. It has been put to me by fisher people in my electorate that only good can come of an educational program which will further this community understanding.

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: I thank the honourable member for this very important question. Indeed, a lot of research has been done both in this State and elsewhere on the benefits of fin fish foods and, of course, if we can have those benefits recognised by consumers, not only in Australia but overseas, that would naturally have a very significant economic benefit for our fisheries industry. As an aside, it is worth noting that last Friday I was approached by the South Australian Fishing Industry Council on a number of matters. One of the things I was asked was whether consideration had been given to promoting the South Australian fishing industry and its products and, in particular, trying to get added value out of different sections of the industry. In response to that, one of the points I made was that the humble tommy ruff, which has been cheaply available on South Australian markets for a long time, is a much underrated and undervalued product which not only has enormous health value but, if it were to be recognised for its similarity to the northern hemisphere herring, also would have enormous dollar-added value.

The Hon. T.H. Hemmings interjecting:

The Hon. LYNN ARNOLD: The member for Napier tells us that he was brought up on herring. As he might recall, herring was very much a cheap food—

Members interjecting:

The SPEAKER: Order!

The Hon. LYNN ARNOLD: —in the northern hemisphere until it became recognised for its greater virtues and is now a very expensive product there. It would be nice to see the very large catches of tommy ruff in South Australia bring in much more for fishers than the limited amount they receive at present, varying from between 90c to $2 a kilogram, were the nutritional value of tommy ruff recognised more widely in world markets.

Undoubtedly, fish products have great potential if the supply can be kept up, and that can be done in two ways: first, by preserving the natural environment so that we can generate fish in the wild and market a great advantage of South Australia, that is, a clean, wild, marine environment (and that is where my colleague the Minister for Environment and Planning is playing such an important part in ensuring that the outflows to the sea are kept under control so that we can advertise a product much more successfully internationally); and, secondly, by promoting aquaculture and what it can do in this State. Provided we do that with recognition of its environmental sensitivity, we have another great marketing capacity. The vast areas of aquaculture ponding that have been opened up in other parts of the region in recent years are under some threat, because they are not able to guarantee that environmental quality that we still have the opportunity to ensure. If we can do that, we can look at supplying an increasing volume of fish foods at a much greater value to the world markets.

In that context, I was very pleased to see that the French Government recently invited two Government officers from Australia to attend a world conference on aquaculture technology in France this month. Of the two invitations to the whole of Australia, one of them came to South Australia: an officer from my Department of Industry, Trade and Technology will be attending that conference. The other State to be invited was Tasmania. We are doing other exciting things at the West Beach laboratory of the Department of Fisheries. We have a number of activities taking place there involving the private sector and new applications of aquaculture technology, of use not only to this region but also exportable to other countries within our region.

Therefore, I think this is a very important question. It certainly recognises the important health value of a product we have in South Australia, but it is equally important that we get as much economic benefit as possible out of that for

our economy and for the fishers of our economy, and both the Department of Industry, Trade and Technology and the Department of Fisheries are keen to work with the industry to see what we can do to enhance the value-added opportunities of fish products from South Australia.

SACON

Mr BRINDAL (Hayward): Will the Minister of Housing and Construction confirm that a report entitled 'The SACON FMS Project—Analysis of Estimated Costs and Benefits', dated 5 September 1989, estimated the cost of implementing the new financial management system for SACON at $324 000? Given that the Minister advised the House last week in his statement that the final cost was $1.3 million, will he now concede there was a blow-out of $1 million in the implementation cost?

The Hon. M.K. MAYES: I will have to go back to that report to check those figures but, off the cuff, I think that the figures to which he refers relate to the consultant's fees in addition to that $325 000. I think the hardware and software preparation actually represents the lower figure.

Mr Brindal interjecting:

The Hon. M.K. MAYES: I will check that and bring a report back to the House for the honourable member, if he can contain himself for a moment. I am sure that the matter will be clarified.

MIGRATION INTAKE

Mr QUIRKE (Playford): Has the Minister of Industry, Trade and Technology reviewed current migration figures for new settlers to Australia? What trend have these figures shown for South Australia? Recent reports indicate a significant national drop in migrant intake in the last two quarters compared with the corresponding period 12 months ago.

The Hon. LYNN ARNOLD: I will obtain an exact breakdown of the figures as soon as they become available from Canberra on South Australia's share of the different categories of migration and seek to have them inserted in *Hansard* at a later time. However, I can say that the information we have at this point, as the honourable member correctly identifies, is that there has been a major fall in the level of migration to this country in the past 12 months compared with many years previous to that.

I made the point to the Hon. Gerry Hand prior to a meeting of Ministers of Ethnic Affairs and Immigration held in Adelaide recently that it was important that the flow of migration to the country was kept as stable as possible and not subject to wild fluctuations because that could generate problems in our employment market. When the economy picks up, the time line involved in processing migration applications could see us left with skills shortages which could stifle job opportunities for others already living in this country. We have had enough evidence of that in the past where we have been short of certain skilled positions. Had those positions been able to be filled other jobs would have been created automatically in our local economy. The way to overcome that is to ensure as reasonably stable a migration program as possible rather than one that fluctuates wildly. Be that as it may, I understand the difficulties that the Federal Government has had and the reasons for the cut-back in the most recent 12 month period.

Another point that needs to be picked up is the capacity of different parts of Australia to respond to migration intake. There is no doubt in my mind that New South Wales is not well placed to receive large numbers of migrants into that State. Its infrastructure is already under stress and the fact that something like 40 per cent of the nation's migrants go to that State stresses the situation even more, but other States like South Australia are capable of receiving more. Our infrastructure is well capable of receiving a higher share of the national migrant intake than we do and we look forward to that being the case.

In that context, it is disappointing that we in South Australia have not been able to achieve a greater share of the national migration intake. The figures for the past 12 months overall show that something like 4.9 per cent of the migration intake came to this State. On the one hand, that represented an increase in the level of skilled migrants coming to this State, and that is important because that provides an unleashing or an opening of bottlenecks. It allows other job opportunities to be created for people already looking for jobs. However, on the other hand, it also covered a dramatic fall in the level of business migrants coming to South Australia and that is a concern, because business migrants bring with them investment capital, investment capital having job creation opportunities for people already in South Australia.

We are still grappling with these issues and we will continue to pursue them with the Federal Government, particularly with a view to ensuring that States that have a capacity to cope have the opportunity for a bigger share of the migration intake and that States that do not, such as New South Wales, with its present level of 40 per cent, will see a reduction in the number of migrants they receive.

Finally, it is worth noting that South Australia is keen to see not only overseas migration into the State but also interstate migration to help stimulate the economy, and we have had a net inflow of about a thousand people a year from interstate migration which again creates new demands and helps generate employment. That is markedly different from the situation that took place, for example, under the Tonkin Government, as I have detailed on earlier occasions.

SACON

Mr INGERSON (Bragg): Will the Minister of Housing and Construction say whether a post-implementation audit was conducted by SACON into the implementation of the new financial management system and, if one was conducted, did it confirm the Minister's claim last Wednesday that the new system was saving $210 000 per year in data processing costs?

The Hon. M.K. MAYES: As I understand it, the financial management system prepared by SACON in terms of its improved efficiency as requested by the Auditor-General and by the management or director of SACON is still being implemented and evaluated in the sense of the overall information service. I understand that those cost estimates and savings provided via the new system being consolidated are yet to be finalised. I will come back to the honourable member with the figures that are available, although I would think at this stage that probably they are mostly estimates, as the system is still in the process of being implemented.

THIRD PARTY PROPERTY INSURANCE

Mr De LAINE (Price): Will the Minister of Transport have a fresh look at the possibility of introducing compulsory third party property insurance for motor vehicles? This

matter has previously been raised several times by me in the House but many motorists in the community are insisting that they be given this protection.

The Hon. FRANK BLEVINS: I thank the member for Price for his question, and I know that the honourable member will forgive me if I say that the question is hardly original. It has been asked on numerous occasions, both in the House and outside it.

Mr Becker: What are you going to do about it?

The SPEAKER: Order!

The Hon. FRANK BLEVINS: The question of drivers who do not have third party property insurance is a real one, but no-one has yet been able to come up with a satisfactory solution because the scale of the problem, as estimated by the RAA, is that about 5 per cent—no more than 5 per cent and possibly less—of drivers do not have third party insurance or third party property insurance. So, it is quite a small problem. However, if the only way to tackle that problem is to make it compulsory for everyone to have third party property insurance, the calculation on the cost of that is something in the order of $60 million for what is a relatively small problem.

If anyone can give me an answer to that, I shall be absolutely delighted to bring legislation into the Parliament at the earliest possible opportunity. About a fortnight ago I saw, as did the member for Price and I think every other member on this side of the House—

Mr Hamilton: And the member for Albert Park.

The Hon. FRANK BLEVINS: —and the member for Albert Park, an article in the press that the New South Wales Opposition had introduced legislation into the Parliament to fix up this problem. I thought, 'That's good; they're pretty good people—they're very cluey—and I'll have a look at this and at some of the claims that have been made for this draft legislation.'

Having had a look at it, I frankly could not see how it was going to do anything other than increase the costs of insurance for all motorists—and increase them significantly. I do not wish to suggest in any way that my colleague in New South Wales has not done the sums, but I cannot for the life of me see how it all adds up.

I understand that the New South Wales Government, not to be outdone, is suggesting that it will introduce its own legislation to make third party property insurance compulsory. However, it has said that it will not make it mandatory for an insurance certificate to be provided to the registrar prior to registering a motor vehicle. In effect, this makes the provision meaningless. I shall be watching the New South Wales experiment very closely.

I understand that some discussions have already been held with motoring organisations and with both the Government and Opposition in New South Wales and that they might not now be as keen to go ahead with this legislation as they previously were. However, if any legislation does go through the Parliament, we will monitor it very closely indeed. If the New South Wales people have found a solution to this problem, this State will be the second to do so, and we will say, 'Thank you very much, you have done that well and we are going to emulate it.' I wish to see an effective and cost-effective system introduced in New South Wales, or anywhere else for that matter, before we put this enormous burden on all motorists to deal with what is a relatively minor problem.

I do not often do this, but I congratulate the insurance industry in this State, because its efforts in attempting to educate the public by publicising third party property insurance have been excellent. The RAA has a policy on third party property insurance at, I believe, about $1 a week. The new products introduced by the insurance industry in an attempt to further reduce this problem have been excellent, and I commend the industry for that. I look forward to seeing what occurs in New South Wales to see whether it holds any lessons for us here.

SOUTH AUSTRALIAN SPORTS INSTITUTE

Mr OSWALD (Morphett): My question is directed to the Minister of Recreation and Sport. Given that issues of financial management in the Sports Institute were first raised in this House almost three years ago, does the Minister accept ultimate responsibility for what the Acting Chief Executive Officer of his department has described as 'inadequate procedures and in some cases unacceptable procedures' and, if not, whom does the Minister hold responsible and what action will be taken?

The Hon. M.K. MAYES: Talk about a fishing trip! The honourable member refers to three years ago, but he does not refer to the question or issue concerned. He throws out a net to try to escape the fact that the Government has addressed the issues raised by this audit. I have read the Auditor-General's statement to the House. In his attacks on the institute, the honourable member has, by muddying the waters, tried to suggest that certain staff members of SASI have committed some misuse of funds. He does not feel comfortable or happy—

Mr Lewis interjecting:

The SPEAKER: Order! The member for Murray-Mallee is out of order.

The Hon. M.K. MAYES: The honourable member endeavours to escape from the attack he has launched against individuals by trying to turn the issue away from the direct issue involving SASI today and point to some distant event that occurred in this House. As I have said time and time again in this House, responsibility and accountability comes back through me to this Parliament. It is my responsibility to ensure that things are run properly. I will do that, and that is exactly what I have done. The honourable member cannot suggest on the one hand that Government should stay out of it and, on the other hand, that Government should be accountable. The Government, through the Minister, is responsible to the Parliament and to the people.

SUBURBAN HOUSING

Mr HAMILTON (Albert Park): Will the Minister of Housing and Construction say what action his department is planning to boost housing within the inner city and inner suburbs of metropolitan Adelaide? A recent article appeared in the *Advertiser* of 19 March 1992 under the heading 'State plan to boost housing in the inner city area'. A couple of my constituents who saw this article have approached me and asked what cost benefits will arise from a plan to erect more houses within the inner city and inner suburban areas.

The Hon. M.K. MAYES: I thank the member for Albert Park for his ongoing interest, enthusiasm and active support in the whole exercise of urban consolidation, particularly from 1987, when the Government adopted a very clear policy of consolidation or urban infill. The Government is actively involved, and my predecessor, the member for Napier, had the charge of and responsibility for, and enthusiastically pursued, that policy.

I guess it is fair to say, with the Adelaide Planning Review currently under way, it is important to look at what will be the outcome of that review. Significantly, it will mean some

clear information to the planners, Government officers, the community, the private sector, the Government (of course) and the community as a whole as to what people expect, what resources are required, what are the costs and what we can achieve with the resources we have in terms of getting the best possible development of our city and maintaining its wonderful quality of life and its environment. It is important that we look at what sorts of ambitions people have for their city. That will have a large influence on what direction we take.

One of the interesting things that will come from the Adelaide Planning Review is the situation with regard to the cost of urban infill, that is, development, and residential development in particular, in inner suburban areas versus the outer green fields. Already, I think we know that there is quite a disparity, quite a margin, between the cost of getting a block of land ready for the construction of residential premises in the city and the cost in the outer area. At the moment, the cost is roughly $3 000 for an inner city area, for example in the Northfield development, versus about $17 000 to $18 000 in the outer city areas, such as the extremities of Seaford or Willunga and other such locations. There is an obvious advantage there, but we must measure that against the resources required and balance that against what we can do effectively in the city.

The Housing Trust is following the Department of Environment and Planning and the South Australian Urban Land Trust (SAULT), which has been involved in this. They have worked hand-in-hand to ensure that we see this policy implemented with the best result for the community. So, there is planning and there is an opportunity for us to see proper planning for all those resources that are required by the communities as they grow and for the existing resources. The Green Streets program, which has provided an executive officer, has been extended to 1995. That will see the provision of information to local government, particularly in the way of design and planning, for instance, for roads—all those planning aspects that are important for quality of life. We will continue to support that, because it is important.

The Housing Trust is following its own policies in time, those policies being enunciated by Government, such as large infill sites, small infill sites, infill sites for special housing, conversion of purchased housing, conversion of trust double units, recycling of non-residential buildings, significant upgrades, creation of sites in back yards of purchased houses, corner blocks or cut-offs and creation of sites in double unit estates along with the redevelopment of trust neighbourhoods. Of course, the member for Mitchell will endorse this, because that is a sector that we are looking at in his electorate with the private sector. We think there will be an excellent result, which the community will enjoy—not only those who enjoy living there but also the rest of us who enjoy seeing it. Physically and environmentally, it will be a great success, and we want to see more of those things happening. We will pursue and encourage it so that we see that sort of result in our community.

PORT STANVAC OIL REFINERY

Mr MATTHEW (Bright): Why did the Minister for Environment and Planning, in January this year, use section 43 (1) of the Planning Act to give immediate effect to an SDP which allows residential development within 350 metres of the Port Stanvac oil refinery land, and is the Minister now prepared to reconsider this matter in view of last Friday's reminder about the need to ensure an adequate buffer zone between refinery land and residential development? The Minister will recall that I objected to the initial SDP released two years ago to rezone the land in question from industrial to residential and allow new housing on the boundary of refinery land. The refinery also objected. I also opposed the Minister's action in January this year to give immediate effect, on an interim basis, to a revised SDP. The SDP is currently before the Advisory Committee on Planning.

Friday's incident at the refinery is therefore a timely reminder of the need to consider the adequacy of the proposed 350 metre buffer, particularly when the Victorian Government requires a two kilometre distance between residential development and a petroleum refinery.

The Hon. S.M. LENEHAN: This indeed is a very complex issue and I will provide the House with some background. The facts are just a little different from the way in which the honourable member has presented them. The SDP actually allows for residential development 350 metres from the vacant general industry zoned land and, indeed, that land is owned by the Port Stanvac Refinery. It is zoned 'general industry'. I have personally looked at that land and understand from the refinery itself that the land could not be used for any extension of refinery activities. The land itself is shaped into a 'V'—it goes down into a valley. I assume that the honourable member looked at the land personally before making these allegations.

Notwithstanding that, it was given interim authorisation following advice from the advisory committee on planning. The rezoning has the effect of allowing additional houses to be developed north of the refinery, but no closer than that allowed for under the existing zoning. It is important to note that the closest existing or rezoned residential land north of the refinery is one kilometre. I am very happy to share with the honourable member a diagram which in fact shows that the shortest distance from the boundary of the present refinery and the small pocket of rezoned land—

Mr Matthew interjecting:

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

The Hon. S.M. LENEHAN: The honourable member does not like this because it is factual information about the matter. It is one kilometre from the boundary of the present refinery. The interim area is currently zoned 'general industry'. As I understand it, the proposal is to extend, through a rezoning, some of that land to preserve the one kilometre buffer area. The honourable member has tried to drag a red herring into all of this by talking about the Victorian situation.

I have in front of me the World Health Organisation reference which looks at health protection zones for industries undertaking sources of environmental pollution. It talks about the chemical industry under class 1 and refers to a health protection zone of 1 000 metres. One of the operations listed is an oil refinery. What was being proposed—not by the State Government (the honourable member has again got it wrong) but indeed by the Marion council and the Noarlunga council working with the State Government—was the maintenance of a one kilometre buffer zone from the border of the current refinery site.

Mr Matthew: That is wrong—it is not true.

The Hon. S.M. LENEHAN: The honourable member opposite is saying that that is not right. I am informed that this is currently being examined to maintain a buffer.

Mr Matthew interjecting:

The SPEAKER: Order!

The Hon. S.M. LENEHAN: It is also appropriate to note that this matter is currently before the advisory committee on planning. As I have said publicly, it is appropriate for

me to wait for the advice to come from the advisory committee on planning before making a final decision. That is indeed what I intend to do. When I have had that final report from the advisory committee on planning, a final decision will be made. I make very clear to the House that, with respect to the operations of the refinery, I personally supported maintaining a proper buffer zone to ensure that we have an element of protection in terms of the risk analysis which has been undertaken.

A hazard risk assessment study was undertaken by, I think, Kinhill Engineers. I will check that information and provide it to the House. To answer the honourable member's question, rather than trying to score cheap political points and creating fear in the community, I put on the public record that we will be looking at making sure that there is an adequate buffer in line with the risk analysis that has been undertaken and in line with the international standards required.

I find it quite amazing that the honourable member rushes out, making ridiculous claims that people are playing Russian roulette with the community's health and safety. That is arrant nonsense. I reject that and, in fact, it indicates that the honourable member has not been talking with the people concerned—Mitcham council and the refinery management.

Members interjecting:

The Hon. S.M. LENEHAN: I am sorry, the Marion council.

Members interjecting:

The SPEAKER: Order! I think the Minister has just about answered the question, and I would ask that she draw her response to a close.

The Hon. S.M. LENEHAN: Yes, I made an error. Is that not just outrageous? It actually involves Marion council, Noarlunga council and officers of my department. The honourable member is doing nothing more than trying to score cheap political points at the expense of the elderly in the area, and I find that quite amazing.

CHILD-CARE

Mr McKEE (Gilles): Will the Minister of Education advise the House what the National Child-Care Strategy agreement means for South Australian families? I understand that an agreement in principle was reached by the Council of Social Welfare Ministers meeting in Sydney yesterday in regard to the National Child-Care Strategy, which intends to provide an extra 50 000 child-care places throughout Australia over the next five years.

The Hon. G.J. CRAFTER: I thank the honourable member for his interest in this area, and I can advise the House that yesterday at the ministerial discussions I attended, an in principle agreement was reached with the Commonwealth that will provide to South Australian families an additional 4 300 child-care places, including extra care places for children before and after school. The agreement forms part of the Commonwealth Government's 50 000 extra child-care places being provided nationally over the next five years.

I want to put on record my appreciation of the commitmen to the Commonwealth Government in the area of child-care. The additional resources that it has provided and the agreement that it has reached with the States and Territories have been an enormous fillip in this important area of Government activity. For South Australia, approximately 890 new, long day child-care places are to be provided, building on the nearly 1 500 child-care places provided by the State and Commonwealth Government partnership with local communities in the past nine years. A further 2 520 after school places are to be provided which will build on the 1 365 places already provided in South Australia in just the past three years.

With respect to family day care provision, which is a long-standing program in this State, a further 890 places will be provided to enable children to have quality care by care-givers in a family home setting. The agreement also provides for the new child-care places to be located in a variety of locations to suit the needs of local families and to meet the most efficient use of the resources available to us to deliver these services where they are most needed in our community. Clearly, South Australia is a national leader in this sphere and is working closely with the Commonwealth, parents and local communities to provide quality child-care support for families right across the State.

GRIEVANCE DEBATE

The SPEAKER: The question before the Chair is that the House note grievances.

Mr HAMILTON (Albert Park): Today I asked a question of the Minister of Housing and Construction about a plan to boost housing in the inner city and suburban areas. I know that you, Sir, are vitally interested in this important issue because of the impact it has had and will continue to have on your electorate. In addressing the problem of asset management and asset replacement, the Public Accounts Committee, under the chairmanship of the present Minister of Mines and Energy, highlighted the enormous problems with which South Australia will be confronted in terms of asset replacement. Therefore, it was with a great deal of interest that I read an article in the *Advertiser* of 19 March about the State planning review draft strategy plan. The article pointed out:

> In all, 14 inner and middle ring council areas have declining populations . . . recent ABS estimates from the census of August last year show that the population of inner and middle suburbs is still declining while numbers on the city's outer rim continue to swell.

That has many implications, not the least of which has been the review of primary and secondary schools in South Australia since 1990.

Mr Ferguson interjecting:

Mr HAMILTON: My colleague the member for Henley Beach reminds me of the Seaton North Primary School. There is no good the Opposition's trying to make some cheap political gain out of this issue. The member for Mount Gambier and the member for Hanson played a very important and integral role in bringing down a unanimous decision of the Public Accounts Committee in terms of asset management and asset replacement, and I commend them for it, as I do my colleague the member for Henley Beach. On the one hand, we have the bipartisan Public Accounts Committee putting these recommendations before Parliament and their being accepted by Parliament with no opposition to the report, but, on the other hand, some members of the Opposition are trying to make cheap political capital out of declining enrolments. The fact is that, if we are to manage the State properly in terms of assets and asset replacement, we must look at some of the following issues.

Mr Matthew interjecting:

Mr HAMILTON: I will ignore the fool opposite. We have to address the problems of the inner suburbs. We have to look at urban consolidation and, as the Minister indi-

cated, I have been talking about that issue since 1987. We have to consolidate in the inner areas for the very reasons enunciated in that Public Accounts Committee report of 1987, which have been accepted in Australia and in many parts of Europe. It involves problems of rail and bus transport, electricity, gas, power lines, whether they be overhead or underground, child-care needs, kindergartens, schools, both primary and high schools, and TAFE colleges. All those issues must be looked at if development continues to expand outside the inner city area. Other issues such as after-hours care, police, courthouses, traffic lights, pedestrian crossings, roads, hospitals and their annexes, family and community services, water and sewerage facilities, sporting facilities, ovals, playgrounds, senior citizens clubs, Meals on Wheels, granny flats, etc., must also be considered.

The Minister made a very pertinent point. The cost of servicing a block within the inner city area is $3 000 compared with $17 000 for an outer suburban block. I have not addressed the issue of the Federal Government's responsibility once the city expands outside the inner city area and suburbs. It is very important that people recognise these problems, yet some members opposite choose to ignore that fact. That is my reason for raising this important matter, and I will continue to raise it in the House.

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

Mrs KOTZ (Newland): I rise on a matter which I consider to be of extreme importance to the welfare and safety of all South Australians. The ambulance service and the people it serves are at risk through a sinister series of industrial manoeuvres by the Ambulance Employees Association. I cannot overemphasise the importance of the issues that now confront the St John Ambulance Brigade. Whatever I might say in the next few minutes should not be taken as a slight against the many very professional people who operate the ambulance service. Their professional integrity and skills are not to be impugned. My words and thoughts are directed squarely at the Minister of Health, the Minister of Labour and the union bosses who quite clearly are concentrating on three main objectives, and they are:

1. To eliminate all remnants of the St John influence and presence from the ambulance service.
2. To eradicate all remaining ambulance volunteers from the country centres.
3. To establish union authority over staffing and management of the ambulance service.

I do not say this lightly. The recent history and the use of industrial muscle, intimidation and vandalism, and the active support of this Government in promoting the ambulance activities support my claim. Once we had an ambulance service which was the envy of all others around Australia. It was symptomatic of eveything that was once wholesome and healthy about South Australia.

The service, administered by the Ancient Order of St John, was based on a system of skilled, enthusiastic and selfless vounteers mixed with highly trained and professional staff. The service was efficient and extraordinarily cost effective. Under this Government, with its policy of compulsory unionism, the volunteers in the metropolitan area were weeded out and sent packing. I am told that the cost of running the service has escalated—in fact, it has more than doubled in the past few years—and the service has deteriorated because of union enforced work practices.

This brings me to the present situation. In recent months, the AEA has engaged itself in a disgraceful and unrelenting attack on St John management and board in pursuit of the three objectives I mentioned earlier. I have received a copy of a letter purporting to be from the secretary of the AEA, Mr Palmer, to the ambulance board. In this letter, Mr Palmer makes quite clear where the Minister of Labour stands in this. He makes quite clear that the union is determined to take over control of the ambulance service with the active support of the Minister of Labour and at the very least the weak-kneed agreement of the Minister of Health.

One part of the letter refers to a suggestion by the Minister of Labour to the Chairman of the board, Mr Young, that the AEA should be involved in selection panels, including access to the shortlisting process, at all staffing levels, including senior management positions. The letter states that, on the Minister's suggestion, the AEA should be involved in drawing up the job specification for the new position of Chief Ambulance Officer. This is a position which will join the previous chief executive officer's post, recently vacated by Mr Patterson, and the State Superintendent, which was until recently held by Mr Alf Gunther.

The same letter from Mr Palmer states that, at the Minister of Labour's suggestion, this new position of Chief Ambulance Officer should be changed with the complete restructuring of the service's senior management. Imagine the power this gives the union if the new Chief Ambulance Officer is someone with union sympathies—a union stooge, if you like. This is not a negotiated agreement; this is not negotiated participation: it is a total union takeover.

In the past week we have seen the resignation on grounds of ill health of Mr Patterson as the chief executive officer. It is not stretching credulity too far to say that his resignation was brought about as a direct result of union actions. Recently we witnessed the resignation in controversial circumstances of Mr Alf Gunther as State Superintendent. The reasons for his resignation have never been fully explained, although the letter I have already referred to says that Mr Gunther was dismissed. Whatever the reasons, Mr Gunther has been described as a union stooge. The union is now actively promoting industrial action to have him reinstated and considered for the top executive position in the service. We are witnessing one of the greatest tragedies of welfare delivery.

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

Mrs HUTCHISON (Stuart): Today, I would like to applaud the initiative of the Port Augusta Together Against Crime Committee. Too often, organisations such as this and the job they do are forgotten. I would like to put on the record my appreciation for the work this committee has done recently, not the least of which concerns the organisation of a stall at the Apex Fair in Port Augusta last weekend. This stall gave out a lot of information regarding security in the home, as well as drugs and alcoholism which, as you would be aware, Mr Speaker, lead to crime. Information was also provided on the Victims of Crime service. It was a very good exercise, and I pay tribute to the people involved, including Mr John Smith, the Chair of the Together Against Crime Committee in Port Augusta; Mrs Jeanette Noble; Sergeant Dale Burford of the Port Augusta police; Rosemary Whitten of the Department for Family and Community Services; Mr Robbie Robertson, a local business person; and many others who spent many hours putting together bags which contained a lot of pertinent and interesting information regarding the Together Against Crime Committee and which were given to children and adults.

You, Mr Speaker, and many members in this House would be aware of a lot of controversy regarding juvenile and adult crime in the community. Law and order is one

of the very important items on the Government's agenda. The work of the Together Against Crime Committee in Port Augusta must be commended, because I believe that this exercise is the only one of its type that has been performed by a Together Against Crime Committee. It is unique to Port Augusta and has not been attempted in the city, so this is a chance for the country to lead the way with regard to crime prevention.

I would also like in these few minutes to congratulate the organisers of the Apex Fair. The entire weekend was devoted to special functions in which business enterprises participated. The National Heart Foundation participated by holding a mock gaol session with local dignities being imprisoned and having to be bailed out. One of the most interesting stalls was the ETSA display. For the benefit of the Minister, I would like to commend this display, which was organised by ETSA's PR people from Adelaide with the assistance of the local ETSA community. I am sure that the member for Coles would have been very interested in this display, which involved the use of alternative power and how to save power in the community. There were also user-friendly displays designed to interest children in saving power and looking for alternative sources of power. The ETSA display was quite extensive, and many of the people with whom I spoke recorded their appreciation to the organisers as they exited the tent. ETSA can be proud of the work that was put into that community function. Those three organisations—the Port Augusta Together Against Crime Committee, the Port Augusta branch of Apex and ETSA—deserve to be congratulated for their efforts.

Mr MATTHEW (Bright): I rise today to express my anger and concern over the manner in which the Minister for Environment and Planning and her department have handled the rezoning of land at Lonsdale. This afternoon in this Parliament I asked a question about a very serious matter regarding the rezoning of land at Lonsdale in the proximity of the Port Stanvac Oil Refinery. The land in question is situated on the northern side of the oil refinery and adjoins the Hallett Cove residential area.

Two years ago the Department of Environment and Planning released, through the Minister, a supplementary development plan. That document proposed to rezone industrial land at Lonsdale to residential. It proposed residential development to the fence of the refinery land. In my view, and certainly in the view of experts who have since looked at the matter, it also placed unjustifiable traffic pressure on the existing residential streets of Hallett Cove. To make the issue more difficult, the development actually straddled the Marion and Noarlunga council boundary, hence involving both those councils in the consideration of the SDP.

Subsequently, the cities of Marion and Noarlunga commissioned a joint traffic study to examine the traffic implications of the SDP. They engaged traffic and transport planning consultant Shane P. Foley, who is well respected in his profession. Mr Foley found as an example that the residential development would place some 2 060 vehicles per day on Marine Avenue at Hallett Cove, a street which presently has a traffic volume of just 100 vehicles per day.

Naturally, this was of concern to me as the representative for that area. Of more concern was the close proximity of the development to the refinery. I presently also represent the suburb of O'Sullivan Beach, which is built to the southern boundary of the refinery, and I am aware of the constant stream of complaints that I, the Department of Environment and Planning and Noarlunga council receive from those residents because, despite the care of the refinery, it is an industry involving noise and emissions. The noise is heard and the emissions are smelt by residents, and few would disagree that O'Sullivan Beach should never have been built where it is today. That aside, we have the opportunity to learn from history and ensure that this mistake is not repeated.

So, I naturally objected to the supplementary development plan, Marion and Noarlunga councils raised concerns and the Port Stanvac oil refinery also objected. Then, in January this year, the Minister released a revised supplementary development plan and, on 30 January 1992, had a notice placed in the *Government Gazette* that used section 43 (1) of the Planning Act to bring the SDP into effect immediately on an interim basis, pre-empting all the proper planning processes. For no valid or justifiable reason the Minister brought this SDP into effect to enable the residential development to proceed as quickly as possible. This plan provided a 350-metre buffer which, in my view, is still too small and with which the Minister is claiming the refinery is satisfied. That is not so. Senior management at the refinery have told me they can live with the buffer but the people who move to land in that location will be aware of the refinery's presence. They have told me, 'The residents will hear us and smell us, and we would rather they were further away.'

The Victorian Government has quite an explicit standard that recommends that there should be a two kilometre (2 000 metre) buffer between residential development and an oil refinery. The Minister constantly referred here today to the existing refinery. The Minister well knows the refinery has plans to extend. The Minister well knows that if the refinery does not extend the extensions may happen in Singapore, we may lose our refinery and that this could mean 1 000 jobs. Is the Minister also proposing to put that in jeopardy? This is a time and a chance to put proper planning processes in place. The Minister is being remiss and negligent in her duties in not making sure there is a proper, adequate and well considered buffer in accordance with standards that exist in other States and in other countries, and I challenge her to come clean in this Parliament and do her duties properly.

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

Mr QUIRKE (Playford): I received a letter the other day from the ABC, and I understand that every other member in this establishment has received similar correspondence. Whilst it is personally addressed, I understand it is a form letter: I have never met the person who sent it to me but have heard something about him and, in fact, I have seen some of the other correspondence he sent to me and, I understand, to other members when the original Privacy Bill came before this House. In this communication the letter writer, a Mr Phil Martin who signs the letter as the head of the television news and current affairs in South Australia for the ABC, states:

> I understand that debate on this Bill—

that is, the Privacy Bill—

> is about to resume, and it is possible that the Bill will soon be passed in an amended form. While the ABC already has taken considerable steps to outline its opposition to the provisions of the Bill, I should reiterate that the ABC does not consider that South Australian privacy legislation could apply to the corporation in any event. This is because the Privacy Act 1988 (Commonwealth) is the relevant privacy legislation pertaining to the ABC, as well as section 82 of the Australian Broadcasting Corporation Act 1983.

The letter goes on with some considerable debate on the various provisions within the South Australian proposed privacy legislation and the last part of the letter is very important. It states:

While not necessary as a matter of law, since section 109 of the Constitution will apply in any event, for the sake of clarity it would be desirable for the South Australian Privacy Bill to stipulate that it does not apply to the ABC and other Commonwealth agencies. I suggest that this could be made clear in the section dealing with the application of the Act.

It seems incredible that the ABC persists with this line and has done so for some time now in the face of two pieces of obvious reality. The first one is that this Bill has already been significantly amended and the proposals now before Parliament have virtually no impact upon the media. I say that with some regret because it seems that there is a role for privacy, and many members in this place, as well as people in the broader community, believe that the media have not acted responsibly and that the ABC has been at the forefront, in many instances, of abuses of privacy that are too many and too frequent to detail.

The other point is that if it does not apply under Federal provisions—if that is not the case—why is the ABC constantly writing to that effect to members of this place and presumably to members of the other place? The answer is very simple: it knows that in the 1988 Federal Act a section states that they shall be good citizens in every State and obey State laws. The ABC knows very well that this Act, had it not been amended, originally would definitely have applied to them and they could have taken it to any court that they wished. The original Commonwealth intention was that they would not ride roughshod over any State laws that they saw fit to undermine.

The interesting thing with this piece of communication is that we have had a number of examples where the ABC and its role concerning privacy have been called into question. Another recent example, which I will not say too much about in this place, as I understand it is now a matter of litigation, involved a gross invasion of privacy initiated, I understand, by the ABC and supported by the gentleman who sent this communication to me. In conclusion, I hope that one day the media are accountable.

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

Mr SUCH (Fisher): I will address some education issues affecting my electorate and no doubt the electorates of other members. The first matter concerns the 10-year tenure policy as it applies to teachers in South Australia. I have had representation from teachers in my area, and I will relay some of their concerns, the first being from the Reynella East schools, junior and primary sections, and signed by 33 members of staff. They state:

We, the undersigned, would like to express our deep concern with the Education Department's method of implementing the 10-year tenure policy as it applies to teachers in South Australia. We also wish to express our discontent and disappointment with the South Australian Institute of Teachers at their lack of action and support for the teachers who have and will suffer from it. We agree, in principle, with the idea of creating mobility within the profession. We do not agree with many of the conditions that apply to permanent teachers covering temporary vacancies.

We believe better methods can and must be found. It is unacceptable that permanent teachers should be given temporary positions on the basis of one term here, one term there. In some cases one teacher may be allocated to two schools spending part of each week in both. In others teachers have no idea of their placements for next term, let alone the remainder of the year. On top of this they are being asked (forced) to teach subjects and year levels in which they feel under-qualified or inadequately skilled. This is causing enormous suffering and anxiety which is also being felt by teachers approaching their tenth year in a school. We are aware of teachers who are already on stress leave, sickness leave and WorkCover as a result of this treatment. This can be helping no-one. It is costly, inefficient and may result in poor work practices, understandable discontent and lack of commitment. Is this what we want of our education system? Is this what we want for our children?

They go on to indicate that the teachers' anxiety comes from hearing stories of teachers who have experienced anger, frustration and depowerment as a result of the current method of implementation and the conditions they are made to accept. Some feel that they have formed a gypsy class among teachers.

They also refer to discrimination in areas of professional development and duties, the denial of leadership opportunities due to uncertainty about length of tenure in their current school, lack of support and assistance by SAIT and contract teachers receiving 12 month contracts in a school while PAT teachers are appointed term by term. They indicate that this is only a sample and, further, that this demoralising situation puts teachers, students, programs and projects at risk. They argue finally that it is time for a moratorium and time for workable and just solutions to be found. I endorse that and urge the Government and the Institute of Teachers to look seriously at the current policy.

The second issue relates to schools, and I have a letter from the Sheidow Park Primary School, signed by 23 staff, referring to the lack of introduction of the advanced skills teacher, level 1, policy. In part, the letter states:

As you may be aware in November of last year, an agreement was reached between the Education Department and the South Australian Institute of Teachers on the introduction of advanced skills teacher's level 1. Included in this agreement was a phasing-in period for the new classification which would have allowed for appointments to begin from the commencement of term 3 this year.

We have discovered that now, some five months after the agreement was reached, the Education Department and the State Government have effectively done nothing to implement it. Indeed, it appears that the Education Department has been deliberately obstructive on this issue. Despite having assured SAIT on a number of occasions during February and March that the issue was before Cabinet, the department finally admitted on 27 March that the submission had not even been prepared, let alone presented to Cabinet. We are most concerned and angered by the apparent stalling tatics and dishonesty exhibited by the Education Department and the State Government on this issue. Unfortunately, we do not consider this to be an isolated incident in the recent past. We believe that this issue is of vital importance to education in this State, as it would finally bring about a recognition of the importance and value of work done by classroom teachers in our schools and encourge our best teachers to remain in the classroom.

They go on to point out in conclusion:

Firstly, to alert you to yet another example of how the State Government is downgrading public education in this State, independent schools in this State will introduce the advanced skills teachers classification from term 2 this year. All other State education systems have also introduced the AST classification. South Australia now trails the rest of the country on this issue.

These are just two very important issues concerning teachers, parents and school councils in my electorate, and I would urge the department to consider them.

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

SITTINGS AND BUSINESS

The Hon. LYNN ARNOLD (Minister of Industry, Trade and Technology): I move:

That the time allotted for completion of the following Bills:
State Government Insurance Commission,
Wilderness Protection and
Summary Offences (Prevention of Graffiti Vandalism) Amendment
be until 10 p.m. on Wednesday.

Motion carried.

STATUTES AMENDMENT (ATTORNEY-GENERAL'S PORTFOLIO) BILL

Second reading.

The Hon. LYNN ARNOLD (Minister of Industry, Trade and Technology): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill contains a number of amendments to Acts in the Attorney-General's portfolio.

The amendments are as follows:

Criminal Law Consolidation Act

The Criminal Law Consolidation Act is amended in two aspects.

First, section 32 of the Criminal Law Consolidation Act (possession of a firearm or imitation firearm with intent to commit an offence) provides: that the offence is made out when a firearm or imitation is used or carried when committing an offence punishable by a term of imprisonment of three years or more. Common assault is currently in the ambit of the section, but the Statutes Repeal and Amendment (Courts) Act 1991 reduced the penalty for common assault (section 39 Criminal Law Consolidation Act) from three years to two years. This amendment will ensure that possession of a firearm or imitation firearm for the purpose of carrying out an assault will continue to be an offence under section 32.

The Local and District Criminal Courts Act contains a provision (section 330) which provides that the pleading, practice and procedure of District Criminal Courts is the same as in the Supreme Court. In particular, the provisions of Part VIII and sections 273 to 300h of the Criminal Law Consolidation Act are extended and apply to District Criminal Courts.

The Local and District Criminal Courts Act will be repealed when the courts package is proclaimed. The Senior Judge has advised that he considers that, as there is no equivalent provision to section 330 Local and District Criminal Court Act, there will be no power for information to be presented in the District Court. This matter must be remedied as a matter of urgency.

Therefore this Bill amends the Criminal Law Consolidation Act, sections 275 and 276, to ensure that information will be able to be presented in the District Court.

Evidence Act

The Evidence Act is amended in two respects.

First, the definition of 'sexual offence' is extended to include any offence involving sexual exploitation or abuse of a child or exploitation of a child as an object of prurient interest. The definition already includes rape, indecent assault, any offence involving unlawful sexual intercourse or an act of gross indecency, incest or any attempt to commit, or assault with intent to commit, any of the foregoing offences.

Section 71*a* of the Evidence Act restricts the publication of details of a sexual offence before the accused is committed for trial. The intention of this section is to protect the identity of the victim.

Section 58*a* of the Criminal Law Consolidation Act makes it an offence for a person, for prurient motives, to incite a child to commit an indecent act or to expose any part of his or her body.

In 1990 the details of a charge under section 58*a* were broadcast on the television on the day that the person accused was initially presented before a magistrate.

The Crown Solicitor has advised that the details of an offence under section 58*a* should be included in the definition of 'sexual offence' pursuant to the Act, in order that the victim of such an offence may be afforded the same protection as other victims of sexual offences. This amendment achieves that end.

Second, a new section is inserted into the Evidence Act 1929 to enable a court to dispense with formal proof of any matter that is not genuinely in dispute or to dispense with compliance of the rules of evidence where compliance might unreasonably involve expense or delay.

Members will remember that when the District Court Bill was introduced last year it contained a provision to the effect that the court could make rules modifying the rules of evidence as they apply to any class of proceedings and creating evidentiary presumptions. This provision was criticised as being too wide and as having the potential for different rules of evidence being applied in different court in the State.

During the second reading debate the Government indicated that it considered the provision as drafted to be too wide and that consideration was being given to amending the evidence Act as it would be useful for the courts to be able to modify the rules of evidence at times.

The new provision has been requested by the Chief Justice and is similar to section 82 of the New South Wales Supreme Court Act. Order 33 Rule 3 of the Federal Court Rules is to similar effect. There is some doubt as to whether the power can be validly conferred by Rules of Court, conferring the power by legislative amendment will put the matter beyond doubt.

This is a useful amendment which will save litigants and court time by allowing a court to dispense with formal compliance with the rules of evidence where it is proper to do so.

An indicator of where the courts consider it proper to use the provision is to be found in the words of Lockhart J in *Pearce v. Button* (1986) 65 ALR 83 where he said at p. 97:

> In my opinion although it is for the judge to determine in each case whether the rule may be applied, its essential object is to facilitate the proof of matter which are not central to the principal issues in the case. The rule is not confined to dispensing with the rules of evidence to facilitate the proof of merely formal matters, but a judge should be slow to invoke it where there is a real dispute about matters which go to the heart of the case.

Real Property Act

The Real Property Act section 153 requires that a renewal or extension of a lease be lodged with the Registrar-General within one month after the expiration of the original term of the lease. The Law Society has suggested it is often not possible to prepare a renewal or extension of a lease and have it signed, stamped and lodged within the time allowed, with the consequent need to prepare new documentation for a new lease. The Law Society has suggested a period of two months in which the extension can be lodged would be more appropriate. The Registrar-General has agreed to this change and this Bill amends the Real Property Act accordingly.

Strata Titles Act

This Bill amends the Strata Titles Act insurance provisions to take account of the special position of registered proprietors who are all the units in a scheme.

The problem was raised by the Housing Trust. The Housing Trust carries its own risk with respect to its housing stock. However, under the terms of the Strata Titles Act strata corporations have a duty to insure their buildings and improvements to their replacement value and must also carry public liability insurance. The Housing Trust owns more than 150 entire strata schemes. The trust must presently take out the prescribed insurance in respect of strata schemes it owns, rather than carry its own risk.

Although the issue has not been raised, the problems of the Housing Trust would be the same for all schemes when the units are all owned by the same registered proprietor. The owner could not, for example, choose not to insure or have the property insured under a global policy covering other properties.

The Strata Titles Act is amended to provide that the Division of the Act relating to insurance does not apply in relation to a strata corporation when all of the units comprised in the relevant scheme are owned by the same registered proprietor.

A further amendment is made to the Strate Titles Act dispute resolution provision. These provisions make reference to the Local and District Criminal Court Act and small claims. These references can now be updated to take account of the new provisions in the Magistrates Courts Act. Such amendments will be able to be proclaimed to operate from the date the courts package comes into operation.

Summary Procedure Act

The new provisions of the Summary Procedure Act require certain material to be forwarded to the Attorney-General following a committal. This reference should be altered to the Director of Public Prosecutions and will come into effect when the DPP Act is proclaimed.

Clause 1 is formal.

Clause 2 provides for commencement of the measure.

Clause 3 is the usual interpretation provision included in a Statutes Amendment Bill.

Clause 4 amends section 32 of the Criminal Law Consolidation Act which currently provides that it is an indictable offence to use a firearm in the course of committing an offence punishable by a term of imprisonment of 3 years or more. The amendment reduces the required term to 2 years to bring the section into line with the division of offences into summary and indictable contained in the recent courts package legislation.

Clause 5 amends section 275 of the Criminal Law Consolidation Act which provides for the presentation of informations to the Supreme Court in the name of the Attorney-General (this will become the Director of Public Prosecutions when the Act relating to the Director comes into operation). The amendment extends the application of that section to the District Court. The amendment is consequential on the repeal of the Local and District Criminal Courts Act under the courts package legislation.

Clause 6 amends section 276 of the Criminal Law Consolidation Act which relates to the Attorney-General (this will become the Director of Public Prosecutions when the Act relating to the Director comes into operation) declining to continue a prosecution before the Supreme Court. The amendment extends the application of that section to the District Court. The amendment is consequential on the repeal of the Local and District Criminal Courts Act under the courts package legislation.

Clause 7 amends section 4 of the Evidence Act by including in the definition of 'sexual offence' any offence involving sexual exploitation or abuse of a child, or exploitation of a child as an object of prurient interest. The effect of this is to extend the application of section 71a, which contains restrictions on the reporting of proceedings relating to sexual offences, to such offences.

Clause 8 inserts a new section 59j in the Evidence Act. The new section enables a court to dispense with formal proof of matters not genuinely in dispute or where formal proof might involve unreasonable expense or delay.

Clause 9 amends section 153 of the Real Property Act by increasing the period within which a renewal or extension of a lease must be lodged with the Registrar-General from one month to two months after the expiration of the original term of the lease.

Clause 10 inserts a new section 29a in the Strata Titles Act in order to exclude from the compulsory insurance requirements a strata corporation that is wholly owned by one person. Once any unit becomes subject to a contract for sale insurance must be obtained.

Clause 11 amends section 41a of the Strata Titles Act to bring it into line with references to the Magistrates Court and minor civil actions (small claims) in the recent courts package legislation.

Clause 12 amends section 113 of the Summary Procedure Act (the Justices Act as amended by the courts package legislation) by requiring the Director of Public Prosecutions rather than the Attorney-General to forward certain material to the Registrar. The amendment is consequential to the Act (not yet in operation) relating to the Director.

Mr S.J. BAKER secured the adjournment of the debate.

SELECT COMMITTEE ON THE STATE GOVERNMENT INSURANCE COMMISSION BILL

The Hon. J.C. BANNON (Premier and Treasurer) brought up the report of the select committee, together with minutes of proceedings and evidence.

Report received.

The Hon. J.C. BANNON: I move:

That the report be noted.

The report comprises some 15 pages and two appendices dealing with the witnesses, the written submissions which we have received and the draft SGIC charter; and, in consequence of the select committee's deliberations, we also propose some amendments to the Bill, which are embodied in the report itself. The Bill was introduced on 13 February 1992 and has been with the select committee since the end of that month. Extensive deliberations were undertaken, as scrutiny of the list of both submissions and witnesses would demonstrate, and I think we were able to receive and consider any matters of substance which needed to be raised.

All those bodies with a direct interest and input to give to the Bill either appeared before the committee or made a written submission. In particular we had the Chairman of the working party upon whose recommendations the Bill is based and the Treasury representative, Mr Hill, who is a member of that working group and, of course, currently a board member of SGIC and, in addition, we had the Chairman, the Chief General Manager and a number of senior executives of the commission. Therefore, I think it is fair to say that, over the period of its deliberations, the committee gave a pretty full and considered treatment of all the issues that were raised. They were useful, and I think the select committee process not only contributed to a better understanding of the matters involved but also identified some appropriate amendments that can be made to the Bill.

Of course, those amendments will be dealt with in detail when we reach the Committee stage, but, while they improve the Bill, I think it is fair to say that the Bill's basic structure, the arrangements that are proposed, stemming as they do from the recommendations of the Government Management Board Review and the subsequent consideration by the working group, mean that the Bill has emerged from the committee virtually intact in the sense of saying that this is workable, appropriate 1990s legislation for SGIC to operate under, remembering that there has been very little change or amendment since the commission was first established some 20 years ago. Some of those provisions relate to the responsibilities of the board of directors of the commission. Where a direction is to be provided to the board, the committee recommends that this be done in writing, and that provision is one of the amendments that we will seek.

The committee is also of the view that the Under Treasurer should have access to the SGIC board in order to facilitate liaison between SGIC and the Treasury, and that access would be either through the attendance of the Under Treasurer or a nominee at board meetings or through the provision of papers or documents. It will be a workable arrangement and will help that liaison. The committee has suggested that there be a limitation on the period for which directors can be appointed, and we have imported a number of provisions into the Bill governing directors, chiefly deriving from consideration in this place of the MFP Corporation measure. As was explained in the second reading, the Government intends to introduce a Public Corporations Bill which, put into statutory form, will provide a blueprint for the responsibility of directors of appropriate statutory corporations, of which SGIC would be one. In the absence of that provision, which is still under consideration, it was felt appropriate to include some extra provisions in the Bill, and they have been recommended by the committee.

Obviously, the charter is a significant step forward and one which is seen as an appropriate response to the recommendations of the review team. The committee had before it a draft charter, about which it made comments and suggestions. One of the important recommendations was that objectives set down in the draft charter that are unlikely to change within the medium term should be more appropriately spelt out in the statute itself rather than in the charter, so one of our recommendations is simply to import the provisions that were in the proposed charter into the legislation. In other respects, I think the charter was felt to be appropriate, and of course it can be finalised and given effect only when the Bill becomes law.

In most respects, the draft charter is being accepted by SGIC as its operational modus at the moment, and that is probably true of a number of things that the committee investigated. A lot of time was spent on reviewing SGIC's investments and investment policies, much of which rehashed past history and dealt with things that had gone before. The witnesses were prepared to address those things openly and honestly. A lot of information was provided to the committee which put a number of decisions into perspective, the end result being a useful examination of what has gone before but, more importantly, the committee

believes that the structure of the Bill, the accompanying charter and the changes that have been made since the Government Management Board report must enhance the overall performance of SGIC. There is no point in simply going back in history and rehashing that *ad nauseam*—we must get on with the task ahead of us.

One of the issues that was looked at by the committee was the question of SGIC's responsibilities to South Australia in particular. As we heard in evidence, the investment decisions of private insurance organisations, which collect premiums all around the country, including from South Australians, tend to be made in the eastern States with little regard for the opportunities that are available in South Australia. One of the advantages of having our local insurance company is that the premiums raised from South Australians, whether in general insurance or under the compulsory third party fund, can be re-invested with a view to economic opportunities in South Australia. That is the base on which those particular policy holders rely for their own well-being and livelihood, and that spirit, if you like, is retained and incorporated into the objectives of SGIC.

Some discussion certainly took place on SGIC's compliance or otherwise with Commonwealth law. By and large, SGIC operates in conformity with guidelines or requirements of national insurance legislation. However, I think it is important that SGIC's constitutional establishment under State legislation is recognised and, while there is obviously a desire that it conform with those requirements, nonetheless they must be done in a context where approval of either this Parliament or the Government is obtained; on reserve power, if you like, to determine which and in what way they should be observed. These matters are covered in the report and they are exemplified in the Bill and the charter.

In regard to capitalisation, the committee heard evidence concerning the way in which the Government guarantee operated. The capitalisation requirements imposed by either custom or law at the national level are very much related to the need for private insurers to have backing for the undertaking that they give to their policy holders. In the case of SGIC, this is provided by the Government guarantee. The other side of that is that the Government should have a right to expect some sort of return from the provision of that guarantee.

These matters have been dealt with but there is no question also that, in the terms of the way in which accounts are presented—the books of the SGIC—some form of operational capital base would be desirable. Clearly, it does not have to be of the dimensions that a private insurer requires because it is accompanied or supplemented by the guarantee. However, the question of providing some form of capital is one that is under consideration by the Government and I have previously announced our intention to do so.

One specific matter that was looked at by the committee was the question of compensating the CTP fund for any disadvantage suffered from various transactions that could be considered *ultra vires* to the Act and to replace those moneys that would have been available to the CTP fund. This is a complex issue which we have dealt with not just in the committee but in the earlier debate. The question of whether or not SGIC could operate its accounts in that way is one that was in dispute. With respect to interfund loans and their validity, it is the view of the Crown Solicitor that these are *ultra vires*. The Auditor-General believes that the situation should be remedied and it has been addressed in this legislation. SGIC maintains that its advice is that these transactions were not beyond power. The matter must necessarily remain unresolved unless statute intervenes, and it has intervened, and the committee supports the way in which that is handled by the Bill.

However, there is the question of the amount of capital required to compensate the CTP fund for the impact of interfund loans. I know a lot of speculative figures have been put in the public arena, some as high as $100 million. In fact, while it is difficult to arrive at a precise amount of the level of compensation because many estimates need to be made in this exercise, the working group has advised that it considers an amount of $36 million to be a fair resolution of the matter. That could be provided from within the resources of the SGIC but, as I said last year, we believe it is appropriate to clean up the balance sheet or draw the line, and, as part of capital provision to SGIC—that broader question—that amount should be made available to the CTP fund. The committee's view is that that adjustment should be made, but it makes clear the basis on which it should be provided to the CTP fund.

Pooling arrangements were gone into in some detail and the committee's view at the end of the examination was that pooling arrangements and banking practices allowed in the Bill were sensible and appropriate although there is a specific prohibition on money of a fund being transferred or lent to another fund or account in the commission—a strong prohibition against the types of practices referred to in the Government Management Board report.

There has been much debate and attention in recent times regarding SGIC's performance and a lot of that attention has been directed at the SGIC's shortcomings on a number of the poorer investments. They were gone into in considerable detail in the committee, in part simply to get a better feel for the practices of investment decision making and to recognise the problems with which the commission is faced. However, as I said at the beginning, it is important not to dwell on those matters but to take positive steps to ensure that the commission is able to improve its performance and service to the community, and I believe that this Bill provides that.

Significant efforts have already been made within the commission to improve its reporting, accountability and investment strategies. The Bill that the select committee has considered will certainly provide a firm legislative base for the commission to do that into the future. That, coupled with the charter, will ensure that full and proper reporting is available. It will allow SGIC to operate as it must do in that commercial environment while at the same time ensuring that it is properly accountable as a publicly owned institution. That is a difficult balance to draw but I believe that the Bill, coupled with the committee's consideration and the amendments that we propose, make that possible.

Other matters were looked at in the broad sense in the committee, and it is not necessary to canvass them here. They will be picked up as we go through the Bill in the Committee stage. I commend the report to the House and I draw attention to the proposed amendments that will be moved at the appropriate time.

Mr S.J. BAKER (Deputy Leader of the Opposition): In reporting on the outcome of the select committee, it is useful to understand that whilst the SGIC Bill, which was the subject of the inquiry, is not over-contentious (except for validation of previous illegal decisions), the circumstances surrounding the SGIC's operations in recent years have been. To a certain degree, the committee was involved in a juggling act as far as its priorities were concerned. Some members, including me, who were firmly of the belief that SGIC's problems stemmed from human error and incompetence, wished to lay bare the facts surrounding each of

the poor investments made by SGIC. The committee was also cognisant of the desire by the Treasurer to have the new legislation in place prior to 1 July 1992, requiring that it be passed during this parliamentary session. This meant that the committee had to focus its deliberations on the more important issues and take evidence in short bursts, somewhat constrained by the busy schedules of committee members. Having said that, it should be understood clearly that there was no significant inhibition placed on the committee from analysing the performance of the SGIC in relation to the Bill before it.

Members will note that there are a number of important recommendations, a freshly formulated charter, and amendments to the Bill which the committee believes will assist the future operations of SGIC. It would be far too kind to conclude that the problems that have beset SGIC were due to factors outside its control. Clearly, the board and some senior employees took a *laissez faire* approach to investment and conveniently forgot their special responsibility to the taxpayers of South Australia. Whether people concerned were affected by the attitude prevailing in the marketplace, including their friends in the State Bank, can be answered only by them.

A dispassionate assessment of SGIC's investment performance over that critical 1987 to 1990 period would be as follows. First, it bore no resemblance to a professionally run insurance company. Secondly, the board was limited in size and the level of expertise was inadequate to deal with the financial challenges of the late 1980s. Thirdly, there were too many smallish investments that appeared to be motivated more by mateship than any other factor, despite the apparent conflicts of interest. Fourthly, risks were taken without due regard to their ultimate impact. In addition, board members and the General Manager convinced themselves that they were operating in the best interests of South Australia. Reporting to the Treasurer was slipshod and haphazard, and the involvement of the current Under Treasurer in entrepreneurial activities of the board still remains a matter of conjecture.

The Treasurer did not live up to the responsibilities imposed upon him by the Act, and it could only be concluded that he decided to bury his head, hoping that it would all go away. Early danger signals, particularly associated with the 333 Collins Street put option, were ignored. No evidence was tendered that either the board or the General Manager had acted dishonestly. The situation was akin to a child gorging itself on a jar of lollies while the parents looked the other way. Unfortunately, the resulting stomach-ache has been passed on to others without the offenders feeling the pain.

By way of collateral I will present a summary of the unusual circumstances surrounding certain investment decisions that were made. Before doing so, I would note some of the positive aspects of the report. It was a constructive select committee. It was an eye-opener for some, and it has reinforced my feelings about the way in which SGIC has operated. We were interested not only in what went wrong at the time but also in looking to the future, as the Premier has already stated. The committee has suggested a number of amendments to the Bill before the House, such as the inclusion of a set of objectives in the main part of the Bill, including the pursuit of profit. We are suggesting duties of honesty, care and diligence that are identical to the provisions in the MFP Bill. We agree with and have written in a charter which clearly defines the role of SGIC and some of its functional aspects with a requirement that any changes to the charter be notified to the Economic and Finance Committee within six parliamentary sitting days or within 14 calendar days.

There is a requirement that all ministerial directions be in writing and included in the annual report. Should SGIC breach the Federal trade practices provisions the reasons have to be provided in the gazettal notice. There is a further requirement of prudence in the management of the CTP fund. They are the constructive outcomes of the committee which sat, deliberated and heard evidence on the matters relating to SGIC. I recommend that all members read the report because there are a number of observations that are quite critical of SGIC's performance, and they do pinpoint areas of improvement. It is necessary to consider those in conjunction with the passage of the legislation, which attempts to improve the situation.

I remind members to look at the clauses dealing with access of the Under Treasurer or his nominee to the board's minutes of proceedings. Clearly, the committee felt it was important to have someone with Treasury experience on the board. It was not necessary that that person be a board member, although I think in certain circumstances that is the proper way to go, but we did not wish to tie future SGIC boards to that proposal, only to stand firmly by the fact that because of the poor liaison during the critical period—1987 to 1990—many of the problems could have been stemmed had the Treasurer taken note and had his emissary deliver the messages.

We have suggested a limitation, without putting it in the legislation, about board membership being for a total period of 10 years. We are really saying that three terms should be enough, but we are not constraining the board and, if it has some outstanding talent that should be maintained, in no way would we wish to restrict the board in such a manner. We have mentioned the need for regular and more formal liaison between the Treasurer and the Commissioner, and of course more proper liaison in relation to Treasury and SGIC.

I know that those things are in place as a result of the disaster that overtook SGIC, but it helps to reinforce the point that they should have been in place initially and, irrespective of what changes are made at board and Treasury level in the future, it is appropriate that there be some formality, that there be regular checks and balances and that those things be maintained. Interestingly enough, members of the committee felt strongly about the CTP fund, which is a monopoly fund, and it should be subject to scrutiny, analysis and review. As a monopoly it runs the risk of operating on its own behalf and not to the benefit of motor vehicle users. The committee felt that this was not sufficient, that it should not be sufficient while it remains as a monopoly. The Liberal Opposition has already put down a point of view on whether SGIC should remain a monopoly.

Notwithstanding that, if it does remain as the sole CTP insurer in South Australia, we have to have some way of measuring its performance and the committee decided that we should have some performance indicators on the CTP fund. We did note requirements on insurance companies imposed at the Federal level, and it was a matter of considerable debate as to whether those requirements should be binding on SGIC. We finally determined that, because of our sovereign rights, it was improper to impose under the legislation an absolute responsibility on SGIC. However, as a committee we did believe that the adherence to the guidelines and legislative requirements should be on a voluntary basis and, if there should be some dramatic departure from that, we as a Parliament would wish to know why. There

is a requirement that there be an actuarial assessment of the CTP fund should SGIC lose its sole insurer status.

We would expect that whilst it has a monopoly it maintains a separate fund, and that has been written into the Bill. It was in the previous Act and those provisions were broken, which led to the terrible situation where money was transferring between funds and the CTP fund was the major loser. We believe that, if other insurers are allowed to involve themselves in the CTP field, SGIC should have a status report prior to the CTP fund being absorbed, we presume, into the general insurance fund.

The most contentious item with which we had to deal was that the past illegal acts be declared valid, contingent upon a commitment by the Treasurer to replace moneys lost from the CTP fund due to interfund loans and placement of poor investments in the fund. We also agreed that such replacement be treated as a capital correction as distinct from a capital injection by the Government on which it could have demanded a fee under the Act. It is important to recognise that the second report to the Treasurer by the SGIC working group concluded that there is a detriment to the CTP fund due to illegal transfers and loans. At the lower end of the scale it was $14 million and at the top of the scale it was $49.7 million.

On reflection, the committee believed that $36 million, which was the amount recommended by the SGIC working group, was an appropriate level of corrective injection into the fund to ensure that motorists were not disadvantaged. I would say that it was a compromise. Whilst I may have wished to see the higher figure as true compensation, there were others who wished that it was lower in order to reduce the impact on the taxpayer. Fairness eventuated and the $36 million is perhaps a reasonably realistic figure for the level of disadvantage.

I refer members to page 17 of the report, on which it is noted that the unrealised loss to the CTP fund as a result of share transfers in respect of, for example, Adsteam, was $21.3 million, and there were a number of others. The estimated cost disadvantage of Health and Life Care, which was the subject of consideration by the committee, amounted to $7.5 million. Whilst it was my view originally that it would be appropriate to unscramble the egg and pinpoint the areas of deficiency, on advice from a number of quarters including the Treasury, SGIC itself, the working group, the Auditor-General and everyone else concerned, the committee reached agreement that $36 million was an appropriate amount to reimburse losses from the fund.

It would be fair to say, without going over old ground, that the committee found many anomalies. I refer members to *Hansard*, to the newspaper cuttings and to the original report of the Government Management Board on the SGIC in order to contemplate how many things have gone wrong and the ultimate cost of those bad decisions. Recently it was announced in the press that SGIC had bought an 80 per cent share in Titan at a cost of $41 000. At that time, the firm was under litigation. SGIC outlaid a total of $1.3 million without any return, and we believe that SGIC might have some further liability because it did not satisfy the creditors when Titan went to the wall and when the management was handed over to Messrs Maynard and Coonan. So, it is a great debacle.

We are also asked to reflect on the fact that there appears to be a cosy relationship. The Health Development Association (HDA) stemmed from the bowels of SGIC and became involved in equipment manufacture. After an original investment of $41 000, it lost the princely sum of $1.3 million plus. At that time, the HDA was sending health and fitness clubs broke, because it bought premises and operations at inflated prices and commenced to undercut the market. It did not operate in a commercial sense and caused great damage. We wonder why those decisions were made.

SGIC bought a 50 per cent shareholding in Brileen plus investment in convertable notes. This venture involved Brian Jones formerly of SAMIC and the Investment Manager for SGIC. We can only speculate on what would have motivated SGIC to become involved at this level in order to prop up a fairly dubious enterprise. We had repeated the problem of Pedara, a firm that was involved with the Casino and in which $98 000 was invested: all the other members of the company put in only expertise, and SGIC floated that company on its own behalf. There are questions about Centrepoint, the Terrace, Austrust and Executive Trustee, some of which have been answered but I am not satisifed with others. If I had more time, I would go into them further.

There is a question about whether the involvement by ETSA with the owners of 1 Anzac Highway was notified to the major creditor, SGIC, but that question has still not been answered. The committee was informed that SGIC had made no attempt to determine the status of the $20 million investment following this deal. There is questionable involvement in 1 Port Wakefield Road. Regarding the Marion triangle, we had this mickey mouse effort of relatives, friends and nominees of SGIC rushing around and buying up bits of dirt, obviously for longer term development. This is the sort of activity which the committee found difficult to justify in any way given evidence that was produced to the effect that professional insurance companies simply do not involve themselves at this level.

No details were forthcoming on the sale of 102FM, in which $10.8 million was invested with no return. There are questions about SGIC hospitals, about involvement in the health insurance market and about the floating of health insurance to the cost of the CTP fund. I refer also to the Scrimber fall-out of $27 million, the Remm put option which could not be pursued because of the royal commission and the 333 Collins Street debacle, wherein just a few days after the put option was contracted members of SGIC rushed off to tell the Premier, that he was just about to buy a property but that all was well. Of course, we know that all is not well and that the property is losing about $50 million net a year from that operation. How SGIC will cater for that loss is open to question.

With all the things that have gone wrong with SGIC, it is not a matter of saying that there are one or two problems and otherwise it is all right. The deliberations of the committee confirmed my suspicions and my reason for calling for the resignation of the Chairman of the SGIC board and the Chief General Manager of SGIC. I do not believe that they have carried out their duties to the degree required but have been slipshod and haphazard. They have not exercised their duties to the extent required by Parliament and the people of South Australia. Under those circumstances, I call on the Premier to sack them both.

The Hon. J.P. TRAINER (Walsh): I would like to compliment the work not only of the members of the select committee—the Premier, you, Sir, and I from this side of the House and the member for Fisher and the Deputy Leader of the Opposition from the other side of the House—but of the Clerk Assistant, Mr David Bridges, who as secretary ably assisted the committee. Following his appointment as research assistant to the committee, we were also very ably assisted by Gino DeGennaro, the Manager of Financial Institutions in the Revenue and Economics Branch of the Treasury Department, and I would like to pay par-

ticular tribute to his work. Mr DeGennaro was responsible for preparing the initial draft that the committee used to prepare the final draft. At first, there was a little bit of misunderstanding about the actual status of that draft. One or two members of the committee did not seem to quite understand that it was merely the starting point from which the committee could prepare the final draft. But that was not the only misunderstanding that committee members had from time to time: I believe that members approached it from different directions. Some members appeared to be under the misapprehension that the SGIC was a Government department, because they kept referring to its responsibility on behalf of taxpayers when the SGIC should always be referred to in terms of its responsibility to policy holders, and that is not quite the same thing.

This committee was unusual in several respects, not only because of the limited timespan within which it had to operate on such an important subject but because of the fact that it had to do so during a period of the year when Parliament was in session for most of the time. Furthermore, it was unusual that the Premier was one of the members. This of itself meant that the five members of the committee had to meet at rather odd hours. I think there would be very few cases where a select committee would conclude its work and meet for the last time between 7.30 and 8.30 p.m. on the Monday immediately preceding the presentation of its report to Parliament.

The committee also went further than is frequently the case with the publishing of evidence. I cite the directions given to the committee, as follows:

> Standing Orders were suspended so as to allow the select committee to authorise the disclosure or publication as it thinks fit of any evidence presented to the committee, prior to such evidence being reported to the House.

As a result, we allowed evidence to be heard in public in a way that is most unusual for a select committee of the House of Assembly, and the media were admitted, except to those hearings of the committee that were conducted *in camera* and to the *in camera* discussions of the committee. That media coverage had mixed results. Overall, it was a reasonable development although, given at least one report from a journalist, I wondered whether that journalist had been at the same committee hearing as I had attended. I would note that it was the same reporter who, according to the member involved, drew one member of the committee into unwittingly commiting a breach of the Standing Orders relating to committee procedures. I and other members of the committee were very concerned that that unwitting breach of our Standing Orders should not be allowed to become a precedent for similar action on future occasions but, in a spirit of consensus, the committee recommended that the House take no action.

I have said that members approached the SGIC Bill that was before us with conflicting views: we nevertheless managed to find consensus on the appropriate wording in the report that would reconcile the somewhat different views on the committee. Conflicting views were often expressed regarding the compulsory third party fund, particularly regarding the role of SGIC as the sole insurer in that part of the industry, but I certainly heard no strong evidence in favour of re-admission of other insurers who had walked out on compulsory third party insurance over the past two decades.

In order to firmly establish the overall balance that we tried to keep in mind while considering the matters placed before us, I would like to read into *Hansard* paragraph 27 of the final report, which paragraph appears on pages 6 and 7, as follows:

> During the course of evidence, various views were expressed concerning the commission's past investment strategies, its business diversification activities, and the degree of freedom with which it operated. According to one witness the commission:
>
> ... needed the Treasurer's approval to exceed certain limited investments and certain figures of investments and, apart from that, SGIC ran its operations in the manner which the board thought most appropriate.

That was evidence taken from Mr Heard. It continues:

> Another witness (Mr J.C. Hill) expressed the view that:
>
> I think it is true to say that (... the current arrangements for the board and its operations were fairly loose), because in the past there has been no requirement for the board members to formulate a charter which is an understanding between them and the Minister about how the Minister wants them to conduct their business. The board of SGIC has had fairly free rein.
>
> Another witness expressed the view that the Commission operated on a strictly commercial basis.
>
> The Government Management Board review team in its report expressed the view that:
>
> ... SGIC is required to obtain specific approval for investments in property where the acquisition cost exceeds $10 million and in equities of a company where SGIC's holding would exceed 9.9 per cent of the investee company, SGIC has otherwise been able to invest at its discretion within these guidelines. and
>
> Treasury has not intervened in SGIC's commercial decisions and judgments and SGIC has had a very high level of autonomy.
>
> The committee accepts these views but also notes and accepts the view of the Government Management Board review team that aspects of the commission's investment decision making processes were inadequate and suffered from some lack of control, and that the commission exercised poor judgment on a number of occasions. The commission has received less than acceptable returns on certain investments.
>
> During the committee's deliberations, the question of responsibility of SGIC personnel was debated and, whilst there was a difference of opinion on this matter, there was no dispute with the observation made by the Deputy Under Treasurer, John Hill:
>
> ... at the end of the day, you are always exposed to the commercial judgment of the people who run statutory authorities and no amount of elaborate charter or anything else will guard against poor commercial decisions.
>
> It is also appropriate to note that the review team expressed the view that:
>
> (The review team) wishes to emphasise, however, that the majority of SGIC's operations are well managed and conducted efficiently.

I would like to emphasise that, in the process of considering the workings of SGIC, as we deliberated the Bill before us, by necessity and by definition we had to concentrate on those areas where SGIC had not seemed to perform up to expectation. I would hope that we bear in mind that the overwhelming proportion of SGIC's operations were of an excellent standard; we should not lose sight of that while attempting to correct what are perceived to be inadequacies.

Mr SUCH (Fisher): I found being one of the members on this select committee an enjoyable and interesting experience. I must say at the outset that I was surprised at how careful with the dollar the Premier is: we scored, I think by accident, one cup of tea during the many sessions, and at another time we scored some leftover scones that a previous committee had left in the room. I could not help reflecting that it is a pity that the Premier is not as careful with the SGIC's quids as he is with the quids of Parliament in his role as Chairman of that committee.

I believe the committee did a good job. The exercise indicates the value of the select committee and standing committee processes, and I believe that the Bills that come before this place would be much better if they were subjected to the rigors of a committee, whether it be a select committee or some other sort of committee, because there is no doubt that we have ended up with a much better Bill than would otherwise have been the case.

It is quite obvious that, as a result of senior management decisions, SGIC made some bad errors of judgment—some unwise investments—but I think it is important that, whilst we are critical of the senior management in terms of the investment decisions, we do not allow that to reflect in any way on the ordinary staff. I do not like the term 'ordinary': I refer to the special, non-executive staff of SGIC, many of whom I have in my electorate and who, in my experience, have always been very dedicated, courteous and helpful members of that organisation. So once again, as in the case of the State Bank, we should remember that the non-executive people of such organisations have given their best and, to my knowledge, are still doing that.

I raised before the committee the question whether SGIC is the appropriate title for this organisation. I am still of the view that it is not, although I recognise that SGIC has another registered business name. I did reflect that, if it came up with something like 'South Australian Insurance Commission', we would have 'SA Inc', which I do not think would be an appropriate name for the organisation. However, it is important that people understand that SGIC, in effect, acts essentially like a private insurance organisation, except that it has a Government guarantee. That Government guarantee is very important, but I think the present name of the organisation is somewhat inaccurate and sends a wrong signal to members of the public, at least in respect of insurance other than compulsory third party insurance, in terms of which, perhaps, the name is fairly appropriate.

I was interested in the submission from the life insurance underwriters, who argued that they did not want to see the demise of SGIC. They were keen that it operate on an equal or level playing field, and indicated that they would welcome SGIC as a member of their association. I think that highlights one of the very positive aspects of SGIC, namely, its investments, albeit that there have been some bad decisions in the past. It has played and continues to play an important role in terms of investment in South Australia, and I do not think we should overlook that. As I said, notwithstanding the fact that some very bad decisions were made, not only here but also elsewhere, SGIC has been very important and continues to be important in terms of investment decisions in this State. It is something that the life assurance people themselves basically had to agree with, namely, that their own organisations did not seem to be so committed to investment in South Australia. That is no doubt a reflection on the investment climate in South Australia as much as anything else.

The proposed charter is a worthwhile development but, as the previous speaker indicated, in itself it is no guarantee—it ultimately comes down to the quality of the people running the organisation—the quality of senior management—and the extent to which the Treasurer exercises due observance and ultimate control over the organisation. Nevertheless, the charter is a step in the right direction, but in itself is no absolute guarantee of preventing foolish or unwise decisions. There is no doubt that a charter as proposed will go a long way towards reducing the likelihood of unwise and foolish investment decisions in the future.

One aspect for which SGIC has been well known (and I commend it) is its contribution in trying to improve road safety. Many of us some months ago attended a presentation of its current road safety video. I am pleased to see that that commitment will continue and, indeed, as a result of the deliberations of the committee, the commitment to community functions will be extended. The committee has now recommended in clause 31 of its report:

> The charter requires the commission to also support general crime prevention and community programs as are consistent with the commission's objectives.

That is quite appropriate and gives the commission scope to expand on what is a commendable effort in terms of road safety provisions, so that it will be able to do other worthwhile things in the promotional area which until now have been overlooked.

With respect to the compulsory third party fund, the committee has recommended that there be performance indicators. It is especially significant, given the fact that SGIC has a monopoly in that area, that these indicators show how the management of the fund is proceeding, the time taken to settle claims and other matters, including the vigour and success with which it is pursuing possible fraud cases. That is another example of how the committee has been productive and useful in adding to what was the original Bill.

One of the aspects of which the committee became aware was the salary packages of senior executives. We found that 13 senior staff in SGIC are paid $100 000 or more, the highest paid receiving $230 000 per annum. We must look at what we get for the money, and I would apply the same criteria in terms of the so-called private sector. I have some concerns about the salaries being paid to people in financial institutions, as many are hard to justify. I find it hard to believe, for example, that some people in financial circles in Australia are worth $500 000 a year. Nevertheless, it comes down to a question of performance. I am mindful of the fact that our taxation system tends to encourage a situation where on paper people get very high salaries, whereas after tax they are not so generous.

I come back to the point that the salaries of the senior SGIC staff are substantial and I have no problem with that, provided they perform accordingly. The other matter in which the media seems to show a great deal of interest is the provision of motor cars. We discovered that 166 staff have motor cars provided for them. We seem to have a fetish about cars in our society, but I personally have no problem with cars provided on the basis of a salary sacrifice. As I have argued in this place before, that principle should be extended, because the State Government would make money out of it largely at the expense of the Commonwealth Government. This issue seems to attract the attention of many people in the community, but I have no problem with it, provided it is dealt with on an appropriate salary sacrifice basis.

I conclude by indicating that the committee proceeded quickly and looked thoroughly at most issues, examining some in depth. Given the short space of time that the committee had, it did a thorough job and the Bill is a lot better for those efforts. Whilst I welcome the inclusion of a charter, I remind the House again that a charter in itself is not an automatic guarantee of performance, but is a step in the right direction. With regard to bad investment decisions made in the past, I hope that we do not see any more or a return to a cavalier or loose approach to investing money which, whilst it may not be strictly taxpayers' money, is backed by a taxpayers' guarantee. With those remarks I commend the Bill and the suggested amendments to the House.

Mr BRINDAL (Hayward): I commend the committee for such work as it did. In noting the report I will address a few remarks to the issue of the Oaklands triangle, which received some considerable reporting in the context of this committee. It is well known by all members in this place that this matter has concerned me, because the area is in my electorate and it has directly affected 80 families in the heart of the electorate of Hayward. Both inside and outside

this place I have been criticised for raising the matter, which is of considerable public importance.

As all members know, I have contacted both the Major Crime Squad (on advice from senior colleagues) and the Ombudsman, who is currently conducting an investigation. In his letter to the Mayor on 26 February, the Ombudsman reported that he had heard witnesses and collected information and all relevant documents on 17, 19 and 23 December and on 29, 30 and 31 January—in other words, he was involved in taking evidence for six days, which reflects the depth of feeling on this matter in my electorate and indiccates the number of people who sought to make representatins to the Ombudsman. I was not one of the people who gave evidence to the Ombudsman. My electors raised with me matters of serious concern to them. I did what I could to reflect on the avenues open to me and I passed on the information to the Ombudsman, whom I consider the appropriate person to investigate such matters, and to the Major Crime Squad.

The Ombudsman has determined that there was no breach of duty or misconduct on the part of any member, officer or employee of the council and I publicly applaud the fact that no officer or member of the council has been found guilty of any breach of duty. Indeed, I would have been most disappointed had that occurred. The Ombudsman is, however, still considering whether there has been defective administration on the part of the council. That is why I brought the matter to the attention of the Ombudsman and we will await his deliberations.

Mr Gerschwitz, in giving evidence, said quite clearly that SGIC can and should be considered to act in the same way as private instrumentalities and that that was indeed necessary. He quotes former Premier David Tonkin as being the reason behind SGIC's being asked to start operating in that way.

I refer the House to page 201 of the evidence given on Wednesday 1 April. While I do not argue with that, I find it curious that SGIC, on the one hand, as clearly shown in the evidence, can argue that it should compete in the private marketplace in the same way as private companies and yet can have certain privileges that come directly from being Government companies and instrumentalities. The purchase of the old Oaklands school land is one such point in question. They received it as other Government departments received it: as the result of a circular, and again I refer members to page 201 of the evidence, where the Chairman stated:

> It is the practice to offer surplus Government property first within the Government.

The member for Mitcham then asked:

> It was just a general offer that could have been taken up by any Government department or authority?

The answer was 'Yes'. So, on the one hand, we have SGIC acting as a private company and, on the other, we have it enjoying certain privileges as a Government instrumentality. I find that curious, and I hope, trust and believe from the evidence I have read that that matter was looked at.

The last thing that I wish to say about this is to deplore certain remarks that were made by the member for Walsh under the privilege of a select committee. I do not mind any member of this House getting up and attacking me and suggesting my motives, but I strongly object when electors, friends and elected members of Marion council are attacked under parliamentary privilege and have ascribed to them motives which they cannot defend.

Mr Hamilton interjecting:

Mr BRINDAL: The member for Albert Park groans, but if he cares to read page—

Mr Hamilton interjecting:

Mr BRINDAL: The member for Albert Park asks about members opposite.

Mr Hamilton interjecting:

The DEPUTY SPEAKER: Order!

Mr BRINDAL: I can only speak for myself, and I deplore what the member for Walsh said about three elected councillors on the Marion council. The member for Albert Park has long said that he will take on this Government when it does things which he considers wrong. I have heard him criticise us—and he has not heard me interject on this—for using this place as coward's castle. He has made the point that we should not use it as coward's castle, and I call on him to be consistent and, where one of his own uses the place as coward's castle, at least to take that member aside and say, 'Hey, this is not on.' If he wants to do it with us—and he has every right to, and he has been consistent ever since I have been here—let him be consistent: let him take the member for Walsh outside, show him page 206 of the evidence and say, 'This is not on', because I do not think it is.

People who offer themselves for council service, who are elected to council service and who serve the council may raise any issue they like, and what their politics is is their business. It should not be paraded under the privilege of a select committee in this cowardly fashion. I for one deplore it and, if we want decent people running for our councils, I believe members in this place should have more responsibility and a greater level of concern for people who are, after all, trying to do a job.

This matter appears to be fairly topical on both sides of this Chamber, and I believe it is the unquestioned and unfettered right of every member of Parliament to speak for their electors where there is a matter of concern to them. In this matter a group of 80 families have expressed a genuine and real concern about speculation occurring in relation to property in their area. At no stage did I mention any member or officer of the council or any officer of SGIC. I did what I believe it is my right and duty to do: to raise matters of grave public concern to my electors in this Chamber and in such forums as are available to me.

My public record on this is quite clear. I participated fully in the SDP and made a submission to it, calling on the Marion council to ask the Minister to be the planner in this matter, because I considered that it could appear that there was a conflict of interest for the council. I made that representation in writing to the council, and I appeared as a witness before it. If it chooses not to take up that submission, that is of course its right, but it cannot then complain when I raise in this Chamber the legitimate concerns of electors. As I have said before, I will not complain when the Minister of Housing and Construction raises such legitimate concerns about the conduct of his council in his electorate. I think that is quite clear, and I do not like the cant, hypocrisy and cheap political point scoring surrounding this matter.

Some constituents in my electorate have benefited greatly from the sale of land to SGIC and other interested parties, while other people now cannot sell their houses; they are stuck where they are, with no certainty and no future. One house has been on the market for at least five months, and it simply will not sell, because the four major players—SGIC, the council, the Housing Trust and another body—believe enough land has been purchased for the present, so they do not want to buy any more land, and nobody else wants to buy it, because there is no certainty in the future. That has severely disadvantaged my electors, and that is what I care about. If other members in this place do not

like that, or if other people in this place think that is political point scoring, so be it. I think it is doing what I am paid to do by the electors of Hayward, and as long as I am in this place—whether I represent Hayward or any other seat—I, like the member for Albert Park, will continue to do so.

Motion carried.

In Committee.

Clauses 1 to 4 passed.

Clause 5—'Board of directors.'

The Hon. J.C. BANNON: I move:

Page 2, after line 27—Insert subclause as follows:

(4) Any direction to the board by the Minister must be in writing.

The board is subject to direction by the Minister, which is the normal clause that is in such corporation Bills. This being a commercial authority, obviously some considerable care must be taken in terms of exercising such direction and not allowing the board to escape responsibility, if you like, for the administration of the commission's affairs: it is the governing body, as the clause makes clear. Therefore, a ministerial direction is something of considerable weight. One would not expect such a direction to be issued often or lightly, and the committee felt that, where that was the case, it was appropriate that it be in writing simply to signify its significance.

Mr S.J. BAKER: Obviously the Opposition supports this provision. It involves greater accountability on behalf of both the SGIC and the Government, so that, if there is going to be some form of interference in the form of an order, that should be made apparent.

Amendment carried; clause as amended passed.

Clause 6—'Composition of board.'

The Hon. J.C. BANNON: I move:

Page 3, lines 6 and 7—Leave out all words in these lines and insert—

(b) incapacity to carry out satisfactorily duties of office; or

(c) failure to carry out satisfactorily duties of office.

This is a recommendation of the select committee. The purpose of it is to distinguish in the wording of the clause between 'incapacity' and 'failure'. As it reads at the moment, incapacity or failure to carry out satisfactorily duties of office are bound up in the one paragraph, and the committee felt that it should be clarified that these are two quite separate cases. Of course, they could both apply in the one instance, and misconduct could be added in the case of severe dereliction. The amendment separates them to indicate that we are talking about two separate circumstances with separate tests.

Mr S.J. BAKER: The Opposition supports the amendment.

Amendment carried.

Mr S.J. BAKER: An arrangement regarding the composition of the board is in place. Is it the intention of the Premier to retain the services of the Deputy Under Treasurer on that board? During debate on the report, I did not express my thanks to the witnesses, to the Treasury Department, particularly Mr Hill, to the research officer, Mr de Gennaro, and everyone else who took part in the exercise, which I think was very constructive. If one great statement was made during the deliberations of the committee, it was the one made by the Deputy Under Treasurer (Mr Hill), who said that, at the end of the day, you are always exposed to the commercial judgment of the people who run statutory authorities and no amount of elaborate charter or anything else will guard against poor commercial decisions. All members of the committee would say that that sort of statement should be blown up and put up on all walls of all statutory authorities. My question relates to Mr Hill. Will his excellent services be retained on the board?

The Hon. J.C. BANNON: I endorse the comments made by the Deputy Leader. In the foreseeable future, Mr Hill will continue on the board. I think that his role as a member of the working party has been particularly valuable. The role of linking Treasury and SGIC in this period of new directions and charter is also important. In the longer term, it may not be necessary for such a direct nomination, and I think that members would understand that. That is one reason why the select committee recommended that, whatever the composition of the SGIC board, the Under Treasurer or his nominee should have right of access to that board and the papers that are considered by it. In the longer term, that is probably a better arrangement than having a Treasury officer actually sitting on the commission itself, but certainly in this important period I would hope that Mr Hill remains on the board, and it is the Government's intention that he does so.

Clause as amended passed.

Clauses 7 and 8 passed.

Clause 9—'Immunity of directors.'

The Hon. J.C. BANNON: I move:

Page 4, line 14—Leave out 'an honest act' and insert 'anything done honestly and with reasonable care and diligence'.

This was recommended by the select committee. It is one of those cases, and a number follow. This is contingent on new clause 10a. It simply ensures that the wording is consistent. As I said, in the absence of the public corporations Bill that has been discussed, the select committee felt that it should insert a number of specific provisions relating to directors so they are in the SGIC Bill on its passing.

Mr S.J. BAKER: The Opposition accepts the amendment.

Amendment carried; clause as amended passed.

Clause 10 passed.

New clause 10a—'Directors' duties of honesty, care and diligence, etc.'

The Hon. J.C. BANNON: I move:

Page 4, after line 21—Insert new clause as follows:

10a (1) A director must at all times act honestly in the performance of the functions of his or her office, whether within or outside the State.

Penalty: If the contravention was committed with intent to deceive or defraud the Commission, or creditors of the Commission or creditors of any other person or for any other fraudulent purpose—Division 4 fine or division 4 imprisonment, or both. In any other case—Division 6 fine.

(2) A director must at all times exercise a reasonable degree of care and diligence in the performance of his or her functions, whether within or outside the State.

Penalty: Division 6 fine.

(3) A director or former director must not, whether within or outside the State, make improper use of information acquired by virtue of his or her position as such a director to gain, directly or indirectly, an advantage for himself or herself or for any other person or to cause detriment to the Commission.

Penalty: Division 4 fine or division 4 imprisonment, or both.

(4) A director must not, whether within or outside the State, make improper use of his or her position as a director to gain, directly or indirectly, an advantage for himself or herself or for any other person or to cause detriment to the Commission.

Penalty: Division 4 fine or division 4 imprisonment or both.

(5) This section has effect in addition to, and not in derogation of, any Act or law relating to the criminal or civil liability of a member of the governing body of a corporation and does not prevent the institution of any criminal or civil proceedings in respect of such a liability.

(6) For the purposes of section 9, a person will not be taken to have acted honestly if the act constituted or involved contravention by the person of subsection (3) or (4) of this section.

This reflects and picks up provisions that were inserted recently in the legislation regarding the MFP corporation. It is aimed at lining up with national corporate law in

relation to the duties and responsibilities of directors. Again, it was felt advisable by the select committee to put it into the Bill at this point, so it becomes part of the Act, rather than wait for a more general provision, and I am happy to support it.

Mr S.J. BAKER: The Opposition supports this measure. It is consistent with the MFP legislation that has already been debated. We do not believe that any less diligence should be involved in the SGIC now that a new standard has been set. Importantly, it is not sufficient for an act seemingly to have been done honestly. There must be a requirement of due diligence and care. It is something that I believe has been lacking from the operations of the SGIC from 1987 to 1990. However, I reflect that prior to that period SGIC was a pretty well-run organisation. One of the great shames is that, due to a whole range of factors upon which we can only reflect and draw conclusions, it slipped badly in terms of its lack of attention to detail, certainly in its investments. We believe that this is a very important addition to the legislation, and it is thoroughly commended.

New clause inserted.

Clauses 11 and 12 passed.

Clause 13—'Functions of commission.'

The Hon. J.C. BANNON: I move:

Page 5, after line 30—Insert subclause as follows:

(3) The Commission must pursue the following objectives:

(a) to carry on its insurance business with a predominant focus on the insurance requirements of South Australians;

(b) to act commercially and with a view to achieving a satisfactory profit performance over the medium terms;

(c) to exercise prudence in the management and expansion of its insurance business and its assets and liabilities and to conduct its affairs to high standards of corporate and business ethics;

(d) to avoid exposure to excessive levels of insurance risk by reinsuring its risks and by accepting reinsurance of other insurers' risks.

This is a recommendation of the select committee. These provisions were part of the draft charter that the select committee considered and felt were appropriate but, on examination of the statutory requirements as opposed to the charter, it was felt that it was better to import these into the legislation itself. The charter is a document that is subject to amendment and review on a regular basis although such changes will be reported and published.

When looking at the longer term operating objectives of the commission, the select committee felt it was appropriate to insert the objectives into the legislation. We had some debate about each of the objectives. There was general agreement that, as objectives for a charter, they were fine, but, with suitable redrafting, as is before the Committee, they would be more appropriately contained in the legislation so that the commission clearly has that statutory obligation imposed on it by Parliament.

Mr S.J. BAKER: It is an important addition to the Bill that the objectives are contained in it. I believe that all legislation should contain a foreword that sets out clearly what that legislation attempts to achieve. With respect to the SGIC, the objectives that are before the Committee today form a very important part of the total picture of what the legislation is all about and what the State Government Insurance Commission is. I would like to think that, in future, all Acts of Parliament would have direction and a framework upon which we could operate. That would apply even to the Criminal Law Consolidation Act, which has numerous sections detailing offences of a criminal nature.

Even that Act should have a clear set of definitions at the front so that we as legislators know exactly what we are on about. Some of the problems of the past have been that we have amended Acts without that framework and sometimes we have amended Acts in a short-sighted way because we had to overcome a problem.

If we had the objectives and the framework in the front, we would be far better legislators. As to SGIC, I believe it provides the appropriate focus, and the amendment is a welcome addition to the legislation.

Amendment carried; clause as amended passed.

Clauses 14 to 16 passed.

Clause 17—'Commission's charter.'

The Hon. J.C. BANNON: I move:

Page 6, line 29—Leave out paragraph *(a)*.

Page 7, lines 14 to 20—Leave out subclauses (7) and (8) and insert—

(7) On approving the charter or an amendment to the charter, the Minister must—

(a) within six sitting days, cause a copy of the charter, or the charter in its amended form, to be laid before both Houses of Parliament;

and

(b) within 14 days (unless such a copy is sooner laid before both Houses of Parliament under paragraph *(a)*), cause a copy of the charter, or the charter in its amended form, to be presented to the Economic and Finance Committee of the Parliament.

These amendments were proposed by the committee. The first amendment is simply consequential on the amendment we have just dealt with. The second amendment meets with the committee's intention in respect of the time in which the charter or amendment to the charter should be laid before the House. It makes specific reference to the Economic and Finance Committee of the Parliament.

It was pointed out that under the current provision the charter must be laid before the House, together with the annual report, and that 12 sitting days would elapse by the time an amendment to the charter or the charter itself came into force. It was thought that that should be reduced to six sitting days and within 14 days unless such copy is laid before both Houses of Parliament under paragraph *(a)* or, when Parliament is not sitting, the Economic and Finance Committee.

Mr S.J. BAKER: The Opposition supports the amendments.

Amendments carried; clause as amended passed.

Clause 18—'Advances by Treasurer.'

Mr S.J. BAKER: Leaving aside the issue of the $36 million, which will be a correction to the CTP fund, has the Treasurer determined the amount of capital injection required to provide a proper capital backing for SGIC? Has he any idea of the range being considered, whether it is $100 million or $200 million? Does he have any exact figures for the Committee?

The Hon. J.C. BANNON: Unfortunately, I am not in a position to do that, although I undertake as soon as that matter has been resolved to make it public and advise the Deputy Leader. The issue is still under examination. Of course, it requires consideration of, first, what would be adequate capitalisation in the case of a private sector company operating in this field of activity, and there is a lot of calculation and assessment that has to go into that; and, secondly, the extent to which the existence of a Government guarantee should modify the necessary provision of such capital. There is no question that it does.

In other words, bearing in mind that capital is provided in large part to assure policy holders of the viability of the organisation with which they are dealing, the Government guarantee obviated the need for such capital over the 20-year existence of the commission. However, we now conclude (and this has been discussed in this place) that it is appropriate that a capital provision should be made, and the extent to which you balance that provision against the

guarantee is one of the issues that is being addressed at the moment, and it does require a fair degree of consideration. I will certainly advise the Deputy Leader as soon as we have reached a conclusion.

Clause passed.

Clauses 19 and 20 passed.

Clause 21—'Compliance with insurance laws.'

The Hon. J.C. BANNON: I move:

Page 8—
Line 4—Leave out 'and'.
After line 7—Insert word and paragraph as follows:
and
(c) comply with any other requirement imposed on insurers carrying on business in the State by or under an act of the Commonwealth that is declared by regulation to be a requirement that applies to the commission.

The first amendment deals with the need to put the connector before the last paragraph which becomes paragraph *(c)*. Paragraph *(c)* gives the power, in the absence of voluntary compliance or other means, to make it quite clear through regulation that particular requirements apply. The committee dealt with this issue at some length in its report and the reasons behind it, and I do not intend to canvass it again.

Mr S.J. BAKER: The Opposition supports the amendments.

Amendments carried; clause as amended passed.

Clause 22 passed.

Clause 23—'Restraint of trade or commerce.'

The Hon. J.C. BANNON: I move:

Page 8, line 42—After 'approved of ' insert 'and the reasons for the approval'.

It is suggested that the reasons for approval in subclause (4) should be spelt out, and the amendment just makes clear what I think is the intention of the clause.

Amendment carried; clause as amended passed.

Clause 24—'Special funds for life and compulsory third party insurance.'

The Hon. J.C. BANNON: I move:

Page 9—
After line 9—Insert subclause as follows:
(3a) While maintaining the compulsory third party fund, the Commission must manage its compulsory third party insurance business and the investment of money of the fund with the objective of maintaining the fund's capacity to meet its liabilities by achieving prudent annual surpluses so far as that is achievable having regard to the premium levels fixed under the Motor Vehicles Act 1959 in respect of such insurance.
After line 25—Insert subclause as follows:
(5a) The commission must, in managing its investment of money of the compulsory third party fund, give due consideration to investment opportunities in or of benefit to South Australia.

The first amendment inserts new subclause (3a) in relation to the compulsory third party insurance fund and requires the commission to manage that fund and invest the premiums that form part of the fund with the objective of maintaining its capacity to meet liabilities by achieving prudent annual surpluses so far as that is achievable having regard to the premium levels fixed. The amendment requires SGIC in managing that fund to do it in a commercial way, bearing in mind that premium levels are fixed by a process that is not controlled by SGIC.

New subclause (5a) repeats the objectives already inserted in the legislation but applies them in specific terms to the compulsory third party fund to give due consideration to investment opportunities in or of benefit to South Australia. The concept is as a compulsory fund, the premiums of which are contributed by the South Australian-based motorist. In terms of investment, SGIC has some responsibility to ensure that those moneys are retained for the benefit of the development of the State and ultimately those who work and live in the State, including motorists. It is not proscriptive in the sense that the commission can only invest in these areas, and I think it would be unreal to suggest that, but certainly that is the emphasis that the portfolio must have.

Mr S.J. BAKER: The Opposition supports the Premier's remarks regarding this issue.

Amendments carried; clause as amended passed.

Clauses 25 to 27 passed.

Clause 28—'Annual report.'

The Hon. J.C. BANNON: I move:

Page 10, lines 20 and 21—Leave out subclause (2) and insert—
(2) The report must—
(a) incorporate the audited accounts and financial statements for the financial year;
(b) incorporate the commission's charter as for the time being in force;
and
(c) set out any directions given to the board by the Minister that are not contained in the commission's charter.

At the moment, the Bill simply provides that the accounts and financial statements must comply with the requirements of the Treasurer contained in the commission's charter. This amendment simply improves SGIC's overall reporting.

Amendment carried; clause as amended passed.

Clause 29—'Summary offences.'

The Hon. J.C. BANNON: I move:

Page 10—Leave out this clause.

The requirements have been incorporated in the directors' responsibilities; therefore, this clause is unnecessary.

Clause negatived.

Clause 30 passed.

Schedule.

Mr S.J. BAKER: It is not good in law to say that virtually illegal acts have been made lawful, but I would ask all members to note that, according to the words 'are to be taken to be made lawfully' in this legislation we are making lawful things that may not have been lawful at the time. Under the unusual circumstances that prevailed when trying to unscramble the investments and interfund loans that had been made, we saw this as a practical means of overcoming the problem, but let it not be a precedent.

The Hon. J.C. BANNON: I support the remarks of the Deputy Leader. It is a practical and sensible approach to simply deal with an issue which otherwise would require an enormous amount of effort and energy and which in the end result would not really have achieved anything. I think it is an important part of this Bill as it affects the ability of SGIC to get on with the job in these fairly difficult economic times. I appreciate the Opposition's support.

Schedule passed.

Title passed.

Bill read a third time and passed.

PERSONAL EXPLANATION: MEMBER'S REMARKS

The Hon. J.P. TRAINER (Walsh): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.P. TRAINER: During the Committee stage of the matter that was just dealt with by the House, I was accused of attacking another member of Parliament and members of the public under parliamentary privilege. I did not hear the exact words used by the member for Hayward when making those accusations, but he certainly seemed to imply that I had said something particularly nasty. Unless

I have the opportunity to quote from what was actually said before the committee, that impression could linger. In evidence before the select committee, the member for Fisher asked a witness: 'Does SGIC see itself as the meat in the sandwich?' He was referring to the Marion triangle land issue mentioned by the member for Hayward. The member for Fisher then asked the following question:

There will be an ongoing dilemma because the council is critically involved in the rezoning process and is potentially a beneficiary in terms of any development?

In response, Mr Gerschwitz said:

Yes, but the council is not a private organisation. It is owned by the ratepayer and the ratepayer is the ultimate beneficiary.

I then asked the question:

Has the situation been aggravated by the fact that there is always a certain degree of overlap of responsibility between a State member of Parliament and the local governing body? I refer to the situation that has flared up recently in Unley. I have in mind particularly some of the public statements, which have been made about SGIC and the Marion council by Mr Mark Brindal—

The Hon. D.C. WOTTON: On a point of order, Mr Speaker, I suggest that the honourable member is now debating the subject.

The SPEAKER: The Chair understands that the honourable member is quoting from the committee's report.

The Hon. J.P. TRAINER: That is correct, Sir.

The SPEAKER: Therefore, it is not debate: it is a direct quote from the report.

The Hon. J.P. TRAINER: The evidence continues:

... the Liberal member for Hayward, and which seems to have been added to by the stance taken by at least three members of the Marion council; Councillor Gordon, who is currently the preselected Liberal candidate for the Federal seat of Kingston; Councillor Caudell, who is awaiting State preselection for the Liberal Party for the new seat of Mitchell; and Councillor Brown, who is seeking Liberal Party preselection for the State seat of Elder. Have their remarks tended to inflame the situation?

My question was interjected upon by the member for Fisher who said:

There are no Party politics in local government.

I then said:

We have no Party politics in local government; it just seems that, by coincidence, we have a faction established on the Marion council which seems to use it as a political jumping-off point for entry into State and Federal arenas and to seize any political opportunities that it can to bucket those organisations that happen to be in the Opposition Party's political space at any particular time as a target. Other than that, there are no politics in local government.

I was then remonstrated with by the Deputy Leader of the Opposition, who said that he thought I should apologise for that statement. He pointed out that his colleague was entitled to pursue this matter on behalf of his constituents. I then said:

I point out that I prefaced my remarks by saying that the difficulties stem from the overlapping of responsibility of a member by implication on behalf of his constituency, which is not at variance with your remarks.

I was referring to the Deputy Leader of the Opposition. Later I said:

Unwittingly, I have commenced a debate between myself and another member of the committee, and that is most inappropriate when we should be directing questions to Mr Gerschwitz and Mr Kean. Mr Kean and Mr Gerschwitz would be aware that to date the Ombudsman has cleared the Marion council of any impropriety ...

I then went on with other remarks about the Anti-Corruption Branch. It should be clear to members that I did not reflect on Mr Brindal or his Liberal Party colleagues on the Marion City Council unless it is considered to be reflecting on Liberal Party members and candidates if one draws attention to their active political involvement.

SOUTH EASTERN WATER CONSERVATION AND DRAINAGE BILL

The Legislative Council intimated that it did not insist on its amendments Nos 2, 5, 7 and 8 to which the House of Assembly had disagreed or to amendments Nos 1, 3, 6 and 9 to which the House of Assembly had disagreed and it had agreed to alternative amendments made in lieu thereof and to the amendment made by the House of Assembly to amendment No. 4 without any amendment.

WILDERNESS PROTECTION BILL

In Committee.

(Continued from 9 April. Page 4186.)

Clause 2 passed.

Clause 3—'Interpretation.'

Mr LEWIS: I move:

Page 5, line 21—Leave out 'colonisation' and insert 'settlement'.

This wording occurs throughout the legislation and is what some might feel justified in calling semantics. It is not really: it is just making the historical record of our legislation accurate. Presently, journalists and authors have the mistaken impression that at one time South Australia was a colony. It was never a colony: it was proclaimed a province in 1836 in consequence of an Act of Westminster Parliament. The vernacular word 'colony' was applied to South Australia as it was to other places which are now States, because they were indeed colonies; they were established by military fiat. In our case here in this State, we were a province and, predating the establishment of the province, Europeans had arrived here and settled.

Notwithstanding the fact that we were never a colony, I believe that for our purposes the legislation ought simply to show the effects that have arisen in consequence of the arrival of Europeans (what we are referring to wherever the word 'colonisation' appears) and, therefore, it is more accurate to cite the incident or the occasion upon which things started to change as being the point of settlement rather than the point at which colonisation began because, in fact, colonisation never began. With this amendment I seek to correct the record and get it straight.

The Hon. S.M. LENEHAN: I do not accept this amendment, for a number of reasons. First, the term is used in the National Parks and Wildlife Act, and one of the things we have tried to do in our general debate on wilderness is to ensure that we have some consistencies across the legislation. Also, it seems to me that the word 'colonisation' has a much deeper meaning than the word 'settlement'. 'Colonisation' conveys the meaning of moving in and inhabiting. For example, we talk about the colonisation of species and I guess what we are talking about here is Europeans coming here and bringing with them various forms of animals and other species. It seems to me that the word 'colonisation' is more appropriate than the word 'settlement' and that, in terms of being consistent across the legislation, I think it much more appropriate to maintain that, rather than to start changing that terminology now.

Mr LEWIS: The Minister is mistaken. Clearly, the word in this instance refers to the the act of arriving and establishing. It is not used in the biological context at all where we read it in the context of 'before European colonisation' and so on. Just because the word is used elsewhere, that is no reason for it to be used wrongly in another place. Two wrongs do not make a right. In the Minister's own words, it is more accurate to describe the event as settlement—the

permanent arrival of European hominids along with the other species they brought with them and the things they did which had an immediate and dramatic impact on their immediate surroundings and which, I am sure the Minister would agree, sent shock waves out through the ecosystems of dimensions that had not occurred prior to that time.

If we use the word 'colonisation', it can be confused with that particular process by which Europeans established themselves with the use of the gun as the basis upon which their political power dominated. On the other hand, if the Minister cared to read the proclamation that was made at that point, whenever settlement occurred, prior to, at the time of or subsequent to proclamation, she should see that settlement in this instance was never intended in law to cause the kinds of events that followed and affected Aboriginal people, for instance, and that is where I cavil with the Minister on her insistence that the word 'colonisation' ought to be used. I repeat that, just because it is wrong in another context where it is also used incorrectly, it is no reason for us to perpetuate the mistake. It is better to get it tidied up as of now. Accordingly, I urge members to support my amendment.

The Hon. S.M. LENEHAN: Because there are a number of consequential amendments, it is probably appropriate that I use some broader evidence to support my position. The definition of the term 'management' in relation to the land includes the restoration of the land and its ecosystems to their condition before European colonisation. We are not talking about the point at which Europeans arrived; we are not talking about one moment in our whole history. The term 'colonisation' is probably best looked at in respect of that use of the word. In this Bill we are talking about wilderness; we are talking about what existed before Europeans changed those pristine areas. So, it seems to me that to talk about settlement is not to convey what this Bill is really about. This Bill is about preserving those areas which are left and which are untrampled and unchanged to such an extent that they cannot be rehabilitated, in other words, preserved in their natural environment. The word 'colonisation' really does say more than the word 'settlement' and, because it is used throughout the definitions, I believe that it is the appropriate word. It is not a matter of saying that a mistake was made and that we want to remedy it: I think it is the most appropriate word, because it is used in the context of species colonising, taking over and changing.

That is exactly what European settlement has done. With European settlement came the introduction of feral animals and other species. That had a significant, indeed profound, change on the environment that this Bill is seeking to protect. To be arguing about whether we should change the word 'colonisation' to 'settlement' begs the question of what the Bill is about.

Amendment negatived.

Mr LEWIS: I move:

Page 1, after line 22—Insert definition as follows:

'Aboriginal people' in relation to a wilderness protection area or wilderness protection zone means people who are descended from the people who occupied the land that now comprises the whole or part of the wilderness protection area or zone before European settlement:.

This amendment relates to those people whose descendants, through their direct lineage, have an empathy with a piece of land that becomes a wilderness protection area—those people who were here prior to European settlement and who are entitled, according to other provisions within the Bill dealt with later, to that measure of access so provided. I do not think it appropriate to use the current definition in the Bill, which simply states:

'Aboriginal' means of, or pertaining to, the people who inhabited Australia before European colonisation.

That is the context in which the word 'colonisation' clearly indicates to the reader what I did not want to indicate. We are talking not about that but about 'Aboriginal' as a definition. It ought not to apply to people from anywhere in Australia but rather to people descendent from those who have lived in that specific area, that specific locality, that has become a wilderness protection area or zone in this instance, so that those tribal groups have access to a particular area. Certainly, nobody in their right mind would say that people from Arnhem Land have rights of access to parts of Kangaroo Island to engage in activities the like of which are provided for elsewhere in the Bill, or that people from the South-East have no empathy and no connection with, and no tribal occupation of, the area on Kangaroo Island to which I am referring.

The definition ought to apply to those specific tribal group or groups relevant to the given locality of the specific wilderness area or zone, thereby ensuring that we do not have, as the Bill presently allows, a racist provision whereby people who simply happen to have dark skin and live somewhere on the mainland continent or other islands claimed under European law to be part of Australia, are allowed to engage in those activities within a wilderness protection area or zone. They do not have the empathy, they are not traditional owners and there is no cause whatever justifying their access to that said area or zone.

The Hon. S.M. LENEHAN: I oppose the amendment; its implications are very interesting, as well as what it actually says. What the honourable member is saying does not relate to the provisions of the Bill or to the code of practice. We are aiming to allow Aboriginal people to enter wilderness areas for the purposes of their traditional pursuits. That will be quite clear. I have an amendment on file which clearly spells that out. Aboriginal people can go into areas of wilderness for traditional pursuits. They cannot go into areas of wilderness in four wheel drive vehicles and carrying firearms to do the sorts of things that perhaps some less thinking white people or people of Caucasian race might wish to do. It is totally inappropriate for us as a Parliament to tell the Aboriginal community which people will go into which areas of wilderness. I do not pretend to know definitively which Aboriginal tribes come from which areas, and I suspect that the outcome of this amendment would be to create the most enormous amount of conflict in terms of one group.

We all know that some white people are very much involved in wanting to set Aboriginal people against Aboriginal people and wanting to get involved in all kinds of litigation to try to determine who were the traditional owners of the land or the traditional people who should enter certain areas. That is not our business: is not what the legislation is about. Aboriginal people have their own means of determining these kinds of things if they think it inappropriate that, generally speaking, Aboriginal people be allowed into areas of wilderness. The potential for creating conflict under this amendment is enormous and I do not want to be a part of it: it is not our business. What is the business of this Parliament is to ensure that, if Aboriginal people are going into wilderness areas, they behave appropriately in terms of traditional Aboriginal culture and not in terms of, if you like, modern European practices and the way in which we conduct ourselves. That is the critical point. It is not for us to determine who will and will not go into particular areas of wilderness. I am certainly not prepared to get involved in that.

Mr LEWIS: Methinks that the lady does illustrate the limit of her intellect. The tragedy is that, as the Bill stands—

The Hon. J.P. Trainer: Personal abuse all the time.

Mr LEWIS: Not at all: an adequate and accurate description of the Minister's mistaken attribution of motive to me or anyone else. I do not imply that there would be any divisions among Aboriginal people in consequence of this provision being passed. It ought to be clear to the Minister that traditional Aboriginal culture, to use her words, for tribes which lived in North Queensland and on the north coast of the whole continent in Arnhem Land was quite different in terms of activities and practices from that of the people who lived in the western part of Kangaroo Island or in the Coongie Lakes area and different again from the culture of those who lived in the Ngarkat or those in part of the Mallee.

If the Bill as it stands at present were to pass into law, we would find that a Torres Strait Islander could set fire to a wilderness area, doing what a Torres Strait Islander traditionally does in their culture, at a time of year appropriate to that culture. That offence against the wilderness could not be prevented or prosecuted, as it would be what that person, as defined here, was entitled to do. It provides that Aboriginal means of, or pertaining to, the people who inhabited Australia before European people came. They would be doing, as the Minister said, their traditional cultural thing. It ought to be restricted that those people who can demonstrate their involvement.

I know that there are joint claims to territory such as arise between those people who are Arrabunna and those who are Kokatha and the sets of the Ngarriajerri. There is a fluid boundary between one location and another occupied by those different sets since before the arrival of Europeans; that boundary is still argued among them today, and I have heard that kind of argument. This does not seek to try to rouse that conflict in any way. It acknowledges that that dispute is there, and it is not something in which the law needs to be involved. As I propose it, the amendment simply means that no Aborigine or Aboriginal descended of an Aborigine, in part, coming from a tribe that lived on the north coast of New South Wales, could move in and do what they had traditionally been able to do in that location in a part of South Australia's wilderness area or wilderness zone.

I think it is crazy because, prior to the arrival of Europeans, it would not have been tolerated, and there is nothing in our law enabling any such activity to be dealt with under the law of Aborigines; there is no means for that. So, that is out of the question, otherwise we do not stand here to make laws at all: there is no point in our attempting to do so if we do not make laws for all human beings who live here.

We do not believe in apartheid, but we must respect the traditional cultural behaviour and practices of people in the localities which they occupy, and whether one or more groups occupied that locality at any point in history does not matter. As long as at one point or other it can be demonstrated that they did occupy or could have occupied it, that is all right; they do what is traditionally acceptable under those terms.

It is not sensible to have the whole thing so wide as to allow anybody who fits the definition of 'Aboriginal' to come into our wilderness areas, whether in bare feet, on push bikes, in four-wheel drives or anything else, and do what they claim they have been able to do traditionally. It is a mockery and a nonsense for the Minister to claim that it would generate conflict. Indeed, this resolves and prevents conflict, because it clearly states who can do what on which piece of land, and not leave it so wide open as to say that any man or woman who had in their ancestry someone of black skin can do as they please in any wilderness area so long as they came from the original mass of people from the many hundreds of tribes that were here prior to the arrival of Europeans.

The Hon. S.M. LENEHAN: May I put on the record once and for all that no-one is suggesting that Aboriginal people go into wilderness areas and do as they please. That has never been suggested. Any reasonable reading of this Bill would indicate that that is not suggested anywhere. To take this one definition of Aboriginal people, or the word 'Aboriginal'—and it is only the word 'Aboriginal' to which I bring the Committee's attention—and to then make the sort of claims that the honourable member is making, is just nothing short of a nonsense. I am sorry that the honourable member has had to resort to the personal abuse side of things. I certainly do not intend to do that in the Committee stage. I do not think it is appropriate.

It could be construed by Aboriginal people as incredibly racist for us to sit in this Parliament and say, 'Only these particular Aboriginal people can go into this wilderness area.' Surely, if the honourable member is going to be consistent in this whole question, he will say, 'Let the traditional owners of that particular area of wilderness determine whether they would like to see other Aboriginal people go into those areas'; indeed this amendment would prevent that happening, and I do not believe—

Mr Lewis: There is no provision for that.

The CHAIRMAN: Order! The member for Murray-Mallee is out of order, as are the members for Napier and Henley Beach.

The Hon. S.M. LENEHAN: I think I can cope without the support of my colleagues, thank you very much. It is important that we make sure that we treat this whole question of wilderness objectively and fairly, and I believe that the Bill, as it stands, does that. I reject the honourable member's amendment for reasons I have given.

Amendment negatived.

Mr GROOM: I move:

Page 2, after line 3—Insert definition as follows:

'the Environment, Resources and Development Committee' means the committee of that name established by the Parliamentary Committees Act 1991;

While it is only inserting a definition, it is of course fundamental to amendments to clauses 22 and 25. Mr Chairman, you may wish me to simply put the arguments now in relation to the insertion of that definition, but if the matter is not opposed I would simply say that the Parliament set up these parliamentary committees to perform a function. In relation to legislation of this nature, it is more than appropriate that the Environment, Resources and Development Committee have some role in this legislation, and I am pleased to be the person moving the amendment.

The Hon. S.M. LENEHAN: I am happy to support the amendment.

The Hon. T.H. HEMMINGS: Obviously, if the Minister supports this particular clause I, as a loyal Caucus member, am duty bound to support that clause also. Does this definition mean that the car allocated to the Chairman of that committee is also included in the definition?

The Hon. D.C. WOTTON: The Opposition also supports this amendment. I regret that the Chairman of the committee we are talking about was being rather frivolous in the question he asked, because I thought he might have been asking the same question that I would want to ask, that is, whether the measure being proposed in this amendment would in any way delay the provisions of the Bill. I hope it would not do that.

The Hon. S.M. LENEHAN: The answer to that is 'No.'

Amendment carried.

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

The Hon. D.C. WOTTON: I received representation earlier today suggesting that the definition of 'mining Act' should include the Minerals (Submerged Lands) Act 1981. I understand that that is Commonwealth legislation, so an amendment is not necessary. However, I want to question the Minister in regard to the definition of 'Crown land' because, as the Minister would appreciate, that definition assumes critical importance to primary producers particularly in terms of clause 22(1)*(a)*. If the term 'unalienated land of the Crown' means land unencumbered by any form of licence or lease—and that is the form in which Crown land is described in the Crown Lands Act—I suggest that the situation is suitable. However, if there is any doubt about that, I believe it should be remedied. My question relates to what is actually meant by the definition of Crown land. I repeat that the legislation should state clearly that Crown land refers to land unencumbered by any form of licence or lease consistent with the definition of Crown land in the Crown Lands Act.

The Hon. S.M. LENEHAN: As I understand it from the definition in the Bill, it refers to land that is unencumbered. I am not sure whether the honourable member is referring to other forms of Crown land such as pastoral land that are under some form of lease. I am not sure what he is getting at. I understand the definition to mean land that is unencumbered by a lease. The other aspect of the legislation makes it very clear that, if we were talking about bringing an area into a wilderness protection zone, we would need the permission of the owner. It seems to me that it also applies to the lessee if the lessee has a lease for a period of time. We would treat an owner and a lessee of Crown land in exactly the same way under this legislation. That is how I interpret the definition.

The Hon. D.C. WOTTON: I presume that that is the case. I was really wanting to make sure that the definition in this legislation ties in with the definition in the Crown Lands Act. If the Minister could give me an assurance that that is the case, that would be appropriate.

I turn now to subclause (2)*(a)* which provides that the land and its ecosystems must not have been affected or only affected to a minor extent by modern technology. I understand that a lot of thought has been given to this by Parliamentary Counsel but I must admit that I have some concern about how one defines 'a minor extent'. I have other concerns in regard to the wording in subclause (2) *(b)*, which provides that the land and its ecosystems must not have been seriously affected by exotic animals or plants or other exotic organisms. Can the Minister be more specific about what is actually meant by that provision?

The Hon. S.M. LENEHAN: In a very honest way, this subclause recognises that, in Australia, there is probably no pristine land left. There is no land that has not been affected in some way by some form of modern technology. This is similar to the debate before the dinner adjournment about what colonisation means and what are the implications and effects of that colonisation. It says that, while we acknowledge that, under the absolute definition of wilderness there is probably very little land in South Australia and Australia that totally fits that description, we are going to make the very best of what is left. In her supportive second reading speech, the member for Coles highlighed that point. What is left will be assessed by an independent committee, which will not comprise people who just have a love for wilderness or who want to be on the committee because they have an interest in one area or another. They will be on the committee because of their expertise in assessing objectively what qualifies as the very best of what we have left in this country, an area that has not been affected in some way by modern civilisation. Subclause (2)*(a)* and *(b)* identify clearly that that is what this legislation attempts to do.

In addition, it is important to say that we are not trying to classify a whole lot of land as wilderness as some kind of achievement. We will not look on the map and say, 'That might be nice; let's look at that for wilderness.' We are coming at it from a completely different perspective. We are delineating a set of criteria and suggesting that these areas must meet that criteria. I note that the member for Coles is in the Chamber, and I remind the Committee that in her second reading speech she said that, in a sense, the alternative is to do nothing. I do not believe from the feedback I have received from the broad South Australian community that that is a tenable or viable option.

We have to say that, for the past 156 years, we have affected the land in this State, in some areas irreversibly, but areas remain that are as close to pristine as is possible. Let us protect those areas and let us be sensible about it. It is not some sort of land grab to get as much land as possible under wilderness, because most of the land in South Australia will not qualify for that. We believe it is important and I believe that I can speak for the Wilderness Society and all the people in South Australia who have indicated to me that they support this legislation, believing it is important to have objective criteria and to give areas of land a higher degree of recognition and protection. Of course, it is acknowledged that much of that land is already within the national parks and wildlife system.

The Hon. D.C. WOTTON: I support the need for objective criteria; I do not argue with that in any way. I am not arguing that I could have improved that wording. I am just expressing a concern that I have been made aware of, and I express the same concern about subclause (2), for example, where we are talking about the criteria for determining 'whether or not' land should be regarded as wilderness. I question why the 'or not' needs to be there. It seems to be confusing. I do not want to be pedantic and we are not going to carry on like this for the rest of the Committee stage, but do we need to have 'whether or not'? Returning to paragraph *(b)*, I understand the comments that the Minister has made and I certainly accept them. Can the Minister indicate how big a problem rabbits and goats are in relation to this provision in relation to which I would imagine that much of the area we are looking at as possible wilderness area unfortunately would have been seriously affected at this stage by the rabbit plague? If rabbits have been extremely active and have caused havoc in the area, would it affect an area perhaps to be considered for wilderness later?

The Hon. S.M. LENEHAN: The honourable member has raised a number of questions. First, it depends on how one uses English in respect of 'The following are the criteria for determining wilderness', or whether we say 'whether or not'. I have an amendment on file for people in the community as well as the specialist advisory community to examine tracts, areas, islands or portions of land and, against a set of criteria, determine whether they do meet the criteria for wilderness. It explicitly spells out that there is the ability to clearly assess portions of land against set criteria. I am not a lawyer, but it seems to me that that may more clearly spell out just what the process will be, that there will be the ability for individuals to nominate areas, and the Wilderness Advisory Committee will assess those areas and whether they fit into the wilderness or whether they do not fit into the wilderness in terms of the criteria.

I do not know whether that is a reasonable explanation, but it certainly does not change the meaning by having

'whether or not'. The other point relates to feral animals, particularly rabbits, but in some areas to the goat, for example, in the Gammon Ranges. When we first started to consult widely about the Bill there was much unhappiness and unease in the pastoral areas where a few people whipped up the pastoralists to say, 'What are you going to do, come out of the pastoral areas and draw a line on the map and say that we will have all this area for wilderness?' When I travelled through the pastoral lands and met with pastoralists I was able to put their minds at rest by saying what I am about to say now, that is, that the vast majority of pastoral lands would not qualify for wilderness because they just do not meet the criteria, for some of the reasons referred to by the honourable member, that is, because of the enormous devastation by rabbits, as well as some of the grazing pressures and the fact that we had waterholes, pipelines and the like in those areas.

In fact, we have taken off the agenda for the community the notion—which I have to say was quite unfairly put out—that we were looking at turning half of South Australia into wilderness areas. Those of us who had worked for three years and more—and there are people in this Parliament tonight who have worked for many years of their lives towards the achievement of separate wilderness legislation and the protection of wilderness—can say categorically that that is a nonsense because we just do not have the areas left. In South Australia we just do not have vast tracts of land of that nature. However, there are some areas such as some of the offshore islands that have not been damaged or destroyed by feral animals. There are some areas on Kangaroo Island that are still relatively unspoilt (I use the word 'relatively' I hope in an enlightened way), and we want to do everything possible to preserve those areas for future generations. So they are the areas that we are looking at.

The Hon. JENNIFER CASHMORE: I would like to pursue the same line of questioning that the member for Heysen has undertaken by referring to the green paper and the definition adopted by the Council of Nature Conservation Ministers and by the International Union for Conservation of Nature and Natural Resources. I read it into my second reading speech, but the key phrase is:

> A wilderness area may be defined according to these essential characteristics as: large tract of land remote at its core from access and settlement, substantially unmodified by modern technological society or capable of being restored to that state, and of sufficient size to make practical the long-term protection of its natural systems.

My question relates to the phrase 'a large tract of land'. Any reference to size has been deleted from the definitions in the Bill. Why has that been done? Is it simply as the Minister has explained that there is little left and that there may be what could be described as fragments of land which are pristine and which, because of our lack of wilderness in South Australia, the advisory committee may wish to recommend as wilderness? Would there be such a thing in the minds of those who will be advising the committee as a minimum size? If so, what might that minimum size be?

I do not want to pin the Minister down to actual hectares, but there are people concerned about this legislation and even those of us debating it who have no mental picture of what the definition implies. If there is no indication as to the minimum size we can only assume that half a hectare technically speaking could be designated as wilderness. I do not think for a minute that that is what is envisaged, but as there is nothing in the Bill to indicate the minimum size and as the reference to 'large tract of land' has been deleted from the definition which is internationally recognised, I would appreciate it if the Minister could give an indication about minimum size.

The Hon. S.M. LENEHAN: I thank the honourable member for raising that point because we did delete reference to size. It became apparent, for example, that if we were going to talk about some of the small offshore islands, which are probably the most pristine in South Australia, if we keep in the requirement of size we may well run the risk of losing the ability to protect those islands. I am sure that the honourable member is aware that some of our reintroduction programs for endangered species involving the zoo—in fact, through the Minarto outreach program from the zoo—that where we are actually reintroducing numbers of the endangered species back into the normal kind of wild breeding programs. The reason we have done that is because those islands are completely protected from feral animals which have caused almost the destruction of some of these species in the first place. We have deleted that reference to 'size'. 'Large' is a difficult term to define. We felt that size was merely a subset of the whole list of criteria and not one of the primary concerns. We wanted to pick up in the legislation the two primary concerns that the honourable member read out in the definition, and that was that there was a substantial amount left.

I am sure that the honourable member will correct me if I am wrong, but from memory I think the definition refers to protecting the core area. I cannot give the honourable member a definition of size, but if we are talking about maintaining an ecosystem we have to have enough area in which to do that. We are not talking about little pockets here and there across the State. By and large, we would be looking at areas that are relatively large and, if we consider our State and our continent in comparison with other countries, we have within our parks system large areas of land such as some areas on Kangaroo Island and others that could be looked at in the Unnamed Conservation Park, which the member for Heysen referred to in his second reading speech when he highlighted his very positive experiences in those areas.

There may well be some significantly large areas in terms of our concept of size, but we do not want to preclude things such as offshore islands which I personally think are vitally important to preserve for future generations not just because they are more relatively intact but because of this whole reintroduction program and the fact that we have the ability to ensure that they are not destroyed in any way by feral animals such as rabbits, cats, foxes, goats or anything else. I will try to find out whether we are looking at a minimum size, but I do not believe that to be the case.

The Hon. JENNIFER CASHMORE: The issues raised in the green paper confirm what the Minister said about the impossibility of defining a wilderness area precisely and simply describing the characteristics of an area of land that could be considered for legal protection. The green paper refers also to biological and cultural values: biological values being those that relate to the protection of nature, and cultural values those that relate to benefits obtained by people. What protection can be afforded to offshore islands that are declared wilderness areas as boating becomes more popular. If it is not possible for staff to protect those islands, what surveillance is there?

The Hon. S.M. LENEHAN: I think there are a couple of ways of doing this. The member for Heysen has indicated an amendment in terms of community education that I am delighted to accept. The Wilderness Society has mounted probably one of the most positive and effective education campaigns with which I have had the privilege to be associated. I was asked as Minister to launch the first video

about the wilderness, and I have to say that if anyone watched that video and did not get a very deep feeling I would question what they were actually doing on this planet. We are moving more and more towards educating the boating community about the values of wilderness through comprehensive signage and liaison. I will not stand here and say that we will have rangers marching around the perimeters of every offshore island. I do not believe for one moment that that is what the honourable member would want if she was in my shoes and had unlimited resources, because I think that would defeat the purpose of wilderness.

We have to devise management plans for all wilderness areas, and there will be extensive consultation, publicity and education in the community. I cannot guarantee that some unprincipled vandals might not at some point visit a wilderness area and do some damage: no-one in the world could give that sort of guarantee. By means of education and appropriate signage and through our desert park pass system that we have in place at the moment we can let people know that we as a Parliament and a community feel very strongly and passionately about this. We can have very severe and very strong penalties for those people who, in some way, damage, destroy or threaten wilderness. If the honourable member has any suggestions that I have not covered, I would be delighted to take them on board and, if resources permit, I would be delighted to look at some way of implementing them. However, it seems to me that it has to be done by education and information and, at the end of the day, if the carrots have not worked we have to be prepared to stand up as a community and say, 'We will not tolerate that kind of damaging or destructive behaviour.'

The Hon. D.C. WOTTON: Under the definitions, reference is made to the National Parks Act. We are all looking forward with a great deal of anticipation to the day when significant amendments to that piece of legislation are introduced. Will it be necessary to further amend the legislation that we are debating now in line with any amendments to the National Parks Act that may come before the House, or has the Minister been able to take into account changes that are likely to be made to that Act? I hope that the stage has now been reached where the Minister is making final decisions regarding the legislation and I hope that changes to the National Parks Act are in line with the legislation that is before us.

The Hon. S.M. LENEHAN: It is my intention that the two Acts be complementary with one another. If we did need some very fine tuning in terms of consequential amendments to this legislation, that may be appropriate at the time. However, I believe that this legislation is setting the scene for amendments to the National Parks and Wildlife Act or, in fact, to a rewriting of that Act. That is my intention. My officers have been working very hard. As the honourable member would know, it will not be easy to please everyone in a complete rewrite of the National Parks and Wildlife Act because of the diversity of areas that come within the responsibilities of the Act and the department.

We have been working quietly behind the scenes during the consultation period, which as the honourable member has said has been going on for quite some time, to ensure that the Acts are complementary and that there will not be the need for substantial changes to this legislation. However, I remind the honourable member that it will depend on the Parliament. If the Upper House were to insist on radical changes to the National Parks and Wildlife Act, some of those matters would be quite beyond my control and perhaps more in the honourable member's control.

The Hon. D.C. Wotton: Not necessarily.

The Hon. S.M. LENEHAN: Yes. I understand the honourable member's dilemma, but the point I am making is that, all things being equal, it is not my intention to have this piece of legislation passed during this session and in the next session to have to radically amend it. There may well be some small consequential amendments, but that is all I would see happening.

Mr BRINDAL: The Minister knows that I support wilderness—I said that in my second reading speech—but I am a bit confused. Where does the Minister draw the line between wilderness and the National Parks and Wildlife Service? I acknowledge that the Minister said that wilderness should be as close to pristine as we can get and that pristine wilderness is probably impossible, but I have heard her talk about management techniques, re-stocking and various things like that. I have always thought that the idea of having a wilderness area with a buffer zone around it was so there would be as little human intervention as possible and preferably none, because the minute we start to manage an area and re-stock it we transgress the definition of 'wilderness'.

In the same light, I was also interested in the green paper, which talks about recreational values of wilderness. My reading suggests, and I would have thought that ideally, there is no recreational value in wilderness; it is worth saving for its own sake, for its scientific value and for its long-term benefit to humanity. If we are to have the sort of 'wilderness' which we can all troop through and enjoy as we ride off into the sunset, it is not a wilderness; it becomes a national park. I ask the Minister to comment on how she will define this difference.

My other question is whether, in terms of management to reduce the number of feral species in a wilderness area and even in terms of replenishing it with native stock, the Minister sees an ongoing role for management or does she believe that evolution will take its course? As can be seen on offshore islands, if a couple of bilbies are introduced and they overpopulate and overgraze the island, eventually the ecosystem will sort itself out. Will we rush in and manage the bilbies to see that they do not overstock or will we just put them there and let nature take its course?

The Hon. S.M. LENEHAN: Let me assure the honourable member that I am not about to rush around counting bilbies, but I must say that I contemplate that as a wonderful career after Parliament and perhaps I could work closely with the Wilderness Society when that point arrives in my life.

Mr Brindal: We both might.

The Hon. S.M. LENEHAN: We might, and we would make a wonderful team. Let me just get back to the serious questions that have been raised. With respect to restocking, I think that is an unfortunate word because it has an implication of a kind of restocking with sheep and cattle. I know the honourable member is picking up the point I made about offshore islands. I do not believe that we are actually talking about somehow trying to determine the numbers of whatever species of native animal, bird or plant that were there 150 years ago and trying to get back to that stage. However, we will have to continue management, because the impact of our 'civilisation' has caused such an effect on these areas that we are looking at for wilderness that, just to preserve and protect them to the stage they are at now, we will have to look at management. By management, I am not talking about having teams of rangers from the National Parks and Wildlife Service trampling all over the areas, counting plants or whatever. I am talking about developing a plan that would include such things as buffer zones, and

might well include programs for the management and control of feral animals, and so on.

When we talk about recreational use we are talking about minimal impact. I give an example: had there not been the ability for the community who valued wilderness to have access to the Franklin River, it would no longer be there, because it was only that so many people had visited the area with a minimal impact that there was such enormous groundswell right across this country to prevent the damming and destruction of the Franklin River. Surely, that is the lesson of history: we must be prepared to have minimal impact in terms of those people who really want to visit the wilderness. They will not be cowboys in four-wheel drive vehicles, because they will not have access. They will be the people for whom wilderness is almost a part of their soul and for whom wilderness is an extension of their whole being. They are the people who will want to visit wilderness, and at the end of the day they are the people who will save those areas if they come under threat from a range of things; for example, from recreational use that is not appropriate and from other forms of use that I will not go into here.

So, it is about sensible management, it is about minimal impact access, but most of all it is about preserving and protecting those areas that are left. I think we have to keep coming back to the central core of this legislation; that is what we are here for. We are not here just to nitpick about small pedantic issues. Surely, we are here to protect what is left, and we know only too well, as the honourable member said in his second reading contribution, there is so little left. I hope I have been able to put the honourable member's mind at rest.

Mr BRINDAL: I accept what the Minister said. The reason I asked about impact and the reason it worries me is that when I taught at Cook I came to know the Unnamed Conservation Park north of Cook very well. That area comes very close to the definition of wilderness. My great fear is that the reason that it is being preserved as wilderness is that so few people have ever had access to it or have ever visited it. As the Minister would understand, the problem with those areas as opposed to the Franklin River area is the nature of the ecology of the area; it is a very fragile area. I must admit I visited the area on weekends and enjoyed that, but I probably did some damage inadvertently, because the soil structure, the plants and everything that exists in that area is in an arid desert environment and, if one goes at the wrong time, even walking on the area can affect it.

My plea to the Minister is that, if we are to have wilderness, I hope there would be reserved parts, because I notice that in the green paper states that wilderness should be the benchmark from which other scientific research can take its measure. I would therefore hope that, especially in our fragile, arid desert environment of the centre, we would have some areas where the impact would be so minimal as almost not allowed except for scientific purposes; otherwise, in those very delicate environments, it loses its point.

The Hon. S.M. LENEHAN: I have a couple of points. The first is that access would certainly be controlled and managed. The honourable member has made a very good case for the three points I want to make about proper management, education and ensuring that we do have that scientific basis for knowing what is in some of our wilderness areas and ensuring the ongoing preservation.

Clause as amended passed.

Clauses 4 and 5 passed.

Clause 6—'Delegation.'

The Hon. D.C. WOTTON: I move:

Page 3—

Line 31—Leave out 'The Minister' and insert 'Subject to subsection (3a), the Minister'.

After line 36—insert subclause as follows:

(3a) The Minister cannot delegate the power to acquire land for the purposes of this Act.

The amendments provide that, if there is compulsory acquisition, the Minister alone is responsible. The Opposition feels very strongly about this. I believe that all members recognise that compulsory acquisition is an extremely sensitive issue and that, if it is to occur (and it will; I have no doubt that it will occur), it should be the direct responsibility of the Minister and it should not be a case where the Minister delegates that responsibility.

The Hon. S.M. LENEHAN: I intend to accept this amendment. I do not believe it is necessary because the practice is that I believe compulsory acquisition never occurs without the absolute concurrence of the Minister and, in some cases, of the full Cabinet, but I think in the interests of bipartisan support for the Bill, and if it makes the Opposition feel more comfortable, I am happy to accept the amendment.

Amendments carried; clause as amended passed.

Clause 7—'Annual report.'

Mr GROOM: I move:

Page 4, after line 13—insert paragraph as follows:

(ea) the portions (if any) of wilderness protection areas or zones that the Minister has declared to be prohibited areas and the reasons for making those declarations;.

The amendment simply adds to the requirements of the annual report of the Minister so it would be listed in the annual report.

The Hon. S.M. LENEHAN: I accept the amendment.

Amendment carried.

The Hon. D.C. WOTTON: Regarding subclause (1) *(c)*, it has been suggested to the Opposition that 'mining operations' needs to be defined. Will the Minister indicate exactly what we are talking about in referring to mining operations?

The Hon. S.M. LENEHAN: It embraces all the operations that the mining industry has been given permission to carry out—exploration and actual mining activity.

The Hon. D.C. WOTTON: That matter may be picked up in another place. Certainly, it has been put to the Opposition that there is a need for a definition of 'mining operations' in the Bill, and a further amendment may be considered in the time that elapses between the debate in this place and another place.

The Hon. S.M. LENEHAN: I refer the honourable member to clause 26 (2), under which the areas we are talking about are covered.

Clause as amended passed.

Clause 8—'The Wilderness Advisory Committee.'

The Hon. D.C. WOTTON: I put to the Minister a matter that has been brought to the attention of the Opposition by the UF&S, which has expressed some concern about the members who will make up the Wilderness Advisory Committee. The UF&S suggests that the membership of the proposed committee will not be evenly balanced as it will include no-one with practical land management skills and no-one readily able to deal with the issues associated with adjacent lands. The UF&S would prefer the National Parks Reserves Advisory Committee to carry out that responsibility, but I would not support that committee being given overall responsibility, as it is not appropriate. I would appreciate a response from the Minister regarding the concerns expressed.

The Hon. S.M. LENEHAN: I make clear that what we are looking at in terms of the Wilderness Advisory Committee is a group of technical experts and not people with ancillary skills. The Director of the National Parks and Wildlife Service is on the Wilderness Advisory Committee,

and surely he would have experience in the whole question of land management, given that he has the responsibility for the management of over 20 per cent of the land area of South Australia.

Secondly, to my knowledge the United Farmers and Stockowners Association has not raised the matter with me, and I have meetings on a continual basis with that association. We tried not to have a committee on which every interest in the whole area—pastoral, mining or whatever—was represented. It is a committee of technical experts giving advice rather than making final decisions. They will make recommendations in some cases and identify areas in others. Objectively and in a technical sense they will assess the value of a tract of land against those criteria. It is important that we ensure and maintain the technical and professional independence of the committee so that there cannot be talk of a balance—we have one of this but not one of that.

I feel very confident that, whoever it is in the future, the Director of the National Parks and Wildlife Service will have that degree of management ability. He is involved in that on a daily basis because of the diverse number and size of parks and the ability to interact with owners of land surrounding the parks. I am confident that any concerns raised by the UF&S will be met by the diversity of the people on that committee.

Clause passed.

Clauses 9 and 10 passed.

Clause 11—'Functions of the committee.'

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

Page 5—

After line 33—Insert paragraph as follows:

(ab) at the request of a member of the public to assess the extent to which land specified in the request meets the wilderness criteria.

Line 34—Leave out 'assessment under paragraph *(a)*' and insert 'assessment under paragraphs *(a)* and *(ab)*'.

I alluded to this amendment previously. I have moved this amendment in response to requests from members of the community, in particular from the Wilderness Society, that the community be able to nominate areas for assessment. That does not mean that, if somebody wished to be frivolous and rush around South Australia with a red pen and a map suggesting that whole areas of land be nominated, these areas would become wilderness. Of course they would not. The amendment is intended to ensure that the community feels an ownership—that it is part of the process and owns the process. Wilderness belongs to the community. It is not something that the Minister, the Government or the department owns. This is an important step forward in ensuring that the community has the ability to nominate areas of land for assessment, and therein lies the critical point—it is for assessment by the advisory committee to see whether that portion of land fits the criteria that the Wilderness Advisory Committee believes are important.

The Hon. D.C. WOTTON: The Opposition supports the amendment. It is important that a process be available to enable the public to nominate potential wilderness areas for assessment. I concur with the comments that the Minister has made. I am aware that this is one of the concerns recognised in legislation in New South Wales—that the opportunity is not there—and I am pleased that the Minister has introduced this amendment because, if she had not, the Opposition would have done so.

Amendments carried.

The Hon. D.C. WOTTON: I move:

Page 5, after line 42—Insert paragraph as follows:

(da) to increase understanding in the community of the significance of wilderness;

This amendment relates to the functions of the committee. I thank the Minister for her support, in advance, and I commend my colleague the member for Fisher on his suggestion that a new function of the committee be provided for, that is, to increase understanding in the community of the significance of wilderness. I commend the amendment to the Committee.

Amendment carried; clause as amended passed.

Clause 12—'Wilderness code of management.'

The Hon. D.C. WOTTON: There are several references in the legislation to the Natural Resources Management Standing Committee, yet we realise that at this stage it is an administrative structure with no legal status. There are concerns about legislatively establishing a role for an administrative structure and potentially providing a greater policy establishment role for public sector administrators when more direct input to policy matters should be permitted to the public and political interests. Representations to the Opposition have suggested that we should be looking in the Bill to spell out the officers who will make up this committee. Is the Government in a position to do that, because I would imagine that the formal establishment of this management standing committee would require legislative backing? If it does not, and if the Minister is able to indicate to the Committee the people who will make up that committee, it would be very much appreciated.

The Hon. S.M. LENEHAN: In the interpretation clause, the Natural Resources Management Standing Committee is defined as:

... the body of that name having as its principal object ... the members of which include the chief executive officers of the Government departments responsible for resource management and includes the successors of that body:

That is included because, as the honourable member would be aware, I announced some time ago that I will be moving to establish a Natural Resources Council. It is my intention, when I have made the announcement about the membership of the council, to seek to change this in this legislation, perhaps in the next session by way of a very minor amendment. At that stage I will be very happy to provide all the names and areas of responsibility. The Natural Resources Management Standing Committee currently consists of a number of chief executives from a whole range of natural resource areas of Government, including my three departments, the Department of Fisheries, the Department of Agriculture and the Department of Mines and Energy.

In establishing a Natural Resources Council, which was a commitment I gave to the people of South Australia before the last election, I will be expanding that committee to form a council, which will include representatives of the community and will, I believe, have an advisory committee under it to provide a broad spectrum of community input. When I make this announcement, I will be very happy to provide the honourable member with all that information.

Clause passed.

Clause 13—'Appointment of wardens.'

The Hon. D.C. WOTTON: What are the prescribed qualifications referred to in subclause (1)?

The Hon. S.M. LENEHAN: Wardens are specially trained. I have had the privilege of actually attending a course and speaking with the trainees who were undergoing training for that role. Quite obviously, they have to be very knowledgeable in terms of the National Parks and Wildlife Act and would have to be very knowledgeable in terms of this Act so that they understand very clearly their role and responsibility in terms of implementing the National Parks and Wildlife Act and, as soon as this legislation is promulgated, the Wilderness Protection Act. They would have to have that type of training. An officer is not just somehow given the power to be a warden: as I understand it, they must pass a course conducted within Government. In fact, the

course I attended was conducted at the Police Academy. The course we run here has such standing that there were members from the equivalent national parks service in the Northern Territory attending our course and accreditation. We encourage that, to ensure that we maintain the very highest standard of training and requirement. It is not just with respect to wilderness: it encompasses every facet of the implementation of the National Parks and Wildlife Act, as well as this Act.

The Hon. D.C. WOTTON: I am not too sure how many wardens work under the National Parks and Wildlife Act at present. I recognise what the Minister has said about the qualifications required. However, I do not hear much about the work of wardens under that Act in this State.

The Hon. S.M. LENEHAN: I am reliably informed that there are about 80 such people. The reason we do not hear terribly much about them is that we hear only when something does not go quite right. They provide a very valuable back-up service to the community. For example, they are involved in the policing of the illegal sale and transportation of many animals and birds, as well as a whole range of other policing aspects of our National Parks and Wildlife Act. They will be involved in the policing of this legislation.

Mr SUCH: Reference is made to the fact that every member of the Police Force will be a warden. I realise it will be a difficult task, but has the Minister considered the need for members of the Police Force to have an understanding of the significance of wilderness and some of the basic ecological principles? That is no reflection on individual members of the Police Force but, obviously, to be more effective wardens, they must be involved in more than a straight policing role.

The Hon. S.M. LENEHAN: The police certainly have the ability to enforce the provisions of the National Parks and Wildlife Act, as is the case under many Acts that we pass in this Parliament. In some of our more remote areas, I know that the local police officer carries out a whole range of responsibilities, some of which relate to the implementation of the National Parks and Wildlife Act. Certainly it would be totally appropriate in those remote areas that the police carried out these responsibilities as well. In my travelling around the outback, it has been a pleasure and a delight to meet police. They have an enormous affinity with the outback. They are supportive, they understand the issues and they work very closely with our National Parks staff and other public servants in the outback. It seems to be a culture that is totally different from the one that exists in the city: one officer, either a public servant or a police officer, fulfils a multiplicity of roles. I am told by some of these police officers that that is one of the pleasures and important satisfactions of being a police officer in some of our outback areas.

I do not know that it is appropriate for us to suggest that those people who, in most cases, have volunteered should be brought in and trained in the special aspects of the wilderness legislation, because many of them are conservationists, environmentalists and supporters of the kinds of things we are wanting to do under this legislation and under the National Parks and Wildlife Act.

Clause passed.

Clause 14 passed.

Clause 15—'Powers of entry and search.'

The Hon. D.C. WOTTON: I move:

Page 9, after line 18—Insert subclause as follows:

(8) A warden, or a person assisting a warden, who—

(a) addresses offensive language to any other person; or

(b) without lawful authority, or a reasonable belief as to lawful authority, hinders or obstructs, or uses or threatens to use force in relation to, any other person,

is guilty of an offence.

Penalty: Division 7 fine.

I have much pleasure in moving what is known as the Gunn amendment. If the member for Eyre is remembered for anything, it will be for this amendment, which has been included in the majority of legislation before this Chamber at this stage.

The Hon. S.M. LENEHAN: As has become the tradition in this Chamber, I accept the Gunn amendment for inclusion in the Bill.

Amendment carried.

The Hon. D.C. WOTTON: I have some concerns about the powers of the Minister, as provided in this clause, when they extend to land acquired by the Minister, unless it is land acquired under this legislation. Even then I have concern about the powers being applied to land that is not in a wilderness protection area or zone. The same applies to the next clause, which deals with land adjacent to a wilderness protection area or zone. I know what the Minister is saying and I know what the legislation is saying but I have some concerns about the need to have this placed in the legislation. In particular, why has specific reference been made in subclause (1) *(e)* to land acquired by the Minister outside wilderness protection areas or zones?

The Hon. S.M. LENEHAN: If I understand the honourable member correctly, he is concerned why the Bill includes a provision concerning an activity undertaken in or adjacent to a wilderness protection area or zone on or adjacent to land acquired by the Minister.

The Hon. D.C. Wotton: And subclause (1) *(e)*—land acquired by the Minister.

The Hon. S.M. LENEHAN: This provides that an offence under this legislation or the National Parks and Wildlife Act can be committed on land acquired by the Minister for the purposes of this Act. It ensures that, in, on or around land covered by the National Parks and Wildlife Act or land in a wilderness protection zone or area, wardens will have the ability to prevent certain activities listed under this clause. At the end of the day, the courts will decide whether the offence took place on land under this legislation or under the National Parks and Wildlife Act. The whole idea is to ensure that there is no loophole, so that it cannot be said that, although the Minister had acquired land, it had not been declared a wilderness area, that it was still being assessed by the committee.

As the honourable member knows, such a piece of land would not have undergone a thorough consultation process. Although it had not been proclaimed as wilderness, someone with a bulldozer could do damage to that land while it was still being assessed, so there must be some mechanism of ensuring that the warden has the ability to carry out his or her duties with respect to the intention of the legislation. Parliamentary Counsel probably thought that it was appropriate to ensure that, in terms of our ability later down the track to meet the requirements of the legislation, we needed to include this measure, and it seems to make a lot of sense to have it there.

The Hon. D.C. WOTTON: I understand what the Minister is saying. However, I must say that I have some concerns about it.

The Hon. S.M. LENEHAN: I want to put it succinctly. It is a way of having some interim protection between the process of acquiring the land and its final assessment. There must be some form of interim protection and I believe that this measure provides that. Wardens will be very clear in their understanding of what they can do legally under this legislation to ensure that there is no destruction or degra-

dation in that interim period. It is a form of interim protection.

Mr SUCH: Like my colleague, I understand what the Minister is seeking to do. However, would it not be preferable to be more specific and to state 'land acquired by the Minister for the purposes of this Act'?

The Hon. S.M. LENEHAN: That is covered in the definitions section, where 'land acquired by the Minister' means land that the Minister has acquired for the purposes of this Act. So, anywhere that mention is made in this legislation of land acquired relates to the definition. That addresses the honourable member's point.

Clause as amended passed.

Clause 16—'Prevention of certain activities.'

The Hon. D.C. WOTTON: I move:

Page 10, after line 14—Insert subclauses as follows:

(8a) A person who objects to a direction that he or she has been given by the Minister under subsection (5) may appeal to the Administrative Appeals Court.

(8b) Upon hearing the appeal the court may confirm, modify or revoke the direction.

I am concerned that there is no review of the Minister's decision, particularly in relation to land acquired by the Minister or adjacent land. There should be provision for a review ultimately by the court, and that is why I have moved this amendment.

The Hon. S.M. LENEHAN: It is not my intention to accept the amendment because I do not believe it is necessary. I am reliably informed that avenues are already in place to ensure that, under the normal process of law, if a person feels that he or she has been treated harshly or unjustly, that person can make an appeal. I do not believe that this amendment is necessary. In addition, I do not believe that it can be found in the National Parks and Wildlife Act. We are trying to achieve consistency in the legislation, and I pick up the honourable member's point about how consistent this legislation will be with the proposed amendments to the National Parks and Wildlife Act. It is not our intention to put it into the new legislation and it is not in the existing legislation. Avenues are already in place to deal with the very concerns expressed by the honourable member.

The Hon. D.C. WOTTON: I will have another look at that before the legislation is debated in another place.

Amendment negatived.

The Hon. D.C. WOTTON: Subclause (7) provides for service by post of a notice. I have the greatest respect for Australia Post, but what if a notice does not arrive? I am always nervous about a notice being delivered by post. Would it be possible for this subclause to provide that a conviction may not be recorded under subclause (9) if a defendant can prove that the notice was not received? Again, that can be considered by way of amendment in another place because I have not had time to delve into that possibility. However, it is of concern to me that a notice can be posted out. There is always the possibility that it goes astray or is not received, and we should provide for a situation where a conviction is not recorded. We could provide under subclause (9) for those cases where the defendant could prove that the notice had not been received.

The Hon. S.M. LENEHAN: Two points need to be made in response to the honourable member's request. First, before we get to the point of a notice being served on a person personally or by post, the warden would have already apprehended the person concerned for some form of offence. The person would have known they had committed an offence. It is not like a red light camera where people would not know that they drove through a red light. People would be apprehended by the warden and would know they had committed an offence.

Subsequently they would be either served in person or by post with a notice. As background, this is not something that would be sent off to an address somewhere, because the court now has the ability not to record a conviction if the notice is not received, or for other reasons. That provision exists now and there is no need for an amendment to be moved in the Upper House, because the ability already exists not to record a conviction in an instance such as not having received a notice because of a change of address or because someone went to the post box and tore up the notice. That discretion exists and it is not necessary to write it in.

Clause passed.

Clauses 17 to 21 passed.

Clause 22—'Constitution of wilderness protection areas and wilderness protection zones.'

The Hon. D.C. WOTTON: I move:

Page 12, after line 27—Insert subclause as follows:

(1a) The Governor cannot constitute land as a wilderness protection area if a mining tenement is in force in respect of the land or if the land is the subject of an application for a mining tenement.

There appears to be nothing to prevent the Minister from proclaiming a wilderness protection area—recognising that exploration and mining are prohibited—over the area of an existing tenement or when an application is made for a mining tenement. This is something that the Opposition feels needs to be clarified.

The Hon. S.M. LENEHAN: I am concerned about this and I will certainly not be accepting the amendment. The whole concept of having a wilderness protection zone is to deal with a mining tenement that currently exists over an area of land that is considered to be appropriate for wilderness. To extend that to an application for a mining tenement negates the whole reason for having this separate wilderness legislation. If we were never going to proclaim areas as wilderness protection areas while someone had an application, by the time we go through the extensive consultation period it does leave open the way for people to actually apply to put in an application.

We are not talking about an existing tenement. We cover all of that and I believe that that counteracts totally all the discussions, consultations and negotiations that have gone on over the past three years. The reason why we have wilderness protection zones is to deal in a fair-minded and balanced way with the concept of where there is an existing tenement over the land, and in terms of mining it would remain as a zone until that expires, at which point the public consultation process would proceed with further assessing a wilderness area. If we include 'if the land is the subject of an application' we could end up with applications for every single part of the land areas in South Australia being considered subject to application. We would never proceed at all. It would be a way of bogging the whole system down and never proceeding further with any proclaimed wilderness areas. I just cannot support it. It strikes at the heart of the whole wilderness legislation.

The Hon. D.C. WOTTON: The Minister misunderstands what I am talking about. My concern is that, if an application has already been made but there is no mining tenement in operation at the time, I believe it would not be appropriate for the Government to be in a position to constitute land as a wilderness protection area if that application is in process as well. In the amendment we are trying to clarify the situation, and I believe it needs clarifying. I understand what the Minister is saying and I do not disagree with her but, in the opinion of the Opposition, the matter

needs to be clarified which is why the amendment has been moved.

The Hon. S.M. LENEHAN: The answer is the public consultation process. We are talking about the Natural Resources Management Standing Committee having some input. We are talking about the public consultation process, and that is why we are having all these processes. If we are just going to completely do everything through this legislative process, absolutely to dotting the last 'i' and crossing the last 't', we then negate any necessity or any genuine community consultation, and that is not the intention.

The intention is that, if there is a genuine application for a mining tenement, the Minister of Mines and Energy and the Natural Resources Management Standing Committee would be aware of it, and all of that would be brought out in the public consultation process. But, if it is virtually mandatory that the Governor cannot constitute an area as a wilderness protection area if there is an application, I ask what happens if it goes through all the processes and is about to be proclaimed and someone runs in—

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: That is exactly how it reads. The amendment provides:

> The Governor cannot constitute land as a wilderness protection area if a mining tenement is in force in respect of the land—

and we have already covered that first part; the twist in the tail of this amendment is—

> or if the land is the subject of an application for a mining tenement.

It does not say when the application has been made and it does leave the door open. It would create more problems than the honourable member might hope it would solve. This Bill has more processes of public consultation than any piece of legislation with which I have been involved in my almost 10 years in this Parliament, and that is so that everyone feels that they have, first, some ownership of the process but, most importantly, some say in the outcome.

After all that, if someone comes in at the eleventh hour and puts in an application for a mining tenement, that is it; the Governor cannot proclaim it. It could have gone through the whole consultation process—through the committees, the committee of this Parliament and the Natural Resources Management Standing Committee. It has been up for public consultation I think on two occasions. If it has all been agreed, and at the eleventh hour someone says, 'We will slap an application on this', that makes a nonsense of the whole legislation, and I certainly cannot accept the amendment.

The Hon. D.C. WOTTON: We are still at cross purposes. I do not want to do anything that will interfere with the provisions of the Bill, but I believe that this matter needs to be clarified. I repeat, I am not looking at a situation where the process having been started, someone flies in with an application to become involved in a mining operation: that is not what it is about. Where an application is already in place but a mining tenement has not been granted, there is concern that the Minister could start the process to set aside that land for a wilderness area. I will want to look at this matter again more carefully, and I suggest that the Minister do likewise. This situation may need to be clarified later.

The Hon. S.M. LENEHAN: It is abundantly clear what the potential effect of this amendment would be. It does not state that this has to be an up-front thing. The Natural Resources Management Standing Committee will know of an application for a mining tenement, because the Department of Mines and Energy is a member of that committee. Any application will be known about very clearly in the initial assessment process. This is the end result. Not to be able to proclaim an area when it has gone through every consultation process because someone says they might slap on an application is, in a sense, defeating not only the letter but the spirit of the Bill. I ask the honourable member to think again and perhaps consult with the Wilderness Society about the implications of his amendment.

Mr LEWIS: The tragedy of the Minister's argument is that she does not understand how the Mining Act operates. One cannot apply for a licence to explore land while someone else has an existing licence or application. Furthermore, one cannot apply to explore for oil and gas if someone is already prospecting on the same land for something else such as base metals or bones. At the conclusion of such exploration, the end result is that the licence is relinquished. The Minister is now saying that, if in the meantime an application has been made to turn that land into wilderness, no other person can make an application to prospect because the process has already begun and she wants that land to become part of the wilderness area or, more likely, part of the wilderness zone.

That is a pity, because right now in South Australia substantial areas are being held by some firms that are using old techniques for prospecting. They have a narrow focus in their exploration. In recent years we have had more up-to-date information about what has gone on in the earth's crust to put these minerals—things that we all need—where they happen to occur. However, once the firm that currently holds the tenement for exploration purposes releases it, no-one else can look for any additional resource that would create jobs and royalties for the State's benefit, and the land is locked away for ever without our knowing what we have denied ourselves by way of that process.

I think the Minister, perhaps mischievously—I hope not—or otherwise, through the receipt of mistaken information, has not understood this and refuses to accept the validity of what the member for Heysen has explained to the Committee. I know what the Minister will do: she will hop up and tell me I am nuts. That is okay; that is her prerogative. She will accuse me of abusing her, and that is her prerogative. I want the Minister and the Committee to know that I think it is a pity that she has not understood what the member for Heysen has tried to explain. For the sake of posterity, I put that on the record and I leave posterity to judge who was wise and right and who wanted the warm inner glow and got it wrong.

The Hon. S.M. LENEHAN: I find this rather amusing. I will be delighted to have posterity judge me according to the facts of the matter. If the honourable member cared to read the amendment moved by his colleague the member for Heysen, he would realise that it referred to a wilderness protection area. In fact, the whole concept of and reason for having a wilderness protection zone is to ensure the ongoing ability of mining companies, which have a tenement for mining or exploration, to continue. Indeed, when the exploration licence expires, another company or a completely different group of individuals could come along and extend that licence provided it is for the same kind of exploration. So, if the licence is to explore for diamonds, gas, or coal, they could continue to do that. Indeed, this amendment does not relate to the wilderness protection zone, and we have already addressed that matter. My concern is that the amendment relates to the end of the process where someone can put in an application after the land may well have gone through a wilderness protection zone process. I am sorry that the honourable member has not read the legislation.

Mr LEWIS: The Minister has missed the point. A firm may have finished exploring for one kind of mineral, but that does not mean that divine providence, chance or whatever else might be responsible did not put something else of value into the same piece of land. As the Minister has just admitted, the legislation will preclude taking up that exploration tenement for the purpose of discovering other valuable resources. She has admitted that—

The Hon. S.M. Lenehan: I have admitted nothing.

The CHAIRMAN: Order! The member for Murray-Mallee has the floor.

Mr LEWIS: The Minister has said that, if the particular purpose for which the exploration or mining licence had been granted was no longer of interest to the holder because it had been mined out, such as Mount Gunson copper, that does not mean that garnets, other base metals or useful ore bodies are not present within that locality. The Minister is saying for all time that those other useful materials that may have been in that area of 100 square kilometres, which would require a hole in the ground of four square metres, will simply not be allowed to be developed, and even their examination will be forbidden.

That is the gist of it, and that is a pity. Unlike the Minister, I see that as a real tragedy, because being allowed to do what the member for Heysen has suggested in his amendment will not endanger one species, detract from the continuing capacity of the gene pool to sustain its diversity or defile the visual surroundings in which that company or prospector operates. Accordingly, it serves no useful purpose other than to provide some people with a warm inner glow.

Amendment negatived.

Mr GROOM: I move:

Page 13, lines 4 and 5—Leave out subclause (4) and insert subclause as follows:

(4) Notice of a motion for a resolution under subsection (3) *(a)*—

(a) must not be given until the Minister has notified the Environment, Resources and Development Committee in writing of the proposed abolition, or alteration in the boundaries, of the wilderness protection area or zone;

and

(b) must be given at least 14 sitting days before the resolution is passed.

The amendment is contingent on the earlier amendment to clause 3 in that, if under clause 22 the Minister abolishes a wilderness protection area or wilderness protection zone or alters the boundary of the wilderness protection area or wilderness protection zone, the mechanics then become a proclamation made in pursuance of a resolution passed by both Houses of Parliament. The flow-on effect in the clause as it stands is that a notice of motion for the resolution must be given at least 14 sitting days before the motion is passed. This amendment requires that notice must be given to the Environment, Resources and Development Committee and must be given at least 14 sitting days before the resolution is passed, so it is contingent on clause 3, which involves the Environment, Resources and Development Committee in the process.

The Hon. S.M. LENEHAN: The Government supports the amendment.

Amendment carried.

Mr GROOM: I move:

Page 13, Line 36—After 'a copy of the notice to' insert 'the Environment, Resources and Development Committee,'.

Amendment carried.

The Hon. D.C. WOTTON: I move:

Page 13, Line 37—After 'committee' insert ', the Reserves Advisory Committee'.

The Minister has indicated that she will support the amendment. I am pleased that that should be the case, because we are talking about a situation where it has been suggested that at least 90 per cent of the wilderness protection areas and zones will be in what are now national parks and reserves. If that is the case, it is appropriate that the Minister should involve the Reserves Advisory Committee.

Amendment carried.

The Hon. D.C. WOTTON: I believe that this is the appropriate time for me to bring up the Opposition's concern in regard to the need for interim protection. I understand that there has been considerable debate over time on whether or not it is necessary for a provision for interim protection to be introduced into the legislation. I have received a letter from the Wilderness Society—

An honourable member interjecting:

The Hon. D.C. WOTTON: No, I am not moving an amendment; I am asking the Minister a question and, if we are not satisfied with the response to that question, an amendment will be considered in another place. It is appropriate because of the strength of feeling on this matter that the matter be raised at this time. The Wilderness Society has written and quite rightly set out the processes currently provided by the Bill. It states that the first is a State-wide investigation for potential wilderness areas, and it recognises that it would be unrealistic to seek interim protection at that stage. The letter then goes on to state that the second process is the identification of specific areas that appear to meet wilderness criteria. The comment is that this is where the omission commences: once an area has been identified as potential wilderness and as warranting further assessment, some form of interim protection should be implemented. I agree with that. This need exist only for the period of the assessment up to the Minister's decision. If this is not provided under the Act, the intent of the Act may be undermined.

The letter goes on to state that, without a provision for interim protection, the society is concerned that opponents of protection will have the opportunity to act speculatively during the assessment process. The letter contains an analogy with another area of legislation—that of the Heritage Act—and I can certainly see the necessity to compare those two pieces of legislation. The letter indicates that the provision of interim protection would not affect the operations of existing leases whose activities are regulated under the Acts covering the leases already held; it would only limit last minute, new activities during the period of assessment. The letter also states that it is not in the public interest that such activities race ahead pending the Minister's decision and, in reality, all interest will be taken into account by Cabinet at the time of the decision. I concur in that. Recognising that considerable representation has been made to the Minister, as I understand it, seeking a form of interim protection, why has the Minister not recognised the need for that to occur, and can the Minister provide any other information to the Committee relating to that issue?

The Hon. S.M. LENEHAN: I have to start out by saying that hypocrisy is certainly not dead but is very much alive. Immediately preceding his question, the honourable member moved an amendment that provided that the Governor could not constitute land as wilderness if it was subject to an application for a mining tenement.

The Hon. D.C. Wotton: It is a totally different thing.

The Hon. S.M. LENEHAN: It is not a totally different thing. I put to this Committee that that is absolutely hypocritical. The member moved an amendment that provided that, after all the assessment processes and after everything had been undergone, such as community consultation,

somebody could come in with an application for a mining tenement and the Governor could not proclaim the legislation or the wilderness protection area. He then stands up and asks why we have not ensured that there is absolute interim protection. I am sorry, but, if we are to be honest about this, we must acknowledge what is happening here.

I have received this same correspondence and there are a number of things that do need to be explored with respect to this issue. I believe that in opposing that amendment I have just ensured that one avenue is completely closed, namely, this last minute ability of somebody who may want to be vexatious or who, like the member for Murray-Mallee, does not support the legislation for some reason. At least he has had the integrity to stand up in this Parliament and say he does not support it and to delineate each of his objections. He does not try to have a bet each way on this matter; at least he has stated that that is where he stands. I am suggesting that most of the wilderness area will probably be covered by the National Parks and Wildlife Act and will therefore have interim protection.

It may be that we need to further explore the area. I am sorry: I find it totally hypocritical that the member who has just moved an amendment, which creates the biggest loophole that I have ever seen in legislation and destroys the ability for the Governor to proclaim a wilderness protection area, then stands up and asks, 'Why, Minister, have you not done something to ensure that the whole thing is totally water tight? It is acknowledged that most of the areas will be under the National Parks and Wildlife Act and therefore will have a form of interim protection. I am very happy to explore any other possible suggestions that might be looked at in another place, but I will not stand here—notwithstanding that I have worked tirelessly to get multi-Party support for this legislation, accept that this is bigger than political Parties and point scoring exercises—in the face of total contradiction by the member for Heysen and meekly answer the question without drawing the attention of the Committee to what is a total contradiction.

The Hon. D.C. WOTTON: The Minister can get off her political soapbox and come back to reality in this matter. Quite obviously there is a major difference of opinion in what is intended in regard to the amendment previously referred to. It is not appropriate for me to go back over that amendment. As I have already indicated, that matter it will be explored in another place. We are talking about a completely different situation whereby an application had already been made. The Minister is trying to reverse the situation, and I will not have a bar of it. It is a very different situation from the one about which I am talking now wherein I recognise that a need exists.

I have asked the Minister to clarify the situation because I know that she has received representations on why legislation has not been introduced in that way. I am not being hypocritical. I am not attempting to create a massive loophole, as the Minister has suggested, but the issue needs to be considered and explored. I appreciate the fact that the Minister has indicated that she will do that. I will not be accused of hypocrisy in this situation because it is not. It is two different situations and I request that the Minister give further consideration to the matter.

The Hon. S.M. LENEHAN: The member for Heysen stands condemned by his own amendment—it is here in black and white. History and the community will judge him accordingly. If he was being sincere and genuine, the honourable member would be moving an amendment. I refer back to the Act. Where the Minister has either acquired or given notice to acquire land for the purposes of this Act, it would be covered under this Act which would, in itself, provide an interim form of protection. Where the land being assessed is under the National Parks and Wildlife Act, that would ensure that in most cases it was protected. I have said that I received the correspondence.

For the honourable member to ask what I am doing about it, having just moved an amendment, which one could drive a bulldozer through (I am sorry to use the analogy, but it is particularly appropriate), is totally unreasonable. If he felt that there was some serious omission in terms of the interim protection, the honourable member could have moved an amendment. I point out that the Bill clearly provides that, where the Minister has acquired or given notice of acquisition, those areas will be protected under the Act. If it is deemed appropriate to have even tigher interim protection, I am happy to examine any proposals put in the Upper House. However, I will not stand here and be part of this double standard and hypocrisy.

The Hon. D.C. WOTTON: I reject what the Minister has said. I have already indicated to the Committee that there will by the opportunity for amendments to be put on a number of matters. I have always considered it apropriate that questions be asked of the Minister, particularly under the conditions in which we are debating the legislation presently and, if required, as a result of information provided or answers given, for further amendments to be considered in another place. That will be the case with this matter. I strongly refute the suggestion that the Opposition is being hypocritcal in this matter and I will be interested to know what changes the Minister intends to make, if any, in regard that the need for interim protection.

Clause as amended passed.

Clause 23—'Constitution of area or zone with consent of indenture holder.'

The CHAIRMAN: This clause contains a small typographical error in line 24. The date '1948' should in fact be '1958'.

Clause passed.

Clause 24 passed.

Clause 25—'Prohibition of mining operations in wilderness protection areas and zones.'

The CHAIRMAN: After discussion on the amendments to be moved by the member for Heysen, I will put to a vote his amendment to line 16. If it is not agreed to, his further amendments and those on file in the name of the member for Murray-Mallee cannot proceed.

The Hon. D.C. WOTTON: I move:

Page 15—

Line 16—Leave out 'Subject to subsection (2)' and insert 'Subject to this section'.

The Opposition believes it is appropriate for a form of exploration to be carried out in a wilderness area. We will not have a bar of a situation where there is an opportunity for a wilderness area to be interfered with by any form of exploration on the ground, but we believe that it is appropriate to provide the opportunity for exploration to be carried out by aerial survey. That will provide the opportunity for an exploration of a specific form to be carried out without any interference to the wilderness area itself. We believe also that, if as a result of that form of exploration being carried out there was a requirement, a request or an application for any further exploration or any mining to be carried out, that could occur only if it was agreed to by both Houses of Parliament. So, there would be double protection. I repeat: we believe that it is appropriate, if any form of exploration is to be carried out, that that be carried out by aerial survey only. I commend the amendment to the Committee.

The Hon. S.M. LENEHAN: I oppose the amendment. I made very clear in my response to the second reading debate

that this legislation was about setting aside some areas of land. We have acknowledged tonight in this debate that by the very nature of the criteria and of the destruction that we have wreaked upon this State over 156 years, there are very few areas left for preservation. I made very clear that, when we got to the bottom line, when all the negotiations, compromise and discussion had finally taken place, some areas would be set aside, our having gone through the most extensive community consultation process that this State has ever known and finally coming out at the other end with the Governor proclaiming an area to be a wilderness protection area. While future generations will make their own decisions about these areas, we could stand up and say to the community that we in this generation have made the decision to ensure they will not be subjected to further exploration, mining, pastoralism, degradation or destruction. This is just the thin edge of the wedge.

The amendment relates to a right of exploration from the air. It does not refer to the height of that exploration or the type of aircraft. Are we talking about helicopters, light planes or some new form of technology in terms of a suspended air ship? It really is one of the most open-ended provisions that I have ever seen. It is saying to the community that we are really about wilderness protection but we will just keep the door ajar. The question that hundreds of people who have written to me and to the Premier would quite rightly be asking is, 'If you then find something in this exploration from the air, what then?' The member for Murray-Mallee would have absolutely no problem in answering that. He would say, 'You go in and mine it.' What we as a Government went to the election with was an assurance that some areas would be set aside, our having gone through all this consultation process. The community is saying, 'These areas, which are not huge tracts of South Australia, are now to be protected for our generation and the next generation for wilderness.' That is what this Bill is about, that is what this Government stands for, and I oppose the amendment.

The Hon. D.C. WOTTON: The Minister has become very emotive about the damage that would be caused. I indicated when speaking to the amendment that, if we had wanted to get involved in damaging the pristine areas or in damaging—

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: There would have been an opportunity to move an amendment to provide for ground surveys and all sorts of activities to be carried out. However, we opposed that. We believe it is appropriate to know what resources are in those areas. I have already cited a condition that would have to be adopted if there were ever a move to carry out further exploration: that could occur only as a result of the matter going before both Houses of Parliament. I have made that perfectly clear. I cannot clarify the situation further. The Opposition believes it is appropriate, even in those areas, that that form of aerial survey be applicable.

The Hon. S.M. LENEHAN: My questions were not answered. It is the honourable member's amendment, so I thought it appropriate that I ask a number of questions in my response to his explanation. By the time something is declared a wilderness protection area, in most cases it would have passed through the stage of being a wilderness protection zone—that would not apply in all cases—and there would have been a chance for exploration of that area. Secondly, the amendment does not clearly delineate exactly what is meant by 'from the air', although there is a general statement about modern technology from aircraft. In relation to heritage buildings, for example, the community is saying to the Government, 'Please give us some accurate guidelines; please give us a bottom line in all of this; tell us what we can and cannot do'. And we are elected to this Parliament to say to the community, 'These are the ground rules.'

I pose the question again to the honourable member: if in this exploration it is found that there are some minerals or whatever, what then? By the very nature of this amendment we will have created an expectation that there will be mining. It is a nonsense for the honourable member to say, 'But we have this second paragraph *(b)* under which the proclamation is made in pursuance of a resolution passed by both Houses of Parliament.' At any point in the implementation of this legislation in the next 50 years, a joint motion of both Houses of Parliament can undo the wilderness legislation. The member for Hartley moved an amendment to provide that notice of a motion for a resolution must be before a committee of this Parliament for 14 sitting days.

The amendment is a nonsense. It is already in the legislation. The bottom line in all this is: do we as a Parliament have the courage to stand up and say that some areas in South Australia will be put aside for future generations to make their own decisions about, those areas having been subjected to the most thorough and stringent processes of community consultation that we have seen in relation to any legislation that has come before the Parliament, probably in its history.

The answer on the Government side is a resounding 'Yes'. We have that courage and at the last election we stated clearly our policy that we would have separate wilderness legislation and that is what it would mean. We have been through enormous consultation and compromise. We have set up wilderness zones so there can be ongoing exploration where there is a tenement for exploration, where there is some mining going on. That can continue until it expires, until the lease is exhausted.

I think it is time that the Opposition got off the fence and decided whether it supports wilderness legislation as it has been clearly spelt out to the community or whether it wants two bob each way and to keep everybody in the tent rather than say that it has compromised; but, at the end of the day, this is the bottom line, these are the guidelines. This is the time that we as members of Parliament have to stand up and be counted.

The Hon. D.C. WOTTON: We have had yet another lecture from the schoolmarm. We get these every now and then.

Members interjecting:

The CHAIRMAN: Order! The Minister is out of order. I remind the member for Heysen of the Standing Orders, which require him to refer to members by their respective office.

Members interjecting:

The CHAIRMAN: Order! The member for Spence is out of order.

The Hon. D.C. WOTTON: I want to make it perfectly clear, too. The Minister has indicated the position of the Government and I would have thought that the amendment makes the Opposition's point of view very clear. I do not know how many times I have to say that I could have introduced an amendment that would have meant ground survey and a lot more exploration. We have determined that that should not happen, but we believe that it is appropriate that aerial survey be carried out. If that is the difference between the Government and the Opposition, let it be. I have no problem with that. We have indicated clearly what the safeguards are as far as any further involvement is concerned.

There are plenty of situations in this legislation where the detail is not spelt out, but one expects that it will be spelt out in regulation. That is totally appropriate in other clauses in the Bill, as is the case with the clause that is before the Committee. It is not a matter of the Minister's saying in her usual schoolmarmish way that we are trying to hide something or that we are sitting on the fence. That is not what the Opposition is about. We have made the situation perfectly clear.

Mr LEWIS: Contrary to what the Minister has said on a couple of occasions when she has misrepresented me, I do support the notion that areas need to be set aside that are no go. I have never made any secret of that fact; I have never obscured it from the Minister.

Members interjecting:

The CHAIRMAN: Order! There should be only one debate at a time. The member for Murray-Mallee waited patiently while the member for Heysen proceeded with his amendment. I think that the member for Heysen owes him the same respect.

Mr LEWIS: With respect to clause 22, the Minister said on two occasions that I did not support wilderness protection areas and wilderness protection *per se*, and that is wrong. I have advocated that in a good many other countries besides this country and that is on the record in a good many places. I do not share the views of other members of the Liberal Party in this regard that wilderness protection areas are no go, in my judgment, in spite of what the Minister seems to think is appropriate in those places.

The way the Minister spoke about using a dirigible for exploration purposes, it was as if the very presence of an airship hovering, say, 20 feet above the height of any vegetation would do damage in the process of being there. Of course it would not. In fact, one wonders what motivates the Minister. Is she suggesting that the presence of a dirigible would frighten butterflies or other native fauna or affect flora by its shade? If fauna were frightened at the presence of it, such foreign things as unknown sights are not the only sensory sensitivities of native fauna. Flatulence could provide a problem so humans ought to stay out of it. I therefore want the Minister to understand that, if there is to be a no go area, as I believe there should be, it ought to be without any prospect of being defiled in any way.

What I seek to do with the amendment that I have foreshadowed is quite legitimate and sensible within that framework. Proposed new subclause (1) provides that rights of entry, prospecting, exploration or mining cannot be acquired or exercised in respect of any land constituting a wilderness protection area. Proposed new subclause (2) and the remainder of my amendment makes it possible for discovery of the nature of the geomorphology and geology of the area through exploration because, to a commercial company, that could be of vital interest or concern, not because it might necessarily seek to mine what it discovers but rather that it would learn how that particular geological formation was established by the forces of nature over the time during which it was established and where a similar formation might therefore be found. It is easy to discover something that is obvious where it is obvious and then apply the knowledge so discovered to circumstances where it is more obscure, knowing that the truth holds in that more obscure setting.

It is not just about exploration for the sake of being able to mine; it is exploration for the sake of gaining knowledge that is relevant to commercial enterprise in other places. Even so, because it is a zone and because zones surround the areas (at least that is how it seems to me from careful examination of the legislation), the zone ought to be properly, carefully and totally examined before it is committed to an extension of those parts of the State called 'areas', which I believe are no go. At present, exploration technology is advancing very rapidly and what could be discovered using methods known to us only 10 years ago can now be discovered much less expensively and with minimal if any damage—nil damage in most instances—in this day and age.

It is not as if we have a situation where, if one looked for something 10 or 20 years ago and did not find it, that it is not there. That is not true. It does not necessarily hold. More sophisticated techniques are now available and greater knowledge of the earth's crust can enable us to discover even greater amounts of truth about how it came to be so, and what came to be there as part of it. Therefore we need to be able to do that. The Minister makes the mistake of thinking, although I have tried to explain it to her before, that, once the exploration is completed, that is it.

If nothing is discovered by the owner of the licence, there is nothing there. The Minister overlooks the fact that the exploration licence or the mining licence is for a particular kind of mineralisation, not for all mineralisations. Mining companies will not be interested if they are not specialist in base metals, in examining for base metals, and their licence may not permit it. Once that mining company which currently holds in an area contemplated for inclusion under this legislation as an area or zone, particularly a zone, has finished exploration for, say, hydrocarbon deposits or coal and has relinquished it, someone else may wish to look for base metals.

This Bill will not allow that. It will immediately revert to an area that is locked up, and I think that that is wrong. If we therefore, determine those most precious parts and set them aside as areas, and then carefully and thoroughly examine what we have otherwise set aside as zones, we will learn as much as is possible about the phenomena under study there and elsewhere (particularly there in this case, since we are not concerned with elsewhere) right across the spectrum of possibilities before we alienate it for all time in the fashion that the legislation would otherwise do if my amendment failed. That is the reason for my foreshadowing the amendment.

It makes sense and it ought not to be denigrated by the Minister as the advocacy of someone without understanding of or empathy with the need to protect certain parts of the ecosystem such as they have evolved to the present time and where they have been hardly, if at all, affected by the presence of European—I cannot say 'man', so I will have to say 'hominids'.

The Hon. S.M. LENEHAN: I will pay the honourable member the courtesy of responding to his foreshadowed amendment. I will not be supporting it. While some of the intention of the amendment is coverecd under the clause, I am concerned about the open-endedness of the amendment. Let me again state for the hundredth time that there will be the ability, by resolution of both Houses of Parliament, to continue exploration with the tenement for the particular mineral, gas deposit or whatever that the mining company might well be looking for. This is contained in the Bill: a completely new exploration licence can be granted but certainly a completely new one cannot be granted without the consent of both Houses of this Parliament. It is an absolute nonsense for the member for Murray-Mallee to suggest that mining companies will invest huge amounts of money in exploration from the air if there is not an expectation that, if they find something, they can mine it.

The member for Murray-Mallee tells me that they would just want to explore. We are talking about relatively small

areas of South Australia that are under wilderness protection, and he says that companies would want to explore these areas so that they could extrapolate the information found or gleaned from these aerial surveys into other like geological areas. I think I have heard it all. Can members imagine being a shareholder in a mining company prepared to expend thousands if not millions of dollars on this highly expensive form of exploration from the air so that they could extrapolate any information to a similar geological area somewhere else in the country, if not the State—and perhaps the honourable member is suggesting the world.

We have to get our feet back on the ground and get back to the real world. What the honourable member is suggesting is a nonsense. It is important that we are honest. I am not going to pretend to the mining companies that they can go in and explore in this final wilderness protection area—and then we will pull the rug from under their feet. We are not going to have a series of Coronation Hills in South Australia: we are going to lay the rules clearly on the table up front, and we are going to abide by those rules. The Wilderness Society has accepted and supported the rules. I believe that the mining companies with which I have spoken individually have done exactly the same thing: they have accepted the rules.

In an ideal situation for the mining companies, there would not be wilderness. Once they realised that wilderness was to be declared in terms of legislation, they worked with my officers to find a sensible compromise and to find solutions. I have acknowledged their ability to do that. They have not come knocking on my door since this Bill was introduced to say that they wanted to go back on those positions, so it is quite a nonsense for the honourable member to suggest that we need to proceed in this open-ended way. Compromise was reached, it is clearly outlined in the Bill and I believe that that is the position that 90 per cent of the mining area would accept.

The Hon. D.C. Wotton's amendment to line 16 negatived.

Mr GROOM: I move:

Page 16, lines 9 and 10—Leave out subclause (7) and insert subclause as follows:

(7) Notice of a motion for a resolution under subsection (4) *(b)* or (5)—

(a) must not be given until the Minister has notified the Environment, Resources and Development Committee in writing of the proposal;

and

(b) must be given at least 14 sitting days before the resolution is passed.

The Hon. S.M. LENEHAN: I support the amendment.

Amendment carried; clause as amended passed.

Clause 26 passed.

Clause 27—'Wilful damage to wilderness protection area or zone or to property of Minister.'

Mr LEWIS: This clause refers to a person who intentionally and without lawful authority destroys or damages any part of a wilderness protection area, a wilderness protection zone or land acquired by the Minister. What other category of land is there? All land acquired by the Minister is subject to this provision where such land—

Mr Ferguson interjecting:

Mr LEWIS: Is the member for Henley Beach feeling ill?

Mr Ferguson interjecting:

The CHAIRMAN: Order! The member for Henley Beach is out of order. The member for Murray-Mallee.

Mr LEWIS: What other category of land ought to be subject to the provisions of this legislation where it is in addition to an area and in addition to the category zone?

The Hon. S.M. LENEHAN: I refer the honourable member to the definition of 'land acquired by the Minister', which means 'land that the Minister has acquired for the purposes of this Act and includes land that the Minister proposes to acquire for those purposes and in relation to which he or she has served a notice of intention to acquire the land under the Land Acquisition Act 1969'. In other words, it covers not only the land in a wilderness protection zone or a wilderness protection area but land that has been acquired but has not gone through the assessment process, or where the Minister has indicated an intention to acquire land. I am sorry that the honourable member was not here earlier for the debate, but I refer him to the *Hansard* to save the Committee's time.

Mr LEWIS: I am grateful to the Minister for that explanation, but my difficulty is that nowhere will members of the general public be able to discover that such land exists.

Mr Ferguson: It is in the *Gazette.*

Mr LEWIS: I am not sure that the member for Henley Beach knows what he is talking about when he says that it will be in the *Gazette,* because it will not. Somehow or other the Minister will need to define in law the specific localities establishing that category of land so that the citizen will know that it is subject to the provisions of this legislation.

The Hon. S.M. LENEHAN: We have to have an element of commonsense. Under the Native Vegetation Act, the National Parks and Wildlife Act and the Pastoral Land Management and Conservation Act, people cannot destroy or damage, intentionally or without authority, trees, plants or whatever. So, in a sense, this is merely an extension of the general care that we have for our environment. It is not saying that it is in order to destroy or damage wilfully or without proper authority areas of land as long as they are not covered by the Wilderness Protection Act.

This legislation complements all the other Acts of this Parliament that protect and preserve our environment in terms of native vegetation. We could talk about the Water Resources Act, the proposals for the Mount Lofty Ranges and a number of other areas. The community will know that we cannot rush around this State destroying our environment whether it be native vegetation or wilderness. This legislation is about reiterating, restating and complementing what exists right across our legislation to protect our natural resources in South Australia.

Mr LEWIS: We now have an additional unspecified category that is nowhere defined as to the specific localities in which it applies but just as 'land acquired by the Minister'. The Minister may intend that ultimately it will be part of a zone or an area, but that does not alter the fact that this provision applies penalties different from those applying under the other Acts to which she has referred. Under which Act would it be legitimate for the Minister or officers of the Government to prosecute the citizen who committed that offence? Why should a citizen be subject to two sets of laws about the same offence on the same piece of land? It is an ambiguity that I believe ought not to be there. I do not wish to pursue the matter further. If the Minister needs to clear it up, she will have the opportunity to do so in another place.

The Hon. S.M. LENEHAN: The land about which I assume the honourable member is concerned is land held in private ownership. If the honourable member has had the opportunity to read the whole Bill, he will know that we are not talking about compulsory acquisition. I would imagine that the amount of compulsory acquisition would be very small and would happen only in a very rare case, because the Bill absolutely prescribes that the land must be acquired with the consent and permission of the owner. Before it gets to that position of being acquired, it would go through the process of public notification and assessment by the advisory committee. So, the owner of the land would

have agreed to its aquisition and would know that the land is being assessed and that the Minister is in the process of acquiring it and of leading up to the final proclamation by the Governor.

The question was: how will people know that land is subject to this Act? I think it is very clear that they would know it is subject to the Act in just the same way as when we buy land and utilise it as a park in the national parks and wildlife system. We then make a proclamation or publish it in the newspaper and issue a press release. The people who own the land know and the local communities know, and it is important that we proceed upon that basis. I will not waste the time of the Committee, but I think it is quite clear.

Clause passed.

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

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

Motion carried.

Clauses 28 to 30 passed.

Clause 31—'Plans of management.'

The Hon. D.C. WOTTON: Under what conditions will it be necessary for submissions to be made in confidence?

The Hon. S.M. LENEHAN: I believe that the intention of this clause is that, if someone wishes to make a submission in confidence, that request would be respected.

The Hon. D.C. WOTTON: What requirement is there for the Wilderness Advisory Committee to maintain that confidence?

The Hon. S.M. LENEHAN: There are no specific requirements except that this legislation provides that the Minister must make copies of all submissions made under this clause available for public inspection or purchase, except for submissions made in confidence, and for that purpose the Minister must give notice, and so on. I would assume that, if the Minister were not required to publish those submissions where confidence is requested, the same onus would be placed upon the Wildnerness Advisory Committee that was assessing the submissions.

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: Yes; it would be my understanding that that would apply under the Act, but I can have this checked while the Bill is proceeding through another place, to make sure that that is the intention. There would be no point in not publishing the submission and then having somebody on the advisory committee talking about the submission in terms of identifying comments made. I would have thought that the advisory committee would be looking at all the submissions in confidence and making its recommendations based on all the submissions it receives. The Minister will then have those submissions published, except those made in confidence. I think this is in line with a number of committees of Parliament, where people ask to give evidence in confidence. I know that, when I chaired the Industries Development Committee, we were prepared to allow people to go off the record completely if they requested that. It was a courtesy that we paid to people, and I would have thought it was in line with common practice for the committees of Parliament.

The Hon. D.C. WOTTON: I would like that matter clarified and, as the Minister has indicated, that could happen between now and when the matter is being dealt with in another place.

Clause passed.

Clause 32 passed.

Clause 33—'Prohibited areas.'

Mr GROOM: I move:

Page 19, line 6—Leave out 'expedient' and insert 'necessary'.

There is nothing terribly wrong with the clause as it stands in the Bill, but inserting 'necessary' in lieu of 'expedient' really adds the ingredients of purpose and intention so it probably takes it to a higher level.

The Hon. S.M. LENEHAN: I am happy to accept the amendment.

Amendment carried.

Mr LEWIS: Can the Minister tell me whom she would authorise under subclause (3) to enter the area that has been declared a prohibited area and under what circumstances?

The Hon. S.M. LENEHAN: This relates to the other provisions in the Bill for me to authorise people for scientific purposes—for many of the purposes to which the honourable member has alluded in his previous question, such as assessment of everything from geology right through to plants and animals.

Mr LEWIS: Presumably, that would also include an additional category of people if for instance it were necessary in the interests of public safety to fight a fire in that prohibited area or otherwise go in and rescue somebody who, notwithstanding the fact that they had broken the law by going into the area, needed to be rescued from it. Presumably, other people would be issued with a permit to allow them to rescue them.

The Hon. S.M. LENEHAN: Yes, it is not my intention that we should have people dying in the wilderness because we are not prepared to rescue them. I am not trying to kill anybody off.

Clause as amended passed.

New clause 33a—'Scientific research.'

Mr LEWIS: I move:

Page 19, line 20—Insert new clause as follows:

33a. (1) If research in one branch of science is permitted in the whole or a part of a wilderness protection area or wilderness protection zone pursuant to this Act then research in all branches of science must be permitted in that wilderness protection area or zone or in that part of that area or zone.

(2) Notwithstanding subsection (1), the right to undertake scientific research in a wilderness protection area or zone may be conditional.

If it is all right for someone to go in and study, say, the entomology of a given area it is equally appropriate for somebody to go in and study other biological sciences as well as any earth or physical sciences that can be studied by scientists in any given locality, rather than their being excluded. The provision is straightforward. I believe we ought not to interfere with the quest for knowledge, which would be undertaken by academia in the way it has been undertaken, such as in the case of the Antarctic, for instance. I am sure the Minister is aware of what I am getting at in that respect. None of us want to see the Antarctic sullied, but we continue to do research there so that we can get a better understanding of the planet on which we live.

The Hon. S.M. LENEHAN: I do not believe that this amendment is necessary. I refer the honourable member to clause 28 (4), which provides that the Minister may, on appropriate terms and conditions, grant a licence entitling a person to take groups of people into a wilderness protection area or wilderness protection zone on sightseeing or scientific expeditions. It is not intended to discriminate between the various branches of science. I have already put on the public record that we are talking about the Minister's granting permission for people to go into wilderness areas to participate in the full range of scientific expeditions from geology right through to all the various areas of science. I do not believe that the amendment is necessary.

New clause negatived.

Clause 34—'Jurisdiction of the court.'

The Hon. D.C. WOTTON: I move:

Page 19, line 25—Leave out 'a wilderness support group' and insert 'any other person.'

Page 20, lines 22 to 25—Leave out subclause (8).

I believe very strongly that it is appropriate that any person be given the opportunity to commence legal proceedings in this area, and I note that the National Environmental Law Association has also made representations on this matter. It indicates that in its opinion it is inappropriate to restrict the power to commence civil enforcement proceedings to a wilderness support group. It is strongly of the opinion that the power to commence civil enforcement proceedings pursuant to the Bill should be extended to any person, and indicates that this is consistent with a view that has been expressed by the National Environmental Law Association with respect to the proposed Development Act and the proposed Environmental Protection Act. It also understands that it is likely that both those Acts will incorporate civil enforcement procedures that will extend to any person the right to implement civil enforcement proceedings. That association can see no reason why the same situation should not apply to the Bill. I concur in that and I call on the Minister to support this amendment.

The Hon. S.M. LENEHAN: I understand that the member for Hartley has exactly the same amendment on file, and I am happy to accept both those amendments because they are identical. Some day when I am long gone from this place, and if I ever do decide to write my memoirs, this matter would require a whole chapter in the book. If members only knew what discussions and deliberations there were around third party rights of appeal in various areas of Government, they might understand the interest that causes everyone now to clamour to move these amendments. I am prepared to accept this amendment.

Mr GROOM: I defer to the member for Heysen, and that will also take care of the consequential amendment to subclause (8). I congratulate you, Mr Chairman, because you have been a significant contributor to the amendments I have moved.

Amendments carried; clause as amended passed.

Clauses 35 to 40 passed.

Clause 41—'Regulations.'

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

Page 23, lines 2 and 3—leave out 'in relation to' and insert 'in order to enable the observance of Aboriginal tradition in'.

I made clear in the beginning that the reason for moving the amendment is to ensure that Aborigines have the ability to enter wilderness areas for their traditional purposes. We had a protracted discussion earlier in Committee and I will not go over that ground again.

The Hon. D.C. WOTTON: The Opposition supports the amendment.

Amendment carried.

The Hon. D.C. WOTTON: I move:

Page 23, lines 5 and 6—leave out paragraph *(y)* and insert the following paragraph:

(y) prescribe a fine, not exceeding a division 7 fine, for contravention of, or failure to comply with, a regulation.

Quite simply we believe that some limit should be prescribed, and the amendment is therefore appropriate.

The Hon. S.M. LENEHAN: I am puzzled as to why the honourable member would move such an amendment. With this amendment, under the legislation the same offence would have a lower penalty than under the National Parks and Wildlife Act, which does not have this ceiling. The same honourable member moved, under the Marine (Environment Protection) Bill, for a maximum penalty of $1 million for an offence in the marine environment, whereas for the land, the wilderness areas, he wants a maximum penalty of $2 000. I could not possibly accept the amendment as it is totally illogical and inconsistent. To have the National Parks and Wildlife Act containing more stringent penalties for the same sort of offence than will the Wilderness Protection Act, which is clearly the highest form of protection that we as a community can give sections of our very precious land and environment, is nothing more than a nonsense. Without discussing it further, I oppose the amendment.

Amendment negatived; clause as amended passed.

Schedule and title passed.

Bill read a third time and passed.

PARLIAMENTARY SUPERANNUATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 April. Page 4064.)

Mr S.J. BAKER (Deputy Leader of the Opposition): In addressing the Bill before us tonight it is relevant to make a number of observations about superannuation and the changes that have taken place in recent years. We all recognise that the subject of superannuation has now been taken up at the national level. The national wage case implemented a minimum 3 per cent employer contribution, with no contribution on behalf of the employee. Further constraints have been placed upon employers to increase their contribution to 6 per cent with vesting requirements, and the suggestion amongst certain unions is that the aiming point eventually is 12 per cent, which may or may not be consistent with changes taking place around the world. It is reasonable to reflect that there is a greater requirement on behalf of all countries to ensure that they provide properly for their future. I am using that reflection to say that the object of superannuation has occupied the minds of many people, not only the Parliaments but also private enterprise and Government.

When I was in the Public Service there was a requirement that I compulsorily contribute to a scheme that would pay me a pension after a period. Unfortunately there has been a movement to lump sum payments, but in the longer-term interests of Australia we recognise that we have to go back to pensions and annuities to ensure that the demand on the taxpayer is reduced because we cannot afford our social security system. We have made a number of changes to the Public Service superannuation scheme as a result of changes that have taken place resulting from national dictates. Members would well remember the debates that have taken place previously on the public sector superannuation scheme. In this House we have not only implemented the requirement of a minimum 3 per cent but also we have the question of whether we will go to 6 per cent, as laid down by the Federal Government. We made some changes to the scheme to ensure that contributors receive a fairer deal than they have in the past.

When I first started in employment and was contributing to a superannuation scheme, I found that when I left I finished up with a return of around 3 per cent on my contributions after 10 years service. We have an anomaly in the Parliamentary Superannuation Act in that, in many ways, it has not changed over the years. It must change to reflect the current circumstances with which we are faced. The public sector superannuation scheme recognises a number of important points. In speaking to that in conjunction with the Bill, we recognise that the return on members' investment in superannuation is abysmally low. Under the

Parliamentary Superannuation Act we have a set 3 per cent return. We have changed all that for the public sector because we believe that people should benefit from the ruling interest rate obtainable in the marketplace for the investments of the superannuation investment trust.

We made that change to the public sector superannuation scheme, but at this stage we have not made a similar change to the Parliamentary Superannuation Act. One of the amendments in the Bill relates to that item.

If somebody without dependants dies in service, there will be only a minimal return to the estate. There has been a recognition that that is inappropriate in the public sector, and it has been redressed there. We have changed the superannuation rules to ensure that those members of the superannuation fund who die whilst employees will get something back in their estates which they previously did not receive. All public sector schemes throughout Australia have updated on this matter. If a member who contributed to a scheme died whilst employed within the public sector, whether it be Federal or State, the change provides that that person's estate would benefit to the extent which is nationally recognised, namely, three times the contributions made by that member rather than the contributions plus 3 per cent, which is the old rule.

With the change in parliamentary terms from three years to four years, a further anomaly was created in the existing Act. The current legislation is inappropriate when addressed in conjunction with the change that has taken place in parliamentary terms. Every member of this House would recognise the difference between serving three years and four years. It should be recognised within the legislation, and the provisions relating to eligibility for a pension should not be any better or any worse than they were previously. Again, that change is recognised in the Bill, so we see some consistency as far as those provisions are concerned. Those matters have all been canvassed in forums over a long period, particularly since the changes to parliamentary terms were made following the 1985 election. Seven years later we are now updating the Act to reflect those changes in parliamentary terms. They are consistent with the changes made elsewhere in Australia. We have just been a little slower to recognise them than other States.

A number of other changes have been made. In the Federal sphere certain expenses have been allowed. There have been suggestions about allowing pensions earlier, and suggestions about including allowances—a whole range of suggestions over a period regarding parliamentary superannuation. We recognise our responsibilities in addressing the Bill before us. We recognise that superannuation changes should fit what is recognised as appropriate for today. The matters that have been canvassed are those that are definitely appropriate for change in the legislation, because not to do so would lead to further anomalies as far as members of this Parliament are concerned. Of course, we do not want to be seen in any way to be increasing benefits by our actions in this Parliament.

The question of superannuation is of great interest to all members. It is of great interest to every person who contributes or receives the benefit of contributions from employers. It is a changeable situation and will continue to change, whether there be a Federal Liberal Government or a Federal Labor Government. New standards have been introduced by the Federal Labor Government, and I am sure that new standards will be introduced by the Federal Liberal Government when it achieves success at the next election. The Opposition believes that the matters that have been canvassed are important changes. They are in keeping with the way in which we should conduct our superannuation affairs. With those few words, obviously the Opposition supports the matters I have outlined.

The Hon. FRANK BLEVINS (Minister of Finance): I thank the Deputy Leader for his comments and his support on behalf of the Opposition. It is overwhelmingly a tidying up Bill, with the inclusion of some provisions as outlined by the Deputy Leader that clearly correct anomalies. For those people who died whilst in office, without having any dependants, the present provision was totally unjust with respect to their estate. I am pleased that that anomaly has been straightened out, along with a number of others. It is quite true that superannuation is a matter of interest. It is also a matter of great contention in the community.

I am not sure that we will ever get a consensus about precisely the amount of superannuation that should be paid, not just to members of Parliament but to anyone in the community, and the level of contributions that ought to be paid for the particular scale of benefits. I do not know that we will ever see that argument completely sorted out in our lifetime, but tidying up anomalies and making changes at the appropriate time is something that I believe is as important for members of Parliament as it is for other people in the community. I commend the second reading to the House.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2 negatived.

Clause 3—'Entitlement to a pension on retirement.'

Mr S.J. BAKER: I move:

Page 1—

Lines 21 and 22—Leave out 'subparagraph (ii) of paragraph *(b)* and substitute the following subparagraph' and insert 'from subparagraph (ii) of paragraph *(b)* 'five' and substitute 'four'.

Line 23—Leave out subparagraph (ii).

The amendment changes the original legislation that has been in existence since 1974. That legislation recognises five terms. This change will immediately institute four terms, which is the matter that has been previously canvassed. It is consistent with the standards that I believe we would wish to prevail. I commend the amendment to the Committee.

The Hon. FRANK BLEVINS: I support the amendments. It is a sensible tidying up and I certainly prefer their wording to the wording in the Bill.

Amendments carried; clause as amended passed.

Clause 4—'Other benefits.'

Mr S.J. BAKER: A question has been raised about married members who die in office. If their spouse should be deceased a short time thereafter, an anomaly is created because their estate gets only the value of the contributions that have been paid in plus the interest rate that prevails. It is a very complex issue because it relates to what one can expect from superannuation. Obviously some people live a lot longer than others and get greater benefit than those who live but a short time. This point has been raised by at least one member on this side of the Chamber and I ask whether the Minister will have the Public Actuary and his superannuation expert look at it. It would be inappropriate to permit someone single to die in office and for the estate to benefit but for someone who is married and through some unfortunate circumstance his or her spouse does not survive that member for very long to be placed in an anomalous situation with respect to the estate. I refer this matter to the Minister for his investigation.

The Hon. FRANK BLEVINS: I will hand the problem over to the trustees for their consideration and I will also look at it myself.

Clause passed.

Clause 5 passed.

Clause 6—'Payment of pensions.'

Mr S.J. BAKER: I note that, in the second reading debate, it was suggested that the board wished to implement fortnightly payments for superannuants under this scheme. This provision leaves it open for the board to make some decisions. As I understand it, for parliamentarians, the board has to run a separate computer program which is inconsistent with the main program for the public sector. Can the Minister confirm whether it is the intention of the board to pay superannuation fortnightly?

The Hon. FRANK BLEVINS: That is the intention of the legislation.

Clause passed.

Title passed.

Bill read a third time and passed.

MFP DEVELOPMENT BILL

Returned from the Legislative Council with the following amendments and a suggested amendment:

No. 1. Page 1, line 25 (clause 3)—Leave out 'MFP core site' and insert 'Gillman-Dry Creek site'.

No. 2. Page 1, line 29 (clause 3)—Leave out 'proclamation under this section' and insert 'regulation'.

No. 3. Page 1, (clause 3)—After line 30 insert definition as follows:

Gillman—Dry Creek site means—

(a) the areas shown in Part A of Schedule 1 within boundaries delineated in bold and more particular described in Part B of that Schedule;

(b) where such an area is altered by regulation, the area so altered;.

No. 4. Page 2. lines 2 to 6 (clause 3)—Leave out the definition of 'MFP core site'.

No. 5. Page 2, line 8 (clause 3)—Leave out 'MFP core site' and insert 'Gillman-Dry Creek site'.

No. 6. Page 2, line 10 (clause 3)—Leave out 'MFP core site' and insert 'Gillman-Dry Creek Site'.

No. 7. Page 2, line 15 (clause 3)—Leave out 'proclamation under this section' and insert 'regulation'.

No. 8. Page 2, line 21 (clause 3)—Leave out 'proclamation under this section' and insert 'regulation'.

No. 9. Page 2, line 23 (clause 3)—Leave out 'proclamation' and insert 'regulation'.

No. 10. Page 2, lines 27 and 28 (clause 3)—Leave out 'under subsection (2)' and insert 'by regulation'.

No. 11. Page 3 (clause 5)—After line 15 insert paragraphs as follows:

(aa) a model of conservation of the natural environment and resources;

(aa1) a model of environmentally sustainable development;

(aa2) a model of equitable social and economic development in an urban context;.

No. 12. Page 3, lines 25 and 26 (clause 5)—Leave out paragraph *(f)*.

No. 13. Page 3, line 40 (clause 7)—After 'writing' insert 'and must be published in the *Gazette* within 14 days after it is given to the Corporation'.

No. 14. Page 4, line 3 (clause 8)—Leave out 'plan and develop and manage' and insert 'coordinate the planning, development and management of'.

No. 15. Page 4, lines 6 and 7 (clause 8)—Leave out 'and (in consultation with the relevant Commonwealth authorities) elsewhere in Australia,'.

No. 16. Page 4, lines 27 to 29 (clause 8)—Leave out subclause (2) and insert—

(2) In carrying out its operations, the Corporation must consult with and draw on the expertise of—

(a) administrative units and other instrumentalities of the State;

and

(b) Commonwealth Government and local government bodies,

with responsibilities in areas related to or affected by those operations and must, so far as it is expedient to do so, draw on the expertise of non-government persons and bodies with particular expertise in areas related to those operations.

No. 17. Page 4, line 34 (clause 9)—Leave out paragraph *(b)* and insert—

(b) arrange for the division and development of land and the carrying out of works;.

No. 18. Page 5, line 7 (clause 11)—Leave out 'MFP core site' and insert 'Gillman-Dry Creek site'.

No. 19. Page 5—After line 16 insert new clause as follows:

Environmental impact statement for MFP core site

11a. The Corporation must not cause or permit any work that constitutes development within the meaning of the Planning Act 1982 to be commenced within the part of the Gillman-Dry Creek site shown as Area A in Schedule 1 unless the development is of a kind contemplated by proposals for development in relation to which an environmental impact statement has been prepared and officially recognised under Division II of Part V of that Act.

No. 20. Page 5, lines 17 to 23 (clause 12)—Leave out the clause.

No. 21. Page 5—After line 23 insert new clause as follows:

Corporation bound by Planning Act

12a. The corporation is bound by the provisions of the Planning Act 1982 and no regulation may be made or have effect to—

(a) exclude from the ambit of the definition of 'development' in section 4 (1) of that Act any act or activity of the corporation except in so far as that exclusion also applies to persons other than the Crown or agencies or instrumentalities of the Crown and to land not within a development area and land not owned by the corporation;

or

(b) declare the corporation to be a prescribed agency or instrumentality of the Crown for the purposes of section 7 of that Act.

No. 22 Page 5, line 25 (clause 13)—after 'may' insert ', with the consent of the State Minister,'.

No. 23 Page 6, line 2 (clause 14)—leave out 'up to' and insert 'not less than 9 and not more than'.

No. 24 Page 6 (clause 14)—after line 13 insert paragraph as follows:

(da) local government;'

No. 25 Page 6 (clause 14)—after line 23 insert subclause as follows:

(5a) Where a person is appointed as a member of the Corporation to provide expertise in an area referred to in subsection (2), a person appointed as his or her delegate must also have expertise in the same area.

No. 26 Page 9, lines 5 and 6 (clause 20)—leave out 'contract or proposed contract' and insert 'proposed contract and does not take part in any deliberations or decisions of the Corporation on the matter'.

No. 27 Page 10, line 15 (clause 25)—leave out 'up to' and insert 'not less than 9 and not more than'.

No. 28 Page 10, lines 17 to 31 (clause 25)—leave out subclause (2) and insert—

(2) The members of the Advisory Committee must include—

(a) a person nominated by the Local Government Association of South Australia;

(b) a person nominated by the Conservation Council of South Australia Incorporated;

(c) a person nominated by the South Australian Council of Social Service Incorporated;

(d) a person nominated by the Chamber of Commerce and Industry S.A. Incorporated;

(e) a person nominated by the United Trades and Labor Council of South Australia;

(f) a person who will, in the opinion of the State Minister, provide expertise in matters relating to education;

(g) a person who will, in the opinion of the State Minister, provide expertise in matters relating to environmental health;

and

(h) a person who will, in the opinion of the State Minister, appropriately represent the interests of local communities in the area of or adjacent to the Gillman-Dry Creek site.

No. 29 Page 10 (clause 25)—after line 39 insert subclause as follows:

(5a) Where a person is appointed as a member of the Advisory Committee on the nomination of a body, or to provide expertise or represent interests, referred to in subsection (2), a person appointed as his or her deputy must also be appointed on the nomination of that body, or to provide the same expertise or represent the same interests, as the case may require.

No. 30 Page 11 (clause 26)—after line 26 insert subclause as follows:

(6) The Advisory Committee must cause a copy of its minutes and of any report made to the Corporation by the Advisory Committee to be forwarded to the Minister who must keep them available for public inspection during ordinary office hours at an office determined by the Minister.

No. 31 Page 12, lines 9 to 21 (clause 30)—leave out the clause.

No. 32 Page 12, line 23 (clause 31)—after 'affairs' insert 'and financial statements to be prepared in respect of each financial year'.

No. 33 Page 12, line 27 (clause 32)—before 'exempt' insert 'not'.

No. 34 Page 12—after line 30 insert new clause as follows:

Reference of Corporation's operations to Parliamentary Committees

32a (1) The Corporation's operations are subject to annual scrutiny by the Estimates Committees of the Parliament.

(2) The economic and financial aspects of the Corporation's operations and the efficiency and effectiveness of its operations are referred to the Economic and Finance Committee of the Parliament.

(3) The environmental, resources, planning, land use, transportation and development aspects of the Corporation's operations are referred to the Environment, Resources and Development Committee of the Parliament.

(4) The Corporation must present a copy of the minutes of the proceedings of each meeting of the Corporation to both the Economic and Finance Committee and the Environment, Resources and Development Committee of the Parliament within one month after the date of the meeting.

(5) The Corporation must present reports to both the Economic and Finance Committee and the Environment, Resources and Development Committee detailing the Corporation's operations as follows:

(a) a report detailing the Committee's operations during the first half of each financial year must be presented to both Committees on or before the last day of February in that financial year;

(b) a report detailing the Committee's operations during the second half of each financial year must be presented to both Committees on or before 31 August in the next financial year.

(6) The Corporation may, when presenting a copy of its minutes or a report to a Committee under this section, indicate that a specified matter contained in the minutes or report should, in the opinion of the Corporation, remain confidential, and, in that event, the Committee and its members must ensure that the matter remains confidential unless the Committee, after consultation with the Corporation and the State Minister, determines otherwise.

(7) The Economic and Finance Committee must report to the House of Assembly not less frequently than once in every six months on the matters referred to it under this section.

(8) The Environment, Resources and Development Committee must report to both Houses of Parliament not less frequently than once in every six months on the matters referred to it under this section.

35. Page 12, (clause 33)—After line 36 insert paragraph as follows:

'*(ab)* details of the remuneration, allowances and expenses payable to each member of the Corporation and to the chief executive officer of the Corporation, together with details of any benefit of a pecuniary value provided to such a person in connection with that person's office or employment as a member or as chief executive officer of the Corporation;.'

36. Page 13, line 1 (clause 33)—After 'accounts' insert 'and financial statements'.

37. Page 13, lines 5 and 6 (clause 34)—Leave out the clause.

38. Page 13, line 9 (clause 35)—Leave out 'division 5 fine' and insert 'division 8 fine'.

39. Pages 14 and 15 (schedule 1)—Leave out 'MFP Core Site' twice occurring and insert, in each case, 'Gillman-Dry Creek Site'.

Schedule of the amendment suggested by the Legislative Council

Page 12, lines 2 and 3 (clause 29)—Leave out subclause (1) and insert—

(1) The Corporation may borrow money from the Treasurer or, with the consent of the Treasurer, from any other person.

(2) Where the Corporation proposes to borrow money the Treasurer must report the amount, purposes and terms of the proposed loan to the Economic and Finance Committee of the Parliament.

Consideration in Committee.

Amendment No. 1:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 1 be disagreed to.

This amendment seeks to change the name of the core site from MFP to Gillman/Dry Creek. I do not really understand why such an amendment would be moved because Gillman/Dry Creek is not an adequate description of an area that includes Pelican Point, Largs North and Garden Island. More importantly, whether we like it or not, MFP is the title under which this project is understood within the State, nationally and internationally, and we would be crazy to change it.

Mr INGERSON: The Opposition supports the amendment.

Motion carried.

Amendment No. 2:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 2 be disagreed to.

This seeks to change procedure for proclaiming aspects of the site definition to regulation. I think that is onerous and unnecessary in the circumstances and therefore I oppose it.

Mr INGERSON: The Opposition supports the amendment.

Motion carried.

Amendments Nos 3 to 6:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendments Nos 3 to 6 be disagreed to.

These relate again to the Gillman/Dry Creek title as opposed to MFP and the arguments I mentioned in relation to amendment No. 1 apply to this set of amendments.

Mr INGERSON: The Opposition supports the amendments.

Motion carried.

Amendments Nos 7 to 10:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendments Nos 7 to 10 be disagreed to.

These relate to the proclamation/regulation argument to which I referred in amendment No. 2.

Mr INGERSON: The Opposition supports the amendments.

Motion carried.

Amendment No. 11:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 11 be agreed to.

This simply rewords clause 5 (page 3) by relocating some of the phrases and separating the model of conservation from the model of environmentally sustainable development and the model of equitable social and economic development. The rewording is aimed presumably at clarifying and separating some of those functions. If anything, I think it highlights and enhances the comprehensive nature of the MFP and therefore it is worthy of support.

Mr INGERSON: The Opposition supports the amendment.

Motion carried.

Amendment No. 12:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 12 be agreed to.

This is consequential on amendment No. 11.

Motion carried.

Amendment No. 13:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 13 be agreed to.

This simply seeks to add a requirement that, in relation to any direction to the corporation (which I suggest would be fairly few and far between, but nonetheless that power resides in the Minister), they be in writing. The amendment adds that any such directions be published in the *Gazette* within 14 days of being given. I do not see any problem with that. At some stage such directions should be made public and, if a situation has arisen where a direction is necessary, it is not something that should be kept between the corporation and the Minister but should be notified publicly.

Motion carried.

Amendment No. 14:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 14 be disagreed to.

This attempts to confine the role of the corporation to coordination rather than to having a more direct role if it sees fit. This was canvassed thoroughly when the matter was before this Chamber. I am surprised and disappointed that it has reappeared again.

Motion carried.

Amendments Nos 15 and 16:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendments Nos 15 and 16 be disagreed to.

The amendments seek to reword the Bill in relation to consultation with relevant Commonwealth authorities and to restrict the scope of the corporation purely to South Australian operations. In both those respects, I believe it is an error and misunderstands the national significance of the MFP. The fact that consultation is required with the relevant Commonwealth authorities does not mean that they are running the project, but that provision was inserted specifically with the agreement of the Commonwealth, which has a role in the MFP.

If we were to reword it in this way, while it is certainly true that reference is made to the Commonwealth Government as part of those with whom one consults and from whom one draws expertise, by relocating it and rewording it in this way we are in fact sending a signal to the Commonwealth that is most undesirable. After all, it is funding administration, it is in charge of the international marketing efforts and other aspects, and that particular clause is one that has been agreed with them. I believe it should stay intact.

Motion carried.

Amendment No. 17:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 17 be disagreed to.

This amendment is consequential on an earlier amendment relating to coordination. In this case, it talks about an arrangement rather than providing a broader power to the corporation.

Motion carried.

Amendment No. 18:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 18 be disagreed to.

Again, this amendment is consequential on the first amendment referring to the title of the core site.

Motion carried.

Amendment No. 19:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 19 be disagreed to.

This amendment seeks to insert a new clause relating to an environmental impact statement: essentially, it says that no work can commence on the site until all of the EIS processes are complete. That is quite unrealistic. We looked at this issue in some detail in the House of Assembly, and I believe that the queries that were raised in this connection were more than adequately answered. I come back to the point that it is vital we get on with it. Environmental impacts are part of the process and they will be gone through, but we must have the ability to commence work where possible. It is unnecessary to include such a clause.

Mr INGERSON: This is one of the most important issues facing the community. It is an issue which was debated and the Premier gave an assurance to the Committee that the whole process of assessment would be carried out according to the Planning Act. There are no more ties in it than that, and I am surprised, on behalf of the Opposition, that the Premier is not prepared to accept the amendment. This is an important part of the Bill and should be left within it.

Motion carried.

Amendment No. 20:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 20 be disagreed to.

This amendment seeks to leave out clause 12, which relates to compulsory acquisition of land and seeks to remove any such power from the corporation. I think that is an unreasonable provision. The fact is that those compulsory acquisition powers must be exercised in relation to things such as compensation within the provisions of the Land Acquisition Act and the Valuation of Lands Act, but the compulsory acquisition powers are essential to the corporation.

It is something that we need to be able to demonstrate to those who seek to understand control of the site, if they wish to invest there. They certainly cannot be lightly or irresponsibly exercised, and I believe that this deletion is quite counterproductive and is also at odds with certain provisions that have been inserted in other Bills.

Motion carried.

Amendment No. 21:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 21 be disagreed to.

This amendment seeks to bind the corporation to the Planning Act and restricts the areas in which regulations can be made about the ambit of development, declaration of agencies and so on. This is an unnecessary and unreasonable provision. I believe that there are ways in which the corporation can have regard to those things. This is not the way to do it, and we oppose it.

Motion carried.

Amendment No. 22:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 22 be agreed to.

It just adds the consent of the State Minister to the clause relating to delegation.

Motion carried.

Amendment No. 23:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 23 be agreed to.

The present provision is that the corporation shall consist of up to 12 members: this amendment provides for not less than nine and no more than 12, and that seems reasonable. We support it.

Motion carried.

Amendment No. 24:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 24 be agreed to.

It adds local government to the list of those areas of specific expertise. It is probably unnecessary but certainly not unreasonable.

Motion carried.

Amendment No. 25:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 25 be agreed to.

It simply seeks to provide that, where there is a delegate to a member of the corporation, and provision is made for such delegates to be appointed, that delegate must have expertise in the same area as the person who was appointed as the delegate. That is logical and reasonable.

Motion carried.

Amendment No. 26:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 26 be agreed to.

The words 'contract or proposed contract' were deleted at the end of line 5 and replaced with words which I understand are felt to better express the intention of the clause.

Motion carried.

Amendment No. 27:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 27 be agreed to.

This has the same effect in relation to a minimum and maximum number of members as was agreed to in respect of amendment No. 23.

Motion carried.

Amendments Nos 28 and 29:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendments Nos 28 and 29 be disagreed to.

These amendments seek to replace the general representation of interests, the categories of interest if you like, on the advisory committee with particular organisations, which make nominations. I think this amendment is most undesirable. Quite clearly, the organisations named would be the groups with which one would consult in making such appointments, but those organisations will not necessarily be in operation for ever. They may change in structure and nature or they may be dissolved, but they would be referred to in the Act and one would be in a difficult position in relation to calling on expertise. I do not think it is good statutory principle to name organisations such as these, but I put on the record that, in making appointments within those areas of expertise, these organisations are the groups with which one would consult.

Mr INGERSON: The Opposition disagrees with the Premier's comments. Such organisations are named in many Acts, particularly in the industrial area. We have included them for specific reasons. A very wide range of groups is listed, and the principle has been established. There is an opportunity to add the skills of other people, and I am quite sure that members of the organisations mentioned would have all the skills necessary.

Motion carried.

Amendment No. 30:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 30 be agreed to.

This amendment simply requires that copies of the minutes and reports of the advisory committee be forwarded to the Minister and made available.

Motion carried.

Amendment No. 31:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 31 be disagreed to.

This amendment seeks to leave out the clause which was inserted in this place and which provides for reference to parliamentary committee scrutiny in a reasonable way. If this clause is omitted, the *status quo* is restored and there are some ancillary amendments to disagree with which seek to replace that framework.

Mr INGERSON: Is the Premier saying that the new clauses contains a lot of extra committee references and that the recommendation of the Economic and Finance Committee is the only one that the Government would like to have included?

The Hon. J.C. BANNON: Yes.

Mr INGERSON: The Opposition disagrees with that. We think that the amendment expands it into a wider range of issues and that that is the best way to go.

Motion carried.

Amendment No. 32:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 32 be agreed to.

This amendment simply includes the requirement that financial statements be prepared in respect of each financial year in addition to the report.

Motion carried.

Amendment No. 33:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 33 be disagreed to.

This matter relates to the exemption from rates and taxes. I believe that a pretty unreasonable approach has been taken in this area, one that is not consistent with the way in which other corporations are treated. In fact, the Technology Development Corporation has been in this position for many years. It is not intended that councils or, indeed, the State be financially disadvantaged, but to impose these onerous conditions on the corporation in a period of development and in the circumstances of this project goes against precedent and against the way of treating a project such as this. Ultimately, if taken to its logical conclusion, it could cripple the project.

Motion carried.

Amendment No. 34:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 34 be disagreed to.

This amendment proposes the insertion of a new clause (32a) which deals with parliamentary committees. I think it is quite unnecessary. We handled this matter adequately in this place by way of an amendment which best expresses the situation.

Motion carried.

Amendment No. 35:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 35 be disagreed to.

This clause refers to the annual report and the detailing of remuneration allowances and expenses payable to each member of the corporation and to the chief executive member together with the benefit of pecuniary value and so on. It is a very stringent provision, which I am not sure is replicated in other Acts or requirements. There are ways in which this information could be provided more consistently

with corporate law. This clause is not acceptable in the way in which it is drawn.

Motion carried.

Amendment No. 36:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 36 be agreed to.

This amendment simply adds 'financial statements' after 'accounts'.

Motion carried.

Amendment No. 37:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 37 be agreed to.

This measure deals with summary offences and is no longer required under the provisions of the Justices Act.

Motion carried.

Amendment No. 38:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 38 be agreed to.

I am a little surprised at the attitude taken in another place on this matter, because it reduces the penalties for breaches under this clause from a division 5 fine which attracts a penalty of $8 000 to a division 8 fine which attracts a penalty of $1 000. A division 5 fine was seen to be excessive for an offence under the regulations. Usually there are much harder hearts in the other place.

Motion carried.

Amendment No. 39:

The Hon. J.C. BANNON: I move:

That the Legislative Council's amendment No. 39 be disagreed to.

We have already dealt with this matter on a number of occasions in relation to the core site title.

Motion carried.

Suggested amendment:

The Hon. J.C. BANNON: I move:

That the Legislative Council's suggested amendment be disagreed to.

This suggested amendment seeks to provide various constraints on the way in which money is borrowed, but perhaps more importantly it requires a regular report from the corporation to the Economic and Finance Committee on any loans. I think it is an onerous and unnecessary provision.

Mr INGERSON: As far as the Opposition is concerned, this is a major issue. We believe that there should be a system of reporting to the Economic and Finance Committee. This amendment will add accountability as far as the corporation is concerned, and the Opposition believes that it should be accepted.

Motion carried.

SUMMARY OFFENCES (PREVENTION OF GRAFFITI VANDALISM) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 November. Page 1964.)

Mr MATTHEW (Bright): At last! Members of the Opposition did not believe that this Bill would ever be brought before the Parliament for debate prior to the end of this session. This Bill was introduced on 14 November last year by the Minister of Youth Affairs, and it was introduced with much fanfare and was followed up by the issue of a pamphlet on the Government's so-called 'graffiti strategy'. Indeed, so much did the fanfare surrounding the introduction of this Bill continue that the Minister sent a letter to most metropolitan local government bodies on 6 January this year. The Minister wrote to those bodies as follows, in part:

I am writing to you to seek your support for tough new anti-graffiti legislation which will be debated in State Parliament in February. The Bill I have introduced is an important part of the State Government's multi-pronged attack on graffiti vandalism, which also includes prevention and clean up strategies.

When the Opposition noted the Minister's statement that this Bill would be debated in February and we reached March and then April, we began to wonder if perhaps the Minister meant February 1993, so we are delighted that the Minister has now finally made the time in Parliament and introduced the Bill in April, albeit two months later than when he told local government he would introduce it.

The tactic to which the Opposition particularly objects is the implication in the Minister's letter to local government and in his statements to the media that he needed support and that the Opposition might oppose this Bill. Far from it, because this Bill is drawn from Opposition Bills previously introduced in Parliament; it is drawn from them word for word.

Mr Hamilton interjecting:

Mr MATTHEW: It is interesting that the member for Albert Park is already saying, 'Oh, no': the honourable member would be well advised to sit back and listen to the debate on this Bill; he is on record in *Hansard* as opposing parts of this Bill strongly and, if I may say so, in a most vulgar way. That is borne out in *Hansard*, and I am sure that my colleague the member for Hanson, who introduced the Bill on that occasion when it was so strongly opposed by the member for Albert Park, will enjoy reminding him of the comments that were made at the time. However, the Opposition has always been supportive of the principles behind this Bill.

The politicking that has occurred over this Bill has been nothing short of disgraceful and a deliberate attempt to mislead the community, members of local government and local government bodies in general. In the letter to local government, the Minister stated, in part:

I am keen to secure your support for this new legislation. There has been criticism that the penalties imposed are too harsh. I make no apology. My view is that the public are sick and tired of the sight of vandalised sites in their communities and are keen to support a real effort in helping to remove this blight from our community.

I and my colleagues agree that the community is sick and tired of seeing graffiti vandalism in our community, and members on this side of Parliament have continually jumped up in their place and said so, time and time again. Members on this side, such as my colleague the member for Fisher, are on the public record as consistently suggesting methods for fighting this scourge, and many of his suggestions have been taken up in this Bill. My colleague the member for Adelaide is another, as well as my colleagues the members for Newland and Hayward, and many other members on this side of the House, including me, have continually advocated that something needs to be done. We are delighted that the Government has taken our ideas and put them into this legislation, but we object strongly to the Government's suggestion that we would in some way oppose this and that it needed support.

Local government bodies have come to me asking me why I am opposing this legislation, and saying that the implication from the Minister is that I will oppose it. I assured them that that had never been the case at all, and I am disappointed that the Minister had never taken the time to talk to me about the Opposition's views before

sending out such a scandalous letter with the sort of implication it contained. For years the Liberal Party has been urging that something occur, and we are pleased to see it happen. Well may Government members laugh, but let them listen to what unravels in this debate, and they will constantly be reminded of the private members' Bills that have been introduced by Liberal Party members since 1986 with exactly the same penalties in them as are in this Bill and the same penalties as members of the Government, including the Minister himself, are on record as having voted against in a division.

All the members who are sitting opposite me and who were members of Parliament in 1987 voted against the penalty provisions in this Bill, and I remind members to go back to *Hansard* and see their names there as voting against the penalty provisions of that Bill. This Bill has very much been instigated by the Liberal Party, and finally the Government has been embarrassed into doing something about it and deciding that perhaps their opposition in the past has been wrong. Finally it became obvious to them, even though it was obvious to the rest of the State, that something needed to be done.

I would like to look at what this Bill actually does and in so doing endorse much of what it stands for. Essentially, as members should be aware, the Bill creates a new offence of carrying a graffiti implement. Marking graffiti has been defined broadly to include defacing buildings, roads and other property and a division 7 penalty applies to this offence, that is, up to $2 000 fine or six months imprisonment—exactly the same penalty provisions as were included in the Bill introduced by the member for Hanson in 1986 and opposed by Government members. I note that the definition of a graffiti implement is similar to a provision recently introduced in legislation in Victoria, that being 'any implement capable of being used to mark graffiti'.

The offence of carrying a graffiti implement without lawful excuse applies only to implements of a proper prescribed class and unfortunately this clause has not been defined under regulations as yet, but the Minister told us in his second reading explanation that it is expected to include common items such as spray cans and wide felt tipped pens. I note that the existing Summary Offences Act does provide penalties for a graffiti offence, but it defines it as an offence committed by a person who—

> . . . writes upon, soils, defaces or marks a building, wall, fence, structure, road or footpath with paint or chalk or by any other means . . .

So, the Bill in part simply exchanges that definition for the word 'graffiti'. However, we are happy to live with that, as long as it gets a general message through to the community, and particularly to juveniles, that legislation exists that can be used to tackle graffiti. I welcome that clarification of the definition to conform with terminology that is used today. It is fair to say that, at the time that particular clause was inserted in the Bill, the word 'graffiti was not widely used within our community.

I think it is important to elaborate further on the Liberal Party's approach, and I would like, first, to go right back to 18 September 1986, because on that day in this House my colleague the member for Hanson introduced a Bill as a private member—the Summary Offences Act Amendment Bill 1986 (No. 5). That Bill provided essentially for the insertion in the Summary Offences Act of a new section (section 49), which related to writing on walls, etc. It provided for the following in clause 1:

> A person who, without lawful authority, writes upon, soils, defaces or marks a building, wall fence, structure, road or footpath with paint or chalk or by any other means shall be guilty of an offence. Penalty: $2 000 or imprisonment for six months.

That is exactly the same penalty as provided for in this Bill. My colleague introduced that Bill in 1986 and it finally came to a vote on 19 March 1987. I am sure that the member for Hanson will be pleased to remind the Parliament of what members of the Government said about his Bill, particularly about those penalties at that time. At the end of the day, on 19 March 1987, the Bill went to a vote and a division of the House was called. It is interesting to note the reference in *Hansard* to members of this Parliament who voted against my colleague's graffiti Bill. They included Messrs Bannon, Blevins, Crafter, De Laine, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood and Klunder, Ms Lenehan, and Messrs Mayes and Rann—the current Minister. Those members, who voted against the provisions contained in the Bill introduced by the member for Hanson, are now saying that something needs to be done.

It has been said many times publicly and in this place that the member for Hanson is often before his time. I put to the Parliament that the member for Hanson was spot on, knew that there was a problem, knew what had to be done to fix it and took the initiative of introducing legislation to this Parliament but, regrettably, as usual, Government members were so far out of step that they could not see what was necessary to fix the problem.

Mr Such: They couldn't see the writing on the wall.

Mr MATTHEW: No, they could not see the writing on the wall, as my colleague the member for Fisher says. It is also important to look at the reasons why my colleague, after unsuccessfully introducing that Bill in 1986, reintroduced it. The member for Hanson, in introducing the Summary Offences Act Amendment Bill on 13 September 1990, started off by saying:

> On 18 September 1986 I introduced a similar measure to amend this Act which, in effect, would have provided a penalty for graffiti offences.

We are now getting to far more recent times. I know that members opposite are saying, 'But before it was 1986'. We now get to the end of 1990: my colleague introduced his Bill and, once again, it contained the same penalties. In fact, he sought to introduce a new section 48a, which provided:

> A person who, without lawful authority, writes on, soils, defaces or marks a building, wall, fence, structure, road or footpath with paint or chalk or by any other means is guilty of an offence. Penalty: division 7 fine or division 7 imprisonment.

In other words, they are the same penalty and provisions in the Bill before us tonight, the same penalties about which the Minister of Youth Affairs wrote to local government and stated that there were those in our community who thought that the penalties were too harsh. The implication for those who read the letter was that the Liberal Party was objecting to it.

The Hon. M.D. Rann: Did it say that?

Mr MATTHEW: The Minister may well ask. The Minister, I and everyone in this Parliament knew what he was trying to do in a very amateurish manner. Certainly the Opposition and I, in my capacity as shadow Minister, will not stand for that sort of roughshod politics. The main reason that my colleague sought to reintroduce the Bill at that time was that he was also concerned about the rising incidence of juvenile crime.

It is interesting to reflect back on what happened in the Adelaide Children's Court in 1989-90. In fact, 75 per cent of cases brought before that court in 1989-90 were discharged without penalty. That was revealed in the annual report of the Children's Court Advisory Committee tabled in State Parliament on 4 December 1990. That report showed that 4 307 charges were brought before the court in the

1989-90 financial year and 3 231 were discharged without penalty. Particularly in relation to graffiti, it is interesting to note that in 1989-90, wilful damage cases brought before the Children's Court and children's aid panels increased by 50 per cent, but during that period 81 per cent of wilful damage charges were dismissed without any penalty at all. Is it any wonder that too many of our young people thumb their nose at the juvenile justice system, regarding it as nothing short of a joke and as an issue of ridicule providing absolutely no deterrent at all? That is one of the many reasons for Opposition members continually stating that something needs to be done about graffiti.

The member for Hanson on two occasions provided the opportunity via his Bills for the Government to put up its hand and vote and it did not. It spoke against the Bill in this Parliament. We now have an opportunity that I welcome. I wonder whether members opposite will be consistent and oppose the clauses of the Bill that they have opposed on previous occasions. I wonder whether they will do that.

The Hon. M.D. Rann: It's a much tougher Bill.

Mr MATTHEW: The Minister is telling me that it is a much tougher Bill. I acknowledge that there are clauses in the Bill that make it tougher. I applaud those clauses but the fact remains that the penalty clauses are the same as the clauses in the Bill presented by the member for Hanson, who is sitting here listening to the debate tonight. They are the same clauses that members of the Government stood up and opposed in this Parliament.

The SPEAKER: Order! I draw the honourable member's attention to the Standing Order relating to repetition. On several occasions he has used this line of argument and I ask him to pay attention to Standing Orders.

Mr MATTHEW: I thank you for reminding me, Mr Speaker. I erred in responding to interjections, which also are not permitted under Standing Orders. It is interesting to reflect on the reasons for graffiti vandalism and one cannot do so without looking at the catastrophic unemployment figures facing our State at the moment. Indeed, we saw only last month the February 1992 figures released. I am sure that most members—and I hope all members—of this Parliament were horrified to see that unemployment for the 15 to 19 year age group is now at 41 per cent—almost double the rate that it was 12 months earlier. In February 1991 it was 24 per cent.

In the cold, hard light of day that means that some 13 400 young South Australians are trying to find a job. While it is always good to see deterrents in the form of legislation come before a Parliament and to see stronger penalties, we must also be mindful of the fact that many frustrated young people out there cannot find work. The biggest deterrent for this sort of problem is to find jobs for those people. That, above all, is a major role of Government: to encourage employment, so that these people feel that they have a future and do not take out their frustration on society through deplorable acts such as graffiti vandalism.

I have referred to a number of measures taken by the Opposition to do something about graffiti. It is also important to refer to another measure pushed by the Opposition and now being picked up by the Government as part of its graffiti action strategy in this Bill, namely, the 'adopt a station' strategy. I remind members of this Parliament that on 12 November 1990 the Opposition introduced and publicly launched the railway station adoption scheme to attack graffiti vandals. That launch occurred at the Hove railway station and was appropriately recorded by the print media and television. It is a permanent record to attest to the fact that the Opposition introduced that scheme.

The scheme as introduced by the Opposition was to include the repainting of railway stations as and when graffiti occurred, the cleaning up of litter, the planting of trees, landscaping and suggesting to the STA any further works that needed to be done. It was part of the multi-pronged attack program by the Liberal Party to clamp down on juvenile crime and graffiti vandalism.

Also on that occasion we reminded the public that we would move on a number of fronts to tackle juvenile crime and graffiti. We talked about our moves to increase penalties for offenders, particularly in the areas of community service and also the Bill that followed, introduced by the member for Hanson just one month later. We said that those caught wrecking railway stations and other public premises should be forced to repair their damage. We also talked about restricting free travel to school daylight hours and identifying places in the community where graffiti could be made an art; in other words, murals on bus shelters, stobie poles, blank walls and so forth in suitable places. We also talked about restricting the sale of permanent marking pens and spray cans. That is certainly an issue that my colleague the member for Fisher has been very publicly vocal on setting into place.

We are delighted to find that in fact the Government has picked up many of the points raised by the Liberal Party in its December 1990 launch. The Government has, albeit belatedly, picked up our 'adopt a railway station' scheme. Despite constant bucketing in Parliament, the Government has now reneged on its bus, train and tram fare promise of the 1989 State election and ensured that free travel for children is restricted. It has also talked about restricting the sale of permanent marking pens and spray cans. Those are matters that the Opposition touted as necessary, and we are delighted in having our role as an Opposition extended by the Government's actually listening to what we have said and adopting our plan of attack. I think that indicates in itself the effectiveness of the Opposition in this Parliament and in the public by ensuring that the Government adopts programs where they are needed.

Much has been said in this Parliament in the past about the 'adopt a railway station' scheme, but it is important to remind Parliament and the public at large of the reasons for the cynicism of the Opposition with respect to Government-claimed initiatives because of the bucketing we have continually taken in the past. I refer members to a comment made during an answer to a question put by me to the Minister of Transport in this Parliament on 14 March 1991. On that occasion I asked the Minister of Transport about graffiti problems on trains and talked about the 'adopt a railway station' scheme. In part, the Minister of Transport said on that occasion:

> The unions tell me about the volunteers from service clubs who want to come in and do another person's job and put them out of work. How would it be if I were to go and do their job and put them out of work? For volunteers, the painting over of graffiti at the stations is only a pastime to make them feel good, whereas, for the workers employed to do this, it is their bread and butter. Would people in those service clubs like me to come in and say, 'I'm volunteering to do your job'? So, we must appreciate the point of view of ordinary workers. I know this is difficult for members opposite, but it is not difficult for members on this side of the House, and we take these matters very seriously. Many of the constituents of members on this side of the House are living on $300 and $400 a week and trying to keep families on that. Let us not forget that aspect.
>
> The member for Bright does have a problem with graffiti, but let him not forget that I live 400 km away from here and there we do not have any public transport at all, with graffiti on it or otherwise. We would welcome a train covered with graffiti in Whyalla . . .

That is indicative of the sort of opposition the Liberal Party consistently received from the Government as we tried to

put into place our anti-graffiti strategy. I was delighted that the Government finally introduced our 'adopt a railway station' scheme, albeit many months after we had conducted the public launch. I am equally delighted that the Minister of Youth Affairs has wholeheartedly supported that scheme at last, claiming that it is one of the successes of the strategy to fight graffiti. We know who introduced the scheme, but the important thing is that it is working.

I am proud to be able to say that the scheme is working extremely effectively in my own electorate. It is working in areas such as the Hove railway station that is shortly to be adopted by community groups after a significant rebuilding program that was necessary to help combat the problem. It is working very effectively at the Brighton railway station which has been adopted by the Rotary Club of Brighton and many of the local residents who live in the vicinity of the station. It is working effectively at the Seacliff railway station which was adopted by a group of adjoining residents, and it is working effectively in the environs of the Seacliff railway station which were adopted by the Kingston Park Rotary Club.

It is also working effectively at Marino and Marino Rocks railway stations which were adopted by the Marino Neighbourhood Watch group. It is working most effectively at the Hallett Cove railway station which was adopted in particular by the Hallett Cove Estate Neighbourhood Watch group and received support from the Karrara Residents Association. That group went further, through the energies of people such as Senior Constable Trevor Twilley of the Darlington Police Station, the group's police coordinator, and Mr Kym Byass, that group's area coordinator, who set up an organisation called 'Community Pride'. When painting out the railway station, that group received much volunteer help. They painted out the railway station initially with paint bought through the funding of their own group. They then sought permission of the surrounding residents to paint out graffiti on their fences. As they were doing so, the residents said, 'This is fabulous. Can we have some paint to keep painting it out and can we give you a donation to help you with your cause?'

They found with embarrassment that the donations they were receiving became too great in currency to be able to be absorbed. They said, 'What will we do with this money and the generous offers from companies such as Dulux?' who were offering paint to them at a very good discounted rate for graffiti wipe-out purposes. They embarked upon a State-wide graffiti wipe-out program. I know that many members of this Parliament from both sides have given their support to this program, and I sincerely thank them for it. They have enabled the dream, for want of a better word, of the Hallett Cove Estate Neighbourhood Watch group to become a reality, and the 'Community Pride' organisation has made its way across the State and assisted in wiping out graffiti.

The program has also been very successful at the Hallett Cove Beach railway station which was adopted by a number of groups including the Apex Club of Elanora, the Hallett Cove Progress Association, the Hallett Cove East Neighbourhood Watch group and the Hallett Cove West Neighbourhood Watch group, as well as a number of concerned residents. That is an example of how the community has taken up the cudgels to fight graffiti vandalism. It is not just a reflection of community spirit; it is also a reflection of community frustration.

I felt privileged to be part of the painting-out graffiti program at sites such as the Hallett Cove Beach railway station and the Brighton railway station where I was pleased to donate a day's labour at each site to help paint out graffiti. Whilst there, I listened to the frustration of the local residents as they were wiping out the graffiti, because they felt that the Government was not doing anything—but at last the community could take up the cudgels and say, 'We have had enough; we are wiping it out, and let anyone try to put the graffiti back in our location.' Time and again they talked of the need to put in place effective penalties. I was pleased to remind them of initiatives that had been undertaken by the Opposition and was pleased to note their concerns and to advise them of what the Opposition was planning to put in place.

At last the Government is taking up the cudgels and doing something about it. I can understand how members on the Government backbench must be frustrated because I know that some of them keep as close to the community as I do. They must be hearing the same things and they must be seeing graffiti in their electorates. I would be absolutely staggered if the member for Albert Park, who has a public transport network in his electorate and who must constantly witness the scourge of the graffiti that has so afflicted our society, has not been hearing these things. It is regrettable that his frustration does not reflect in the words that are recorded in *Hansard*.

That has been the main prong of the Opposition thrust towards the elimination of graffiti. The Government started to put a number of things into place. After the introduction of the Bill in November 1991, we saw a heavy promotion of a graffiti action strategy, including a graffiti kit. The Government put out a pamphlet that it titled 'State Government Graffiti Action Strategy'. It was designed essentially to target groups within the community and say, 'Don't despair, we really are doing something about graffiti.' The pamphlet told the community about the Bill that we are debating tonight. That is commendable; the community needs to be told about that.

The pamphlet spoke also about the legislative and punitive strategies associated with the measure and mentioned the $2 000 maximum fine and six months imprisonment. It also talked about community service orders for graffiti offenders, and those things have been raised on numerous occasions by the Opposition in this Parliament. It mentioned local initiatives such as community watch groups and it talked about the Opposition's Adopt-a-Station strategy and informed people that 18 stations were involved by the end of October 1991. That was welcome news. The pamphlet mentioned also the Community Pride organisation. What I found objectionable and what people involved in graffiti wipe-out found objectionable was the manner in which they were being used by the Government to make it appear that they were somehow involved. I know—

The Hon. M.D. Rann interjecting:

Mr MATTHEW: The Minister said that he gave the organisation $5 000. I am pleased that the Minister said that in this place because I want to relate a little bit of the history about that $5 000. It happened like this. The Government gave $5 000 to a group known as Spray Graphics, I think, and that grant was to do so-called legal graffiti. I was concerned that that group had amongst its members a number of known graffiti vandals, particularly those in the group known as the 73A Kings, who frequent the Noarlunga line. As local member, I have sat down with those young people and talked to them about their graffiti and their reasons for doing it. They said that the Government is wonderful, that it has given them all this money so they can do legal graffiti. It meant that they could show their ultimate art form after they practised on STA property first. Well done, Government! That was their view, not mine.

Those views were expressed by a group of so-called artists, people I prefer to call vandals.

The Community Pride organisation received a telephone call from the Minister's office advising that the Government would like to give the organisation $5 000. The organisation's response was, 'What for?' The Minister's office said that it was to help the organisation combat graffiti. I have already related how this group received a lot of donations, how it received more money than it could use to cover its needs. As a result, it started up a State-wide eradication program. Then it was showered with money from the Government that it did not request, that it did not need, and that it did not want in the first place. However, because it was offered, the organisation took it. Its representative rang me and asked how they should spend it because they did not really need it.

The SPEAKER: I remind the honourable member that relevance is required and the Chair would appreciate it if the honourable member linked his remarks to the Bill.

Mr MATTHEW: Mr Speaker, I am linking these comments to the Minister's second reading explanation, because he told Parliament that this Bill was part of the Government's graffiti strategy. I am reading from the Government's own brochures, which it used to publicise the Bill, and I am explaining how it has put that graffiti strategy into place. I am alleging that the Government showered money around to make it look as if it was doing something. I am pleased to report that Community Pride has been doing something effective with that money, and I was pleased to offer what advice I could and to give them other points of call, including the Minister's department, to find ways to utilise the money. The organisation felt, I felt and other people working in graffiti eradication community groups felt that they were almost being bought to make it look as though they were part of the program. I find that objectionable, but I am not knocking the fact that money was given. I just wish it had happened in a more constructive way, not in such a knee-jerk manner after money had been given for a legal graffiti program. That is some of the history behind it.

Because of the publicity surrounding this Bill, the various groups that were supposed to be happy with it were angry that they were being used and, when they contacted me I said, 'Look, don't worry about it because at the end of the day what you have always wanted to achieve will happen. This Government has used and abused people considerably; nothing is new. Just don't worry about it. At the end of the day at least you will have some of the legislative reforms in place that you have required for so long.'

Associated with the graffiti action strategy and the intent of this Bill was a kit promoting the State Government's thrust. In addition to the brochure about this Bill, that kit had associated with it such things as a health and safety brochure on the use of spray cans and a legal graffiti wall check list. In other words, the Government told graffiti vandals what steps to take to ensure they were not overcome by aerosol cans and how to go about finding a wall on which they could undertake graffiti. I found that pretty objectionable and I felt it was a massive insult to groups such as Community Pride, which spearheaded this State-wide graffiti eradication program and which, I contend, has had a significant amount to do with the introduction of this Bill.

I say with pride that that group began in my electorate through the Hallett Cove Estate Neighbourhood Watch group, and it embarrassed the Government as it grew in size across the electorates of many members of Parliament. They embarked upon a strategy of contacting members saying, 'We have had enough. We are painting out stuff but what we need in place is some legislation that will do something about graffiti.' Legislation is now before us that has been called for by the Opposition and by community groups. At last it is before the House.

As part of this debate it is important to refer to a report by the State Transport Authority that was made public on 8 April this year. The report was prepared by the STA's project manager for its anti-graffiti unit (Mr Tim Healy). Before referring to that report, I place on record my sincere appreciation of the manner in which Mr Healey has undertaken his duties with a diligence, vigour and determination to eradicate graffiti that goes beyond the call of duty. I have witnessed Mr Healy painting out graffiti on weekends, and I know that he was not being paid for some of the work that he was doing.

That is indeed commendable, and I think that much of the graffiti wipeout that has occurred is a tribute to that individual's diligence in undertaking his duties. While many members of Parliament, particularly from the Opposition, expressed surprise and concern when that role was created, nothing can take away from the efforts that Tim Healey has put into graffiti eradication. That report is particularly relevant to this Bill, because it points out that taxpayers will pick up a $1.3 million tab for eradicating graffiti from the South Australian transport system—$1.3 million last year. Interestingly the STA in that report admitted for the first time—and members of the Opposition in this Parliament have been claiming for a long time—that a lot of the graffiti scourge that has taken place throughout our transport system has a direct relationship with free student travel on public transport services. Now the STA's own report finally admits that.

The member for Fisher smiles because he has raised this matter many times in Parliament, and my colleagues the members for Morphett and Hanson and I have also done that. The Government has continually said, 'No, graffiti is not occurring through the provision of free public transport.' It said that was not a problem. However, the STA admitted that it is and I know that you, Mr Speaker, have a train system running through your electorate and it was infested through this scourge and I know that you also would be fully aware that free transport was causing problems. Sir, I am sure that you are equally pleased to see that this problem is finally being combated.

At last we have a Bill which, although in some areas is not as specific as I would like and is a little broad-brushed, at least adopts the penalties suggested on two previous occasions through private members Bills introduced by the member for Hanson. Also, I would like to place on record my concern about the way in which grafitti implements can be defined and locked into the legislation. The Minister has advised Parliament that grafitti implements will become part of the regulations. I appreciate the Minister's reasons for doing this, because so innovative are some young vandals that the nature of what is a grafitti implement almost changes by the day. It presents Parliament with a quandry during consideration of this Bill, because it is certainly not normal practice to have an offence linked to regulation rather than the legislation.

In saying that I point out that I considered introducing amendments to the Bill to include grafitti implements, but I concur with the Minister's logic that it is very difficult to do so. It would mean that we would have to introduce amending legislation almost on a monthly basis. There will be those from the legal profession who will express concern about listing grafitti implements in the regulations, but I do not see that we have much alternative. I would like to suggest a number of items that should be included on that

list. The items have been identified following consultation with the STA and the police. It is widely recognised that some of the most common graffiti implements are spray cans and wide felt tipped pens.

Indeed, when discussing this matter with the Minister a little earlier tonight I pointed out that the STA advised me that some young hooligans are so inventive that they are actually taking narrow felt tipped pens, breaking the ends off, and twirling the inside and splaying them out so that they have a wide felt tipped pen. It seems that any form of felt tipped pen may have to be included within the regulations applying to this Bill. It has also been put to me that the item that causes the most problems for the STA surprisingly is not the spray can these days but a product known as Wapro shoe colour. Members would know that it comes in a glass bottle complete with a nylon applicator with a foam end. This shoe dye impregnates the fabric and vinyl seats of STA vehicles and simply cannot be removed with any ease.

The Hon. M.D. Rann: It penetrates concrete, too.

Mr MATTHEW: And it penetrates concrete. That is a product that must be on the list, also. It is a problem. Another product that is difficult to remove from fabric seats is Nugget self-shine shoe polish that has a one inch wide foam applicator, and it is being used to grafitti tag cloth train seats. In drawing these items to the attention of Parliament I am sure that members will be appreciative of problems we will have with the enforcement of the legislation, because I can see young Johnny being pulled over by a Transit Squad officer for having a Nugget shoe polish applicator in his hand and saying, 'Well, Sir, I like to kick a football around at lunchtime and mum does not like my messing up the toes of my shoes and I carry the shoe polish with me to give them a quick clean before I arrive home so that mum is none the wiser.' That is yet another product that needs to be included on the list.

I am sure that my colleagues on this side of the House and also Government members will have an endless list of other items to be included on the list, including lipstick, white out correcting fluid and many other items, so that the regulations will contain a long list indeed. I am pleased to have been able to bring the Opposition's concerns about this matter before the House. I am pleased to remind Government members of the active and strong role the Opposition has played in ensuring that this Bill is brought forward.

I am also pleased that the Bill refers to posters, which are also a problem throughout our community. I have many posters throughout my electorate, as does the member for Hanson. We welcome further strengthening of the legislation to combat this problem. I know that many members from both sides of the Parliament wish to contribute to the debate and, with that in mind, I have much pleasure in supporting the Bill and look forward to its progress through Parliament.

Mr HAMILTON (Albert Park): I welcome the opportunity to speak in this debate. At the outset, I know that it surprises a number of members opposite. The Liberal Party's attitude to this legislation and the penalties surprises me because, when the Government introduced a Bill to impose fines of up to $10 000 in respect of juveniles between the ages of 10 and 15 years under the Wrongs Act, the Opposition opposed the Bill. The basis of its opposition to the Bill (and I relate that back to this Bill, Sir) was that it would cause bankruptcy to parents. Opposition members ignored the relevant section—I think it was section 27. Let it be made clear to people out in the community that the Opposition is trying to claim, and I listened with a great deal of interest to the contribution of the member for Bright, and he is sensitive on this issue, that Opposition members were the ones—and the only ones—who have raised the matter of vandalism and graffiti. Before that Johnny-come-lately came into this Parliament many members from both sides of the Parliament addressed this matter. If I had known that this Bill—

Mr INGERSON: Mr Speaker, I rise on a point of order. It is normal for members to be recognised by the district they represent and not with a 'Johnny-come-lately' description.

The SPEAKER: There is no point of order.

Mr HAMILTON: It goes to show what a fool he is when we get inane interjections like that.

Mr INGERSON: I take a point of order, Mr Speaker.

The SPEAKER: Order! The member for Albert Park will resume his seat. The member for Bragg.

Mr INGERSON: Again, we have an inane reflection from the member opposite. The normal method of referring to a member should be by district.

Members interjecting:

The SPEAKER: Order! The Chair has no idea what the member for Bragg is talking about.

Mr HAMILTON: The Opposition's intention is quite clear, that is, to take up the time available to Government members.

Mr MATTHEW: On a point of order, Mr Speaker.

The SPEAKER: Order! There is another point or order. The member for Albert Park will resume his seat. The member for Bright.

Mr MATTHEW: Mr Speaker, I draw your attention to Standing Order 127, which refers to digression and personal reflection on members. The member for Albert Park called my colleague a fool, and I regard that as a personal reflection upon him.

The SPEAKER: Order! The general procedure with a point of order relating to personal reflection is that, if the honourable member concerned does not take offence, the Chair will not take it up. As I understand it, the comment was made about the member for Bragg, but the member for Bright has taken the point of order. If the member for Bragg is not offended, neither is the Chair. The member for Albert Park.

Mr HAMILTON: It should lay to rest what are the tactics of the Opposition in this debate. In the first two minutes of my contribution three points of order were taken. This clearly demonstrates that the Opposition is sensitive to criticism. Let me put a few things on the record. I could go back to long before some of these new chums came into the Parliament, before they had even addressed these problems. Many members on both sides of this Parliament talked about the problems of vandalism graffiti, and I listened with a great deal of attention to what the member for Bright said. He tried to claim credit for everything that has been done. That is absolute arrant nonsense. I recall vividly a front page article and an editorial in the *News* of 17 October 1987 that referred to a statement I had made. The Adelaide *News* strongly supported the proposition that offenders should clean up their own mess. Let members opposite not try to claim credit. It is puerile nonsense.

The member for Fisher telephoned me asking for support at an international conference on vandalism graffiti in Melbourne. I gave that support quite readily, because this issue concerns everyone in the community. Let the honourable member not deny that, because it is fact. I was looking for a bipartisan approach from this Parliament and from the people of South Australia, not the sort of stupidity that we

have witnessed tonight from the member for Bragg in taking stupid points of order.

The Government has brought before the Parliament a well researched Bill that is strong in its content and intention in relation to vandalism graffiti. A number of my colleagues on this side of the House and the member for Fisher went to Victoria. we also went to Gosnells, and a lot of the provisions in this Bill came from there. On a number of occasions we invited Mrs Pat Morris, the Mayor of Gosnells, to come to South Australia to talk to people. How many members opposite attended the Australian Institute of Criminology conference in, I think, June last year at which the question of vandalism graffiti was discussed? May well you look stupid with a sickly grin on your face, because the facts of the matter are that only one Opposition member turned up at that conference.

Mr MATTHEW: On a point of order, Mr Speaker.

The SPEAKER: Order! There is a point of order. The member for Albert Park will resume his seat. The member for Bright.

Mr MATTHEW: Mr Speaker, I again draw your attention to Standing Order 127. While the member for Albert Park did not say which member he was calling stupid or which member was sitting with a sickly grin on his face, it was certainly a reflection on someone on this side of the Chamber, and I take exception to it.

The SPEAKER: Order! The Chair has difficulty in upholding a point of order if it does not know who has been offended. The member for Albert Park.

Mr HAMILTON: I delight in the number of interjections from members opposite, because it is a tool that I can use in my electorate. I will show my constituents the number of occasions on which the member for Bright has interjected and raised frivolous points of order in this debate. When the member for Bright spoke in this debate, there was not one point of order but, when members on this side of the House stand up and are prepared to criticise—as is our right—they cannot take it. They are little schoolboys who cannot cop it. They dish it out like Paddy's dog but, when it comes to copping a bit of a smack in the mouth or a punch around the ears, they cannot wear it.

The SPEAKER: Order! The honourable member would be well aware of the Standing Order relating to relevance. I draw his attention to it. He should relate his remarks to the Bill.

Mr HAMILTON: Indeed I am aware, Sir. The tactics that have been displayed here tonight are very interesting. Some of the toughest measures in Australia are contained in this Bill, which has been well researched.

Members interjecting:

Mr HAMILTON: Well may members opposite laugh. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

SOUTH AUSTRALIAN OFFICE OF FINANCIAL SUPERVISION BILL

Received from the Legislative Council and read a first time.

FINANCIAL INSTITUTIONS (APPLICATION OF LAWS) BILL

Received from the Legislative Council with a message drawing the attention of the House of Assembly to clauses 17 and 30, printed in erased type, which clauses, being money clauses, cannot originate in the Legislative Council but which are deemed necessary to the Bill. Read a first time.

LEGAL PRACTITIONERS (LITIGATION ASSISTANCE FUND) AMENDMENT BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 11.59 p.m. the House adjourned until Wednesday 15 April at 2 p.m.