LEGISLATIVE COUNCIL

Tuesday 14 March 1989

The PRESIDENT (Hon. Anne Levy) took the Chair at 2.15 p.m.

The Clerk (Mr C.H. Mertin) read prayers.

ASSENT TO BILLS

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

Business Franchise (Petroleum Products) Act Amendment,

Industrial And Commercial Training Act Amendment,

Market Acts Repeal,

North Haven Trust Act Amendment,

State Transport Authority Act Amendment.

Tertiary Education Act Amendment.

PAPERS TABLED

The following papers were laid on the table:

By the Attorney-General (Hon. C.J. Sumner):

Environmental Protection Council—Report, 1987-88.

State Transport Authority Superannuation Scheme and Pension Scheme—Report, 1987-88.

National Parks and Wildlife Act 1972—Regulations—Park Management.

Planning Act 1982—Regulations—Gawler River Flood Plain.

By the Minister of Corporate Affairs (Hon. C.J. Sumner):

Companies (Application of Laws) Act 1982—Regulations—Common Fund.

Securities Industry (Application of Laws) Act 1981—Regulations—Common Fund.

By the Minister of Tourism (Hon. Barbara Wiese):

The Commissioners of Charitable Funds—Report and Statement of Accounts, 1987-88.

Riverland Cultural Trust—Report, 1987-88.

Electricity Trust of South Australia Act 1946—Regulations—Vegetation Clearance (Amendment).

Central Eyre Peninsula Hospital Inc.—By-laws—Trespassing and Traffic.

By the Minister of Local Government (Hon. Barbara Wiese):

Local Government Superannuation Board—Report, 1986-87.

MINISTERIAL STATEMENT: COMMUNITY HOUSING ASSOCIATIONS

The Hon. C.J. SUMNER (Attorney-General): I seek leave to make a statement.

Leave granted.

The Hon. C.J. SUMNER: Last Thursday during the adjournment debate the member for Hanson in another place made a statement regarding community housing associations, the theme of which was an alleged misuse of public money by such associations. Some of the various specific allegations made by the honourable member were broadcast or published by sections of the news media. It is essential to the well-being of the State's co-operative housing program that any community concern that may have arisen as a result of these allegations be laid to rest. Some of the claims made by the member for Hanson were also raised by the Hon. K.T. Griffin in this Chamber and by the member for Light in another place last year.

I wish to inform members that the Minister of Housing and Construction has now had investigated all of the allegations made by members that relate to the portfolio of housing. Following this detailed investigation by the South Australian Housing Trust and the Office of Housing he is able to say categorically that the claim of misuse of public money by the Hindmarsh and Port Housing Associations is untrue. I seek leave to table a copy of a report based on information supplied by the Housing Trust and the Office of Housing concerning each of the allegations raised by members opposite.

Leave granted.

The Hon. C.J. SUMNER: I draw this report to the specific attention of the media in the expectation that they will now broadcast and publish this report's findings in the interest of balanced coverage on this subject. Because of the number of allegations and the lengthy history of the Government's dealings with the Port Housing Association, I intend not to consume too much time of the Council with this statement but let the report speak for itself. However, given the seriousness of some of the allegations made by the member for Hanson last week and subsequently reported by some of the media, I feel it is necessary to answer them at this time.

Last week the member for Hanson claimed that a luxury-type property had been bought by the Hindmarsh Housing Association. He also suggested that two public servants and a 'senior' social worker residing in Hindmarsh Housing Association properties were in breach of guidelines for the co-operative housing program. A third allegation implied that the trust had spent an inappropriate amounts of funds on a co-operative house at Brompton. All of these allegations and others were claimed by the member for Hanson to have resulted from 'detailed research on this matter' by the Liberal Party. The following responses make a mockery of this claim and expose the transparency of the honourable member's allegations.

I draw attention to the following answers: the so-called luxury property alleged to have been bought by the Hindmarsh Housing Association is in fact a multiple unit property. It contains four three-bedroom separate dwellings which provide homes for about a dozen people, of whom half are children. This property did cost approximately $264 000, but the average cost of each unit is $66 000—quite a good buy for that location.

The implication that high-income people are paying inappropriately low rents in the Hindmarsh Housing Association is based on the claim that two public servants and a senior social worker are residents of that association. The facts are that, although there are two public servants living in the association's properties, one of them is a low-income clerical officer and the other a moderate income clerical officer. The social worker is not a public servant, and is not a senior social worker. This person also pays a market rent. The property that is the subject of the allegation suggesting inappropriately high expenditure on a house at Brompton is, in fact, not even a co-operative property. It belongs to the Housing Trust and is rented to a trust tenant. However, the member for Hanson's claim that the trust spent $100 000 on extensions to this property is false. The trust, in fact, has spent $36 146 on renovating this property, which was built in 1866.

I believe these answers and all other responses contained in the report which I table today confirm the integrity of the co-operative housing program.

HOSPITAL SECURITY

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to make a statement on behalf of the Minister of Health (Hon. Frank Blevins).

Leave granted.

The Hon. BARBARA WIESE: Last week, the Deputy Opposition Leader in another place asked what action the Government was taking about a report on security at the Royal Adelaide Hospital, the Queen Elizabeth Hospital and the Flinders Medical Centre. In June last year, the South Australian Health Commission established a Hospital Security Working Party to oversee a review of security at these three hospitals. The working party, comprising union representatives and senior officers from the South Australian Health Commission and the three hospitals concerned, assessed project proposals from various security firms and individuals.

Arrangements were subsequently made for the review to be carried out by Mr Rodney Gibb, an officer seconded from the Department of Technical and Further Education, over a period of three months from 12 September. On 19 December, Mr Gibb submitted his final report to the Hospital Security Working Party: In the interests of staff and patients safety, and of property security, distribution of the report was limited to members of the committee. By publicly disclosing the report, the Opposition is defeating this purpose. On 25 January this year, the Hospital Security Working Party forwarded Mr Gibb's report to the Health Commission with its recommendations. Just over a week later, the Health Commission approved the provision of $80 000 in the current financial year to be used for improvements in the areas identified by Mr Gibb as requiring immediate attention. They included masterkey locking systems, staff identification cards and cash receiving and banking procedures.

In the following week, on 10 February, the Health Commission approved funding for a security consultant to work with and provide more detailed advice to the three hospitals in determining their security priorities and in developing their security upgrade programs.

The Health Commission also agreed to consider contributing to major items of security expenditure at the hospitals as a part of the normal budget process. The Royal Adelaide Hospital, the Queen Elizabeth Hospital and the Flinders Medical Centre are presently in the process of selecting a senior officer to address the security issues raised in the report. These officers, whose positions will be funded by the Health Commission, will be responsible for determining priorities and developing programs to upgrade security in consultation with management, staff and union representatives.

This whole exercise to review and upgrade hospital security is a credit to the South Australian Health Commission, the representatives of the unions and hospitals involved in the working party and the author of the report. They have approached this task responsibly and promptly.

In contrast, the Opposition and its Deputy Leader have not been responsible. For nothing more than political capital the Opposition, by disclosing this report, has knowingly made our hospitals, their patients and their staff, vulnerable.

MINISTERIAL STATEMENT: INTERNATIONAL BUSINESS DEVELOPMENT

The Hon. BARBARA WIESE (Minister of Tourism): I seek leave to make a statement.

Leave granted.

The Hon. BARBARA WIESE: On Thursday, the Hon. Mr Lucas alleged that Ms Jennifer Richardson was a director of International Business Development and that she has undertaken work for Tourism South Australia in that capacity. He also indicated that she had been a member of the former South Australian Tourism Development Board.

I said then, and I confirm now, that Ms Richardson is not and has never been a director of International Business Development and, therefore, any work she may have done for Tourism South Australia is a matter between her and Tourism South Australia. However, for the record, I provide the following information.

Ms Richardson was appointed to the Tourism Development Board in July 1984 by my predecessor the Hon. Gavin Keneally. She served until September 1987. Ms Richardson was engaged by Tourism South Australia in September 1987 to undertake two separate tasks. That work was completed by December 1987 and she has not worked for Tourism South Australia since that time. At no time has International Business Development been engaged to perform any function on behalf of TSA.

I was also asked to provide information about any dealings Mr Jim Stitt may have had with any departments for which I have responsibility. I have been advised that there have been two occasions when Mr Stitt was present at meetings involving TSA officers in July 1988, one at which representatives of Paradise Developments provided a briefing on their proposed development on Kangaroo Island. No requests were made for assistance from TSA.

The second meeting at which Mr Stitt was present, held in the office of an Adelaide company, related to an inquiry by a banking group concerning the possible purchase of the South Australian Government Travel Centre Building. Mr Stitt was representing one of the parties interested in the project. He played no prominent part in the discussions and there has been no further inquiry on this matter.

Mr Stitt has also had contact with the Department for the Arts for which I have some responsibility. On two occasions he met with Government officers to seek information about the Government's Living Arts Centre proposal. There has been no further contact with Mr Stitt on this matter since the second of the two meetings in June 1988.

QUESTIONS

ADELAIDE CHILDREN'S HOSPITAL

The Hon. M.B. CAMERON: I seek leave to make a statement before asking the Minister of Tourism, representing the Minister of Health, a question about the Adelaide Children's Hospital.

Leave granted.

The Hon. M.B. CAMERON: I refer to the newspaper article in last Saturday's *Advertiser* which stated that a man serving life imprisonment for the murder of a 14 year old girl has recently been treated at the Adelaide Children's Hospital after undergoing cosmetic surgery. The article went on to say that the man, James David Watson, was regularly led into a children's waiting room at the hospital's craniofacial unit wearing handcuffs. Reports of these actions have, understandably, outraged the staff at the hospital and the general public, not the least the mother of schoolgirl, Fiona Perkins, who was allegedly raped and then murdered by Watson.

I understand that there appears to have been no need for Watson to have used a general waiting area occupied by children while he was awaiting treatment. I am told that other waiting rooms away from the general area could have been used, and would not have caused distress to children visiting the hospital and who witnessed the prisoner being brusquely handled by warders.

I understand that hospital staff were unaware of the crime Watson had been imprisoned for, as they are never advised of such details, and maybe that is why there appeared to be so much insensitivity shown by clerical staff in assigning Watson to a general waiting area.

However, the treatment of prisoners for such so called cosmetic surgery raises the issue of exactly what priorities are afforded inmates of Correctional Services institutions seeking non-urgent surgery, particularly as there are quite extensive public waiting lists for certain types of operations. My questions to the Minister are:

1. Is information on the prisioners provided to the institutions to which they are taken for treatment prior to their arrival at such institutions?

2. Who made the decision to have the prisioner treated at the Children's Hospital and the decision to have Watson, a child killer, wait for outpatients treatment in a waiting area occupied by children?

3. Who pays for the teatment of prisoners in such instances—does it come from the Health budget of the State or the Correctional Services budget of the State?

4. Was the operation on this prisoner considered to be elective surgery?

5. What priorities do prisoners have in our public hospital system in obtaining surgery or treatment considered to be other than life threatening, in other words elective surgery? Do they in fact wait on the queues that have become renowned in our public hospital system or do they have some priority over the normal public patients?

The Hon. BARBARA WIESE: I will refer those questions to my colleague and bring back a reply.

BANKCARD FEES

The Hon. K.T. GRIFFIN: Will the Minister of Consumer Affairs advise whether, following weekend newspaper reports which suggest that banks that operate bankcard services may seek approval to make an annual charge on all bankcard holders because of the large numbers of holders who take advantage of the 50 days interest free period (notwithstanding that merchants pay fees), it is the Government's intention to allow such fees to be charged against all bankcard holders?

The Hon. C.J. SUMNER: I have already answered that question in the public arena. The matter is subject to discussions presently by the Standing Committee of Consumer Affairs Ministers. The position taken by most Ministers to date is that up-front charges of this kind for Bankcards and other credit cards issued by banks should not be permitted. To enable them to be permitted on a national basis would require changes to legislation in the other States although, of course, it would be possible for South Australia to act as there is no prohibition on such charges in our legislation as our consumer credit laws do not cover the banks. However, the matter will be dealt with nationally as far as the South Australian Government is concerned: we will not act on it unilaterally.

The South Australian Government's position is the same as that of the majority of other States. However, at the last meeting of SCOCAM, although it was made clear to the banks that that was our position, they were invited to make a case on this issue for future consideration. The banks introduced this product under certain conditions which were, as I understand it, negotiated with governments at the time. It seems that if those conditions are to be changed, it is up to the banks to establish a case for such change. To date that has not been done to the satisfaction of Consumer Affairs Ministers, but the matter is under consideration.

MOTOR VEHICLE INSURANCE

The Hon. L.H. DAVIS: I seek leave to make a brief explanation before asking the Attorney-General a question about motor vehicle insurance.

Leave granted.

The Hon. L.H. DAVIS: A recent report by the Federation of Community Centres in Victoria claimed that 14 per cent of vehicles in that State, that is, one vehicle in seven, have no property damage insurance. This report highlights the fact that, whereas personal injury insurance is compulsory, property damage insurance for vehicles is voluntary.

If the driver of a badly damaged vehicle was in the wrong and uninsured, he or she could end up in substantial debt. Even if a driver was not at fault, he or she could still incur substantial debt, because the driver at fault might be uninsured or assetless. The party not at fault in a vehicle accident involving significant damage to the vehicle will be compensated for the damage to the vehicle only if the party at fault has third party property insurance or significant assets and/or significant income. Insurance companies, to the extent that they cannot recover damages from uninsured drivers who cause damage to vehicles that they insure, are forced to increase insurance premiums.

I have had discussions recently with an executive officer of the National Insurance Brokers Association of Australia who confirmed that this matter is of great concern to the insurance industry. No Australian State at present makes it compulsory for drivers or owners of private motor vehicles to take out third-party property insurance. This is in sharp contrast to most Western countries. All EEC countries, the Canadian provinces and many Australian States require compulsory motor vehicle property insurance.

I have examined the recent bankruptcy statistics in South Australia and been advised that in some months persons becoming bankrupt because of no third party property insurance account for as much as 10 per cent of the monthly total. That came as a surprise to me, and I suspect that it may come as a surprise to the Attorney-General who, I imagine, also monitors these figures.

In 1988 there were 1 403 bankruptcies. I understand that over 100 of those bankruptcies resulted directly from the absence of third party motor vehicle insurance. As I have already explained, a person who has become bankrupt may not have been the party at fault in the accident. For the record, the annual cost of third party property insurance in South Australia for a standard four-year-old vehicle is about $70.

Is the Government aware of the problem that I have outlined? Will the Government monitor the level and number of bankruptcies resulting from the absence of third party property insurance? Has the Government had any recent discussions with other State Governments or representatives of the insurance industry on this most serious problem?

The Hon. C.J. SUMNER: It is interesting to note that honourable members opposite insist on talking about deregulation and not having legislation which imposes obligations on the community. Now we have yet another exam-

ple of them talking philosophically about deregulation and then coming in with another proposal for regulations.

The Hon. L.H. Davis: I am talking about a community problem.

The Hon. C.J. SUMNER: Yes. I am just telling you. The Opposition is never consistent about it. It comes in with a proposal to place an obligation on members of the community—that is, making compulsory—

The Hon. L.H. Davis interjecting:

The Hon. C.J. SUMNER: You want compulsion.

The Hon. L.H. Davis: I didn't say that. I asked whether you were aware of it.

The Hon. C.J. SUMNER: Now the honourable member apparently does not want it. He comes and complains about the fact that there is no compulsory property coverage.

The Hon. L.H. Davis: I didn't complain about that.

The Hon. C.J. SUMNER: So the honourable member is not complaining about it. That is all right—as long as we have got it straight.

Members interjecting:

The Hon. C.J. SUMNER: The Hon. Mr Davis is completely neutral about the topic.

The Hon. L.H. Davis interjecting:

The PRESIDENT: Order!

The Hon. L.H. Davis: Don't you think that this is a matter of community interest? That is why I asked the question.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The Hon. Mr Davis has asked the question only because it is a matter of community interest. He has no view on it whatsoever. He is a complete neuter on the topic, so we have that straight by way of interjection. However, it is worth making the point that honourable members opposite prattle about deregulation at all points, and the honourable member has only discovered in the past week or two that there is an issue about compulsory third party insurance.

The Hon. L.H. Davis: No—about bankruptcies resulting from this.

The PRESIDENT: Order!

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The point is that they come in here talking about deregulation and so on when it suits them, but they then come in suggesting that there ought to be an obligation, that is, compulsion, placed on citizens to insure against this sort of risk. I want to place that on the record, to make it clear that members opposite will shift and change—

The Hon. L.H. Davis: I haven't put a view. Don't you twist what I have said. I have just put the facts as they are. That's all I have done.

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I am not twisting what the honourable member has said. I have established that the honourable member raised the matter of community interest. The honourable member has no view on the topic whatsoever.

The Hon. L.H. Davis: Can't you ask questions without having a firm view? Aren't you allowed to do that any more?

The PRESIDENT: Order!

The Hon. C.J. SUMNER: The honourable member is not advocating anything in relation to the matter except, of course, that the implication (which he seems to have retracted now) was clearly that he wants compulsory third party property insurance.

Members interjecting:

The PRESIDENT: Order!

The Hon. C.J. SUMNER: I have not had any recent discussions with the insurance industry on this topic. This matter has been around for many, many years, and Governments have considered it on many occasions. The reluctance to act in this area is based on the simple fact that the information produced when this matter has been examined indicates that premiums for everyone would rise substantially if compulsory third party property insurance were introduced.

That is essentially the problem. It sounds an attractive idea, but it would increase the cost to everyone in the community. If the community were prepared to pay that higher cost to everyone in order to get that service, then presumably the community would go ahead with it. However, the reality is that extensive investigations have shown that the cost of premiums would be increased across the board for all South Australian citizens. That is the principal reason why this matter has not been proceeded with.

As to the level of bankruptcies, according to the Hon. Mr Davis, individuals could not afford to pay following a claim against them for property damages arising out of a motor vehicle accident because they themselves did not voluntarily take out comprehensive insurance. If they had had comprehensive insurance, they would not have been placed in the situation that the honourable member has described.

The situation with respect to comprehensive insurance is that everyone can resolve their problem by taking out comprehensive insurance themselves, covering damage to their own vehicle and to any vehicle that they might damage as a result of a motor vehicle accident. The problem arises when claims are made against people who have no insurance, or where the claimants have no insurance themselves. That problem can be readily overcome by individuals taking out comprehensive insurance. There would then be no problem for the individual.

The Hon. Peter Dunn: Just paying for it.

The Hon. C.J. SUMNER: Yes, paying for the insurance. The alternative is to make it comprehensive, which means that people will pay more. That is the information that I have had from the investigations that have been done, although I cannot say whether or not that information needs updating. That has certainly been the principal reason why Governments anywhere in Australia have not acted to introduce comprehensive property damage insurance for motor vehicle accidents. The Government has no intention at this stage of moving on this matter, but it is obviously a matter that would be considered if an argument was put forward to show that it was justified and in the community interest.

HOME LOAN INTEREST

The Hon. I. GILFILLAN: I seek leave to make a brief explanation before asking the Attorney-General a question relating to regulating home loan interest.

Leave granted.

The Hon. I. GILFILLAN: After the housing summit it is an appropriate time to review, and many people in the community are reviewing the consequences of the deregulation of the Australian financial system. The original promoters of the deregulation, which included outstanding political spokespersons such as Mr Keating and Mr Howard (Labor and Liberal) and some economists, predicted that, with free trade in foreign exchange, market forces would correct our imbalance of payments. In fact, they have multiplied the deficit.

They said it would stabilise exchange rates, but the dollar oscillates as never before—down to US 60 cents and up to US 90 cents in a single year. They said new capital would flow in to re-equip Australian industry. They proved doubly wrong. Less of the foreign investment is in new productive capacity—there has been a further shift to buying existing assets and financing takeovers. More Australian savings are going offshore leaving less to finance Australian industry. Corporate profits are up but less of them are being reinvested.

The deregulators said that bankers would stop directing their housing funds to their richer customers, and would open home ownership to more low-income households. In fact, housing loans are going on average to richer buyers of dearer houses than ever before.

Finally, they predicted that competition would shave bank profits and interest rates. In fact, bank profits, customer charges and nominal interest are up, and real interest has multiplied by four since Labor's deregulation and by eight since 1980, multiplying the costs of all public, private and housing investments that use borrowed funds. Most members would know that real interest is the difference between the nominal rate of interest and the rate of inflation over the life of any loan. It is what the loan pays the lender and costs the borrower in real purchasing power. In Australia, on safe loans for housing or Government it averaged less than one per cent, the lowest in the developed world, from 1945 to 1980. It is now running above eight per cent, the highest in the developed world.

In constant dollars, if a house purchaser borrowed $50 000 on a house and repaid it over 20 years before 1980 it cost $55 000 altogether. If 1988 rates persist, it will now cost about $85 000. In relation to their income, the high early repayments which people have come to expect will now persist much longer than they used to do. Mr Keating has thus added about $30 000 in 1988 dollars—about half—to the real cost of buying a basic Adelaide house. Similarly, as an illustration, if a home buyer with a $10 000 deposit could afford a $90 000 debt repayment over 20 years, he or she could buy, before 1980, a house worth about $90 000, but since 1986, only a house worth about $50 000. So, it is quite obvious from those figures that deregulation has failed in providing cheap or reasonable finance to the house buyer. All developed countries, except Australia, have given substantial aid and protection to housing finance. There are good reasons for protecting funds for farming, manufacturing and other productive uses from open competition from rent-seekers, corporate raiders and exchange gamblers. My questions are:

1. Does the Bannon Government agree that Australian domestic interest rates should not, and need not, be dictated by overseas money-lenders, who provide only a small section of Australian borrowings?

2. Does the Bannon Government support the reregulation of all banks and financial institutions so that a fixed percentage of their funds are made available for housing and other special purposes at low interest, equivalent to the rate of inflation plus one per cent which would probably be nine per cent in today's terms?

3. If so, will the Bannon Labor Government pressure the Hawke Labor Government to implement the reregulation of financial institutions?

4. If not, what will the Bannon Labor Government do for the thousands of home owners and others who are being required to pay crippling and totally unnecessary exorbitant interest rates?

The Hon. C.J. SUMNER: Madam President, the issues raised by the honourable member obviously go beyond the question of housing interest rates. The initiatives taken by the Hawke Government with respect to the opening up of the Australian economy to international pressures and competition have been applauded by most people in the community and they deserve to be supported. The reality is that Australia can no longer hide behind high tariffs or subsudies for various sectors of the community. The reality is that unless Australia recognises that it is part of the world, that it has to compete as part of the world—

The Hon. M.J. Elliott: That's sloganism.

The Hon. C.J. SUMNER: That is not sloganism. It is absolutely critical to our survival. Exposing ourselves to world competition through that process means that we become a more productive community. That is the reality. We have to become a more competitive and productive community. They are not slogans—that happens to be the reality. The Hawke Government—really the first Government for years to do so—took steps to bring Australia into the world economy by deregulation of the exchange rate, by deregulation of the financial sector, by a controlled reduction in tariffs, and by attempting through the accord to obtain improvements in work practices and productivity improvements within the workplace. This is all part of a design to make Australia more competitive. We either go down that track—

The Hon. I. Gilfillan: It's not working.

The Hon. C.J. SUMNER: It is working. We either go down that track or we turn ourselves inwards and ignore what is happening in the rest of the world. The reality is that the Hawke Government took this action in the macro sense and I believe that it deserves support. Certainly, it was supported by the Opposition and Mr Howard, even though he did nothing about it when he was Treasurer with Mr Fraser. During the period of Mr Fraser and Mr Howard there was an incredible stagnation in the Australian economy. There was no attempt to restructure the economy, and I think most commentators would agree that the period of the Fraser-Howard Government was a wasted period in Australia's economic history. It was a wasted period in terms of producing within our country a more competitive and productive environment.

The Hawke Government changed that and has taken steps that have been applauded by the Opposition and by the community generally. Involved in that of course is the problem to which the honourable member has referred and, because I have supported that general approach of the Hawke Government, it does not mean that assistance should not be given to home buyers in certain circumstances. I do not believe that the re-regulation of all banks, interest rates and other issues within the banking system is the answer. The notion that the honourable member has apparently brought forward is that we can fix interest rates in Australia without any reference to what is happening in the rest of the world, that we can re-regulate the banking system completely.

I do not believe that that can satisfactorily occur. However, I do believe that some assistance has to be given to home buyers and, in that context, I thank the honourable member for his question. I would be willing to share with the Council the submission made by the Premier at the recent housing summit. Prior to the summit and in his submissions to it the Premier said that five main points had to be considered:

Interest rate relief for people on low incomes;

Continued support for public housing by maintaining Commonwealth funding at public levels;

A go-ahead from the Commonwealth for more money from the Commonwealth-State Housing Agreement (CSHA) to be spent on housing stock rather than recurrent expenditure;

Increased Commonwealth funding for infrastructure for new housing developments;

Redirecting growth from Sydney and Melbourne to Adelaide and other capital cities.

The report of the Premier's comments continues:

Mr Bannon said the solutions required for Adelaide's housing problems were different than other States. The Commonwealth Government is making a mistake if it believes the same solutions to the housing problems of Sydney and Melbourne can be applied to the situation in Adelaide. There is a reasonable supply of land for housing and the price of established houses in South Australia has increased at a much lower rate than in other States during the past 12 months. The biggest problem we face—

in South Australia and this may be the case in the other States—

is the impact of recent big rises in interest rates, for example, interest rates in South Australia have risen by 1 per cent over the past four months. Since deregulation of interest rates in 1986, the average housing loan has been $47 500. The rises of the past three weeks have added $45 per month to the repayments—a significant burden for the average family. So rather than simply releasing extra land for housing, we have to ensure that people can afford their current housing and can afford to move into new housing.

The Government believes that this could best be achieved by increasing people's disposable income through substantial tax cuts while at the same time providing relief for those on low incomes who are hardest hit by interest rate rises. The South Australian Government submission to the housing summit and the Commonwealth Government also proposed increases in supplementary rent assistance as well as improvements to the First Home Owners Scheme. While welcoming the proposals to release surplus land the Government also said that the Commonwealth needed to come to the party to assist with funds for developing that land for housing. Clearly, there are substantial costs in developing water supply, sewerage, roads, schools and so on.

Madam President, the honourable member and the Council will see that the Premier, in taking up this matter at the housing summit, referred and argued specifically for relief from interest rate increases, and that position will continue to be put. However, I do not believe that the answer is to return to the situation that existed pre 1982. That is not a realistic option for any Government, or indeed for the Democrats, but that does not mean that subsidised relief in a proper way cannot be given to the housing interest front. It can be and, as far as the Bannon Government is concerned, it ought to be given appropriately with support from the Federal Government.

The Hon. I. GILFILLAN: Madam President, I desire to ask a supplementary question. The Attorney commented that the Premier admitted that there were crippling interest rates on housing. Does he not agree that it is possible in Australia to legislate for a proportion of the funds held by financial institutions—that is, banks and other financial institutions—to be put on special deposit and released to housing and other special interest loans at a low interest rate, and that that would have a direct effect on reducing the crippling interest rates on home buyers?

The Hon. C.J. SUMNER: I suppose that anything is possible. It is a question of whether it is practicable and something that is within the realms of practicality. Obviously, many things can be done, but it is not a matter of the Democrats getting up and saying 'Let's do this' without considering the consequences that might flow from it and any adverse repercussions that might exist within the financial sector if such a move were taken. However, I have indicated to the Council the Bannon Government's concern about these issues and, in particular, the problems of low income earners and high interest rates.

We have called for the substantial tax cuts which have already been foreshadowed by the Federal Government, and we also believe that proposals for the relief of low income earners, in particular, from higher interest rates should be proceeded with. Whether the proposition of the honourable member is viable I am obviously not in a position to say, but I am sure that if he put that proposition to the Federal Government, whose responsibility it would be, it would consider the matter and give him a reply.

POLICEWOMEN

The Hon. CAROLYN PICKLES: I seek leave to make a brief explanation before asking the Attorney-General, representing the Minister of Emergency Services, a question about conditions of employment for women in the South Australian Police Force.

Leave granted.

The Hon. CAROLYN PICKLES: Recent figures show that only 11 per cent of the South Australian Police Force are women. Not only are women in the Police Force a minority but also the duration of their employment is very short. Currently, I understand that the average term of employment for women is only 3.5 years. Women are also underrepresented in the higher ranking orders of the force, a factor associated with their shorter term of employment. The percentage of female members of the rank of First Class Constable or above achieved after five or more years service is only 1.7 per cent of the force.

I have been advised that there are a number of contributing factors to the low retention rate for women in the force. These include a regulation which prevents personnel rejoining the force after the age of 30. As most women have children in their late 20s and early 30s, this makes it very difficult for women to rejoin after having children. There is no part-time work available for women in the operational areas of the Police Force. Part-time work is a large avenue of employment for women. Currently, women make up 81.5 per cent of the total number of the South Australian part-time workforce. Women in the Police Force also lose seniority if they take parental leave, and there is no guarantee that they will be able to return to the same area of operations.

All those factors and others militate against women forming a long-term career in the force. Will the Minister advise what steps are being taken to improve the conditions of employment for women in the Police Force?

The Hon. C.J. SUMNER: I will refer the honourable member's question to my colleague and bring back a reply.

RESCUE HELICOPTER

The Hon. R.J. RITSON: I seek leave to make a brief explanation before asking the Minister representing the Minister of Emergency Services a question about emergency services.

Leave granted.

The Hon. R.J. RITSON: It is now more than three years since the Taeuber committee reported on rescue helicopter services and said that the Bell Longranger known as Rescue One was inadequate for some of the tasks required of it; that the situation was akin to flogging a willing horse and that the machine should be replaced with a more modern and powerful helicopter. The Government's response was an immediate 'No'. It is important to lead the Council through this saga. The Bell 206 was designed as a personnel transport and aerial observation aircraft, and performs those tasks very well, but when called upon to carry out search and rescue operations or air medical evacuation, very serious limitations become obvious.

These include overall power limitations, stability limitations, cabin layout limitations which prevent certain inflight emergency treatment, and access door limitations when retrieving babies in humidicribs. From the police point of view, additional limitations include winching capabilities, spotlight limitations and lack of infra red search equipment, and more. Early in 1986 the Police Association listed a number of incidents in a letter to the Minister (Hon. D.J. Hopgood). On 26 August 1986 after I had raised the matter in the Parliament, the *Advertiser* quoted the police letter under the headline, 'Copter deficiencies could lead to death'. The Police Association was quoted as saying, *inter alia*:

If that occurs it will place the Government in an invidious position because it may have acted against expert advice and continued to supply unsafe equipment to the rescue services.

On 9 December 1986 a State Government advertisement appeared in the *Advertiser* calling for tenders for the supply of a new rescue helicopter. That, apparently, took the Minister by surprise. The following day the *Advertiser* reported the Minister as saying 'this was not an indication that the helicopter was about to be upgraded'. Tenders closed on 12 January 1987 at 2 p.m. officially, although I understand that they were extended for a few hours for one tenderer. Sure enough, no tender was accepted.

In December 1987, a year later, I again raised the matter of the shortcomings of Rescue One in relation to an accident at Edinburgh Air Base during the Grand Prix of that year. That was an unfortunate incident in which an airman lost both legs in an explosion and a retrieval team was sent in the rescue helicopter. Unfortunately, the requirement for inflight treatment was such that the helicopter was inadequate. It would not physically allow the degree of movement of medical staff in the cabin to carry the man to hospital, treating him on the way. An ambulance was called and, accompanied by four police cars, made a high speed dash to hospital and the helicopter returned empty. It is worth noting that the Air Force did not transport him in one of its larger helicopters because the Air Force does not undertake an around-the-clock civilian responsibility. It runs a regular working week, sends men on leave and closes the airfield from time to time.

That matter was raised on 7 December of that year. Five days later (on 12 December) the Labor member for Henley Beach (Mr Ferguson) came into the act. He is quoted in an *Advertiser* report of 12 December as saying that he was sure an affordable twin-engine machine could be found to replace the Bell Longranger. The same article quoted Dr Michael Jelly, then Chairman of the Helicopter Steering Committee, as saying:

In the new year we hope to find a twin-engined machine affordable to the Government.

The new year came and went, and another new year came and went, and here we are approaching the middle of 1989. I cannot find any of the providers of emergency services who know what is happening.

On 12 May 1988 Dr Jelly is reported as saying that a registration of interest by aviation companies had been called for but, of course, Dr Jelly cannot write the cheques; only the Minister can write the cheques, and it seems that everything is jammed up at the Minister's desk. On behalf of the policemen, the Star Force, the police divers, the doctors who fly out on these missions, the firefighters, those who have accidents in remote areas, and those who will be lost at sea, I ask the Minister the following questions:

1. With regard to the May 1988 register of interests, how many companies expressed an interest in supplying a helicopter?

2. What types of aircraft were offered?

3. Since the register was opened, have tenders at any time been called for the supply of a new helicopter?

4. If not, why not, and when will tenders be called?

5. If so, when were tenders called? When did they, or will they, close and what classes or types of helicopter were or are to be tendered for?

The Hon. C.J. SUMNER: I do not have the specific information that was asked for, but I can say that this issue is presently under consideration by the Government. The matter will be considered in the context of this year's budget. I will have the specific questions referred to my colleague.

CREDIT OVERCOMMITMENT

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Attorney-General a question about the credit overcommitment inquiry.

Leave granted.

The Hon. DIANA LAIDLAW: In late October 1987—over 18 months ago—the Attorney-General established a working party headed by the Director-General of Public and Consumer Affairs (Mr Colin Neave) to investigate means of providing practical solutions to tackle the problems arising from consumer debt and credit overcommitment. At that time it was stated the investigation would conclude early in 1988 with the report being presented to the Attorney-General in May or June last year.

Some nine months after this deadline, I understand that the report has not yet been presented to the Attorney-General—or at least that was the advice I was given late last week—let alone released for public information and acted upon. In the meantime, Mr Neave last December informed a public forum on credit cards that South Australia's credit legislation was a failure. In the *Advertiser* of 14 December he is quoted as stating:

I think the credit legislation as it stands has been a failure and I think there are good grounds for dealing with the problem.

More recently, in fact last month, the debt project officer with the South Australian Council of Social Security (Miss Margaret Galdies) said financial counsellors were gearing up for an influx of clients because high interest rates were forcing people to use credit to maintain their standard of living. I ask the Attorney-General:

1. What is the excuse for the Working Party on Credit Overcommitment taking some 17 months to date—and possibly longer—to finalise its report, when the initial deadline was May/June last year?

2. When will the report be finalised, and does the Attorney-General propose to release the report for public information and assessment?

The Hon. C.J. SUMNER: This particular working party is in the hands of the Commissioner for Consumer Affairs (Mr Neave), who has been chairing it. I have not yet received the final report, although I anticipate that it will be received shortly. Also, I anticipate that it will be made public, but a decision on that will be made after I have received it.

I do not concede that South Australian consumer credit legislation has been a failure. The fact is that South Australia has had consumer credit legislation since 1972. Most other States did not enter this field until 1984 or 1985, so South Australia had consumer credit legislation for 12 years before any other State intervened and passed legislation to cover this topic.

The reality is that the South Australian consumer credit legislation worked very effectively in dealing with the problems that were outlined at that time. Most of the credit—this is for personal items at least—in the early 1970s was

extended by finance companies, so the Consumer Credit Act covered their activities. It did not cover banks, building societies or credit unions, so it was not as comprehensive as more modern legislation which has been passed in the other States. However, it worked, and worked well—and worked to the benefit of South Australian consumers for many years. Indeed, as I have said, for some 12 years it was the only legislation of its kind in Australia.

The South Australian Government recognises that its credit legislation needs updating, but we want to update it in a way that is consistent with the legislation in other States. That is why South Australia is convening a working party on consumer credit which was established by the Standing Committee of Consumer Affairs Ministers. It is hoped that this working party will produce a framework for uniform consumer credit throughout Australia and for consumer credit legislation that is broader in its compass than that which has hitherto existed in this State.

I believe, and have advocated very forcefully at meetings of State and Federal Ministers, that we ought to achieve uniformity in these areas which affect the business community in Australia. I have advocated, through the Standing Committee of Consumer Affairs Ministers, uniform legislation in the area of fair trading, and that was achieved with consumer protection measures in the Federal Trade Practices Act being mirrored in fair trading legislation in at least four States, including South Australia. Similarly, I believe that there ought to be uniformity in consumer credit legislation. That is what we are aiming towards. The South Australian legislation, meanwhile, stays in place. It is recognised that it is now somewhat dated and does need upgrading, and that will happen in conjunction with the decisions taken through the Standing Committee of Consumer Affairs Ministers.

POLICE STAFFING PRACTICES

The Hon. M.J. ELLIOTT: I seek leave to give a brief explanation before asking the Attorney-General, who represents the Chief Secretary, a question about police staffing practices.

Leave granted.

The Hon. M.J. ELLIOTT: Recently I was contacted by a resident of South Australia who had been trying to make contact with a small suburban police station for some time and could not get telephone calls answered. Apparently, this particular station is staffed from 9.30 am to 4.30 pm only four days a week, and even when telephone calls are made during those days they are not answered. On further inquiry I found that it seems there is a larger station nearby which, whenever the smaller station is short staffed, does not direct an officer to it.

I have been contacted by a number of other people who suggest that there seems to be problems with police staffing levels. It is suggested that the Government, which is struggling to find money at the moment, is looking at ways of getting around various problems. Rumours circulating in the Police Force at present are that the Government is examining the possibility of having permanent day and permanent night staff in the Police Force, at reducing staffing of some police stations by placing receptionist/secretaries at the stations, and was looking at the possibility of officers working fewer shifts (of 12 hours) rather than working the five standard shifts so as to reduce overtime payments.

It is more than a vague possibility that the Government is about to set up a pilot program at Christies Beach, where there are single person patrols. That is causing a deal of unrest amongst police because, if a single person patrol is called to a serious incident, it can place an officer at very real risk. My questions to the Minister are:

1. Will smaller stations get a guaranteed staffing or what value does the Minister see these stations having without such permanent staffing?

2. Will the Minister inform the Council of what cost saving measures are currently being entertained in relation to staffing?

3. At what hours will these single person patrols be operating and what instructions will they have in terms of going to calls when they are operating singly?

The Hon. C.J. SUMNER: There is a degree of speculation in what the honourable member has said, but I will refer the question to the appropriate Minister and bring back a reply.

ABORTION CLINICS

The Hon. J.C. BURDETT: Has the Attorney-General an answer to a question I asked on 16 November 1988 on an abortion clinic?

The Hon. C.J. SUMNER: The issue of whether a question asked in the Legislative Council involves a request for a legal opinions is an issue of parliamentary practice and usage to be determined by the President and the Council. Nevertheless, in judicial prodeedings:

(a) The issue of whether a word bears a particular meaning in a statute is an issue of law, unless it is determined as a matter of law that the word bears some special meaning, in which case the issue of what is that special meaning is a mixed question of law and fact.

(b) Once the meaning has been determined, the issue of whether particular facts fall within that meaning is on issue of law or perhaps a mixed issue of law and fact. (See *Hope v Bathurst City Council* (1980) 144 C.L.R.1.)

On this basis a court would hold that a question as to the meaning of the word 'hospital' in section 82a of the Criminal Law Consolidation Act and the question of whether a particular premises is a 'hospital' so defined are each questions requiring a legal opinion.

Response to question (1):

I am advised by the Crown Solicitor that a free standing abortion clinic could properly fall within the meaning 'hospital' in section 82a of the Criminal Law Consolidation Act.

Response to question (2):

It is not intended to amend the abortion regulations in respect of a free standing abortion clinic in the near future.

Response to question (3):

Refer to question (1).

DROUGHT FUNDS

The Hon. PETER DUNN: Has the Attorney-General an answer to my question of 16 February regarding drought funds and their availability?

The Hon. C.J. SUMNER: The answer to both questions is 'No'.

PASTORAL LAND MANAGEMENT AND CONSERVATION BILL

Adjourned debate on second reading.
(Continued from 9 March. Page 2284.)

The Hon. PETER DUNN: The Opposition formally supports the Bill but certainly reserves the right to amend it later. If the Bill is not amended to a degree that is satisfactory to the people and to the operation of the pastoral lands, we will oppose it at the third reading. The Bill is most unusual and for those very reasons I will move that a select committee be appointed to look at it. Even though talk of revising the Pastoral Act has gone on for seven or eight years, it is amazing that in an election year the Government should introduce this Bill which, in effect, takes away power totally from the pastoral industry and gives it to a city-based group of people.

That is what the Bill is all about. It is nothing to do with better management of pastoral areas. However, it has an awful lot to do with the transfer of power from those people who live in that area and manage the country to a group of people in the city, particularly those who deem themselves to be totally in tune with conservation. I say that deliberately because I believe that the pastoralists themselves have proven by their very nature to be very good conservationists.

I dare to say that not one member of the Government has been to the North or been on a station for more than a few hours. If I were to take any members to that area, they would find that it is in better heart today than it has been for many years. I put that down to the fact that those in the area are excellent managers. At the moment the area is in marvellous condition because of the beautiful rains. Yesterday the heaviest rainfall for South Australia was recorded in the Flinders Ranges—some 11 inches in 24 hours.

The Hon. I. Gilfillan interjecting:

The Hon. PETER DUNN: No topsoil has gone. Some water must have run down, but no more than at any other time. If we look more deeply into the Bill, we see that whenever pastoralists, farmers or in fact anyone experiences financial difficulties, their industries are put under pressure. If we look back in history, we see that whenever the pastoral industry has not gone well it has caused problems to the land and resulted in degradation of fauna and flora in the area. I do not believe that the Government could organise a kelpie dog show, and the economy is a bit like a dog's breakfast at the moment; nobody knows what it is doing or where it is going. I tip that enormous pressure will be put on pastoralists in the years to come.

The Hon. T.G. Roberts: Are they doing all right now?

The Hon. PETER DUNN: They are doing all right at the moment, but that has nothing whatever to do with this Government. However, the way that we are heading, it will be. The Aussie dollar is about to take off again. It was interesting to note that Lloyds of London said that our economy was about to fall over and that the Aussie dollar would end up at 70c before the end of the year.

That might be of advantage to those who are selling meat and wool, but it is not because of this Government's good management that that is happening; it is because of what the rest of the world thinks about us and how our economy is running. If our economy runs well and those people are able to make a quid, they will look after their country. In the 1930s, the 1970s and the 1890s the country was under great pressure. That was when the country looked to be at its worst and when it was degraded more than at any other time.

The effect of the Bill on the pastoralists will be dramatic because people in this city will be telling them what to do. The Bill affects the pastoralists, the towns in which they live and the communities around them—and they are very sparse. I doubt whether the Hon. Trevor Crothers would understand that, because he has not been up there. I do not think that the Minister, when she presented the Bill in another place, understood that either. She made great play of the fact that she signed and sent two letters to every pastoralist in the area—all 237 of them. Fancy having to sign all those letters! Apparently because of that she has had a lot of communication with them. I understand that she also went to Roxby Downs to talk to them. That is at least one trip up there. However, she has not invited them into her office. She has not been up there and talked to them or stayed with them, and I doubt whether she understands the problems that beset those people.

However, the Minister understands what the conservation lobby and the city people—the street-wise people of this world—want. They want power, and they are going to get it out of this Bill. It will take just about all the decision-making process away from the pastoralists. It will place it in the hands of people who believe that they know best. Why do they believe that they know best? The reason is that just about all of them watch television, and on television one will see, with relentless monotony, David Bellamy, Harry Butler and Les Siddons—all excellent, marvellous programs—with the result that we have so many lounge room conservationists who think that they can go out and survive in the bush, as Les Siddons has demonstrated. They believe that they know the centre of Australia from A to Z, and they talk about it in glowing terms. However, when one asks whether they have ever been there and had to survive, not one can say 'Yes'.

The Hon. T. Crothers: Have you?

The Hon. PETER DUNN: The Hon. Mr Crothers asks whether I have. I guess that I can claim that I go up there more than anybody else in this Chamber. I know a little about it—not a lot—but I talk to the people and stay there. I use my electoral allowance to service those people, for whom I have a great deal of admiration. I wonder how many members on the Government side do that. How many bother to go up there? They like the money that those people bring into the economy, but they do not like to service them. They do not like to look after them, and this Bill will not look after them.

All that the Bill does is give the pastoralists money for improvements. It does not give them anything for loss of enjoyment. They get no recompense for loss of enjoyment, good will or hard effort. It gives them money only for improvements. They would be better off to sell their property to the Government and say: 'I will manage the property for you for $50 000.' If they did that, they would be much better off than they are at the moment under this Bill. If they do that, there will be some drift and not much vegetation in that area, because the experts in the city will tell them how to run it. As I said, the Bill is doomed to failure if it goes through in its present form.

The Minister, in her second reading speech, made great play of the fact that she consulted the pastoralists. I have pointed out before that she went up there for a little while and wrote them two letters. She said that her officers had been there and had looked after them, and that this Bill reflected the negotiations that she had had with that group of people. I cannot see anything in this Bill with which the pastoralists would wholeheartedly agree. There are some things in it which represent an improvement, but I cannot

see anything in the Bill that demonstrates cooperation between the Minister and the pastoralists.

The Bill was drafted by the Environment and Planning Department. It appears that the Conservation Council and some part-timers had a large input. I do not blame them. It is an excellent idea. We all give lip service to conservation, but do we carry it out? One must get out and have a look. If I went into the backyards of some of those people, I would not see much conservation being carried on in the city. There is not much conservation carried out anywhere. Here is a group of people who congregate together in great numbers, because they cannot register. The greatest polluter of this State is the City of Adelaide. The best country in this State is covered with tar and cement, but nobody complains about that. They complain about the few people who are exporters and who raise the standard of living of people in the city who send their money away and retain nothing. Very little sticks to their fingers. Yet it all finishes up in the city. I have made that statement before and I shall continue to make it. While those people in the outside country are directed by people in the city, there will never be a close relationship. I do not think that the department will be able to control what they are doing if that is the case. There must be close cooperation, but I do not believe there is.

Does the Government understand the outside country, the pastoral country? By its actions, represented in this Bill, I do not believe that it does. I do not lay claim to be a great expert on it, even though I travel. In the past six years or so that I have been a member, I have travelled in excess of 100 000 miles in that area in one form of transport or another. I have great admiration for the people who stay there. They have a great ability to endure. By 'endure' I mean comparing what they put up with as against what is provided in the inside country—the area covered by local government. They do not have buses to pick them up in the morning to run them to work at great loss to the community. In fact, they contribute to the STA deficit; they make it balance. When they go off in their cars they go on unsealed roads. If one goes into the North today, it is difficult to move because of the heavy rains. But there are no good roads, so that people are marooned in their homes. The roads are very poor. I attended a meeting at Marree about a month ago to talk about this Bill. Three people arrived at that meeting with fractured tyres on their vehicles because of the stones and the poor grading and maintenance of the roads by the Government.

Most members would know that a tyre on a Toyota costs about $150. So these people put up with such impediments right from the word go. They put up with very poor communication. There has been an improvement in the telephone system in the past three or four years but prior to this there was very poor communication. Most of them were supplied with radio telephones. Most of the Birdsville Track still has radio telephones which these people use to communicate with the rest of the world via radio at Port Augusta. They do not have a daily mail service; they get their letters once a week. In fact, the Minister wanted to push this Bill through very rapidly; she wanted it introduced on the Tuesday and out on the following Thursday week. In those circumstances, some of the people in those areas would not have received a copy of the Bill. Many of them have not received a copy of the Bill now; the Minister certainly would not circulate them.

They do not have a television or radio service in the way we have. If they want it, they have to pay for it. It costs about $5 000 to put in a dish today, and all the radio equipment necessary to run a television. A lot of them even have to listen to Radio Australia (the overseas radio) to be able to receive any news at all. Also, they get their papers weekly and at a very great cost.

I think that the worst thing about living in that area is the difficulty in educating the children. The greatest worry of most of the people who go into those areas is to work out how they can educate their children, and educate them well. Because of that, I became involved with the Isolated Childrens and Parents Association, and got a greater insight into the ability of those people to both run their businesses and lobby for better education for their children.

I have the greatest admiration for people who live in the outback. There are no silly people out there. Today's hard times mean that many people have left the area and live down here in the inside country. To my way of thinking, the people who are left there are excellent keepers of that country. They are excellent pastoralists; they are skilful; they are adaptive. When one talks to them they put up an excellent case for whatever they are trying to lobby for. Most of all, they are very streetwise when it comes to running that pastoral country.

The wives also play a most important part. The men will not live in that country unless they have their wives with them. They put up with an enormous amount that people in the inside country will not put up with. The Bill has received a lot of criticism from the wives of the pastoralists in that area. It saddens me to think that they should come out and be critical of what has been said about them.

I quote what a member of the Labor Party said on 22 February in another place. It is rather interesting to hear the Labor Party's attitude towards the pastoralists. Mr Derek Robertson said:

> My grandfather and my father spent a considerable number of years clearing a portion of the northern tablelands of New South Wales. They worked extremely hard at it.

Hard work, I might say, still applies. He continued:

> I guess the fact that they worked so hard and were able to mine the land so successfully is part of the reason why I am here today. It is also part of the reason why I was able to have a university education and why I understand the mentality of those who wish to mine the land rather than husband it.

I do not know whether Mr Derek Robertson has been into the northern country, but I would say that the people least likely to mine it are the pastoralists there today. He says his grandfather mined it, and maybe that was the case; I do not know. But I do know that those people up there do not mine the land, in fact, they husband the land. He goes on to say:

> However, I fail to understand why generations of pastoralists and farmers in this country have been allowed to conduct the wholesale clearance of mallee and pilliga scrub in northern New South Wales and southern Queensland or the wholesale removal of brigalow in Queensland for cattle.

That very clearly demonstrates the lack of understanding of the honourable member, and I suspect of many Government members, of what farming is about.

I have already pointed out that the pastoralists are there because it is an occupation for them and because their efforts and their hard work brings into this economy an enormous amount of wealth—from that $200 million from the northern section of the State alone. I do not know the total for Australia. The statement by Derek Robertson indicates to me that he has very little understanding of the Bill, of the role of the pastoralists, and of the effect that this Bill will have on them. That sort of ignorance permeates the Bill. As I have said, pastoralists are a hardworking group of people. They are cunning, and will survive where others will not. They have many other attributes but, above all, they are good managers. The poor managers today are just not able to exist in that country.

The Minister made great play of how she had spent a lot of time talking about the Bill to various people so it could be presented in its present form. I wonder whether the Minister has ever had to make the kinds of decisions pastorilists have to make on finance and operations. I do not think she has ever had to make such a decision in her life. She puts her hand out at the end of the week and gets paid, as one who has had to make decisions, to go to the bank manager, borrow money and then take the risk of making the correct investment, and as one who has had to work damn hard to get a run on that money. I can say there is a lot of difference between that and getting into the Parliament and having a regular salary, which one can budget with the greatest of ease. But the pastoralist and the farmer do not know what they will get at the end of the season.

The pastoralist, because of that, has to make decisions way in advance, and we notice that Labor Governments are not good at that, particularly Labor members such as Mr Keating. I guess he is another one who has never had to risk his money. He has never had to know when to buy or sell, when to invest, or when to work, or for that matter when to play. I do not believe that any of the members of the Government have ever had to work in private enterprise, or business, or risk their money to make this economy work.

I believe that it is this attitude towards this Bill by the Government that will kill the spirit of the pastoralist. If the Government kills that spirit, it will also kill the outback and the individual. There will be little hope, but there has to be hope in order for survival in this harsh climate. There have to be people who will stay there. The Government has not addressed that, and did not consider that aspect when putting this Bill together. All the Government thought about was how to control the pastoralists, those villians who have raped the country and mined the land. We heard that said in another place.

By implication the Government has been saying that pastoralists have been poor managers. I do not believe that that is true. If one looks at that country today, despite the fact that pastoralists themselves spend much money to run their business as well as they can, one can see that that is not true. I refer to the bruccelosis and tuberculosis program that has been run throughout the Commonwealth.

The South Australian pastoralists were the first to clean up their area. Despite an odd outbreak or two, there has been little damage in comparison with other States and pastoralists have done an excellent job and cooperated to the fullest. They have cooperated too in other respects of management of the pastoralist area.

Pastoralists have acquired much knowledge. Most of them have been on the land all their life, some for two or three generations, and they have acquired enormous knowledge which has been handed down by their forebears. Certainly, that knowledge cannot be replaced by taking someone else into the area. That is what this Bill does: it says that the Department of Environment and Planning, the Department of Lands and a representative from the conservation movement will have the say as to what happens in the area, particularly in respect of the assessment processes in the Bill, and I will deal with that shortly.

Pastoralists have a devotion to their lifestyle. If one spends a day or two and lives with them for a while one will notice how pastoralists have learned to love their country and understand how it works. If others go up there, they will be confronted with a 50-year learning process before they get near to understanding what that country is about. Pastoralists are conservationists, if we want to use the term correctly, through the practical application of what they do.

Pastoralists have a knowledge of flora and fauna. Certainly, they will learn from so-called experts and they would like to see experts, particularly biologists, botanists and soil scientists. Perhaps we can discuss the Soil Conservation Bill later. Certainly, pastoralists can pick up quickly the gist of what experts can offer them and I believe that it is the Government's proper role to provide experts (and the finance) to go into such areas and assist pastoralists to make what is already a good attempt into a better attempt at managing the land.

The Government should provide research and help pastoralists out during drought periods. It is in these areas that Government can play its biggest role. Drought is the biggest problem in the outback. We get long periods of drought in Australia because of its latitude and physical structure. The centre of Australia is a very dry area. True, there are good periods, like those being experienced now, where we will get a series of years with good rains, but then there will be long periods as occurred in the 1960s in the centre of Australia when Alice Springs looked an absolute desert.

In 1964 I went to a cattle sale in Alice Springs where the last 50 cattle from four stations were for sale. They were so skinny because there was no vegetation for them to eat. However, in 1966 when I returned to the area it looked like the Garden of Eden and everyone was talking about it. This was the result of rain. Aspects beyond the control of the pastoralists influence how they work that country, and that is where the Government's role comes in. It is in such areas that the Government should be assisting pastoralists through tax concessions, help from the Department of Agriculture, providing assistance with education for children and assisting through providing better communications and roads and better support for pastoral families—certainly not telling pastoralists how to run their day-to-day operations, which is what this Bill will do.

The assessment provisions in this Bill will tell pastoralists what they will do on a day-by-day basis. Pastoralists will almost have to phone up to find out where they should be going to check water and determining where they should be shifting the stock or where they should be running the next waterpipe. The assessment process makes that clear. The pastoral industry is one of Australia's renewable and continuous resources which will continue to provide meat and fibre for Australia and for the world if we manage it in a manner that makes that continuing process survive.

After looking at the Bill, I doubt whether that will happen because the Bill has the capacity to alienate the people living in these areas. If that alienation occurs, the Government will be killing the goose that lays the golden egg. Nearly all the money earned by farmers comes from overseas. Virtually all wool goes overseas and nearly all the beef from pastoral areas is used as manufacturing beef, with little used for home consumption. Nearly all that manufacturing market brings in money from overseas, from the markets of Japan, America and Europe. Therefore, if the Government kills the goose that lays the golden egg, we will be the poorer in Australia.

I have been interested to see how the Government is taking more and more control of the pastoral areas (adding greater and greater controls), yet the socialist Governments in the Union of Soviet Socialist Republics, in China and in other socialist countries are handing back control of their agricultural areas to primary industry. For 40 or 50 years the social experiment of aggregation of properties to be run by the Governments of the day has not worked. If the Government does not give people some private influence over how they run property, people will not run it well. It was in the 1960s when the Russians discovered that by

giving farmers a little backyard and allowing them to grow vegetables that farmers made more money from their own work than by working on the collective farms that they were forced to work.

Work in primary industry is not a glamorous job. It does not give people a great feeling every day of the week and, under the present Australian regime, it does not even provide farmers with a good return. Why would people want to stay in agriculture? Certainly, it is hard, cold, hot, dusty and dry, and many people do not want to work in those conditions. Pastoralists do not sit in air-conditioned offices. Modernity has meant that people driving tractors can operate in an air-conditioned climate for a while but eventually they have to get out of the tractor and get dusty and dirty, they must eventually grease the implement and work on it. This scenario applies even more in the pastoral areas where most of the work throughout much of the country has to be done on horseback and not on motor bike. One cannot live in air-conditioned comfort on the back of a horse, and not many people are keen to endure the many difficulties.

If that is the case, we have to keep on the land those people who want to stay there. As I pointed out, the socialist countries were unable to make their system work, where the Government owned all the land and people worked for them. It is most important that they have some input. I want to go into some detail about the Bill and point out some of its deficiencies as I see them. I have four main areas of concern.

First, there is the composition of the board. I believe that the board is unbalanced and will not reflect what would be in the best interests of that land. Secondly, the tenure of that country has always been a contentious point with the pastoralists, who want a long-term tenure. They want the tenure that you and I have with our houses here in the city. They would love to have a freehold tenure or a perpetual lease, and I can understand that well. However, traditionally they have had a shorter term than that and I think that they now believe that is the best they can get. This Bill provides for a 42-year lease, and they will accept that.

I understand that a longer term would suit them better, and we would have better management of that land and better operation of the country if that tenure were extended. The next point is the management programs that are put into this Bill, the assessments and tabletop surveys. I believe that they are the crux of this Bill, and they will determine how the pastoralists will run their country. I will go into detail about that shortly. The fourth matter is rental. Unfortunately, the Minister will not come clean on that and will not give any indication in the Bill of what the rentals might be, other than a one liner which says, in effect, 'the Valuer-General shall determine the rentals'.

There are quite a lot of other minor parts to this Bill, and I suggest that we need to look at the access, the appeals mechanism and other parts, which I will go into in a moment. Getting back to the tenure, if this Bill is passed as the Minister wishes, she will be doing something that I do not believe would be acceptable in other parts of the community. I think that she believes that she can get it through because the pastoralists are only a small group of some 150 people and she can do what she likes, and she will trumpet it to the people in the city. She is going to break a legally binding contract that her department has with those pastoralists, most of them since the 1960s and 1970s and some as late as the late 1970s. That agreement meant that those pastoralists could stay on the land under the agreements that were written into the leases they have at the moment, and they believed that they could continue until those leases ran out.

Most of these run out in about the year 2005 although some continue until about 2020. What this Bill entails is that, having had the land assessed to determine whether it is suitable for the pastoral industry, and having given the pastoralists new conditions and reservations, the Government will repeal the agreement and give the pastoralists another tenure. Under that tenure will be all of the new reservations this Bill provides. In effect, the Government is breaking a very serious agreement the pastoralists made in good faith with the Government of the day.

It was written in the 1970s and the 1980s and I believe that it should be allowed to run its full term. The Government may wish to change some of the covenants (and that is the term used in the old Bill) and if they were brought before this Parliament we would consider them in the light in which they were brought here. I am sure that changes may need to be made with respect to things like access, roads through the area, and so forth. We can do that and can do it well under the provisions of the old tenure, but this Bill breaks that nexus and starts off with a totally new agreement.

Under that agreement the pastoralists lose just about all the say they used to have. Security is no longer guaranteed. Security under the new lease will be determined by desk top assessment. In other words, the Department of Lands will determine whether that country is suitable. That puts some questions into my mind. I wonder whether the Government is not deciding to kick some pastoralists off their land because it wants the land for something else. I have no idea what it might be: it might be to extend a national park or an Aboriginal reserve. However, within 12 months of this Bill being proclaimed, the Government will have the right to determine the future of those people. That again is breaking the contract it has with the pastoralists.

Because of that, I think the Bill is deficient and needs to be rejected. The point of tenure needs to be changed. The tenure needs to be longer and to be continuous. It does not need to be changed dramatically as it is under this Bill. Good management relies on long tenure, which has been proven time and time again.

That evidence was given in the Vickery report back in the 1960s and 1970s and also in the Northern Territory Martin report. Evidence was given to the effect that perpetual lease is the most appropriate form of land tenure for the pastoral industry. The New South Wales Land Commission received a report from Condon, which emphasised security. Evidence was given to that committee that long-term perpetual lease was the most suitable form of tenure for pastoral areas. This Bill has a 42-year tenure and at the end of the first 14 years, or every 14 years, there will be a total assessment of the property. If the pastoralist has been a good boy or girl, he or she will be given the 14 years added on to the 28 years that are left.

If he or she has not been good, the 28 years will be used to determine whether the pastoralist can rectify his faults and then, maybe, the lease will again be extended to 42 years. Conditions and reservations have been attached to the Bill. Conditions are attached to the tenure. First, there is the desk top study, then for up to five years an assessment of all the properties within the pastoral area. What that does is totally take away the ability of the pastoralist to sell, transfer or shift the property in any way whatsoever, because until that is done, no-one would want to buy it. Until a person can determine whether the property is his and whether he can continue in the pastoral industry on that property, who would want to buy it? I suggest that no-one would.

This Bill provides that for every pastoral lease desk top studies will be done for one year and that for the following

five years assessments will be done, so effectively many pastoralists will not know what to do with their properties for up to six years. What will occur in the case of a death in a family, that family then wishing to sell the property? I suggest that under this Bill there will be a great deal of soul-searching and gnashing of teeth, and that perhaps that family will be required to borrow a lot of money to continue running that property until the assessment panel determines what will happen to that pastoral lease.

I suggest that the Government look at its own backyard before it forces this legislation on pastoralists. Would the Minister opposite like a 28-year lease on his house? Does he think that that is suitable? I do not think so. All the pastoralists have their homes on these properties and live in them, and they need more security of tenure. I do not believe that 28 years or 42 years, as it rolls over, is a long enough time.

I suggest that the Government would be wise to look at this clause again and ensure that it caters for the requirements of good land management and tenure so as to keep the right people on the land. It can be added to, and the Bill certainly adds some strong requirements in relation to a lease which I think the pastoralists will accept, but a reasonably long tenure must be provided so that they can borrow money and plan for the future.

The board is to comprise one representative of the Minister of Lands, one representative of the Minister for Environment and Planning, one representative of the Minister of Agriculture (with expertise in the field of land and soil conservation), one representative selected by the Minister from a panel of three names submitted by pastoralists, and one representative selected by the Minister from a panel of three names submitted by conservationists. I have looked at many other boards in this State, and an extreme example is the Pharmacy Board where all of its members must be pharmacists. Yet, this board will have only one pastoralist representative. I would have thought that, with the tyranny of distance and the difficulty of communication—for those reasons alone, without any other reason of bias—pastoralists were entitled to at least two representatives on that board.

I am sure that if the Minister presently in the Chamber had only one representative out of five on a board that was running one of his responsibilities he would be unhappy about it. I can understand pastoralists being unhappy with this provision. I think that they need two representatives because of the physical barrier, that is, the dog fence. Pastoralists to the south of the dog fence run sheep and pastoralists to the north of the dog fence run cattle. That is the reason for the fence: to keep the dingo population away from the sheep as they do more harm to sheep than to cattle.

Pastoralists on either side of the fence have different requirements and points of view, and need to be serviced in a different manner. The Bill should be amended to allow a representative from both those groups of pastoralists to be on the board, as it will make some very significant managerial decisions for pastoralists as a whole.

The Bill provides that at least one member of the board must be a woman and one member a man. I guess that in today's legislation that provision is included, but will that person necessarily be the best person to make decisions for their particular area? Why not have six persons on the board? I cannot understand the Government's thinking about this. To me it demonstrates the power of conservationists in this State because, if one thinks about it, obviously environment and planning has a conservation bias, which I do not disagree with; the conservationist representative will have a bias towards what they want, and I understand that; the representative of the Department of Agriculture, who has experience in the field of land and soil conservation, will naturally have a conservation outlook; and I guess that pastoralists are conservationists in a different and more practical way, and will have a case to put.

In effect, the board is heavily biased towards city people because all of them, except the pastoralist, will have to come from the city. In fact, four of the five people who make up this board will live in the city, yet it will determine how those people living right up to the South Australian border will be able to run their land. This demonstrates the enormous amount of lobbying that has been done by the conservationists in this State. Of course, they have the Minister's ear. They are right on his doorstep and can walk into his office at any time of day and tell him what they want. I think that that bias is unfair, unwarranted and unworkable.

Clause 14 further emphasises the bias of this Bill. It deals with pecuniary interests and, in effect, provides that if one has an interest in a matter being discussed by the board one will have to absent oneself from any decision made. Who will be the benefactors of any decision made—the pastoralists, and if the pastoralist representative absents himself from decisions made by the board I suggest that he will have to absent himself from nearly every decision, particularly initially in the setting up of the board and decisions about the direction in which it will go.

Just about every decision will relate to pastoralists, and I suggest that the pastoralists' representative will have to absent himself for much of the decision-making process. If that is the case, then the pastoralist will have no input in the decision-making process—no input into the argument at all. I suggest that that is very biased. If the pastoralists' representative has his lease to the south of the dog fence and a decision needs to be made concerning that area, he will not be able to have any input although he may be able to have an input into a decision that needs to be made about the cattle country north of the dog fence. That is unfair and biased in my opinion.

I also refer to rentals. Clause 20, which refers to rental, provides that the rent payable under a pastoral lease will be an amount determined annually by the Valuer-General. No skeletal framework has been set up to determine how that will come about. The pastoralists believe that large increases in rental have been flagged. The second reading explanation states that the annual rentals will be based on productivity, which will allow rentals to fluctuate with the productivity of each individual lessee. If anything could be more stupid than that, I do not know what it is.

The Government is taxing the pastoralists, farmer or producer who is the most efficient. In effect, it is an income tax. If he is lucky and gets some good seasons, he will pay big tax and, if he has poor seasons, he will not pay tax. I do not believe that any of the rentals on the leases will decrease. They will go up or perhaps level off, but I doubt whether they will ever be reduced. That is a very poor method of getting a reward.

I guess the reason for the rental having to go up is that the Government will have to pay for the 20 or 30 people who will administer the Bill. The Government has to pay for the decisions that will be made by the assessment panels and has to get back the money somehow. It would be better for it to say that the people in the pastoral areas pay taxes, anyway. They pay enormous sales tax on machinery and income tax, and the Government could pay the Department of Agriculture and other advisory agencies to assist the pastoralists, without imposing higher, unfair rentals on pas-

toralists. The Minister will not indicate what the rental is likely to be. That simply says to me that the rents will be very high. If they were going to be lower or be moderate rental increases the Minister would be flagging such and talking about it. However, she has refused to do that. I therefore believe the rentals are in for a rapid hike.

The Hon. J.C. Irwin: She leaks information on it.

The Hon. PETER DUNN: Yes, she did leak it, but I do not think that is credible. It is only an ambit claim of $3.50 for sheep and $7 for cattle. That is plainly ridiculous. That would bring in from the pastoral industry alone $8 million per annum in rental. I guess that the Government could say that it owns the country, but it will not own it for long because no-one will want to go out and work. The pastoralists will want to sell it to the Government and go on the land as managers. We will see what happens then.

The Hon. J.C. Irwin: Collective farming.

The Hon. PETER DUNN: Yes, that has proven to be an abject failure in Russia and other places, yet we are trying to introduce it here in Australia. The return from rental will have another effect. The Government has the idea that, because some parts of the country appear to be denuded (it may have been denuded when the pastoralists went on to the land), it wants money from the pastoralists to regenerate the country. The implication is that the Government will ask for the rental to be high so that it can recover enough money to go into those areas—perhaps the areas that it owns and runs—and regenerate the vegetation that has been eaten out.

In Western Australia rentals are assessed every seven years, as they are here. Under, the old Act, rentals cannot be increased by more than 50 per cent every seven years, and it states what it will be. However, this Bill provides that it will reflect the commercial ability of the land. In Western Australia rentals start at 7c for sheep and 35c for cattle. That information was given to me by the Library's research section. It is up to 50c for sheep and up to $1.80 for cattle. In Queensland the situation is similar. Those States also have longer lease terms, and the sum involved varies in Queensland between 10c and 55c.

If a pastoralist is close to a main road or railway station, or has the advantage of other services provided by Government agencies, it is reasonable to expect that, as they are getting more back from the Government, they should pay more. The same applies to local government; these people do not have to pay as much to local government because they are not serviced by local government with roads, and so on. Therefore, they should pay much less. Queensland and Western Australia give us a guide. In Queensland the rent is between 10c and 55c for sheep, depending on the location of the property.

If we look at the assessment and management of the properties, we see that it poses many questions. I refer to the assessment. How many public servants will be involved and at what cost will the assessment process be carried out? I have been told that it could be up to 20 people at $50 000 per unit. It will not be less than that, as each one will be required to have a Toyota and an office, and it will involve the associated running costs. The minimum amount will be about $70 000 for each public servant on the assessment panel, and that would fall into the normal employment rate for public servants. What qualifications will these public servants have? Roseworthy is turning out students today who would be reasonably well qualified to handle that business. I understand that an advertising campaign will be run around the Commonwealth to get in many of those people to make those decisions for the pastoralists.

The desk top study, which will be completed on every property within the first 12 months, will determine whether the pastoralist can continue on his property in the manner in which he has done in the past. That is a very draconian provision in the Bill. If the Bill is proclaimed, every pastoralist will be at risk. I hope that the Government is sensible about it and that, if it wants to take properties from people who have lived there for many years, in most cases it will reward them and give them due recompense.

That will be in the first 12 months. In the next five years this panel will assess every property. If history is any guide, they have been assessing one station in the Gawler Ranges for 2½ years. I think that four people have been involved. We have 20 to carry out about 300 assessments. The figures do not stack up that they will be able to do them in five years. Apparently, they will be able to put it all on a computer. Computers are good until one gets inland where there is no electricity in some places. Perhaps we can work them on kerosene! No doubt many of the assessments will be done in offices. There will be some aerial photographs and they will be set aside. Some reference areas will be put in there, and they will be fenced off and monitored over a period.

My problem is: how does one determine what sheep or cattle have eaten and what kangaroos, rabbits or other vermin have consumed? I guess that we will have reference areas with different fences: one to let the kangaroos and rabbits in and another to keep the sheep out. I do not know how it is intended that that should be done, but no doubt some system using those reference areas will be worked out.

The Bill refers to destocking notices. That is nothing new to pastoralists. They understand them. When an area is deemed to be overstocked—that is the only requirement in the Bill that is necessary as far as an impediment to the pastoralist is concerned—they know what that is about. They know that destocking has to take place when conditions get tough. They do it themselves. There are some who do not. However, there is a board, with pastoralists on it, that can make that decision. I believe that the Bill only needs that requirement in it. It does not need the other impediments, fines, and methods of control over the pastoralist because that will control him to the very end.

Looking at the leases in this State, of which I have a copy, for the regions it has the areas of the pastoral leases and the stocking rates alongside. I understand that not one property in the State has the stock numbers that this agreement allows. In other words, the pastoralists have been stocking their country in a very conservative manner.

The Bill makes no reference to the fact that a pastoralist may wish to change his operation from sheep to cattle. He may wish to change from a true pastoral industry to tourism, but he will not be able to do that under this assessment process, because he will be assessed on the manner in which he runs the property today, on the mechanism that he uses and the stock that he has on the land. It does not refer to the fact that he may want to change the operation of the area. That will cause him great pain, because a group of people will ask him to put forward a plan regarding what he wishes to do. There is nothing wrong with that, provided that he does it voluntarily. He will have to put forward a draft plan in which he will have to tell the assessment panel what he wants to do. The panel may agree with him. I hope that will happen in most cases. However, that is not the intention in the Bill. In effect, the Bill says, 'You will do it and you will like it.'

I should like to read a note to the Director of Lands from Mr P.M. Gebert, Chief Project Officer (Legal), Policy and Planning Secretariat. On page 7, paragraph 2, he says:

The following is an example of an application for a new lease, and the process of preparing a departmental offer.

I emphasise the word 'offer'. It continues:

1. The lessee applies for an offer under the new Act, incorporating his ideas for a 'management plan', identifying proposals for rectifying problem areas on the run, and ongoing future management.

2. Arrangements made for an inspection and assessment by the Land Assessment Branch. (Other Government agencies may need to be consulted.) At this inspection, range condition on a paddock by paddock basis will be assessed, and if monitoring points are not already established, then they will be installed (assuming land system mapping completed).

In other words, 'You will do it.' The note continues:

Problem areas will be identified by the assessment team—

this is the cruncher—

and will be discussed at length with the lessee.

They are assuming that there are problem areas. There is no determination that there may not be. It just says that problem areas will be identified. The letter goes on:

The lessee's proposed management plan disclosed in his application will be discussed.

It will only be discussed. It continues:

As a result of these joint discussions, recommendations for achievable covenants will be made to the regional manager for his advice to the Pastoral Board.

3. The Pastoral Board will set the covenants for recommendations to the Minister for an offer of a lease under the new Act.

It does not matter whether the pastoralist agrees with the assessment board; the assessment board reigns supreme. It has total control of the management, and, as I said earlier, that is what will happen. It will not be in the control of the pastoralists. This is an indication of what the Government has in mind. The schedule also says that that will happen.

The pastoralist can appeal to a tribunal, but he has to go to a compulsory conference beforehand, and that may solve the problem. If not, the board has the right to destock the area or to take what action it wishes.

There is an improvement in the Bill with regard to access. Most pastoralists would agree that there are some restrictions on people travelling across the land and on people camping near and by watercourses. But a lot of it does not add up. For instance, one cannot drive anywhere on the property. One can drive on the access routes and roads, but one cannot drive in a car or ride a camel or a horse on the property. It does not say anything about a pushbike or going on foot. One has only to notify the pastoralist that one is going on a pushbike or some wind-powered machine or on foot. If there is a river running through the middle of the property, as there could be today, there would be nothing to stop anyone getting in a boat and paddling down the river, going where he likes and camping. If one has to get the permission of the pastoralist to drive a car, ride a camel or a horse, why should one not have to get permission to hoof it across the place?

If people are going to walk, go on a pushbike or by some other method, it is necessary to apply for permission to the pastoralist. If the pastoralist refuses permission, people can apply to the Minister for permission and he can okay it. Once again, the Bill demonstrates that control has gone away from the pastoralist and belongs to the Government of the day.

There will be a map setting out all these access routes through the pastoral country. Will it also set out the private roads of the pastoralists, their own roads to their houses or to their watercourses or wherever? Will the general public have access to them? Provision is also made that, if a pastoralist wants to shut off an access road, he has to give notice in the *Gazette*. There are probably a lot of dangerous roads being cut off today. It is pretty stupid if it is necessary to give so many days notice in the *Government Gazette* before this can be done. Who will maintain these access routes? The Bill does not disclose this.

It also talks about Aboriginal access. That is fine, but it seems to me that that ought to be restricted to Aborigines who have an affinity with that area, who are born and bred in that area or who at least live in the State. I do not see why, for example, a Melville Islander should be able to go where he likes when he likes across those pastoral areas in South Australia, because I do not believe that he understands the area any more than I understand northern Queensland or, for that matter, Melville Island. The access provisions are reasonable but there are some questions about them which I would like answered.

Clause 4 (3) of the schedule provides for the Minister to force a change in the terms of a lease. There is no argument that the Government is breaking contracts with pastoralists today who have leases which run out in, perhaps, 2004 or 2005. Schedule 8, part (4) reads:

The lessee is not required to sign a pastoral lease granted under this clause and, upon due notice of the grant of the lease being given to the lessee, the lessee is bound by the lease as if he or she were a signatory to it.

In other words, 'You will do it and you will like it; you have no option. You do not have to sign but once it is given to you, you have to abide by it.' Subclause (9) provides that:

The Registrar-General will, on the grant of a pastoral lease pursuant to this clause, cancel the old system lease—

in other words, break the existing contract with the pastoralists—

for which the pastoral lease is substituted.

That refers to the new lease. That is totally unacceptable, when the Government wants us to honour its proposals. How can people willingly comply when the Government starts breaking contracts, made in good faith? Many pastoralists have probably borrowed money by going to the bank and saying that they have a lease until 2020. We can prove that the short term leases have an effect on borrowing money. The bank may have reluctantly given them the money, but it certainly would not have known that this Bill would probably shorten the lease by two-thirds. The pastoralists, as a result of a desk top study, might not even be able to earn the money. Who knows? This Bill is very unclear. I turn now to compensation.

The land valuation tribunal does not determine whether these people will be granted any compensation. The Bill is quite clear that compensation will be granted only in respect of improvements on the property. There is no compensation for loss of enjoyment, loss of work or loss of contact. All of those factors, which concern the land valuation tribunal, which have taken many many years to be agreed upon, and which seem to be acceptable to the community and to various Governments, do not apply to this Bill.

Once again, the pastoralist is treated differently from the rest of the community. As I said, the Bill has some changes for the good. It imposes a few directions, of which the Government would like the pastoralists to hear, and I think that is a good thing. But it imposes central and absolute control from Adelaide (there is no argument about that), on people who take up a pastoral lease. It takes up the case of Harry Butler, the case of David Bellamy, or the case of Les Siddins, but there is no practical application. These people are the ones who have to get up in the morning, get on their horse and go away for five days and camp out in the bush. They have to round up their cattle, mark them,

castrate them and sort them out. The Bill does not take any account of that. Whenever we think of those people I have mentioned, in terms of the Bill, it is always lovely weather and a beautiful scene. But that is not what the real world is like.

If I ask Gordon Lillicrap, who lives on Todmorden Station near the South Australian-Northern Territory border, or Dick Mould, who is on Coondambo Station near Glendalough, or Gordon Litchfield, who lives out at Marree, or Kevin Oldfield, who lives on the Marree Track, or Richard Morris, who is in the Gawler Ranges, or Don Nicolson, who is probably one of the best conservationists and who lives out of Whyalla, I believe they will back me up, and agree with me that this Bill has severe deficiencies. I hope the Government will accept our amendments and see them in the light of those people who have to work in the country. The State has benefited in the past from pastoralist activities, and I believe it will benefit in the future but only if some commonsense is used to make this Bill workable. Those people I have mentioned and all of the other pastoralists have to be on side for the Bill to work.

The Hon. J.C. IRWIN secured the adjournment of the debate.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

In Committee.

(Continued from 8 March. Page 2235.)

Clauses 2 and 3 passed.

Clause 4 —'Visiting motorists.'

The Hon. PETER DUNN: I move:

Page 2, line 12—Leave out 'three' and insert 'six'.

My amendment increases from three months to six months the relevant period. I do not believe that the Federal and State Ministers when they got together properly thought out this situation. My amendment would overcome the problems referred to by the Hon. Mr Griffin. The Minister agrees that there is a problem when people drive without a licence. If the provision was extended to six months, and other States extended the provision to six months, which I believe is fair and reasonable, we would overcome some of the problems of people running out of the licence period. Many people move from State to State, including students and aged people who, for example, like to go to the warmer climate of Queensland for six months and play bowls. Six months would be preferable. If the other States have agreed to a lesser time, that is the problem that the Minister will have to solve, but my amendment is a sensible one.

The Hon. C.J. SUMNER: The Government opposes the amendment, principally on the grounds that this whole scheme was entered into following discussions by ATAC, the conference of Federal and State Ministers of Transport. It was designed to overcome the problem of people moving from one State to another and not getting a licence in the State to which they had moved. It was designed to establish a code for the whole of Australia, and a uniform code at that. Everyone in Australia, no matter in which State they lived, would know where they stood on the matter. That is the reason for the provision. The honourable member's argument may have some merit but, as far as the Government is concerned, we believe that getting a uniform system throughout Australia outweighs the argument that he has advanced.

The Hon. I. GILFILLAN: The Democrats oppose the amendment. We would have considered it more favourably had there not been a foreshadowed amendment by the Hon. Mr Griffin dealing with the concern that I recognised in respect of a driver who could unwittingly fall into a non-licensed state of driving which would then interfere with insurance procedures and which could quite unfairly impact on, say, a generous friend who had loaned a car to a person to drive.

I do not think there was any good purpose to do so—I am not sure that it was the intention of the Bill, but it seems to me (and this is subject to confirmation later in the Committee) that the effect of the Hon. Mr Griffin's amendment is that the validity of the licence, so far as the unfortunate consequences that I outlined are concerned, would remain intact until the original licence expired through the effluxion of time but that there is an offence if a person has been living uninterrupted for three months in this State and has not obtained a licence in this State. An offence would be committed for which there would be a penalty, but the penalty would be restricted to that fairly simple matter.

If the Hon. Mr Griffin's amendment is successful, and if its intention is as I understand it, there would be no disruption to the normal protection of insurance policies or any other complication that could arise from a person driving unwittingly without a licence; in other words, the automatic cancellation of a licence on the deadline of the three months. On that understanding, I indicate that the Democrats oppose the amendment.

Amendment negatived.

The Hon. K.T. GRIFFIN: I move:

Page 2, after line 23—Insert new subsection as follows:

(4a) Where a person drives a vehicle in this State pursuant to an interstate licence or foreign licence, the licence will, for the purposes of any contract or policy of insurance relating to the vehicle, be taken to be a licence issued under this Act notwithstanding that the driver last entered the State three months or more before driving the vehicle.

I drew attention to this problem at the second reading stage involving an interstate person coming to South Australia. Inadvertently, that person might stay for a period longer than three months and does not take out a South Australian licence and, in those circumstances, under the provision as drafted, would be deemed to be unlicensed. That would have ramifications for the driver in the event that he or she was driving a vehicle involved in an accident. Those ramifications relate particularly to insurance matters, particularly comprehensive insurance, and also third party bodily insurance where the risks are significant.

In his comments on what I said the Attorney acknowledged that at least with comprehensive insurance there was a significant risk and, with third party bodily injury insurance, a risk. My amendment will overcome that risk, but only for the purposes of insurance. A person will still commit an offence if a South Australian licence is not taken out in the circumstances to which I have referred but is still covered by insurance in the event of an accident.

The Hon. C.J. SUMNER: The amendment is acceptable to the Government.

Amendment carried; clause as amended passed.

Schedule and title passed.

Bill read a third time and passed.

SUPERANNUATION ACT AMENDMENT BILL

(Second reading debate adjourned on 7 March. Page 2178.)

Bill read a second time.

In Committee.

Clause 1—'Short title.'

The Hon. L.H. DAVIS: Perhaps this is as appropriate a time as any to ask a general question about the operation of the new Superannuation Act. As I mentioned in my second reading speech, this Bill is hardly surprising, given the complexity and the number of technical provisions which were necessarily included in the Superannuation Act 1988 which came into effect on 1 July 1988. Is the Attorney-General in a position to say whether the number of applicants to join the new scheme—which I understand is in the vicinity of 1 300—is in line with expectations and, secondly, will he advise the Council as to the average level of contribution being taken out by members of the new superannuation scheme, given the flexibility that now operates, with the range being from 1.5 per cent to 9 per cent of salary?

The Hon. C.J. SUMNER: The answer to the first question is 'Yes'. The answer to the second question is that a recent assessment has not been done, but indications some months ago were that the level of contributions was running at about 6 per cent.

Clause passed.

Clause 2—'Commencement.'

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

Page 1—

Line 13—Leave out 'This' and insert 'Subject to subsection (2), this'.

After line 13—Insert subclause as follows:

(2) Paragraph *(b)* of section 9 and section 13a will be taken to have come into operation when the principal Act came into operation.

This is necessary to provide that the amendments to be moved by me later in the Bill, relating to the Australian National Railways Commission employees, will operate from the commencement of the Act.

The Hon. L.H. DAVIS: I understand that the amendment proposed by the Attorney links with the amendment to clause 9. Is the Attorney aware as to whether there are any other statutory bodies which may be similarly exempted from this provision of the Act?

The Hon. C.J. SUMNER: No.

Amendments carried; clause as amended passed.

Clause 3—'Interpretation.'

The Hon. L.H. DAVIS: Amongst other things, the amendment to section 4 of the principal Act requires an addition to the definition of 'notional salary'. As far as I can see from the parent Act, 'notional salary' is referred to on only a few occasions: for example, in section 30 (5) relating to disability pensions and again in section 42 (3) in relation to the suspension of a pension if a pensioner declines appropriate employment. 'Notional salary' in the parent Act is defined as being in relation to a contributor whose employment has ceased temporarily or permanently, including a contributor who has died. In other words, 'notional salary' is confined to contributors whose employment has ceased permanently or temporarily. The proposed addition to the definition is to add the words as follows:

. . . if the contributor was not in full-time employment immediately before cessation of employment, notional salary will be calculated on the basis of the contributor's average hours of employment (excluding overtime) over the last three years of his or her contribution period.

I take it that we are referring only to a situation of cessation of employment permanently, or are we also talking about the cessation of employment temporarily?

The Hon. C.J. SUMNER: Both.

The Hon. L.H. DAVIS: In clause 3 *(b)* there is a proposal to substitute the following definition of 'salary':

(d) allowances (unless declared by regulation to be a component of salary) for accommodation, travelling, subsistence or other expenses;

In other words, under the parent Act 'salary' will include all forms of remuneration except, amongst other things, that referred to in paragraph *(d)*. Can the Attorney give examples of allowances which could be declared by regulation to be a component of salary?

The Hon. C.J. SUMNER: This change allows certain allowances to be declared by regulation to be included in the definition of 'salary'. This is necessary to maintain the *status quo* for the expenses of office allowances which, together with basic salary, make up the remuneration paid to the Agent-General. That is the only one to which it is anticipated it will apply.

Clause passed.

Clause 4 passed.

Clause 5—'Contribution rates.'

The Hon. L.H. DAVIS: This clause amends section 23 of the principal Act. I take it that it tightens up the existing provision. Section 23 (7) *(a)* provides:

An old scheme contributor will cease to contribute to the fund if before termination of the contributor's employment the following conditions are satisfied:

(a) the contributor is of or above the age of retirement; and

(b) the contributor has an aggregate of 360 contribution points or more.

This clause amends that to talk not of an aggregate of 360 contribution points or more but only an aggregate of 360 contribution points or an aggregate number of contribution points equal to the number of months between the date on which he or she became a contributor and the date on which he or she reached the age of retirement. In other words, if we take the example of a person of 27 years of age having joined the scheme at the beginning of his or her employment and remained a member until the age of 60 years, that would be a period of 33 years, in other words, 396 months.

Under this provision the contributor has an aggregate of 360 contribution points or an aggregate number of contribution points equal to the number of months between the date on which he or she became a contributor and the date on which he or she reached the age of retirement. In that case they are given 396 contribution points, whichever is the greater number. I think that is the correct interpretation. I was interested to know what led to this tightening up. Was there a perceived problem in the wording as it now stands?

The Hon. C.J. SUMNER: The honourable member's understanding of the effect of the clause is correct. The amendment was deemed necessary as a technical matter because many old scheme members would have been in the fund for more than 30 years at the age of retirement and would only be entitled to full benefits if they had contributed at the standard rate for the whole contribution period which, in terms of the Act, is greater than 30 years.

Clause passed.

Clause 6—'Disability pension.'

The Hon. L.H. DAVIS: This clause appears to tighten up the principal Act by adding an additional subsection to existing section 30. That additional subsection provides that a disability pension will not be payable in respect of a period for which the contributor is on recreation leave or long service leave. Have problems arisen because such a subsection did not exist in the principal Act? Have there been many cases of abuse where public servants were seeking a disability pension notwithstanding the fact that they were on recreation leave or long service leave?

The Hon. C.J. SUMNER: Apparently the problem arose because, I am advised, there were two cases involving teachers who had been on long service leave while sick and then

had applied for a disability pension to cover the same period.

Clause passed.

Clauses 7 and 8 passed.

Clause 9—'Resignation and preservation of benefits.'

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

Page 3—
Line 10—Insert after 'amended'—*(a)*'.
After line 13—Insert word and paragraph as follows:
and
(b) by inserting after subsection (8) the following subsection:
(9) The right to preserve accrued superannuation benefits under this section does not apply for the benefit of a contributor who was, when he or she resigned, an employee—
(a) of the Australian National Railways Commission, or
(b) of a prescribed employer.

This amendment is necessary to exclude employees of the Australian National Railways Commission from being entitled to preserve their accrued superannuation benefits. It has become necessary because these employees who contribute to the State scheme as a result of the State rail transfer are not prepared to allow part of their 3 per cent productivity benefit to be used to meet the cost of the benefit.

The Hon. L.H. DAVIS: Section 39 (6) *(b)* provides:

The contributor's actual or attributed salary for the purpose of calculating the pension were that salary as at the date of resignation indexed to the date on which the pension first became payable.

That is being amended, and the words proposed are 'adjusted to reflect changes in the consumer price index between the date of resignation and the date on which the pension first became payable'. I take it that that is an improvement in the drafting and that the wording in the principal Act, namely, 'indexed to the date on which the pension first became payable', was vague and not capable of an accurate interpretation.

The Hon. C.J. SUMNER: That is correct.

The Hon. L.H. DAVIS: The Attorney-General has made the point, which I accept, that Australian National Railways Commission employees are the only persons who are caught up in the right to the preservation of superannuation benefits clause. What happens if they subsequently change their mind? Would it not have been better to have simply referred to prescribed employers so that the matter could have been attended to by regulation rather than by requiring a subsequent change in legislation if, for example, the Australian National Railways Commission employees turn around and reverse their decision on preservation? Would it not have been better to have covered it in a broader fashion by prescription as we have in clause 9.

The Hon. C.J. SUMNER: The people involved have been given the opportunity to choose. They have chosen and the Government therefore believes that it is appropriate for this to be included in the Act.

The Hon. L.H. DAVIS: I accept the point that the Attorney-General has made, but that is not the point I was making. It is expensive to have legislation amended. I should have thought that it might have been easier to cover the matter by prescription in the sense that other statutory bodies could be in a similar position. The fact that we have provided for other prescribed employers makes that point. Whilst generally I am against this sort of measure, in the circumstances where we could have various statutory bodies, for example, the Festival Centre or the Housing Commission and their employees, changing their view on this matter, some flexibility in the legislation such as prescribing their exemption would be a more flexible way of dealing with it.

The Hon. C.J. SUMNER: It could have been dealt with in that way, but an amendment to the legislation still would have been necessary as presently everyone is entitled to the benefit. It was necessary to exclude employees of the National Railways Commission from being entitled to preserve their accrued superannuation benefits. For the future it will be possible to deal with any other statutory authority by regulation, as included in the amendment.

Amendments carried; clause as amended passed.

Clause 10—'Effect of workers compensation, etc., on pensions.'

The Hon. L.H. DAVIS: This clause relates to an amendment of section 45 of the principal Act, which deals with the effect of workers compensation on pensions. The existing provision states:

(1) Where in relation to a particular period—
(a) a contributor, who has not reached the age of retirement, is receiving, or would but for this subsection be entitled to receive, a pension (not being a pension granted on the basis of the contributor's age) under this Act;
(b) the pensioner is also receiving or entitled to receive income ('other income') of one or both of the following kinds:
(i) weekly workers compensation payments;
(ii) income from remunerative activities engaged in by the contributor . . .

It is then proposed that subclauses *(c)* and *(d)* be amended so that the pensions will reduce by the amount of the workers compensation payments and, if the aggregate of the pension and the other income exceeds the contributors notional salary, the pension will be reduced by the amount of the excess and, if the amount equals or exceeds the amount of the pension, the pension will be suspended.

I do not have any difficulty with the proposal that the pension be reduced by the amount of the workers compensation payment, but I question existing section 45(1) *(b)* (ii), which relates to the pensioner receiving income from remunerative activities engaged in by the contributor. It ties in with clause 10 *(d)*, which contains the words 'if the aggregate of the pension and the other income'. Presumably that refers to income from remunerative activities. Income is not covered in the definitions in the parent Act. Exactly what are 'remunerative activities' in relation to section 45 (1) *(d)* (ii)? One presumes that 'remunerative activities' would be income earned from goods produced or services provided by the contributor. Presumably 'remunerative activities' would not necessarily extend to investment income. I am not clear on this point, because in the proposed amendment the words 'if the aggregate of the pension and the other income' suggest that it is any other income of the contributor, it is an important point, as it could make quite a difference. What does the Attorney-General understand by the definition of income from remunerative activities? One could cite the example of contributor with a private investment in shares or a business investment which returns dividends. I seek clarification on that point.

The Hon. C.J. SUMNER: It is intended that the words 'remunerative activities' refer only to actual employment and will not cover the question of moneys earned from investment income and the like. Parliamentary Counsel has advised that that would be the effect of the section in the Act as currently worded.

The Hon. L.H. DAVIS: I have discussed the matter with my colleague the Hon. Trevor Griffin, who said it could be more accurately described as 'remunerated activities'. I will not quibble with what Parliamentary Counsel has advised. It could be said that there might be some ambiguity and possibly, when the Act is next looked at, that section could be examined.

Clause passed.

Clause 11—'Division of benefit where deceased contributor is survived by lawful and putative spouses'.

The Hon. L.H. DAVIS: The intention of clause 11 is to tighten up section 46 of the principal Act. It refers to what was a contentious and difficult area—the division of benefit where a deceased contributor is survived by both a lawful and a putative spouse. The clause seeks to limit a putative spouse benefiting unless the deceased contributor and that putative spouse were together at the date of the contributor's death. To that extent, it is undoubtedly a tightening up of the existing provision.

The second part of the clause relates to the situation where a deceased contributor is survived by both a lawful and a putative spouse and the benefit is paid to one of them on the assumption that that spouse—it could be a lawful or a putative spouse—is the only surviving spouse of the deceased. The other spouse will have no claim on the benefit in so far as it has been paid, unless that spouse gave the board notice of his or her claim before the date of the payment.

This is a difficult and delicate matter. How does the Board administer this provision? Have there been any difficulties in the operation of this provision in the last few months?

The Hon. C.J. SUMNER: I am advised that there have not been any problems. This matter has been drawn to the Board's attention and there were some worries about it. Accordingly, it felt that the matter should be clarified.

The Hon. L.H. DAVIS: One can imagine a hypothetical situation where, for example, a putative spouse is aware that the previous lawful spouse is resident overseas, that the putative spouse, on the death of the contributor, post haste puts in for the pension which will be operating at, say, two-thirds of the level of the deceased's contributions and that payment is made to her. In such circumstances, how far does the board go in establishing that there is no other competing claim for the benefit that has accrued? When dealing with a lawful spouse, in circumstances where a putative spouse may have existed at the time of death, but perhaps covertly, or in the situation that I have outlined where a putative spouse was living with the contributor or the person in receipt of the pension at the time of death and was one of only a handful of people who knew that there was a former spouse living overseas, to what extent does the board act to ensure that it has knowledge of this? What length of time would elapse before payment would be made in circumstances where there may be a feeling that there could be another claim?

The Hon. C.J. SUMNER: The board's intention is to make reasonable inquiries and to attempt to keep track of the situation where a lawful spouse exists. The honourable member referred to a former lawful spouse. In that case there is no problem, because she is presumably divorced and not caught by the Act. Where there is a putative spouse in residence, as it were, at the time of the death of the contributor and a lawful spouse, because there have been no divorce proceedings, that matter has to be resolved. The board will make reasonable inquiries to ascertain the true situation and attempt to keep track of the lawful spouse of a contributor on an ongoing basis.

Clause passed.

Clause 12 passed.

Clause 13 —'Appropriation.'

The Hon. L.H. DAVIS: The clause provides:

> Any money required for the purposes of this Act ... is payable from the Consolidated Account which is appropriated to the necessary extent.

I am intrigued to know why this clause has been included. The fact that there was no reference to appropriation in the Superannuation Act 1988 has been noted. Did that limit the ability of the Act to appropriate money in any way for the purposes of the Act?

The Hon. C.J. SUMNER: It is a precaution in case at any time before the budget is passed the number of people retiring exceeds expectations and places a strain on the fund. Apparently, a similar provision existed in the repealed Act, and it is considered prudent to include it in this one. It does not exclude the superannaution fund from scrutiny in the normal budget process. It provides for supply prior to the budget being passed.

I think I should correct what I have just said because, having looked carefully at the clause, I see that it in fact provides for a permanent appropriation, and does not just deal with a supply situation. This is not an uncommon provision in Acts of Parliament. My comment—that the matter is still subject to scrutiny by the Parliament as part of the budget—still applies, because any appropriation would still be shown in the budget papers. It would prevent the Opposition in the Upper House from blocking this particular aspect of any appropriation. So, it is a permanent appropriation clause, but it is considered necessary for the reasons that I have outlined. It seems to be an effective and convenient way to go about it, given that the Act stipulates what employer contributions are to be made. As they are provided for by statute, it seems reasonable that the appropriation to cover that statutory requirement should also be provided for.

The Hon. L.H. Davis: The lack of such a provision has not created any problem to date?

The Hon. C.J. SUMNER: No.

New clause 13a—'Continuity of contributor status.'

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

Page 4, after line 30—Insert new clause as follows:

13a Clause 1 of schedule 1 is amended by inserting after subclause (2) the following subclause:

(2a) A person who, immediately before the commencement of this Act, was an employee of the Australian National Railways Commission and was also a contributor to the Fund or the Provident Account will be taken to be an employee for the purpose of this Act, until he or she ceases to be an employee of the Australian National Railways Commission.

This amendment is necessary to overcome a technical problem in relation to employees of the Australian Railways Commission who were contributing to the State scheme at the date that the Superannuation Act 1988 came into operation. The amendment will provide for continuing the eligibility of these ANR employees to contribute to the scheme.

New clause inserted.

Remaining clauses (14 to 16) and title passed.

Bill read a third time and passed.

BOTANIC GARDENS ACT

The House of Assembly transmitted the following resolution in which it requested the concurrence of the Legislative Council:

That this House resolves to recommend to His Excellency the Governor that, pursuant to sections 13 and 14 of the Botanic Gardens Act, 1978, part section 529 Hundred of Onkaparinga be disposed of.

ADJOURNMENT

At 5.46 p.m. the Council adjourned until Wednesday 15 March at 2.15 p.m.