HOUSE OF ASSEMBLY

Wednesday 24 March 1982

The SPEAKER (Hon. B. C. Eastick) took the Chair at 2 p.m. and read prayers.

PETITION: PLANT VARIETY RIGHTS

A petition signed by 12 residents of South Australia praying that the House oppose any legislation on plant variety rights but establish a public inquiry into the impact of existing overseas schemes on the Australian seed industry and the international seed trade was presented by the Hon. W. E. Chapman.

Petition received.

PETITION: HOUSING TRUST RENTALS

A petition signed by 509 residents of South Australia praying that the House urge the Government to oppose the implementation of increased Housing Trust rentals, as announced, was presented by Mr Max Brown.

Petition received.

QUESTIONS

STATE CLOTHING CORPORATION

Mr BANNON: Can the Premier explain why his Government discriminates against the State Clothing Corporation, which runs a most efficient operation in Whyalla, providing much needed employment there, especially for women, by allowing work to go interstate? The Clothing Corporation, which is based in Whyalla, is currently operating profitably and employs 40 persons. In its latest annual report, the corporation outlines the problems that it has in relation to forward and bulk orders. The report states:

> The corporation, which is now a major supplier to the public sector, remains concerned that unnecessarily high costs are being incurred by departments and authorities because of several factors. These include customers' lack of forward planning of needs, insistence on duplication of styles and lack of appreciation of the benefits of bulk manufacture. As a result of lack of forward planning, materials cannot be ordered in the most economical way, production cannot be rescheduled to make the most efficient use of manufacturing resources, and goods cannot always be made as needed . . .

The report goes on to state that discussions have been held with the corporation's major clients, most notably the Health Commission, to see whether arrangements could not be made to plan ahead for the provision of clothing and linen requirements, to their mutual advantage.

At a meeting on 8 December in particular the corporation was given to understand that its needs would be taken into account, that it would be allowed to forward plan, and that, in particular, in relation to the Group Laundry contracts would come its way.

However, it has come to our attention that a public tender for supply of textiles and linen for the Central Linen Service was advertised on 22 February involving an order worth around $540 000. This order could be efficiently handled by the corporation's factory in Whyalla and, in particular, would allow it to increase its work force substantially. It needed advance notice. However, it appeared that no notice was given to the corporation, and I understand that several private companies in New South Wales, and, we are given to understand, a public authority, namely, the Prisons Department there, may have been approached with information about the tender. Their advice is that the tender is to be let to them if it already has not been let. The corporation believes that it would get the co-operation requested last year and outlined in its report. It appears that both the specifications and the notice of order were done in such a way as to prevent the Whyalla plant from effectively tendering. That tender, item 388, closing on 8 March, is to be let interstate.

The Hon. D. O. TONKIN: As far as I know, that tender has not yet been let, so how on earth the Leader can make that last statement, I do not know. It is important that we understand that the State Clothing Corporation, which was not set up by this Government—

The Hon. J. D. Wright: It's not supported by this Government.

The Hon. D. O. TONKIN: It is not given any special attention by this Government, because I do not believe (and this is a matter of policy) that the State Government should be in any way involved in running an enterprise that is more effectively and better operated by private enterprise. That is the long and short of it. We have in fact through the Health Commission and a number of other departments given contracts and a great deal of special consideration to the Clothing Corporation to enable it to keep operating. We have done that not out of any regard for the State Clothing Corporation and its existence but purely and simply out of regard for the people who have jobs there. There is no getting away from the fact (and, of course, this would not concern the Opposition one jot) that the State Clothing Corporation in its operations takes away business from private enterprise and is effectively stopping people with jobs in private enterprise getting the jobs that they need.

Mr Bannon interjecting:

The Hon. D. O. TONKIN: That is the long and short of it, and the Leader can jump up and down all he wants. He cannot get out of that one fact. There are just so many jobs, and the State Clothing Corporation is costing the potential jobs of other people in private enterprise.

The Hon. Jennifer Adamson: It's subsidised by the taxpayer, and he knows it.

The Hon. D. O. TONKIN: It is very heavily subsidised by the taxpayer in terms of the orders that have been given from Government departments. The State Clothing Corporation knows perfectly well that it is expected to operate as efficiently as possible. The State Government purchased new premises, or made it possible for new premises to be purchased for that clothing corporation so that it would have premises of its own to make it an entity. If it then becomes available for sale on the open market on a commercial basis, is able to be taken over by private enterprise, worked and run on private enterprise lines, competes with other private enterprise groups for business and does it effectively (and there is no reason why it should not), I believe that the Government has every duty to the taxpayers of this State to take that move, and it will so take it. I repeat that it has had a good deal of special consideration in its favour. We do not intend to go on pouring taxpayers' dollars into subsidising that operation if, in fact, we can find a private enterprise ready to take it over.

Mr Bannon: Shame!

The Hon. D. O. TONKIN: The Leader says 'shame'. He is talking political ideology and nothing else. If he had his own way, the Leader would allow all our industries in South Australia to be taken over or forced out of business by Government enterprises. That is not this Government's style; it is not this Government's policy, and it never will be. The State clothing factory, as long as it remains in State Government hands, will be expected to be competitive, to tender and to stand on its own ability and merit.

TORRENS RIVER

Dr BILLARD: I ask the Chief Secretary whether it is a fact that the Torrens River is a bad crime area. A great deal of publicity has surrounded recent events in the region of the Torrens River and has led members of the public to express concern that the Torrens River area of Adelaide does in fact have an unusually high rate of crime. Because of that concern, members of the public are saying that it is not safe to go into that area.

The Hon. J. W. OLSEN: Following the tragic death of Mark Langley, I sought advice from the Police Department in relation to police services in that area and as to exactly what circumstances apply to what is known as the environs of the Torrens River. The report that has been given to me by the Police Department indicates that crime statistics of offences committed record a trend downwards at this time. The research indicated that the quarter ended 31 December 1981 had the second lowest total number of offences recorded since 1 October 1979.

It is worth noting that the current investigations into that tragedy do not indicate that Mark Langley was abducted from that Torrens River area or that the injuries were sustained, caused or inflicted in the vicinity of the Torrens River area. The innuendo relative to that has been somewhat harmful in creating undue apprehension by members of the public regarding that particular area. That does not detract at all from the extent of the tragedy and the obvious heartache that must be felt by members of that family as a result of that tragedy. However, the statistics have proved the fact that the record of offences is on the decline. Since November 1981, the officer in charge of Region B has undertaken special police operations through the area. Those operations have been staged by various sections of the Police Force, including the uniform section, the detective branch, the Dog Squad and the mounted section. Those operations have been successful in satisfying their initial objectives.

MOUNT GAMBIER LAND

The Hon. J. D. WRIGHT: Will the Minister of Education say why the report promised by the Minister on 10 December in reply to my question on the highly questionable Mount Gambier land deal involving the Education Department has not been tabled in this House, although it appears to have been approved by the Minister?

Members will recall that 3½ months ago I asked the Minister whether he was involved in the disposal of Education Department land at Mount Gambier to real estate interests and whether the land was offered for sale publicly. The Leader of the Opposition during 1981 asked the Minister of Education a Question on Notice about the sale of Government assets to reduce the Budget deficit. On 20 October the Minister replied that there had been a land exchange at Mount Gambier from which the Education Department had received $47 250. Detailed investigations have indicated that the Eduction Department disposed of a parcel of 23 acres on three land titles in Mount Gambier on 24 April 1981 for $47 500, plus the receipt of a small site elsewhere in Mount Gambier. Some of the land disposed of is prime land that is ripe for development.

The Education Department land was sold to Auvale Pty Ltd, which operates from the same address in Mount Gambier as the real estate company D. M. Fimmell and Company Pty Ltd. The price, excluding the land transferred to the Government, was equivalent to around $2 000 an acre. However, on 28 September, Auvale Pty Ltd resold a mere half acre of the 23 acres for $14 250. Another one-third acre of the total parcel held on a separate title is believed to be worth $10 000. At the rate of $14 250 for each half acre, the proceeds from reselling the full 23 acres could total somewhere in the vicinity of $600 000, which is a very profitable land deal indeed. I said I would like to know whether the Minister, with his local contacts, brought the possibility of the land exchange to the notice of the Education Department and whether the department's land was offered for sale publicly. If the land was not offered for sale publicly, then this is a very serious matter indeed.

The SPEAKER: Order! The honourable member is now commenting. I ask him to remain with fact.

The Hon. J. D. WRIGHT: Thank you, Sir. Since asking my question last December, I have had the site in the north-eastern sector of Mount Gambier inspected. I have top level information that part of the land disposed of by the Education Department could have been secured by the private interests as a prime site for a shopping centre.

The Hon. H. ALLISON: I can assure the honourable member that he appears to have completely misjudged the situation and that, in fact, the small parcel of land, the very small holding of land that was sold for a relatively high price, was, I think, one of the two very small sections which were immediately adjacent to the main North Terrace highway and that they were quite readily saleable simply because they were already subdivided. The balance of the land sloping away to the north presents a number of difficulties. It is not land that is subdividable in the short term, and it also presents a number of problems associated with Engineering and Water Supply facilities for the extraction of sewerage and drainage, very much as land on Crouch Street North does, which land has remained undivided for the past 20 years, despite attempts to get that onto the market.

It is land that slopes away from the main city area and it has drainage and sewerage problems that are associated with the whole of that downfall north of what is really an escarpment to the north of Mount Gambier. Apart from that, I did receive a relatively brief verbal report immediately after I returned to Mount Gambier. It was telephoned to me from the Education Centre in Adelaide. I also received a fairly brief written report before Christmas. I realise that I did undertake to bring a more comprehensive report back to the honourable member, and I undertake to do that.

The Hon. J. D. Wright: It has been 3½ months.

The Hon. H. ALLISON: Yes, it had slipped my mind, but I indicate that I have that brief report somewhere in my possession. I am more than a little surprised that the honourable member should choose to pursue this matter with more than considerable innuendo in his voice in the question today, particularly in view of the fact that the real estate company concerned indicated to me before Christmas last year that it was going to take up the issue with the honourable member personally and make him aware of the facts behind the transaction.

The Hon. J. D. Wright: Neither they nor you have replied to my question. That's why I asked the question today.

The Hon. H. ALLISON: I appreciate that and I will investigate the matter. I would also remind the honourable member that another fact should be brought to the attention of the public, namely, that this transaction was considered to be part of a normal real estate dealing that was negotiated at officer level between a member of the Education Department's departmental staff and the real estate company concerned.

The Hon. J. D. Corcoran: There was no public auction, I take it.

The Hon. H. ALLISON: I will bring the report back.

The SPEAKER: Order!

IRON TRIANGLE REPORT

Mr MAX BROWN: Will the Pemier please explain to the House the advantages that he appears to see in holding up the release of the copies of the Iron Triangle study group report for six weeks while he ventures off to Japan? The Premier would know that the mayors of the three cities of the Iron Triangle area would have draft copies of the report. Secondly, he would also know that even if the report was released immediately, no action could be envisaged on the report for some months. If the report was released now, particularly with the drastic downturn in the steel industry, local people of the Iron Triangle area could be examining and thinking about the possibilities contained in the report on the future development of the area and also could be thinking about their personal future.

The Hon. D. O. TONKIN: The honourable member is understandably concerned about the Iron Triangle, particularly about Whyalla, and I respect his concern. Let me say to him that the reason for the non-release of the Iron Triangle report publicly is purely and simply because of logistics; there are not enough copies yet printed for public distribution. Draft copies only have been available for me and the mayors of the towns—

The Hon. E. R. Goldsworthy interjecting:

The Hon. D. O. TONKIN: Well, if the honourable member can find some way to speed this up I would be grateful to him.

Mr Hemmings: Give it out to private enterprise?

The Hon. D. O. TONKIN: That is a very good thought. I am grateful to the member for Salisbury for the suggestion. It is one of the most positive and forward thinking suggestions that the member has made in this House since he has been here.

Mr LYNN ARNOLD: I rise on a point of order. The Premier referred to me as making an interjection; that is not the case and I hope it is corrected.

The SPEAKER: Order!

The Hon. D. O. TONKIN: Yes.

Mr Hamilton: It is not often you are right, but you are wrong again.

The Hon. D. O. TONKIN: Yes, that is right. I am pleased that the member recognises that fact. As to the Iron Triangle report, on my reading of it it is a most valuable document and I think the member for Whyalla would be pleased with it.

Mr Max Brown: Why couldn't the draft copy be given to the members of Parliament in the area, for example?

The Hon. D. O. TONKIN: That may be something that could well be considered. I am grateful for the suggestion. Another interesting thing came up. I could not quite catch the terminology he used but I would imagine that the honourable member would be the last person to talk about tripping away overseas. At least I do not intend to bring down, when I do come back, a study tour report of my experiences.

While we are talking about the Iron Triangle study, I think it is quite important and of interest to the honourable member that I tell him that I had useful discussions last week with the Chairman of B.H.P. about future investments in general and about particular matters that have been raised recently in the local press in Whyalla. There is no doubt at all—

Mr Max Brown: So have I.

The Hon. D. O. TONKIN: Well, I found Sir James very helpful indeed in this matter. There is no doubt at all that the steel industry in Australia is going through an extremely difficult time in common with the rest of the world and incurring extensive pressures mostly caused by excessive wage pressures over the past two or three years. That is a good example of people pricing themselves out of work. There will be a rationalisation of employment, I have been told, generally throughout the steel industry in Australia. Of course, that is something which we all regret. It will apply at Whyalla, but only to a limited extent. This is the reassurance that I had from the Chairman. There will be some positions through attrition but as the member for Whyalla would well know, the blast furnace at Whyalla has been upgraded by B.H.P. The company spent several millions of dollars doing that job and a high technology steel rail rolling plant is being installed, which is going to be rolling rails for Australian National and other railways in Australia and overseas. Already export orders have been obtained for South-East Asia and the Middle East, so that there will be continuity of employment and of steel manufacture for that specific purpose at Whyalla for the foreseeable future.

That is a very strong plus for the Whyalla area. The mill itself I understand is able to roll rails that will be competitive with the best of Nippon Steel. Nippon Steel formerly has had almost a monopoly on this throughout the world, but the mill will be able to compete with the best that Nippon Steel can roll in terms of both price and quality. It is hoped that markets throughout Australia and internationally will continue to expand. The upgrading of the facilities in Whyalla indicates quite clearly that the run-down in general steel production and the pressures are not going to touch Whyalla as heavily as they will touch steel centres in other States of the Commonwealth. That is something for which we can be grateful indeed and about which we must be pleased.

The situation at Whyalla—and this has been referred to in the report—depends very much on the creation of jobs, and other means of creating jobs in Whyalla. That is very important, and I know the honourable member is concerned about this, as is the member for Eyre, who has some portion of the city, and who is also most interested. The only way to create jobs basically is to create them in the private sector, and that means encouraging investment. I think the recent announcement by Santos detailing the amount of money and the employment impact of the Cooper Basin petroleum development is clear evidence of the spin-off that we can get from resource developments.

The total employment generated by the Cooper Basin petroleum development is about 3 000. Santos Chairman, Mr Alex Carmichael, said the figure previously used to demonstrate the employment impact of the liquids scheme related only to the Stony Point project. As he said, there is more to producing petroleum products than installing a fractionation plant and wharf facilities at Stony Point. It is the people who are concerned in developing the new fields, in exploring, development, constructing the gathering systems, the roads, and the support services who get jobs out of such a development. The figure given is 3 000, and the majority of those will belong to the contractors used by Santos. Santos itself will have about 800 of them by the end of 1982. That is good news for Whyalla. Although I am concerned at the B.H.P. decision to reduce employment in the steel industry generally, we know that a new industry is being built. People in the Iron Triangle and at Whyalla will benefit from that, and many of the 3 000 jobs that will be created by the Stony Point Cooper Basin project will go to people from Whyalla.

ONKAPARINGA ESTUARY

Mr SCHMIDT: Is the Minister of Environment and Planning aware of concern expressed by southern residents about the environmental future of the Onkaparinga estuary

in the light of proposals to have the estuary developed? From time to time I have been approached by local residents who fear that the Onkaparinga estuary may become a dead estuary because over the years it has been alleged that spills have occurred from the meatworks into the river system, thus polluting it. A similar situation has applied with silting up of the river, so that the natural flushes that occurred years ago do not now occur. The water level is declining, thus raising the temperature of the water. It has long been known that the estuary is a breeding and feeding ground for mullet, bream, and other aquatic life, and it is feared that the proposed development of the estuary might further impinge upon its natural environment. People are concerned to know what action or precautions will be taken to ensure that the environmental aspects of the estuary will be upheld pending future proposals.

The Hon. D. C. WOTTON: I am aware of the concern expressed by local residents in the Noarlunga area and the wider district. I, too, am very concerned about the present state of the estuary.

Members interjecting:

The Hon. D. C. WOTTON: It is of concern to me, as it should be of concern to everyone else in the State. As a result of that concern, I have requested that the Director-General of my department, the Department of Planning and Environment, should liaise with the Director-General of the Department of Marine and Harbors, the Director-General and Engineer-in-Chief of the Engineering and Water Supply Department, and officers of the Coastal Management Branch of the Department of Environment and Planning, with a view to establishing the best way to deal with this important problem.

Only recently I have had the opportunity to make a personal inspection of the estuary. I know that there are other concerns in regard to an alternative water supply. The actual development of the estuary will be assisted by a water supply, and a study is presently being funded and carried out into an alternative water supply to that particular area. In relation to future development, I have made known that we have prepared a prospectus seeking private interests in the development of the estuary. I have made clear that, before any development takes place in that area, we would seek an environmental assessment because of the sensitivity of the area.

To answer the question, I am very much aware of the concern that has been expressed and I believe that, by getting together the Directors-General of the various departments I have mentioned to consult on this matter, appropriate action will be taken.

KANGAROO ISLAND FERRY

Mr SLATER: Can the Minister of Tourism state whether any action can be taken by the Government to retain the Kangaroo Island ferry *The Islander*, which is due to cease operations on 13 April? The Chairman and Managing Director of River Murray Developments Ltd, Captain Veenstra, has announced that this service will be discontinued. The main reason given was the poor bookings for the winter season. The Minister may be aware of other factors that may have been responsible for the service being discontinued.

The vessel has been operating only since October of last year and it is understood that on most occasions it has had capacity bookings. The people of Kangaroo Island and the tourist proprietors in particular have expressed concern and disappointment at the discontinuation of the service. Expectations had been raised and the decision has been a blow to the tourist industry on the island.

The Chairman of the company, Captain Veenstra, is also a member of the Tourist Development Board, which was set up by the Minister and her Government to promote and assist tourism. It would appear that the decision to discontinue *The Islander* is in conflict with this desire. I ask what action the Government can take, or intends to take, on this particular matter.

The Hon. JENNIFER ADAMSON: If by Government action the honourable member is suggesting some kind of financial assistance in the form of a grant or a subsidy to Murray River Developments, I can assure him that that would not be contemplated by the Government. However, if the honourable member means action in terms of exploring the possibility of alternative ownership of the vessel, I can assure him that the officers of the Department of Tourism are keeping in close consultation with tourist operators on Kangaroo Island who, I gather, have at least canvassed the possibility of some efforts being made to form some kind of a consortium. That would be entirely, again, a commercial proposition.

River Murray Developments embarked upon this venture as a commercial proposition and presumably did so in full knowledge of the fact that the waters of Backstairs Passage are amongst the most dangerous coastal waters in Australia.

Mr Slater: Is the vessel safe?

The Hon. JENNIFER ADAMSON: I have no doubt that the vessel is safe and that the officers of the Department of Marine and Harbors have ensured that the crossings are undertaken in safe weather.

But the question is that the weather during winter months cannot always be relied upon for a safe crossing. Again, those are factors which need to be taken into account when planning a venture of this kind. It is interesting that after only six months Murray River Development should choose to withdraw without, as one might say, testing the winter temperature, the commercial temperature, and one could have perhaps foreseen that such a situation might occur.

In terms of assistance, any kind of research information or surveys of traveller movements would willingly be given to anyone who sought it. But if one is looking at financial assistance for a commercial operation, that would not be contemplated by the Government.

INDUSTRIAL INCENTIVES

Mr MATHWIN: Can the Premier explain to the House the industrial land and financial incentives that this Government offers industrial investors to establish in South Australia and also outline the current efforts to attract interstate businesses to this State? It is reported today that Western Australia and Queensland are endeavouring to capitalise on the New South Wales power crisis and attract businesses from New South Wales to their respective States. I presume that they will have a great deal of success with that, considering the situation in New South Wales. I also understand that Western Australia has announced a new scheme to assist businesses to establish there by offering a two-year deferral of the purchase price of industrial land.

The Hon. D. O. TONKIN: I am delighted to give the member for Glenelg the information that he desires. I understand his concern at hearing the national news this morning announcing the Western Australian Government's offer of what sounded to me at first hearing to be free land for industrial development. The important thing to recognise in that offer is that it is not free land at all. A scheme is to be put forward whereby payments can be deferred for up to two years, but the interest is capitalised and added to the total sum, and the total sum must be paid at the end of that time. Really, it is a very brief holiday indeed.

The Hon. D. C. Brown: We would do that for anyone.

The Hon. D. O. TONKIN: As the Minister of Industrial Affairs says, we would do that for anyone as a matter of course. It is clear that South Australia offers the best package of incentives of any State in Australia to assist in attracting businesses to this State. I do not think any Government can be said to have done more than this Government to attract investment in South Australia's future, and I am very proud of that. The situation in New South Wales has been quite disastrous, typified by the difficulties with the power generation scheme at present.

I am not particularly surprised to note that Opposition members who have for some considerable time vastly lauded the efforts of Premier Wran and his method of governing New South Wales have been very silent on the subject indeed in recent months. The standard package which the Department of Trade and Industry uses to promote expansions and relocations of businesses in South Australia to any business which might be referred to them by the State Development Office includes the establishment payments scheme, which provides special grants to assist businesses establishing in South Australia; and the industrial premises scheme, which is operated through the South Australian Housing Trust, which provides for the lease of land or the purchase of land. It will provide for the leasing of industrial pemises which are specifically designed to meet the requirements of companies coming to South Australia, and also has a lease-purchase scheme available if necessary.

There is the decentralisation scheme, which provides incentives for businesses to establish in country areas by offering such things as pay-roll tax rebates. Many other incentives and special facilities are offered by the Government. In addition to those mentioned, there are the Technology Park arrangements; the motor vehicles industry assistance scheme; the export bridging finance scheme, which has been very well used and welcomed particularly by smaller industries; the small business consultancy branch scheme; and the youth employment pay-roll tax rebate scheme. There is also a great deal of advice given by various officers of the Department of Trade and Industry and of the State development scheme. In the tourism area a great deal of advice is also available for potential tourist entrepreneurs and developers and, again, there is an assistance scheme for those people who wish to invest and set up tourist facilities in South Australia.

The Western Australian scheme really is a very minor incentive, and it amounts purely to a two-year deferral of payment. There is substantial assistance for investors other than the standard package in South Australia. Land can be purchased from the Lands Department, for instance, over a five-year period with a 20 per cent deposit, the balance payable in 10 half-yearly instalments. Additionally, under the industrial premises scheme, through the Housing Trust, building packages are available on a 17-year lease-rental basis with an option to purchase at the end of that time. A potential investor could negotiate the land and building package on an 11-year mortgage financing basis if necessary. Under the establishment payments scheme, the land content of the overall investment is included for the grant purposes—it is not just the premises—and a 3 per cent rebate is possible on the purchase price of the land.

Loan guarantees are also possible through the Industries Development Committee, as members on that committee will know. The guarantees given there assist not only the land purchase but also the entire investment for the establishment of an industry in South Australia. The State Development Office and the Department of Trade and Industry are constantly promoting, interstate and overseas, not only the contents of those packages and surrounding schemes but also the tremendous advantages which exist in South Australia for those people who want to come and set up here.

As members would know, and I am very pleased indeed that I have the support of the Leader of the Opposition in this, I am travelling to Singapore, Hong Kong and Japan next week to promote South Australia and its investment opportunities and to promote South Australian wine, food and associated trade. That is particularly important in the light of the statements made by Dr Kyoko Sheridan just recently when she said that we must look to Japan, look at the techniques adopted there and make sure that business interests in South Australia can learn to deal with Japanese people. While I am in Japan talking to senior members of the Japanese business community, they will be sending representatives down to Adelaide to discuss the same matters at a seminar. I have already welcomed their visit and, indeed, have received very warm expressions of gratitude for the State Government's support of their venture.

In relation to the immediate steps being taken to promote South Australia, the Minister of Industrial Affairs has recently placed advertisements in the New South Wales press pointing out to businessmen in that State the advantages of establishing in South Australia. The current power crisis in that State creates an opportunity to attract businesses to South Australia from New South Wales. There are a number of businesses in New South Wales now contemplating the purchase or outlay of some millions of dollars to purchase standby generating plants so that they are able to continue manufacturing. Any business which is contemplating that course of action would be well advised to look at the economics of relocating entirely in South Australia. We have ample power for manufacturing industry, and the Government is continuing to plan towards ensuring that we maintain what is now being demonstrated as a very critical and significant advantage. Availability of energy must be recognised as one of the major factors in the decision-making process for manufacturing industry deciding where to establish or where to expand operations.

The current industrial dispute has aggravated the power crisis, and we do understand that. However, it is not just the industrial dispute: it is what is obviously now a lack of forward planning in the New South Wales power industry which has brought this situation about, and there is no reason at all why we should not take advantage in South Australia of a more sensible and well planned system of development of power generation.

The Northern Power Station is something that is being pushed forward with all due speed. We hope that we will be able to increase the capacity of that power station in the not too distant future by extending the number of generating sets. The Government is also now looking at coal reserves at Port Wakefield, the final study on that not yet being available. We are looking at Kingston, which also has worthwhile coal deposits and, of course, the recent announcement regarding Sedan opens another option to the Government and the Electricity Trust for a long-term supply of very good coal for power generation. No-one likes to make capital out of other people's misfortunes, but nevertheless, the position is simply that South Australia has a great deal to offer industry in New South Wales, and we will put forward that position as firmly as we can.

The Hon. E. R. Goldsworthy: Do they know that they're sacking Government workers in New South Wales?

The Hon. D. O. TONKIN: I am afraid that Premier Wran has very vastly disappointed his A.L.P. Leader in South Australia, and they are indeed sacking members of the Public Service and the public sector.

The Hon. D. C. Brown: Who would ever want to elect a Labor Government after the New South Wales experience?

The Hon. D. O. TONKIN: I think the experience of the New South Wales people under a Labor Government speaks for itself, and I am quite certain that the electors of South Australia would not be unaware of the shocking state of affairs that has now come about in New South Wales under a Labor Government.

FREE BOOKS

Mr LYNN ARNOLD: What undertakings will the Minister of Education give that applicants for free books will not in future be disadvantaged by excessively slow processing of their applications as they have been this year? I am advised that this year 40 000 applications for free books were received by the Education Department and that some of those applicants had to wait in excess of six weeks to find out whether applications were approved or not, which was six weeks into the first term of this year. The result has been that some schools have supplied limited materials only until receipt of the application result. Other schools, indeed the majority I understand, have carried the burden internally. However, this has still left students and their families with an unsatisfactory degree of uncertainty. I understand that the section that processes free book applications is understaffed and that this has been a result of Government policies aimed at reducing staff levels by attrition, and that there have been computer problems, but the point made to me, with which I concur, is that students really come first in this matter and their needs are paramount, and the Minister should ensure that students do not suffer educationally from some policy to reduce staff in the free book section.

The Hon. H. ALLISON: It may well be that recent work bans imposed by the Public Service Association further compounded what was already apparently a problem. I do not know whether the honourable member took that fact into consideration before he phrased his question. We are hopeful that the large number of applications for assisted scholar allowances will be processed towards the end of the year rather than being deferred into the beginning of the next financial year. I believe that applications will be called for earlier towards the end of this year than was possible during the last school year.

Mr Lynn Arnold: To stop last year's botch-up.

The Hon. H. ALLISON: No; there was some delay partly because I was considering a number of alternative criteria that were put to me by the senior staff of the Education Department, criteria which would have changed the qualifications for assistance under the assisted scholarship scheme, and those criteria were, in fact, ultimately rejected by me. The matter will be cleared up much earlier next year, and I can assure the honourable member that attention will be given more promptly. The other criterion of whether or not there are Public Service work bans is completely outside my control, and I hope that the honourable member will speak up very strongly against that particular aspect of the problem.

BELAIR RECREATION PARK

Mr EVANS: Will the Minister of Environment and Planning say what is the Government's position regarding the upgrading of the fire break on part of the southern boundary in the Belair Recreation Park? It has been put to me by constituents that the first fire break on the boundary of the park was created in the 1950s and it was cut by an axe of Mr Hugh McGough, and then more recently in the past 10 years a fire break was created. I have had letters from local residents pointing out their thanks to the Minister for upgrading the fire break to make it effective. A copy of that letter in my possession is really a copy of the letter which was sent to the *Advertiser* and which I received yesterday.

The constituents point out in the letter that they have been asked for years to have an effective fire break along that boundary to stop fires coming out of the park, endangering their properties, and also to have a break that will effectively stop fires entering the park from outside, so giving an opportunity to preserve the fauna and flora within the park. They also make the point that one of their concerns is that within the Belair Recreation Park on fire ban days people are still allowed to smoke in close proximity to highly flammable material. The departmental officers have a very difficult task policing this practice, and they are asking whether the Minister will consider banning smoking within the recreation park on fire ban days.

The effect of anyone causing a fire in that area would be quite devastating to large sections of the Hills and to the whole Belair recreation park. I therefore ask what is the Government's position on this subject, and point out again the thanks of the residents who are close to the fire break and who thank the previous Government for the action that it took in making part of the break effective. Those people thank this Government for making it fully effective as an adequate fire break.

The Hon. D. C. WOTTON: It is most unfortunate that the National Parks and Wildlife Service should find itself being criticised at this time by a group of Hills residents for cleaning a fire break adjacent to the Upper Sturt Road, particularly as the break is intended to assist in the preservation of lives and property in the Hills area.

The National Parks and Wildlife Service, which, after all, sees the conservation of native fauna and flora as its prime objective, is more accustomed to being criticised for not providing such breaks. It should be noted that much of this pressure formerly came from the Country Fire Service with whom the National Parks and Wildlife Service now enjoys a very close and constructive working relationship. The Directors of the National Parks and Wildlife Service and the C.F.S. have today carried out a joint inspection of that area with the acting ranger in charge of the Belair park.

The work in question consisted of the widening and reclearing of an existing break to reduce the possibility of a major fire being carried at treetop level to and beyond the Upper Sturt Road, where it would be among local houses. The need to provide protection to fire fighters and appliances using the road for crucial access during bush fires has been a major consideration for some time. A number of other unusual problems, including high fuel levels, slope and orientation were taken into account in making what was a difficult decision, which was put into effect prior to the recent season of extremely high fire danger. In fact, as the member for Fisher has indicated, the original break has been there for many years.

Controversy surrounding this issue highlights the problems facing the National Parks and Wildlife Service in catering for the demands and expectations of a wide diversity of interests within the community. The Government has been progressively attending to this problem by the formation of consultative committees which synthesize advice from conservationists, local government, C.F.S. officers, farmers, and others within the community who have special interests and special expertise in specific regions of the State. To date, several such groups have been established in country areas, and it is intended later this year to set up a Mount Lofty Range consultative committee. I believe that that will do much to overcome some of the past problems of lack of

liaison and lack of communication between the National Parks and Wildlife Service and the local residents. The work carried out by the officers has been necessary for the safety of people and property. We have not considered the banning of cigarette smoking. We have taken much action in relation to fire safety, and we will continue to treat that as a matter of high priority, but I can tell the member for Fisher that the banning of cigarette smoking has not been considered.

SUPERANNUATION

Mr PETERSON: Will the Premier say whether the Government intends to alter the provisions of the Superannuation Act to reduce commutation amounts payable to State public servants? I have received a letter from a concerned constituent, a Government employee, suggesting that the State Government is about to reduce the commutation of superannuation by at least 15 per cent, and I believe that rumours are circulating within the Public Service about this proposed reduction. Will the Premier indicate any intention on the part of his Government to reduce the commutation amount?

The Hon. D. O. TONKIN: The rate of commutation in the State Public Service superannuation scheme is in the hands of the Superannuation Board, and is subject to the determination of the Chairman, the Public Actuary. I know of no plans to amend the Superannuation Act in that regard, but I will talk to the Public Actuary to see whether he can give any explanation for what appear to be quite strongly held fears.

HOSPITALS

Mr BLACKER: Will the Minister of Health indicate whether the Government intends to legislate or regulate to require long-term patients in Government hospitals to contribute part of their pensions for their maintenance? As honourable members would know, long-term patients in Government hospitals have not been required to contribute to their upkeep. This has meant an overloading of hospitals and a wrongful usage of acute beds in them, which means that nursing homes are not being fully utilised because patients choose the no-cost option. Last year I wrote to the Minister and her reply stated, in part:

> The current situation is that the Government has agreed to implement a scheme whereby each recognised hospital will be considered individually as to whether long-term patients will be classified as such and required to contribute under the terms of the Commonwealth legislation or whether part of the hospital will be reclassified as a State Nursing Home. Under either arrangement, the patient will be required to make the same level of personal contribution.

The Hon. JENNIFER ADAMSON: As the honourable member indicated in quoting from the letter, legislation to ensure that this occurs has been enacted at Commonwealth level. No legislation will be required at State level; it simply involves an administrative agreement between the State and Commonwealth Governments. The problem of long-stay patients in acute hospitals has been recognised for some time and is peculiar to South Australia, which has a very high proportion of patients in country hospitals who would be more correctly classified as nursing home patients.

It is certainly an inequitable situation where two patients with similar degrees of disability in a country town are cared for in different institutions, one in a nursing home where the patient is required to contribute portion of the pension towards the nursing home fees, and the other in a hospital where no such requirement is made. This naturally arouses fairly strong feelings of resentment among the families of patients in nursing homes who might see the aged relative's pension being directed into some other use when it could be contributed towards the patient's upkeep.

The Health Commission has recognised this, as has the South Australian Government. The Chairman of the commission was in Canberra on Monday having consultations with Commonwealth Department of Health officials about arriving at a situation where we can impose appropriate charges on those long-stay patients, and I hope that some arrangements can be arrived at soon. I would be pleased to provide the honourable member with a more detailed report as soon as possible.

OMBUDSMAN

Mr BANNON (Leader of the Opposition): I move:

> That Standing Orders be so far suspended as to allow the consideration of Notices of Motion: Other Business—No. 2 forthwith.

Both the member for Mitcham and I gave notice on the last day of sitting before the recess of motions concerning the report of the Ombudsman which was tabled in this House on 3 March 1982 and which canvassed some very grave problems that the Ombudsman had in relation to the administration of his Act. At the time of tabling this motion, we indicated that we would ask the Government for time in which to debate this matter. I think the need for that was reinforced by comments that the Premier made in answer to a question on the day that the report was tabled in which he said that he would need some time to look at the report and decide what action, if any, should be taken. Of course, the intervening weeks have given just that opportunity.

I have since then requested through my Deputy to the Leader of the House time to debate this motion, and it has been indicated to us that the Government motion will not allow this motion to be debated. That means that there will be no opportunity until private members business is debated much later this year to tackle these very important issues raised by the Ombudsman. The Opposition believes that, in view of the report, in view of the public interest and the fact that the Ombudsman has seen fit to lay a report on the table of Parliament, in other words, carrying out the requirement contained in his Act of reporting directly to the Parliament, the Parliament is in duty bound to debate that report. I do not think there has been any other occasion on which the Ombudsman has been moved to present a special report to you, Sir, and to the President of the Council. He saw fit to do so on this occasion. The matter has been widely commented on in public and in the press. For instance, when it was tabled the *Advertiser* in an editorial referred to the following:

> This is a strong complaint—

which I am not going to traverse in these remarks—

> and it comes from one highly experienced in bureaucratic ways, it should not, therefore, be brushed aside lightly. If the subsection complained of can, in fact, be shown to be producing the undesirable effects seen by Mr Bakewell it should be removed without delay.

At the same time it went on to say that the case would need to be proved. I believe that my motion gives the Parliament just that opportunity to canvass the issues raised by the Ombudsman without delay and perhaps, more importantly, to get from the Premier a firm indication of what his Government intends to do about the situation.

The motion that was moved by the member for Mitcham attempts to get the House to express an opinion on a particular section and its removal. My motion is couched in more general terms. It would allow the issues raised in the Ombudsman's report to be noted in debate, and that means that views can be expressed both from this side,

officially from the Government and, of course, from the Government back bench. In this context, it is most important to point out that the Ombudsman is an officer who has statutory independence. It is an absolute necessity to the carrying out of his task that he report to Parliament and not to the Government. He is not subject to the direction of the Government and his independence in that sense should not be interfered with nor fettered.

The Ombudsman has raised in the report that he presented a number of fairly grave allegations in the sense that, by the way in which the Government is defining his duties and the powers under his Act, the Ombudsman is prevented from investigating adequately certain complaints raised with him. Surely that is a matter of such gravity that it should be debated openly and expeditiously in this House. I would have thought that, given time to read and reflect on the report and given the comments that have been made about the matter, the Government would have a stated opinion. Yet, we have heard absolutely nothing more from the Government about the issue.

The Premier has made no Ministerial statement; he has issued no general statements or comment on the matter since it was first raised. Surely it is incumbent on him, in view of what is contained in that report, to report directly to us. I suggest that the best way of doing that would be in the context of a general debate, noting the remarks of the Ombudsman. We on this side of the House have a number of views that we want to put on this matter. We believe that, if what the Ombudsman has outlined is correct, his work is being impeded. Since that report has been tabled, a number of complaints have come to me and my colleagues about this matter and, as the Ombudsman points out, the way in which the section is being interpreted by the Government means that unless—

The SPEAKER: Order! The honourable Leader is now starting to move into the substance of the debate, if he is granted permission to debate.

Mr BANNON: I mention the content of the report merely to indicate the gravity of the matter. If it was simply something that touched on some minor aspect of the jurisdiction of the Ombudsman, it could wait, and we on this side of the House would be prepared to wait either the due course of private members business or for the Government to introduce an amendment to this Act, but that is not so. The contents of this report touch directly on the effectiveness of the Ombudsman in carrying out his duty. He points out that he is being required to give a formal notification under section 18 (1) or his inquiries simply cannot proceed. If that is so, not only will his office be clogged with bureaucratic work and the backlog of cases to which he refers will get longer but also his effectiveness in dealing expeditiously with complaints by the public about the workings of the bureaucracy and the Public Service will be reduced sharply.

Surely that is a matter about which the Government should have some concern. We hear enough from the Premier about cutting out red tape and ensuring that the Public Service behaves efficiently and effectively for him, I should have thought, to grasp this opportunity to ensure that the Ombudsman is able to carry out his role to the greatest and most effective extent possible. That is all that is being asked. However, I make the point that the report is to Parliament, not to the Premier or to the Government. The report is to you, Mr Speaker, to lay on this House, and all we are requesting in this motion is that Government time be granted to debate it. It seems very odd that the Government has stubbornly said that it is not interested in doing that. It was not a case of our saying to the Deputy, 'We must debate it on Tuesday, or on Wednesday.' We have two weeks in which this matter could be debated—two weeks in which a couple of hours could be set aside to canvass it. Yet, we have been told that that is just not on, that it is just not possible. I think that that represents a contempt of Parliament, because the Premier well knows that procedures as they exist do not allow the matter to be raised by the Opposition in the formal sense. We are really in the Government's hands, unless, of course, this motion is supported. I appeal to members on the Government back bench on this issue. It is not a matter of Government policy. This motion is not committing the Government to do anything other than allow time to debate. I would have thought that back-bench members of the Government would see their way clear to support Government time being made available for them as members of Parliament to debate the issue.

The report is to all of us, irrespective of our Party, irrespective of whether we are in Government or Opposition, and I would suggest that Government back-benchers who recall that report, knowing well the sort of complaints and problems that they get from their constituents, should see themselves as members of Parliament in this instance and join us in ensuring that this matter is ventilated at the earliest possible moment in this House. Having done that, we can then clearly see what the Government's intentions are in the matter and what needs to be done to correct the problem.

The Hon. D. O. TONKIN (Premier and Treasurer): I oppose the motion to suspend Standing Orders. The matter that the Leader of the Opposition raises is currently being examined by the Government. Since the matter of the report has been raised in this House the Ombudsman and I have had two meetings. I have recently written to him. He has provided me with further information about the allegations made in this report. At present, further steps are being taken to ascertain greater detail on the matters that he has raised. Under those circumstances, I see no point whatever in having a debate of the wide-ranging and general nature that the Leader of the Opposition desires. I know that the Leader wants very much to draw any red herring he can over his present dilemma. This can only be interpreted as a diversionary tactic of a most blatant kind.

Members interjecting:

The SPEAKER: Order! The question is that Standing Orders and Sessional Orders be suspended. Those of that opinion say 'Aye', against 'No'. There being a dissentient voice, there must be a division. Ring the bells.

The House divided on the motion:

Ayes (20)—Messrs Abbott, L. M. F. Arnold, Bannon (teller), M. J. Brown, Corcoran, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, McRae, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (23)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, Tonkin (teller), Wilson, and Wotton.

Pair—Aye—Mr O'Neill. No—Mr Gunn.

Majority of 3 for the Noes.

Motion thus negatived.

EVIDENCE ACT AMENDMENT BILL (No.2)

The Hon. H. ALLISON (Minister of Education): I move:

That the Standing Orders be so far suspended as to enable the conference with the Legislative Council on the Bill to be held during the adjournment of the House and the managers to report the result thereof forthwith at the next sitting of the House.

Motion carried.

PUBLIC ACCOUNTS COMMITTEE

The Hon. E. R. GOLDSWORTHY (Deputy Premier): I move:

That Mr W. A. Rodda, M.P., be appointed to the Public Accounts Committee in place of the Hon. J. W. Olsen, resigned.

Motion carried.

At 3.18 p.m., the bells having been rung:

The SPEAKER: Call on the business of the day.

PAY-ROLL TAX ACT AMENDMENT BILL

The Hon. D. O. TONKIN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Pay-Roll Tax Act, 1971-1980. Read a first time.

The Hon. D. O. TONKIN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

In keeping with its stated policy of removing as much as possible of the burden of taxation from individuals and businesses in South Australia, the Government is proposing to increase the maximum exemption level for pay-roll tax purposes from $84 000 to $125 000 with effect from 1 July 1982. The present level has been operating since 1 January 1981 and it is, therefore, apparent that the proposed change will do considerably more than maintain the real value of the present exemption. It will provide genuine relief to a large number of small businesses and enable many to escape pay-roll tax altogether.

For firms with pay-rolls in excess of $125 000 (to be precise, $124 992) the present tapered exemption will continue to apply. Moreover, because of the increase in the maximum exemption, the range over which this tapered exemption applies will be extended, notwithstanding that the minimum exemption will remain unchanged at $37 800. As a result, only firms with annual pay-rolls in excess of $255 800 will receive no benefit. Many firms with annual wage and salary bills in excess of $125 000 will find themselves better off in real terms than they were immediately following 1 January 1981. Those with wage and salary bills more nearly approaching $255 800 will not benefit in that sense but will nevertheless pay less tax than if the legislation were left untouched.

The cost to the Government of raising the maximum exemption level as proposed is expected to be of the order of $5 000 000. Some part of this, of course, is no more than the cost of restoring the real value of the exemption limit to the level of 1 January 1981, but a significant proportion represents a genuine taxation concession to small businessmen. The full $5 000 000 is revenue which the Government would otherwise have had available in 1982-83 and which must now be found from other sources or matched by savings on the expenditure side of the Budget.

The need to seek out these savings is a clear indication of the dilemma faced by the Government whenever the issue of pay-roll tax arises. It is, without question, a most undesirable form of taxation. While it is difficult to argue that the extra cost represented by pay-roll tax actually influences the decision to hire the marginal employee, the overall burden of the tax almost certainly influences employers to minimise labour costs wherever possible and to reduce employment opportunities. At the same time, it is by far the most important of the State's limited sources of revenue, and the decision to relieve somewhat the burden of the tax must be weighed carefully against the impact of the revenue forgone as a consequence. The Government has wrestled with these problems and come to the conclusion that an increase in the maximum exemption level to $125 000 per annum would be appropriate as from the beginning of 1982-83.

Clause 1 is formal. Clause 2 provides that the measure is to come into operation on the first day of July 1982. Clause 3 amends section 11a of the principal Act. This section establishes the deductions that are to be made from taxable wages in order to calculate pay-roll tax. The effect of the amendments is to increase the exemption level from $84 000 ($7 000 a month) to $125 000 ($10 416 a month). The present minimum deduction of $37 800 ($3 150 a month) is not altered by the clause.

Clauses 4 and 6 make consequential amendments to sections 13a and 18k of the principal Act. These provisions relate to both the assessment of pay-roll tax, section 18k applying where employers are grouped together, and pay-rolls aggregated, for the purposes of the principal Act. Clause 5 amends section 14 of the principal Act. This section requires employers who pay wages in excess of a certain amount to apply for registration. The clause increases the relevant amount from $1 600 a week to $2 400 a week.

Mr CRAFTER secured the adjournment of the debate.

STAMP DUTIES ACT AMENDMENT BILL

The Hon. D. O. TONKIN (Premier and Treasurer) obtained leave and introduced a Bill for an Act to amend the Stamp Duties Act, 1923-1982. Read a first time.

The Hon. D. O. TONKIN: I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

Section 90 of the Family Law Act, 1975, of the Commonwealth purported to exempt from stamp duty instruments of various kinds affecting property settlements related to matrimonial proceedings. On 24 December 1981, the High Court ruled by a majority that section 90 has no application to stamp duty levied by the States. This decision confirms advice tendered by the former Solicitor-General to the effect that the provisions of section 90 were much wider than could be validly enacted by the Commonwealth. Following this opinion the Commissioner adopted certain 'working rules' for assessing transfers to which section 90 applied. The view that the States should treat section 90 as having only limited effect was also adopted in three other States, namely, Queensland, Tasmania and New South Wales. Of these three States, it appears that Queensland and Tasmania are presently not contemplating legislation to replace the Commonwealth law that has now been found to be invalid, while New South Wales is contemplating legislation that will confer a stamp duty exemption in relation to transfers between spouses. In order to guard against fraudulent claims, the exemption will be conditional upon the dissolution of marriage. The Government believes that this proposal constitutes a satisfactory basis for legislative

action and accordingly the present Bill contains a provision providing for an exemption along those lines.

The Bill also widens the power of the Governor to grant exemptions from stamp duty in respect of conveyances of securities issued by Government instrumentalities. Inscribed stock certificates issued by the State Bank of South Australia are not subject to the payment of stamp duty at the time of issue but, if the certificate is transferred to a third party, the transfer attracts duty at the rate of 0.1 per cent. Inscribed stock is issued mainly to other statutory bodies for the exclusive purpose of funding the concessional housing programme. Stamp duty on the subsequent transfer of the stock is a factor taken into account by prospective investors and has a direct influence on the interest rate offered at the time of issue. In the present competitive climate for deposit moneys, the bank's board of management believes that an exemption from the payment of stamp duty on transfers of its inscribed stock would enhance the marketability of the stock and offer local statutory bodies a greater incentive to invest. The Government believes that the bank's proposal for exemption from stamp duty is reasonable. There is a problem in using the present provisions of paragraph 6 of the general exemptions contained in the second schedule to the Stamp Duties Act for the purpose of granting the exemption. If an exemption is granted under this paragraph, it will operate in respect of all securities issued by the bank, but it is intended that it should only operate in respect of a certain class of securities. An amendment is therefore made to this power of exemption so that an exemption may be granted in respect of a particular class of securities.

Clause 1 is formal. Clause 2 makes the operation of the amending Act retrospective to 24 December 1981, that is, the date of the High Court's judgment in relation to section 90 of the Family Law Act. The amendment relating to duty on conveyances of securities will, however, operate from a date to be proclaimed. Clause 3 enacts section 71ca of the principal Act. This new section exempts from stamp duty instruments related to property settlements in matrimonial proceedings which provide for dispositions of property between the former spouses. Where such an instrument is stamped before dissolution of marriage takes effect, the parties are entitled to a refund of duty upon the subsequent dissolution of the marriage.

Clause 4 amends the power of exemption contained in paragraph 6 of the general exemptions in the second schedule to the Stamp Duties Act. This amendment enables the Governor to declare a specified class of securities to be a class of securities to which the exemption applies.

Mr CRAFTER secured the adjournment of the debate.

EVIDENCE ACT AMENDMENT BILL (1982)

Second reading.

The Hon. H. ALLISON (Minister of Education): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill amends the Evidence Act on two separate subjects. First, it reintroduces (with minor modifications) amendments relating to banking records which were originally introduced in 1980 but which failed to pass into law when the Bill lapsed in consequence of disagreement between the Houses on the question of abolition of the unsworn statement. Secondly, it revises the penalties that can be imposed for disobeying an order suppressing publication of evidence or of material tending to identify a party or witness.

The present provisions of the principal Act relating to bankers' books are very antiquated and do not take account of modern photographic and electronic methods of storing accounts and information. The amendments are designed to bring the present provisions up-to-date and to achieve a degree of consistency between the provisions of the Evidence Act on this subject and the provisions of the new legislation which is to control companies and securities. A provision is included empowering a judge or special magistrate to authorise a member of the Police Force to inspect banking records if satisfied that it would be in the interests of the administration of justice to do so. Presently, any party to a legal proceeding may apply to a judge for an order to inspect and take copies of any entries in a banker's book for the purposes of such proceedings.

The Bill also deals with the enforcement of orders suppressing the publication of evidence, witnesses names, and so on, under Part VIII of the principal Act. In *Attorney-General v. Kernahan* the Full Court decided that Part VIII constitutes a complete code on the subject of suppression orders and that there was therefore no room for the court to punish disobedience to such an order by invoking its inherent jurisdiction to punish for contempt. This means that disobedience to such an order must be punished as a summary offence (carrying at present a maximum penalty of $200 or imprisonment for six months) or not at all. The Government believes that the possibility of bringing contempt proceedings in cases of non-compliance with a suppression order should remain open and the present Bill contains amendments to give effect to that view. The monetary penalty for the offence of disobeying a suppression order is also increased from $200 to $2 000.

Clauses 1, 2 and 3 are formal. Clause 4 makes an amendment which is consequential upon the amendments to Part V. Clause 5 alters the heading to Part V. Clause 6 repeals several provisions of Part V and substitutes new provisions. A new definition of 'bank' is included. The conventional definition is expanded to cover building societies, credit unions and other bodies that accept money on deposit from the public. New definitions of 'banking records' and 'copy' are included to take account of contemporary accounting practices and photographic and electronic methods of storing information. New section 47 sets out the matters that must be proved if a banking record is to be admitted in evidence. New section 48 sets out a method by which it may be established that a certain person is not a customer of a bank.

Clause 7 empowers a judge of the Supreme Court or a District Court to authorise inspection of banking records by a police officer or an officer of the Corporate Affairs Commission. New provisions are included requiring service of a copy of the order on the person subject to investigation, providing for copies of applications to be retained for future reference, and requiring the number of applications to be reported to the responsible Ministers. Indiscriminate disclosure of information obtained in pursuance of an inspection order is to be an offence punishable with a substantial penalty.

Clause 10 repeals section 52 of the principal Act. The repeal is consequential upon earlier amendments. Clause 11 amends section 71 of the principal Act. The amendment makes it clear that a breach of any order under section 69 constitutes a contempt of court. Subsection (2) is re-drafted to make it clear that summary proceedings may be taken as an alternative to proceedings for contempt. The monetary penalty for disobedience to a suppression order is increased from $200 to $2 000. Subsection (3) provides that a person

is not to be liable in respect of the same act or default to be proceeded against both for a contempt of court and a summary offence.

Clause 12 increases the penalties for breaches of section 71a (which restricts premature publication of evidence relating to sexual offences) from $1 000 to $2 000. This amendment brings the penalties into line with the proposed amendment to section 71(2).

Mr McRAE secured the adjournment of the debate.

ST JUDE'S CEMETERY (VESTING) BILL

Second reading.

The Hon. H. ALLISON (Minister of Education): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill relates to certain land constituting or adjacent to St Jude's public cemetery at Brighton. The land constituting the present cemetery has been used continuously for that purpose since 1854, and has, since that time, been administered by a succession of trustees pursuant to a trust deed. The terms of the deed do not permit either the sale or other disposal of any of the land. The older portion of the cemetery, comprising approximately three acres, is not subject to the provisions of the Real Property Act and the circumstances are such that the Registrar-General is not able to issue a certificate of title with respect to it. A portion of the older part of the cemetery is believed to be owned by the church, although its administration has, at all times, been in the hands of the cemetery trustees.

For many years, the same people acted as trustees for both the cemetery and the church, and, in so doing, occasionally failed to distinguish properly between the two trust properties being administered by them. Thus the current situation is that there now lies, on land owned by the cemetery trustees, a church hall, sealed playing grounds constructed and used by members of the church, and portion of a kitchen. Conversely, the cemetery trustees have erected, on land now owned by the church, a fairly extensive columbarium wall. Although the trustees are willing to convey to the Diocese the paved playing area, church hall and part of the kitchen, they are precluded, by the terms of their trust deed, from so doing.

On 3 July 1981 the Attorney-General received a joint deputation from the Corporation of the City of Brighton and the cemetery trustees. The trustees advised the Attorney that the trust was in financial difficulties and was only surviving financially because the City of Brighton has, for a number of years, waived approximately $700 in council rates. The trustees can afford to maintain only a skeleton staff to care for the cemetery, a consequence of which is that the property is not being properly maintained. There is little doubt that, if the council commenced charging full council rates, the funds of the cemetery trustees would soon be exhausted. The trustees and the council jointly requested the Government to sponsor legislation winding up the trust and vesting the land.

At present, only portion of the cemetery land is used for cemetery purposes. Apart from that portion which is used by the church, there is a further area (to the south) which is currently vacant and which has been leased, by the trustees on annual lease, to a local market gardener. The council has undertaken to maintain the cemetery as a cemetery, but desires to use portion of the unused part of the cemetery for community purposes. To this end it is endeavouring to purchase other vacant land lying adjacent to the cemetery. The purpose of the proposed Bill is to—

1. With the exception of the land used by the church, vest the whole of the cemetery land, freed of all trusts, in the Corporation of the City of Brighton.

2. Vest the land comprising the sealed playing area, church hall and part of the kitchen in the Diocese of Adelaide.

3. Vest the columbarium wall in the council.

4. Vest certain other land, namely lot 92, in the council.

Lot 92 comprises a small area of land which the council purchased for $7 000 several years ago. As the land is not under the Real Property Act and difficulties exist as to its title, the council has never been able to obtain a Real Property Act title for it, and it has been decided, as a matter of convenience to the council, to include that allotment in the vesting Act.

The land on which the columbarium wall stands has been vested in the Synod of the Diocese of Adelaide pursuant to the provisions of the Church of England Trust Property Act, and the vesting of this wall in the council will involve an alteration to the Synod's Certificate of Title relating to this land. Thus it has been decided to cover the whole of the Church's St Jude's Brighton land in the Act. The Bill defines the church land as being 'allotment 90 on the plan'. Allotment 90 comprises all land currently owned by the Synod on behalf of St Jude's Church, but excluding the land comprising the columbarium wall and including the cemetery trustees land presently occupied by the church. That land owned by the trustees but occupied by the church has an area of 6 149 square metres. The Bill has been discussed with interested parties, and there appears to be no objection to the solution proposed.

Clause 1 is formal. Clause 2 contains the definitions required for the purposes of the new Act. Clause 3 provides for the vesting of the land in the manner outlined above and provides for a private right of way to run across the church land to the cemetery gates. Clause 4 provides that descendants of William Voules Brown, who died on 29 January 1893, and who originally made the land available for the purposes of the cemetery, are to have certain burial rights in relation to the cemetery.

Mr McRAE secured the adjournment of the debate.

CORRECTIONAL SERVICES BILL

Consideration in Committee of the Legislative Council's amendments:

No. 1. Page 4 (clause 9)—After line 23, insert new subclause as follows:

(2) The Minister shall, as soon as practicable after his receipt of a report submitted to him under this section, cause a copy of the report to be laid before each House of Parliament.

No. 2. Page 13, lines 28 and 29 (clause 33)—Leave out all words in these lines.

The Hon. J. W. OLSEN: I move:

That the Legislative Council's amendments be agreed to.

The amendments made by the Legislative Council are of a minor nature. I do not believe that they affect the general intent of the legislation. It is not my intention, therefore, to take the time of the House in further explanation. I indicate that the Government supports the amendments.

Mr KENEALLY: I am pleased that the Government has accepted these amendments. They were opposed in this place when the matter was debated some weeks ago and I

am happy that the Government has accepted them and that the Government in this place now also accepts them. They are not unimportant: they are both very important amendments.

I particularly wanted to make the point that the original Bill tried to give powers to the prison authorities to censor letters merely because they were written in a foreign language. This was an absolutely iniquitous provision. A letter written in English was not subject to censorship unless the administration felt there was good cause to censor that letter, and the same should apply to letters written in a foreign langauage. I am delighted that the Minister has seen fit to accept the logic of that amendment, as I am sure the previous Minister would have seen fit.

It was fortuitous that I happened to be in the Chamber when this matter was brought on. I would have been at an appointment because there was no notice given to the Opposition that the matter would be brought on at this stage. The Opposition had been given the Notice Paper for the day, the business for the day, and this was not listed. I think we ought to be provided with a more accurate business paper. The Opposition supports the motion.

The Hon. J. W. OLSEN: I would like to comment in relation to the last remark, in relation to procedures for discussing these amendments in the Chamber. I draw the honourable member's attention to the Notice Paper as printed, which does indicate that the Correctional Services Bill would come on at No 4. Therefore, in following the guide for the day, it would be indicated that that followed the normal course.

Motion carried.

PRICES ACT AMENDMENT BILL

Second reading.

The Hon. JENNIFER ADAMSON (Minister of Health): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

This Bill effects minor technical amendments to the principal Act. First, the Bill enables the Commissioner for Consumer Affairs to delegate his powers under the principal Act or any other Act to the holder of any specified office in the Public Service. The office of the Commissioner for Consumer Affairs is established under the Prices Act and the powers and functions of the Commisioner are set out in the Act. At present the Act enables the Minister of Consumer Affairs to delegate his powers and functions to the Commissioner or any other person recommended by the Commissioner. However there is no similar provision to enable the Commissioner to delegate any of his powers and functions under the Act. It is appropriate that the Commissioner be given power to delegate his powers and functions to facilitate the administration of the Act particularly where matters of a mundane or repetitive nature are involved. This amendment will ensure the efficient operation of the Act and is consistent with similar powers to delegate given to the Commissioner under other legislation. Section 21 of the Act, which enables the Minister of Consumer Affairs to fix maximum prices in relation to the sale of declared goods, was amended in 1980 to allow greater flexibility in the making of orders fixing maximum prices. Section 22a provides for the determination of minimum prices at which grapes may be sold or supplied to a winemaker or a distiller of brandy. Section 24 permits prices orders fixing the maximum rates at which declared services may be provided. The present Bill proposes amendments to both these sections to bring them into conformity with section 21. This will improve the internal consistency of the Act and facilitate its administration.

Clause 1 is formal. Clause 2 amends section 4 to empower the Commissioner to delegate powers and functions. An evidentiary provision is included to facilitate proof of a delegation. Clause 3 amends section 5 which presently empowers the Minister to delegate his powers and functions. The amendments bring this section into consistency with the form of the proposed provisions in section 4. Clauses 4 and 5 amend section 22a (Determination of minimum price for grapes) and section 24 (Determination of maximum price for services), respectively. The amendments bring the form of these sections into consistency with the form of the recently amended section 21.

The Hon. D. J. HOPGOOD secured the adjournment of the debate.

PASTORAL ACT AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 March. Page 3191.)

The Hon. D. J. HOPGOOD (Baudin): In rising to speak to this measure I cannot avoid the temptation to mention that I think perhaps my colleague the member for Spence and I should now ready ourselves for debating some time today Order of the Day No. 12, the Aboriginal Heritage Act, if what the Chief Secretary has told us is the Government's appreciation of the way in which the Notice Paper works. In fact, it is the blue sheet circulated at the beginning of each week which gives an indication of what we are going to speak to and not what is on the printed Notice Paper.

Mr Mathwin: You can't argue about discussing amendments from the Legislative Council. That is ridiculous.

The Hon. D. J. HOPGOOD: The Opposition is not particularly worked up about this. We merely make the point and we think it was a genuine mistake on the part of the Government, that there should have been some small notice that the matter was going to come on at that time. The Leader of the House came over about 10 minutes ago and said, 'You are ready for the Pastoral Act, are you not?' I said, 'Yes'. It was fortuitous that my colleague was in the Chamber at the time and was able to respond. However, I have been called on to discuss the Pastoral Act Amendment Bill and I am only too happy to respond. The Opposition opposes this measure and will oppose the measure with all the resources available to it. I would not be at all surprised if there were considerable qualms on the part of certain honourable members sitting behind the Minister.

I would imagine that they have been subject to a great deal of pressure during the past couple of weeks from certain of their constituents and organised groups within the community in relation to this matter. I think they would have to concede that for the most part the arguments have been published have all run in the one direction. I would imagine that they would be a little hard put to find too much material with which they can defend their Minister in this particular matter.

Mr Gunn: We will just wait and see.

The Hon. D. J. HOPGOOD: Of course, I will exempt the member for Eyre who will be speaking as local member for the group of people who will benefit, or who imagine

that they will benefit, if this measure passes. However, I very much doubt whether that enthusiasm for this measure goes very far beyond that honourable gentleman. I very much doubt, for example, whether the Minister himself has a great deal of enthusiasm for the matter. I wonder at the compassion of the Cabinet which should have lumbered one of its members with a measure such as this, but that is a matter to which I will turn a little later. I wonder whether in fact, the measure ever received adequate explanation in the Liberal Party Room, because if it did, then I marvel that certain people who sit behind the Minister and who profess a certain consideration for environmental issues, were prepared to assent to it. Perhaps the matter received no discussion or consideration at all.

In explaining our opposition to this particular measure, although in the past I have not been known for my prolixity, I intend to speak at length. South Australia is the driest State of the Commonwealth. Only the Mount Lofty/Flinders Ranges Uplands, which forces the isohyets into a northward loop, saves the State from being a narrow, fertile coastal strip facing a huge dry hinterland. Even so, the 250 millimetre isohyet encloses only 1/5th of the State and that isohyet passes roughly through Whyalla and Port Augusta and then follows the contours of the Flinders Range north and then passes south and passes slightly north of Berri. For the area north of that line the mean annual evaporation is at least 10 times that amount.

I understand that a general rule of thumb used by agriculturists is that for any agricultural development of an area one wants a reliability of rainfall and a rate of annual evaporation that is not more than four times the rainfall. I do not know whether Goyder would have quoted those statistics, but he certainly understood from a close examination of the country the unsuitability of those northern regions of the State for agricultural development—a warning that was ignored by agriculturalists to their great expense in the late 1870s and 1880s. It is significant that not since that time has there been any attempt at significant agricultural development of those lands. However, they have been the subject of considerable pastoral development, and that fact forms the nub of what we are discussing here this afternoon.

The fact that four-fifths of the State averages less than 250 millimetres of rain per year, and that that is unreliable rainfall produces, I believe, a myopic view on the part of the less well informed sections of the State's population. To such people the north of the State is a desert of no use to man or beast. To those who know the country, however, it is the support for a rich and diverse flora and fauna, but it is a fragile ecosystem; it is arid, not desert, yet it has the potential for disastrous desertification.

Two sorts of people appreciate the resources of the area, or at least should do so. They are environmentalists, who have a commitment to the preservation of that fragile ecosystem from degradation, and pastoralists, who lose their livelihood if desertification occurs. Of course, in any resource development area there will be the quick-quid merchant, who exploits or plunders rather than husbands, and the track record of the pastoralists should be a matter of fact, not opinion. That is something to which I will later return. On any analysis one would have to conclude that the better intentions of both pastoralists and environmentalists are or should be united in a desire to preserve the arid lands.

It follows from that conclusion that division will arise in two areas: first, over the actual condition of the lands, though that, I submit, is a matter of fact that should be able to be determined by observation, and, secondly, over the best method in terms of management and ownership of so preserving those lands. I believe it largely comes down to that second point, though the first point cannot be ignored, and is, indeed, a matter of contention right now.

The total land area of South Australia is 98 500 000 hectares. The bulk of the higher rainfall areas is, of course, alienated. An area of 59 700 000 hectares is held under lease, including 50 600 000 under pastoral lease, and it is this area that we are considering today. The Australian Conservation Foundation last Sunday week called on the Government to withdraw the Bill. It is not happy with the condition of the arid lands. It obviously believes that the arid lands are in less than good condition and it obviously believes that the piece of machinery with which the present Minister wishes to replace the machinery that has operated for many years can only lead to further degredation. My guide for what was said at that particular meeting is the *Advertiser* of 16 March. I shall quote the remarks of the A.C.F. Council as reported in that edition of the *Advertiser*, which were as follows:

> There was abundant evidence that much of the arid zone in South Australia and elsewhere in Australia, had been seriously and irrevocably degraded by pastoral activities.

The article continues, regarding a report to which I will refer later in my remarks, as follows:

> A council spokesman said yesterday that the Government had ignored most of the recommendations in the 1981 report. Instead it has sought to give control of a large part of the State, which includes fragile arid land ecosystems poorly preserved in the State's national parks system, to a small group of land users (not owners) with a proven poor record of land management, he said.

They are very strong words and we will see as we go along whether, in fact, they stand up. There are some other quotations that I would like to leave with members before I proceed. The Australian Conservation Foundation has also received support from the Conservation Council in South Australia. In a document that I believe has been delivered to all members of this House, the following points are made. I certainly will not use all the material that is available in this document because that would drastically lengthen my remarks. The following is stated on page 4 of that document under the heading 4.0 'A History of Environmental Degradation':

> Council makes the following observations: the arid lands of this State exhibit various degrees of land degradation, from moderate to extreme; this degradation is chiefly attributable to mismanagement by the pastoral industry, in particular by overstocking; the problem has been recognised since at least 1892; the degradation is continuing; and under current management practices it appears certain that the arid lands of this State are on the way to desertification.

The document continues:

> Pastoralists attempt to discredit the idea of degradation or, if they accept it, attribute it to the activities of native animals or rabbits. Their view is not shared by independent scientists and conservationists. Council offers some examples of these opinions.

These are opinions of people who are professionally involved in the area in one way or another. First, it is stated:

> All arid land under domestic stock becomes desertified. The only question is how severely and in what timespan. Library shelves are burdened with documentation of that unfortunate fact.
>
> Australian arid land under stock, including South Australian, is substantially desertified already, which has been the cause of governmental inquiries since last century, and remains in a bad way.

The report goes on to say:

> In 1941 an agricultural scientist had this to say; unfortunately, much degradation of the stands of saltbush and bluebush has occurred since the letting of the country on pastoral lease. In 1936 it was estimated that only 10 to 25 per cent of the original bush cover remained. The seriousness of the consequences, including wind erosion of soils in drought years and general insecurity of the industry, have been emphasised by Ratcliffe and by others. It is now widely recognised that mismanagement, chiefly overgrazing by sheep, is to blame for the widespread depletion of a limited resource of plant capital.

The report also states:

In a recent review of South Australia's arid lands by C.S.I.R.O. scientists it was stated: since the occupation of the arid lands by pastoral man these lands have been considerably degraded through overuse. Eroded and eroding landscapes can be found everywhere as a result of poor management.

The report continues:

The fact that pastoral man has altered a very large percentage of the arid land is in part due to two characteristics of his pattern of land resource use. First, it is sedentary, and his grazing animals are contained by fences. Second, artifical water supplies have been established, where none existed before, which are largely independent of rainfall. This has resulted in the arid lands having to support year-long and perhaps a 100-fold increase in grazing pressure compared with pre-European man. His permanent water and fences suppress the natural nomadism of stock during drought and thus the pastures are not spelled from grazing while being stressed by drought. However, we wish to emphasise that it is possible to use the rangelands and not degrade them. Degradation is the result of bad management.

Finally, the report to which I briefly referred earlier, the Vickery Report, states quite bluntly:

Overstocking is a major cause of land degradation in pastoral areas.

There it is. I suppose we could go on. I notice there is a quotation here as follows:

First of all, the Conservation Council endorses the following opinion of an international expert in land use and an arid zone conservationist. If current land use practices continue without constraints or guidelines desertification of very vast areas in Australia is certain.

They then go on to say:

Mr J. Vickery, in giving information to the Environmental Protection Council, an advisory body to the Minister of Environment and Planning, said, 'I would indeed be a fool to claim that we have nothing to fear from desertification in the South Australian arid zone.'

The Minister of Lands approved a recommendation from an interdepartmental group to review the legislative and administrative provisions of the arid zone tenure system, under the chairmanship of Mr F. J. Vickery, Director of Land Resource Management, last year. The other members of the Committee were: J. E. Bromell, Department of Agriculture, G. N. Drewien the Department of Lands, C. R. Harris, of the Department of Environment, and A. W. Hutchings of what was then the Department of Urban and Regional Affairs. The Executive Assistant was Mr M. D. Young, of the C.S.I.R.O. Division of Land Resource Management. I think it is important that we review the terms of reference for this report because it is the most recent example we have of a detailed examination of the arid lands. The terms of reference were as follows:

To review and recommend to the Minister of Lands any appropriate statutory or administrative arrangements for the more effective administration of the land tenure system and of the dog fence in that area of this State at present subject to the provisions of the Pastoral Act and in particular:

(a) to consult with relevant authorities and industry and community groups.

(b) To have regard to the work done by the arid zone management investigation group established by the Land Resourced Management Standing Committee.

(c) To ensure that its recommendations having regard to the need to maintain a balance between the economic stability and well being of the industries and communities established in the area and relevant contemporary matters of public interest.

They were the terms of reference. What followed from that was that report was signed by the Chairman on 1 June last year and it was then made public. In an accompanying copy of the report sent to me, the Minister of Lands had this to say on 10 June 1981:

Report of the Inter-departmental Committee established to review the arid zone land tenure system and the dog fence.

Following consideration and a decision by the Government, I am now pleased to be able to release to you the appended copy of the above report. In so doing, I wish to thank you for your interest and response to the committee's request for submissions, and to now invite you to comment on the proposals and recommendations contained in the report. Having regard to the Government's desire and commitment to implement measures to enhance the management of the State's outback lands and renewable resources, and provide improved co-ordinated services to outback residents, I would appreciate your comments by 31 July 1981.

I think it is important that I stress again those words, 'having regard to the Government's desire and commitment to implement measure to enhance the management of the State's outback lands and renewal resources and provide improved co-ordinated services to outback residents.' That was the Government's desire and I notice the Minister nodding his head; it must still apparently be the Government's desire, and indeed, it was in the terms of reference given to the committee. I invite members of this House to consider very seriously whether that stands up, in view of the measure that we have now placed before us.

The committee brought down a divided report. The findings are on pages 51 and 52 of the report and they make very interesting reading indeed. In fact, what we find is that a majority of the committee decided that there should be no immediate change to the tenure system, but that there be a five-year study set up to examine the feasibility of changing the present system of tenure from a 42-year lease system to a continuous use system, not what we have before us but some other system of tenure. In any event, the recommendation was not that the change be immediate, but rather that it be examined along with the present system of tenure as a result of the five-year study so that an appropriate decision could be taken at the end of that time. The minority of the committee were opposed to any change of tenure at all at any stage, either now or in five years time. So we have three people saying we will examine it over five years and then determine what should happen as between a form of continuous lease and the present system. We have two people saying do not change it at all and indeed we have no people at all saying change it in the year of grace 1982.

So, nowhere in the report before me do we have advice to the Minister that could justify this Bill. I shall listen with much interest when the Minister replies to this debate, because it is by no means clear from anything we have heard that he has advice from any source suggesting that there should be a change to the tenure system in pastoral lands except from those people who have a vested financial interest in the outcome of the legislation. We need only turn to the editorial of the *Advertiser* on 17 March. It was a bit wishy-washy, it hedged, but some of the things it had to say were rather important. It stated:

The strong protests voiced by conservation interests against some aspects of the Pastoral Act Amendment Bill now before State Parliament should ensure that the legislation is subjected to particularly thorough scrutiny. The purpose of the Bill, according to the Minister of Lands, Mr Arnold, is to enhance the security of tenure of pastoralists while retaining and strengthening control over land use to ensure proper conservation and sustained yields. But the conservationists have major reservations.

The most serious area of dispute, raised by both the Conservation Council of South Australia and the Australian Conservation Foundation, stems from the Government's proposal to transfer current 42-year leases to perpetual leases. The fear has been expressed that this, and the proposed further limitation of public access to pastoral areas, will result in further degradation of the sensitive arid land ecosystems. The conservationists appear to draw no comfort from the inclusion in the Bill of provision for submission of land management plans with all lease applications. Nor are they consoled by the plan for an Outback Management Advisory Committee consisting of nine members selected, the Minister told the House, 'from a wide range of relevant fields'.

The emergence of changing community needs, the demands of tourism and a rising awareness of environmental factors all add to the complexity of the issue of arid land tenure and management systems. That concern is not lessened—

and I stress this—

by the paucity of reasons advanced by Mr Arnold for the comprehensive legislation he introduced a fortnight ago.

We have heard no further reasons since the *Advertiser* published its editorial. It goes on to say:

In particular, the Minister made no reference to the report of the interdepartmental working group on pastoral lands which last year recommended a major five-year study to obtain data for future management decisions. It may be that the fears now expressed by the conservationists will prove largely unfounded and that the Bill will provide satisfactory safeguards. But the Government owes it to those whose aim is to prevent unnecessary alienation or misuse of pastoral areas to take full account of their views.

So, again I stress this point in what, after all, is a bit of a hedging editorial from the *Advertiser*: concern is not lessened by the paucity of reasons advanced by Mr Arnold for the comprehensive legislation he introduced a fortnight ago. Whilst the Minister has been largely silent or apologetic on the matter—and he has said something to which I will return later—many other people have been saying things and drawing our attention to many things said when this report was brought down, as well as some of the reactions to it.

As with the Planning Bill introduced some time ago, there is always a tendency for people who support a report or a Bill initially displayed by Government to sit back and say little, because it is assumed that, if the Government has a report in a certain direction, it will be operated on in all good faith, and that is where the matter rests. It will be those who oppose the report or the legislation who will make most noise. The Government then typically reacts to that, and we see here a report or a Bill less satisfactory than that which was originally put out for public comment. To that extent, this matter is very similar to the case of the Planning Bill and the way in which it was handled.

I have before me a document made available to the Minister from the Nature Conservation Society when this report was up for comment. Certainly, the society was not silent, nor was it self-satisfied or smug about the matter, as is shown by some of these statements. Here, for example, is a quotation which reiterates some of the strong language which I have quoted to the House previously from people with a real concern for the North. This gentleman said this:

In my position I hear much intelligent, sceptical criticism not of what the report and pastoralists say about land care, but what they mostly avoid saying, viz:

(a) the present Act (1936) professed the same commendable land care principles and provided disciplinary power to enforce them.

(b) overstocking nonetheless remained endemic, as did vegetation-abuse, but all offenders against covenant *(c)* got off most blatantly, so

(c) the present report and pastoralist reassurances about vegetation-care are both '... about as reassuring as protestations of solid financial management by an undischarged bankrupt.'

Bluntly, these critics say that pastoralist reassurances about vegetation-care are window dressing, belied by the condition of many leases, while the terms of reference dissemble, since they should have set up an inquiry into a 45-year failure to observe and police land care covenant *(c)*.

Legislation without credibility is positively harmful to government and leads to contempt for its officers. How can public servants administer with integrity an industry that can spurn the rules with impunity?

He continues:

Napoleon is supposed to have remarked of the English that they 'shoot an admiral occasionally, to encourage the others'. One or two in the pastoralist fleet outstandingly deserve what the Act prescribes for blatant breach of land care convenants. Dealing with them publically, as with 'Medibank' offenders, might restore credibility.

Finally:

Now that the report has woken the sleeping dog, so to speak, one of two things will certainly follow. Either the Government will be seen to take the land care provisions much more seriously, or it will face escalating criticism from conservationists for lip service only. I do not envy those who have to handle the politics of this intractable situation.

I rather imagine the Minister of Lands had a wry smile when he read those words. The report goes on to comment on tenure, and although I have done much quoting I think I should also share this with the House:

I commend the report for insistence on leasehold as the only correct means of administering grazing rights on arid lands. The case is indisputable that the all-important vegetation continues to suffer abuse even under leasehold, in defiance of covenants. Land tenure law experts insist that action against such abuse would be much more difficult under freehold.

In any case the pastoralist argument invoking freehold involves a complete *non-sequiter* as well as invalid syllogistic reasoning and effrontery. It says that pastoralists need security of tenure, freehold offers such security, therefore pastoralists need freehold (all swans are white, this is white, therefore this is a swan). It is rubbish to deny that pastoralists can be afforded proper assurances of continuity without reference to freehold. The Pastoral Act is supposed to be about grazing rights, not giving away or selling off pieces of Australia as personal property.

Those words were penned before the drafting of this Bill, when it was known that the United Farmers and Stockowners were pushing strongly for freehold, as is still the case, but there is no doubt that the objections to the granting of freehold to pastoral interests could be applied equally to the form of tenure envisaged in this Bill, coupled as it is with the control of access that the Bill gives to pastoral interests. So, people could really wonder, in the light of all this, in the light of all the evidence available to the Minister and his department, and to his colleague, the Minister of Environment and Planning, and his department, and in the light of the Vickery Report, commissioned by this Government, which brought down the findings that it did, why this Government is proceeding.

There are those who have been so cynical as to suggest that in fact the Government wanted this all along and it set up that committee believing that it would bring down recommendations which would be in line with a policy of perpetual leasehold or freehold, and the whole thing backfired and it did not indeed report in the way that the Government assumed that it would report; so the Government then went to earth, kept quiet about it for nine or ten months and then, thinking that perhaps the whole thing had blown over, it then brought in this Bill. Is that too cynical? Is that too far fetched? Is that a figment of my imagination—

Mr Gunn: You've been reading *Alice in Wonderland* all afternoon.

The Hon. D. J. HOPGOOD:—so far as a reconstruction of the facts is concerned? The member for Eyre suggests that it is a piece of *Alice in Wonderland*. He is a reader of the *Stock Journal*, as am I. I wonder whether his memory—

Mr Gunn: I understand it, you don't.

The Hon. D. J. HOPGOOD: I hope that the honourable member understands what I am about to quote. I wonder whether his memory stretches to 22 January 1981 when that worthy journal in an article by Mr Bob Dams had, among other things, this to say:

Freeholding of pastoral land is aim of U.F.S.—The United Farmers and Stockowners will not back down on any of its 12 recommendations to the State Government on proposed changes to pastoral land administration. 'Our submission contains some pretty sensible things and if they kick any out we will be back in there fighting,' Mr K. Sawers, a U.F.S. Vice-President, said yesterday. Mr Sawers headed the U.F.S. delegation which put the recommendations to an inter-departmental committee reviewing Pastoral and Dog Fence Acts. Top of the list in its submission, released to the *Stock Journal* this week, is that all pastoral land should ultimately be freehold.

But, as a first step toward this aim, all existing pastoral leases should be converted to perpetual leasehold, with rentals fixed in perpetuity at present levels. Another recommendation is that the Pastoral Board should include one or more nominees from a panel of names submitted by the U.F.S., and that there should be a consultative committee of up to 10 members, including two nominated by the U.F.S., in addition to the Chairman. The Government

committee last week finished receiving submissions from interested parties, and its recommendations will pave the way for fresh pastoral legislation this year.

Then, after two or three paragraphs, it goes on to say:

The U.F.S. is upset that the inter-departmental inquiry ever came about.

I hope the member for Eyre is really listening to this, because this is the nub of the whole matter—

It was originally led to believe that its submission, made before 22 October last year, would be circulated to interested parties then the Government would proceed on that basis.

And then, listen to this:

Its recommendations are submitted at a time when the issue was 'hush-hush' according to Mr Sawers. But then the Minister of Lands, Mr Arnold 'decided he wanted to get a broader base to it and made it into an inter-departmental inquiry, taking submissions from many other organisations,' Mr Sawers said yesterday.

What construction are we to put on that whole matter other than that it would appear that a deal had been fixed up and then the Minister got cold feet and decided that perhaps somewhat more democratic procedures should ensue and therefore set up this inter-departmental inquiry, and from there as far as the Government is concerned the whole thing fell to pieces; and then, in order to stick to the spirit of what appears to have been some sort of an agreement way back there before 22 January 1981, we now have this Bill? Despite the bulk of professional opinion, despite the findings of the Vickery committee, despite the concern of Aboriginal groups, of people who are interested in the potential of the arid lands for recreational use and that sort of thing, we are to proceed, it would appear, with the Bill.

I invite the Minister, the member for Eyre and anyone else who likes to get up and speak to this matter to just explain what other construction we can possibly put on those words. If there is a less sinister construction, I would like to hear it. I am prepared to give any reasonable reconstruction of those remarks the benefit of the doubt. Let me make perfectly clear to the Minister and the rest of the House that the representatives of the U.F.S. have been to see me and one of my colleagues, and I can perfectly understand the point of view that they put in the interests of their membership: it is, in its own way, given certain premises, a consistent set of arguments, but I happen to disagree with the premises, and I am afraid that what I have to say now publicly to Mr Andrews and other people is that the overwhelming bulk of professional opinion is opposed to the point of view that they advance.

What are we to do? It is conceded, surely, on all sides, even by those people who are very much in support of this measure, that there is the potential for degradation and desertification of the arid lands. It is the overwhelming balance of opinion from people who are involved in a professional or academic role in the arid lands that the present system of tenure with all its drawbacks is to be very much preferred to the system of tenure which this Government seeks to introduce. All we have left on the other side of the argument are those people who have a natural, and I would not suggest in any way sinister, vested interest in the outcome of this matter and the Minister, who may indeed be convinced by their arguments or may indeed be the pawn of powerful interests within the Liberal Party, calling for this matter to be taken up.

It really gets down to something as simple and as straightforward as that, as far as I can see. As I have already indicated, I have been approached by people who are involved and who want to continue to be involved in the recreational use of the arid lands. I support their concern. I also have to say publicly to these people that there are those people, almost certainly not in any way associated with the organised groups, who have acted in the past in a way that hardly merits a great deal of consideration of their cause on the part of Government or on the part of the pastoralists. I will not dig out the quotes but I have a quote from one person, an academic, who is involved in the range lands who talks about on two occasions having to look down the barrel of a gun, not from a pastoralist but from a person who was seeking to use certain pastoral lands for certain recreational purposes, and probably the pastoralist knew nothing about it and neither did the Government. I see that as being a rare case; it was a case, I suppose, of one or two bad apples. However, I believe that for the most part the people who do want to use the range lands for recreational purposes are prepared to act responsibly.

They are prepared to act within the confines of reasonable Government controls and, again, I am rather persuaded that conservation bodies make common cause with them in this matter. There is not a natural coalition between conservationists and people who want for recreational purposes to drive vehicles all over the State. Members would know as much as I would that in the time of the Labor Government if anything those two groups were from time to time metaphorically at daggers drawn. It is interesting that in this case there is a coalition, and I believe that conservationists have come to accept that people who do wish to have recreational use of these areas should have reasonable access.

Of course, if it can be shown that this is grossly misused, I would be the first to call for tougher controls on that sort of use. Then, of course, there have been calls from Aboriginal communities in this State. For the most part, the statements that we have received publicly have been in relation to lack of consultation. Ian Richards, the *Advertiser* ethnic affairs writer, told us on 23 March this year:

Aboriginals—

I never cease to be amazed at this continual use of the adjective instead of the noun—

in South Australia's Far North had not been informed or consulted about proposed changes to land tenure laws which could dramatically affect their lives, a spokesman for the Aboriginal—

now the proper use—

Community Centre said yesterday.

The statement goes on. I have agonised about whether in this debate I should raise the matter of land rights, because I do see it as a red herring, yet there is no doubt that when Aborigines and pastoralists address themselves to this matter the issue of land rights is not very far away. Therefore, I think I would be derelict in my duty to this Chamber if I did not say one or two things about land rights. It is fairly clear from what people have said on both sides of the debate that there are those people in the Aboriginal community who feel that the granting of perpetual lease is a step towards blocking off future land rights claims.

I do not think there is any doubt, either, that there are those people in the pastoral community who see the issuing of perpetual lease, and ultimately, no doubt, freehold, in exactly the same light. I see the matter of land rights as being irrelevant to this question, although of course by no means irrelevant *per se*. It is a continuing problem with which this community will have to grapple for many years. I would not want to lightly reject any land rights claim, nor would I want in an irresponsible way to simply concede it.

So, we have to take account of the fact that the argument on both sides in some ways is intensified by people's perceptions about what might happen in the future regarding land rights. What I want to say on behalf of my Party is that our concern is for the environment of that area, and land rights is a matter which we should take up at the appropriate time, but we would not want to be judging the way in which we would vote in this matter on the pros and cons of that issue. But we certainly would expect that people

who are concerned about that issue and do see this Bill as impinging upon it would receive proper consultation from this Government. It is quite clear that that consultation has not taken place as indeed it should have taken place.

I do not want to detain the House much longer. There are those people who have put to me certain other matters which are of concern to them, suggestions that there are clauses in the Bill which will enable the Minister of Lands to override the fauna protection clauses which are written into the National Parks and Wildlife Act. I will certainly take up that matter at the appropriate time.

But let me now turn to the only real reason that has been adduced by the Minister for this legislation. Yes, I believe that on one or two occasions he has said something about it being in line with Liberal Party policy. I do not know that he should chase that matter too far down the rabbit hole. For a start, I have been unable to find any statement which the Minister made prior to the last State election which would impinge directly on this matter. But there are those statements about conversion of leasehold to freehold, and the Minister has been at pains to assure people that, so far as the pastoral leases are concerned, perpetual leasehold is as far as this Government wishes to go.

I am not quite sure then how he gets around the overriding Liberal Party principle about leasehold being converted to freehold. Is he in dispute with the rest of his Party in this matter? What guarantees have we that some future Minister of Lands from the Liberal Party might not grasp the nettle and, in line with Liberal Party policy, then convert to freehold what were former pastoral leases and by then had become perpetual leasehold? I think we should have some further assurance.

The Hon. P. B. Arnold: The Act doesn't provide for it.

The Hon. D. J. HOPGOOD: Of course it does not at this stage, but it is certainly something that could happen. Perhaps we should get some assurance on that. Is the Minister saying, when he says there is no intention of converting perpetual leases to freehold, that he is in a position to commit future Liberal Governments so far as their legislative programme is concerned, or is he not really saying anything that is worth very much at all? In any event, that aside, because the Minister has not been very hot and strong about that (for which I do not blame him), what he has said is that the real concern is the ability to raise finance for fixed capital improvements on pastoral leaseholds.

There are certain matters I want to raise here. First, one wonders what the pastoralists have been doing down the years—why it should be that suddenly they have these problems. Everybody has problems in relation to sevicing loan finance at present, but I am sure, Sir, that you would not now want me to embark on a long debate on Federal Government economic policy. But can it be demonstrated that in fact pastoralists have any greater difficulty in this respect than has any other member of the community?

Mr Gunn: It's pretty obvious that your knowledge is limited in this area.

The Hon. D. J. HOPGOOD: Well, let us push this matter a little further. If there is a problem and if it specifically relates to tenure and not to the present condition of the pastoral industry brought on by other factors, by the size of land holdings or any of those other factors, what is wrong with the Government agreeing to guarantee loans for fixed improvements on pastoral properties or at least that portion of the loan which overlaps the termination of the lease? In any event, pastoralists are able to negotiate a renewal of the lease within the last five years of the running of that lease. The Vickery Report, as part of its recommendations for this five-year study, which may or may not now take place in view of the legislation we have before us, envisages the possibility of renewal of the lease any time within the last 22 years. I am not saying we are opposed to that, either: That is something I think we should consider in the interests of the pastoralist industry.

In any event, whatever the period is which enables a renewal of the lease to take place, if the person has 15 years to go and he needs to take out a 30-year loan, what is wrong with a Government being prepared to guarantee the last 15 years of that lease, the 15 years which overruns the term of the lease itself, if it can be shown that that is the problem? Why does not the Minister make that offer? I suggest that if he did there would be very few, if any, takers at all. Other submissions were made in relation to the Vickery Report when it was released. In one of those submissions, which I do not seem to have immediately in front of me but I well recall what was said the people who made the submission said:

> Tenure does not seem to be a problem.

That is the balance of the argument that we seem to have when we look at this matter. Since becoming the Labor Party's shadow Minister on environment, planning and land resource management, I have taken a particular interest in two areas because they seem to be the areas that have drawn so much public comment. One was the environmental problems of the encroachment of suburbia into the Adelaide Hills. I guess that 75 per cent of my mail continues to come from that area. The second was the arid lands. I have gone where I possibly could, well in advance of any suggestion of legislation, to get advice on just what we should be doing there. The very people to whom I have gone for advice, because it was obvious in the early days that they were the people who made a real study of the matter, are those who are now coming out and saying 'Whatever you do, with all the problems of the present system, don't fiddle with the tenure. Now is not the time to be doing it.'

So I conclude by saying that we in the Labor Party, entering this debate without any strong preconceptions but having gone where we possibly could to get the best advice available, believe that we have received the best advice available: that is, that we should not change the present system of tenure. I believe that that is also the advice available to this Government. I believe that, if the Minister of Lands had bothered to consult the Minister of Environment and Planning, who in turn had consulted his department, there is no doubt what advice would have come from that quarter. It would have been that if you want to preserve the condition of the arid lands, whatever else you do, you should not change the present system of tenure. So, in concluding my remarks, I ask the Minister again just why is he doing this.

Mr GUNN (Eyre): Let me make clear from the outset that I support the Bill. It has been interesting to listen to the member for Baudin go through a lengthy exercise which is solely designed to criticise the pastoral industry. He did not have the courage to come out and say that the Labor Party, because of its ideological hiccups, are not prepared to give people what is their just right, namely, security over the tenure of their land. The Liberal Party makes no apology whatsoever for saying that it supports the rights of people to have tenure over their land. The policy of the Government has been clear from the day it came into office. We set out to allow people to freehold their properties. We amended the legislation so that people in the Riverland could freehold their blocks. The Labor Party was not game to oppose that measure, because it knew the political backlash it would receive, and because it had some faint hope that one day it might be able to again capture the seat of Chaffey. That was quite clear from the way the member for Stuart went

on on that occasion. He did not have the courage to say he opposed that measure. The Government has made clear that it intends to amend other relevant Acts to allow people who hold marginal land to freehold that land. The step that the Government has taken in amending the Pastoral Act to allow people to have a perpetual lease over their land is not only the proper course of action but is based on sound grounds.

The Hon. D. J. Hopgood: You'd better tell us what they are.

Mr GUNN: We had to listen to the honourable member for about 50 minutes—

The Hon. D. J. Hopgood: It was longer than that, wasn't it?

Mr GUNN: It felt like about 2 hours, but I do not think it was quite that long.

The Hon. D. J. Hopgood: I am disappointed in myself.

Mr GUNN: The honourable member should be disappointed, because the standard of his contribution showed that the facts were far from his fingertips. This Bill is designed as a conservation measure, and two things appear to have escaped the member for Baudin. One is that the shorter the term of the lease the more likely people are to abuse the country they are looking after. If people know that they have access to an area of land over a long period, they will operate that property in an effective and efficient manner. The other course of action which leads to abuse of land involves taxation, and this Government has taken steps to alleviate that problem. The more taxes you put on the land the more people will try to get out of it to meet those commitments. The Government has taken one step by abolishing death duties.

The two points I make are fundamental to good land management. This Bill sets out to give people the opportunity to secure their leases on a long-term basis, in perpetuity, which means forever. If anyone has any knowledge of the pastoral industry, he will know that it requires a great deal of skill, hard work and a large capital investment. It is no good the honourable member saying that the Government can guarantee particular loans. If the honourable member had to put up with the sort of nonsense that some of my constituents have had to put up with when endeavouring to get funds under drought relief he would not echo such foolish remarks. If you want to slow something down, hand it over to the bureaucrats and you will really wreck it. I make no apology for saying that. Whenever Government puts its fingers into any organisation it absolutely clogs the system up. I am surprised at the honourable member. What he clearly indicated to the House in his lengthy speech was that he has no practical knowledge of financial affairs or day-to-day management of either agriculture or any business. He clearly demonstrated that to House.

The Hon. R. G. Payne: Then why did you speak on uranium last night? You've had no experience of uranium, either.

Mr GUNN: The honourable member's contribution was one of the worst I have heard in the 11 years that I have been in this Chamber. The effort of the Labor Party last night on the Roxby Downs Indenture Bill—

The SPEAKER: Order! There will be no reference to a previous debate.

Mr GUNN: Quite right, Mr Speaker, but I was provoked. The Bill gives the pastoralists not what the majority of them want but, in the Government's view, it is a balance between the views of those who want freehold and those people supporting the conservationists who believe that all the arid lands of South Australia should be turned into one large national park. That was the course of action that the member for Baudin was supporting. The honourable gentleman went on to say that the Minister of Lands should seek advice from the Minister of Environment and Planning and seek advice from that department. If one makes an assessment of how the Department for the Environment and those bodies under it have managed the land entrusted to their care, all I think one can say is that it has left a fair bit to be desired. If one looks at how they have managed the vermin problems in those areas, at how they have dealt with controlling bush fires, and at the general attitude, particularly under the Labor Government, one would have to say that it leaves a fair bit to be desired. Common sense has not been the guiding light in that area. I think that that deals with the matter that the honourable member brought forward.

Anyone who has had any knowledge of the northern parts of the State will know that pastoralists have had considerable problems for a long time, with people driving at will over those areas. I thought that the Conservation Council would have been concerned, particularly in those fragile areas of the Flinders Ranges, to see that people were not permitted to go at will with trail bikes, dune buggies and four-wheel drive vehicles all over the place, tearing up the country on roads never meant to take heavy traffic. I would have thought that the people concerned would be pleased to see that there was going to be some very limited controls put on them. I know, from the representations I have had and from those made to the Minister of Environment and Planning, of the great concern of many people in that part of the State. I do not know whether the honourable member is aware of the problems these people face. Gates have been left open, dogs have been tied up at troughs. People go away for a trip and leave dogs tied up at a trough, with no thought of the sheep and cattle.

Mr Plunkett: That's the manager of the property; you ought to get on to him.

Mr GUNN: The honourable member can make his own contribution, and we look forward to it, because we have heard contributions from the honourable member on a number of occasions. I am participating in this debate because I have represented all the areas in question for a long time, longer than the honourable member will be in the House. The matter I was discussing has caused concern for a long time, and unless the Government takes some positive action the problem will get worse. Surely the honourable member, who claims to be the great spokesman for the Conservation Council in this State, would want to see positive action.

I know for a fact that representations had been made to the previous Government for a long time and it did nothing about this problem. The present Government has grappled with the problem and brought in a realistic approach to it. No-one wants to stop people having reasonable access to the Flinders Ranges or other parts of the State; no-one wants to do that. Surely it is a bit ridiculous that the public should have access to every minor station road without permission. People get lost and not only do people put themselves in danger but also they cause great problems to the managers of the properties concerned. People camp by waterholes and by troughs, tanks, and things and anyone knows that that sort of nonsense should be controlled.

The honourable member endeavoured to answer the problem in relation to the raising of finance. I would have thought that he would realise that if a lending institution advances funds to a pastoralist who has a perpetual lease that organisation makes sure that such a pastoralist carries out proper management of the area because it would not want that perpetual lease to be converted back to a 21-year terminating lease. The honourable member said nothing about the conditions that will be attached to these leases. One would have thought that with one stroke of the pen the Minister of Lands was simply going to hand over all the control which has operated for a long time under the

Pastoral Act in this State. Nothing could be further from the truth. The member for Hartley has had some experience in this; he knows that there are controls under the Pastoral Act and those controls are going to remain.

The honourable member briefly mentioned Aborigines. He ought to know that is has been written into every pastoral lease ever since they have been operating in South Australia that traditional Aborigines have unlimited access to those pastoral lands, and that right remains, and it will remain. The honourable member should not follow the line taken by the Conservation Council. In one of the documents, a press release, dated 17 March, it was stated that:

The amendments to the Pastoral Act currently before Parliament were dishonest . . .

The only people who have been dishonest are those on the Conservation Council. The council has flagrantly twisted the truth; it has not circulated factual information to members of Parliament or the people. I would have thought that an organisation that sets out to have some credibility ought to give truthful information to members of this House and to the public.

Much has been said about the fact that there has not been very much support for this measure. The United Farmers and Stockowners and those people who are interested and involved in this particular matter have adopted a most responsible stance towards this issue. On this issue they have refrained from entering into a public brawl with people who are only looking for publicity, most of whom have a complete dislike for anyone who is involved in any enterprise whatever. Those people have deliberately refrained from entering into the debate. I could have got 150 letters to the editor of any paper on any day that I wanted to—and the honourable member ought to know that. But, after a great deal of consideration there has been one letter. The honourable member for Baudin had a lot to say about comments made by Mr Chip Sawers. He used to be a constituent of mine and I know him well; he was an excellent constituent. I think I ought to refresh the honourable member's memory, because Mr Sawers had a bit to say in the *Advertiser* yesterday about the comments of the Conservation Council. The letter to the Editor, headed 'Pastoral facts', states:

Sir—Mr Sibly of the Conservation Council of South Australia has made statements *(The Advertiser,* 18.3.82) which could create a misleading impression in regard to pastoralist activities in South Australia.

His reference to 'so-called families who are in reality big pastoral companies of both Australia and overseas ownership' conflicts with the facts.

More than 65 per cent of lessees are families owning, operating and residing on the leases, and there are no overseas pastoral companies operating in South Australia.

Mr Sibly has implied that there could be a move by the Government to convert perpetual leases to freehold. We understand that the Government's present policy on freeholding, which permits holders of perpetual leases under the Crown Lands Act to be offered the freehold of these leases, has no relevance to the proposed amendments to the Pastoral Act, as there is no such provision in this Act or in the Bill.

Separate legislation would have to come before Parliament before that course of action could be taken. I do not believe at this stage that that is appropriate. The letter continues:

Hence, his comments with regard to shack sites held under leases under the Crown Lands Act are irrelevant.

Mr Sibly's claim that the Government's motives in introducing these amendments are based on the fear of the pastoralists that Aboriginal Land Rights' movements . . . (are) lobbying hard to get in before strong movements develop in other areas following the Pitjantjatjara agreement in 1981, cannot be substantiated.

In actual fact, the United Farmers and Stockowners supported the Government in relation to those negotiations and came to a sensible agreement, something that the previous Government could not do; it was not game to put that particular issue to a vote in Parliament. The letter continues:

The only specific Aboriginal land rights legislation in South Australia is the Pitjantjatjara Land Rights Act which deals with a defined parcel of land. There is no general Aboriginal land right legislation.

Mr Sibly's letter ignores the significant inclusion in the Bill requiring there be regard to a wide range of environment and public interest issues in administration of pastoral leases.

The pastoralist is simply only seeking to get on with his job, but at the same time recognising the reasonable rights of others.

Although the United Farmers and Stockowners sought freehold title to this land, we accept the Government decision to permit perpetual leases.

Such leases provide the necessary incentives to ensure this land is to be properly managed for posterity. To abuse it is to lose it. No South Australian, least of all the pastoralist, wants that to happen.

I believe that that properly answers the criticism that the honourable member for Baudin made of Mr Sawers and other pastoralists. After considering the matter and a number of other matters that have been raised during this debate, the Conservation Council circulated information which stated:

Mr Sibly predicted an increase in the destruction of the arid zone by pastoralists and said it was the first step in the process of converting this huge area of the State into a desert with the resultant . . .

He went on to talk about the loss of a viable pastoral industry. Any organisation that puts a comment of that nature in a reponsible document either has taken leave of its senses or has no knowledge of the pastoral industry or of the area to which it is referring. If the people involved had read the document that the Minister introduced they would have realised that the proposed amendments are one positive step in this area, and there are many others. Previously under the Pastoral Act certain leases were issued which had minimum stocking rates on them, and therefore, no matter what the condition of the country, a pastoralist had to have a certain number of stock.

That was an unnecessary and, in my view, a foolish provision, and that has been struck out of the Pastoral Act. People ought to know that set stocking rates are provided in every pastoral lease that is issued. The Pastoral Board and the inspectors have the authority to visit pastoral properties whenever they desire; they can carry out a muster if they want to, and they inspect properties on a regular basis. I have heard no objection from responsible pastoralists. I believe that the pastoral industry welcomes the strong provisions that will be attached to these leases. The covenants that are to be attached will guarantee, on behalf of the people of this State, that the pastoral areas are effectively and properly managed, so that all the citizens of this State will benefit from the produce that is produced in those areas. I think that puts paid to that first point that was made. There were many points made, but I have picked out only a few at random, because time will not permit me to do otherwise. What does it say? On page 7 of this document, it states:

Perpetual leases will contribute to land denigration. The council believes the granting of perpetual leases for long-term in areas of arid zone land . . .

It then goes on to give a lengthy diatribe of how this will lead to the denigration of the area. However, I think I have made very clear that the Bill will not have that effect whatsoever. I think that members of the Labor Party and those who are criticising this measure ought to bear in mind that, if they continue along the line on which they have so far set out, they will merely turn those people in the pastoral industry, who have been very concerned about the environment and who have set out to protect the vegetation and wildlife, very much against conservationists and that cause in this State. There can be no other result. If they are successful in preventing this legislation from coming into effect, they will have the exact opposite result to what they

are putting forward. Let there be no mistake whatsoever about that matter. There is very strong feeling within the pastoral industry at this time, and I suggest that the honourable member ought to talk to those people who represent the United Farmers and Stockowners.

An honourable member: What, Mr Andrews? I did.

Mr GUNN: Mr Andrews, and, there are a number of people to whom the honourable member should talk. In the past fortnight, I have travelled over 6 000 kms in pastoral areas discussing this matter with pastoralists. They are not happy with the Government report, but there is one thing that the honourable member failed to say in relation to the report. He dealt at length with the report that was compiled and said that it recommended continuing leases. That is what a perpetual lease is. The Northern Territory Government, at about the same time called to have a report prepared, and that report was prepared by Mr Young from the C.S.I.R.O., someone that I have known for a very long time. Indeed, he helped to prepare both reports. In the report to the Northern Territory Government, it was recommended that perpetual leases be granted, and there is currently before the Northern Territory Legislative Assembly legislation that will bring that into effect. It is my understanding that in New South Wales they have what they call the western lands area, and perpetual leases are operating there. We have not heard about any steps—

The Hon. D. J. Hopgood: He said 'no', and that he talked them out of it.

The Hon. P. B. Arnold: They have had them for 35 years.

Mr GUNN: They have had them for years. I have heard nothing about Mr Wran or his colleagues taking steps to introduce legislation to revoke those perpetual leases. I have heard nothing about that. Perhaps he has not got enough life within his Government departments at this time. We realise that they are having a number of other problems.

I suggest that the honourable member ought to read carefully the Northern Territory report because, I believe that it sets out in clear and precise terms the course of action that we ought to follow in this State. The Pastoral Board has always acted, in my view, in a responsible manner. It has given guidance and good management in these areas, and its operation in no way will be impeded by this legislation. The comments that have been made by the Conservation Council in relation to management do not stand up to proper scrutiny.

The honourable member referred to the fear of pastoralists in relation to land rights claims. All such land rights claims in which this Government has been involved have been dealt with responsibly. I make quite clear that there is a fear that irresponsible demands will be made on Government. It would be foolish not to bring that forward. There is a real concern among the pastoralists to whom I have spoken in the past few weeks, particularly those in the north. They have expressed real concern about their future and—

The Hon. D. J. Hopgood: Is that because you won't be there to protect them?

Mr GUNN: There is no worry about that. I will be here as long as the honourable member is here, or as long as I wish to stay in this House. The honourable member and his colleagues have said that to me ever since they have been here.

The Hon. D. J. Hopgood: You said that to us for years and years.

Mr GUNN: I am not concerned about my own personal welfare; but I am concerned about the welfare of the people of this State. I believe that this State is entitled to have, and deserves and needs a viable pastoral industry that is in a position to make decisions that will help the economy of South Australia. I am aware that the honourable member who was the lead speaker for the Labor Party has a limited knowledge of economics.

The Hon. D. J. Hopgood: So has everyone.

Mr GUNN: I will even say that the honourable member is rather retarded. The last point that I want to make in relation to this Bill is that it is a fair compromise between a number of competing interests. I sincerely hope that this measure is passed through this Parliament as quickly as possible and brought into law, as I believe that the quicker perpetual leases are granted to those people who desire them the better it will be. Also, I would like an assurance from the Minister that, when this legislation is enacted, there will be no delays in the granting of perpetual leases; that they will be processed in a speedy fashion; and that people will clearly know where they stand within a few weeks of this legislation being proclaimed.

We do not want to see a situation where the legislation is held up for month after month so that people are not able to benefit from its provisions. That matter is causing concern. Pastoralists have said to me, 'It is all very well to bring the legislation in, but how long will we have to wait before it is enacted?' I sincerely hope the Minister can give an assurance that that course of action there will not result in undue delays.

I thought that the Labor Party should have addressed itself to the problems that have been created in the past in relation to the many irresponsible claims that have been made by so-called conservation groups who have little practical knowledge. Every time that a pastoralist has set out to take real positive action to get rid of vermin problems, there has been a great outcry. We know that the greatest threat to the environment in these areas has been from goats and rabbits. Yet, some years ago when one pastoralist had the goat problem under control, a great hue and cry went up. If those involved had let that person who was one of the most experienced persons dealing with pastoralist problems in this State, get on with the job, we would not have as many goats in the Flinders Ranges as we have today.

Mr Becker: There are plenty in this place, too.

Mr GUNN: I had better not comment on that. I support the Bill. I appreciate the Minister introducing it, and I sincerely hope that it will pass through this Chamber in a few hours.

The Hon. J. D. CORCORAN (Hartley): I do not intend to talk at great length on this measure, although it does concern me and and it should probably concern every member because it is a very significant step that has been taken by the Minister or the Government in this matter. I have a problem with my throat, and I feel a bit flat, but, apart from that, I think it is important enough for me to register my opposition to the move that has been made at this time.

In the light of the receipt of the Vickery Report, which was commissioned and received by the present Government, I think that that is the one that we must take into account. At the very best, we should look at the situation for five years before we consider any other form of tenure for the pastoral areas. I think that is eminently good sense. We know that in the past fortnight there has been a hue and cry on the part of conservation groups because they have a certain interest in the arid parts of this State as well, I suppose as every other part of it.

That has been generated partly by the speed with which the measure has come before us. Since the Bill was introduced, I have wracked my brains to find one valid reason why we should change the system of tenure. I have to be honest and say that I cannot come up with one good reason, although I have approached the matter as fairly as I can. For the benefit particularly of the member for Eyre, let me

say that I have great respect for the Pastoral Board. In my personal experience, the members and the inspectors are first-class people whose integrity and capabilities are beyond question. They know the land and its problems, and they know the people who run the land. Pastoralists in many cases are a breed of their own because of the environment in which they live and the problems which they encounter.

I have regard, too, for the pastoral industry. The pastoral properties I have visited have been, in the main, well managed. Although there has been criticism by the conservationists of the work of the Pastoral Board, as well as condemnation of this and previous Governments and the way in which properties have been supervised and inspected, I believe the board has done its job far better than has the other arm of administration of the Department of Lands which was responsible for the inspection and supervision of perpetual leases. It has always been the case in South Australia that covenants or conditions placed on perpetual leases have not been properly policed or administered. There are many thousands more perpetual leases than there are pastoral leases, of which there are fewer than 400. Because of the number, the board has been able to do its job most efficiently, in my view, and it has had in general the co-operation and assistance of the pastoralists. I see no reason for this change, and I do not believe that it will bring about better management.

Many people are under the impression that a perpetual lease is a 99-year lease, but that is not the case. It is what the name implies: it goes on in perpetuity. That is an important factor. Once a lessee takes up a lease he can do with it what he wishes, as long as the Minister agrees, and no doubt that agreement can be obtained with little difficulty. I suggest that, with a 42-year pastoral lease, the Pastoral Board would have very much more control of management and of what is necessary for conservation, and so on, than it would have under a perpetual lease.

No doubt the Minister will say that that is not so, and that harsh conditions will be written into the lease and must be complied with. I say that the Minister has no hope of ensuring that they will be adequately complied with at all times — no more than has the Pastoral Board at present. I believe that it has done a reasonable job. There is a terminating condition on the lease. It could be said that, if the pastoralists do not do the right thing, they could be brought back to a terminating lease of 21 years, but Governments do not face up to those difficult decisions. There is always some way of avoiding it, and I suggest to the Minister that that course will not be successful.

I do not think that controls applying to people who go through these areas will be successful in preventing what now occurs. Most activity and most improvements are carried out around the station homestead. People do get lost, but, from what I know of them, I cannot imagine pastoralists being harsh with those people. Pastoralists generally accommodate anyone who is in difficulty, and I do not see that position changing. I see no reason to change to perpetual leasing to deal with that problem, because it can be dealt with now under a pastoral lease if the Minister or the Government so desires.

I want the Minister to answer this point if he can. As I see it, a tremendous value will accrue to current lessees who have the option of converting from pastoral to perpetual lease. That will happen in the early stages. In the early years in this State perpetual leases in good agricultural country were granted for as little as a penny an acre, never to be increased. In fact, the only revision that could take place on this annual rental was a reduction and, if it was reduced, it could never again be increased. At one stage, we had 14-year perpetual leases similar to those to which the Minister is referring with these perpetual leases. The rental thereof will be reviewed, although I am not sure what period is involved.

The Hon. P. B. Arnold: It is reviewed on a regular basis now.

The Hon. J. D. CORCORAN: Every seven years? Apparently, the rental will be reviewed every seven years.

The Hon. P. B. Arnold: That is not changing.

The Hon. J. D. CORCORAN: Apparently that is not being changed. When perpetual leases are disposed of, the pastoralist, if he does get a perpetual lease, will not be disposing of a pastoral lease that may expire in 20 years: he will be disposing of a lease that goes on for ever. That is where this tremendous value will accrue to the people who are the initial receivers of these perpetual leases. I should like the Minister, if he can, to give the House some idea of whether any sample has been taken of a number of pastoral properties on this aspect, what the likelihood is where those properties are disposed of and purchased, the difference that would accrue to the people, and the value paid as compared with the value under present conditions. I think the Minister would be amazed.

What is it for? Is it for the pastoralists themselves? The member for Eyre speaks as though pastoralists will go to the wall if this Bill is not passed now. That is stupid, because the pastoralists, as they always have done, have been battling along and doing not too badly. I do not know of any pastoralist who has ever been deprived of a lease, which means that the board has always given reasonable co-operation and understanding. Nor do I know of any pastoralist who has ever handed in a lease. I know that, under the Pastoral Act and with the present method of leasing, the Pastoral Board was enabled to change the size of leases, although that could not be done under perpetual leases.

The Hon. P. B. Arnold interjecting:

The Hon. J. D. CORCORAN: Buy it from him and then do it?

The Hon. P. B. Arnold: You don't have to.

The Hon. J. D. CORCORAN: I do not understand how it would be done. If we have a perpetual lease, and if the Government wants part of that to add to another lease, will it be paid for or taken? Of course, it will be paid for. That was not necessary under the previous legislation because, when the lease terminated, adjustments were made. Adjustments were made to many properties while I was Minister of Lands. That flexibility will be lost, without the Government having to pay large sums to adjust the size of leases so that they will be more viable than at present.

Allotments initially were too small, and they should be enlarged. The flexibility should remain, but it will not remain if the Government has to purchase land to add to other leases. I have examined the matter most carefully, but I cannot see any valid reason why the Government cannot wait for five years and see then whether or not there are valid reasons, apart from the fact that the Government has a policy. Any Government can have a policy, but it might not be especially logical or especially valid. This is too big a step to take at present.

The conservationists quite rightly have had their ire raised because they see it as depriving them of an opportunity to put proper representations to the Government. No doubt, they were contacted while the Vickery Report was being compiled and they were given the opportunity then to put forward their views, but certainly they have not been given the opportunity since that report has been put down in that five-year period recommended to make whatever representations they would like to make. We will probably get a better solution within the five years, but I think the real solution would be to leave it exactly as it is and not to take the step that the Government is intending to take.

I think the member for Eyre was critical of my Party because it supported freeholding from perpetual lease to fruit block owners in the Government irrigated areas in the Riverland. I supported that because I thought that it made good sense. I think that this is a slightly different case and to make a comparison of that kind is, I think, rather stupid.

I oppose the Bill and I hope that every member will do so. My main reason for opposing it is that I think the Government has rushed into it, perhaps to give effect to an undertaking (I do not know) or to give effect to a policy which I cannot understand. I think it is making a mistake and following a course that is fraught with danger. The Minister will find that out before he goes much further. I hope that good sense will prevail.

I am not here to score political points against the Minister or to side with the conservationists or the pastoralists. I am here as a concerned South Australian to see that the vast areas of our State are not give away at this stage. They are still public property in the sense that they are only leased on a terminating basis, and they should remain that way. Too much of this State has been given away already. We have had to pay literally millions of dollars to purchase back land for use as national parks and so on. With the knowledge and experience we have now, if we could start again, I am sure we would be in a different situation. I do not think the Minister should be bustled into this thing and make the mistakes that have been made in the past. He will be doing that if he proceeds with this Bill instead of withdrawing it and allowing perpetual leases to be given on those properties. I do not care what he says about controls and the method of management. I know that they will not be as effective as the Minister likes to think they will be. I implore the Minister to listen to reason and stop the thing right now. Let us look at it properly over the five years as was recommended by that committee and then make a decision whether or not any change, if any, needs to be made, because I cannot see any reason for doing what is being suggested in the Bill.

Mr EVANS (Fisher): I support the Bill. I wish to express one view that I have held strongly for many years which is related indirectly to the Bill. I appreciate the points that the member for Hartley made, although I am disappointed that he did not offer any method of better management other than to say that it should be left as it is and—

Mr Millhouse: See what better management is required?

The Hon. J. D. Corcoran: Yes, that's what I want to know. They have administered it for years now.

Mr EVANS: The two members who have just interjected are two of the longest serving members of this Parliament. Both members have been here longer than any other member of this Parliament. I did not want to get into this sort of debate, but both the honourable members have held positions of strong and powerful responsibility, one as Premier and Deputy Premier and the other as Attorney-General. To my knowledge, in the 14 years I have been here, neither of them until now has promoted any thought on how the matter should be handled. They are now offering criticisms when someone is prepared to tackle the problem. I think that that is unfair of them. I believe that at the end of the five-year period any Government will find itself in the same position. Nothing in this Bill will make the management any worse. In fact, I think it gives an opportunity for better management. Management plans will have to be prepared and the Government, regardless of whatever Government is in power, will have to make sure that they are adhered to.

The member for Hartley will argue that people cannot be made to adhere to management plans. I give him one example. Controls were placed on the development of the hills face zone and management plans and development plans were made for the operations of quarries. None of us here would not agree that those management plans have worked. The companies that operated the quarries and mines were compelled to comply with regulations and to carry out the management plans and the redevelopment plans and in many cases there were beautification or re-afforestation plans. That is an example of the way in which it can work. They are human beings, as are pastoralists, and the same conditions and the application of those conditions can take place.

The Hon. J. D. Corcoran: It is a different proposition.

Mr EVANS: I agree that it is a different proposition, but I do not accept that automatically because the term of the tenure is changed from, say, 42 years to a perpetual lease it means that the management will be worse than it has been in the past.

Mr Peterson: It will not necessarily be better, either.

Mr EVANS: I will come to that, for the member's benefit. I believe there is a greater borrowing capacity for the people now. I argue that in some cases sometimes lack of finance or its availability has caused some problems. That may have been part of the problem in the past and this Bill will give people the opportunity to borrow to carry out necessary projects to enable better management to become available to operators. I am satisfied that there is nothing in this provision to endanger the area. I believe that it gives the same or better opportunity to a Government in the future, for management plans to be adhered to, because people will have to agree to them when they first apply for their perpetual leases. Those leases will not be granted unless that agreement is reached.

I am concerned about one aspect. It is not necessarily affected by this Bill, but it is something with which Parliament and the State will have to deal in the future. That is how we get new growth in some of those areas. I believe, as I am sure others do, that all plants and trees have a limited life span. This applies also to all animals and birds, and many of the larger trees, shrubs and bushes are outside the reach of animals in these areas. In other words, their foliage is beyond the ability of animals to reach and destroy it, so they survive. However, in the future they will die. We must find a process under the management plans of giving some of the land, on an on-going basis for long periods, a spell from grazing. I mean grazing in total. I am not talking about stock that a pastoralist might use for commercial purposes only. I am talking about rabbits particularly, goats, and to a lesser degree donkeys.

We should be prepared to take up the challenge and say that we will do something about them. It would not matter if all stock was removed from pastoralists' properties. Young growth would not come on, because it is most succulent. Immediately it germinates above the ground, it will be devoured. I do not argue that we should do that to all the area at once, but in the long term we will have a problem, regardless of whether it is under the present management plan or under some future management plan, unless we arrange for whoever occupies the land, whether they be Aborigines who do not use if for grazing purposes and who let all the feral species run riot or whether they be pastoralists, there is no doubt that, when we tackle that problem in the future (it may be 50 years before someone is prepared to do that), some properties may not be large enough to be viable if certain sections are set aside for long periods.

I want to give credit to the pastoralists. Most members here and the pastoralists would know that I am not a regular visitor to that area, even though I was born and bred on the land and have visited pastoral lease areas numerous times. I am aware that some pastoralists have taken a keen interest in trying to encourage new growth and in setting

aside areas so that the natural vegetation can survive and be regenerated as an important part of their pastoral lease. In some cases, they are more genuinely concerned than the conservationists, because I believe that all the conservationists in the main take the approach that, if it is left alone and forgotten, all the native shrubs, bushes and grasses will regenerate and remain indefinitely.

That is not the case, because anyone who visits the area knows that the feral animals and rabbits are the worst enemies of native bushland. Also, many of us know that the wild cat is a real problem for many of our smaller species of animal, reptile and bird life. I support the Bill 100 per cent but I believe that we all need to be conscious that, unless we can guarantee in the long term that new plant life can grow and reach a reasonable height before being attacked by whatever species it is, we will be in difficulty. I give credit to the pastoralists who went out into harsh country, without communication in those days, to an area where most of us would not venture. In many cases their families have continued on the land. They had difficulty in educating their children and difficulty in family life. They could not appreciate the benefits of theatre and other things on which the State spends a fortune for others to participate in.

Their employees also suffered in this way. They did it and they have provided a basis for the economy of this State by their work and sacrifice over the years. When the member for Hartley talks about a gift, I do not believe that that is the case. We must appreciate their efforts. If any pastoralist in the future chooses to have a perpetual lease and does not abide by the covenants and the management plan and directions, he faces the consequences. This Government will not make that judgment: it will be a future Government. The lease can then be terminated and returned to a 21-year term, or even shorter, if Parliament changes the legislation.

Regardless of whatever we do here during this Parliament, a future Parliament will have the opportunity to take whatever action it believes desirable. I would congratulate the Minister on taking some action in an area where there has been concern for many decades. No other Government, no other Minister, has been prepared to take up the challenge, and I believe this Government has been prepared to take it up through the Minister. I commend the passing of the Bill to both Houses of Parliament.

Mr ABBOTT (Spence): I want to take part in this debate for the purpose of supporting the serious concern that has been expressed by the Aboriginal community. I am pleased also to join with the members for Baudin and Hartley in opposing this Bill, which can only be described as a terrible thing, a bad piece of legislation. The proposed amendment not only severely restricts the right of legitimate access to public lands; it also makes the dedication of areas for conservation, bush walking, tourism and recreational activities or other uses financially and legally difficult. What is worse is that it thwarts further land rights claims over pastoral areas.

In no way does this Bill have regard for the needs and the interests of the Aborigines living in the arid zones in the Far North of South Australia. In fact, the Bill is being widely described as the anti-Aboriginal Bill. It is quite obvious that the Government has supported the move long sought by the United Farmers and Stockowners on behalf of a handful of wealthy pastoralists. In an article in the *South Australian Stock Journal* of 22 January 1981, the following statement appeared:

> One of the major issues of pastoral land administration which worries the UFS is the transfer of outback land to Aborigines under freehold title.
>
> The Pitjantjatjara tribe application for ownership of 101 900 sq. km in the North West of South Australia is a prime example.
>
> Aborigines already run Mimili (formerly Everard Park), Indulkana, Kenmore Park and Ernabella Stations in the North West region and after the turn of the century will take over the 2 500 sq km Granite Downs Station.
>
> However, much of the area the Pitjantjatjara want is old reserve land and a lot of it is considered unfit for grazing.

So it seems that they are prepared to allow the Aborigines any old reserve land that is considered to be unfit for grazing, but any outback country that is good for pastoralists should not be given over to the Aborigines. They obviously feel their livelihood would be threatened. It is straight out greed and discrimination of the worst kind, and if this Bill is passed by Parliament the changes will pose a very serious threat to the future rights of the Aborigines.

The Government has simply given in to the pressure from some of its most powerful rural supporters, and I would support the remarks made by the member for Baudin when he was reported as saying there appeared to be no reason for the changes other than repayment for past political favours. It is interesting to also note that he was supported by senior members of the Liberal Party machine, who were also extremely critical of the Bill. One Liberal Party official was reported as describing it as a 'bloody expensive sop to the rural rump'.

The results will be that the proposed changes run completely against the interests of the Aboriginal people who live in those areas, and that is very bad indeed. It makes one wonder just how sincere the Government was in its support for the Pitjantjatjara land rights legislation when it claimed at the time that it was a significant milestone in Aboriginal development in Australia.

Mr Lewis: Wasn't it?

Mr ABBOTT: It certainly was, but I am questioning the sincerity of the Government in making those comments. Even the Federal Minister for Aboriginal Affairs recognised that the Pitjantjatjara Land Rights Act demonstrated what could be done when a State Government and the Aboriginal people worked together to negotiate arrangements that took account of the interests of Aborigines, and of the community as a whole. On this occasion, the Government has ignored the Aboriginal point of view and the submissions that have been presented on their behalf. I am suggesting that the Government should reject this Bill and attempt to meet some of the needs and interests of the Aboriginal people by proper discussion and negotiation.

The Aboriginal Legal Rights Movement presented a submission to the inter-departmental committee that prepared a report on the subject of converting leasehold tenure into fee simple interest in land in the arid areas of the State and it opposed any proposal that the existing system of tenure be altered in any way. On the other hand, we have a Government at Federal level that is talking of a Makaratta, a treaty or arrangement to be entered into between the Commonwealth and the Aboriginal people to provide some sort of compensation to the Aboriginal people as a consequence of the alienation of their lands. In South Australia a large percentage of these lands, those subject to the Pastoral Act, have not yet been subject to total alienation.

The effect of the present proposal contained in the Pastoral Act is to conclusively establish the absolute title and interests of pastoralists in those lands. The proposals are significant not only because of their practical effect, but also because of their symbolic effect. Practically, so long as there are pastoral leases in existence, there remains open the possibility that Aboriginal people will be able to acquire from the Crown interest in land at the expiration of the period of existing leases, even though the leases have been in existence for long periods of time.

In addition, there remains open the possibility of Aboriginal interests acquiring pastoral leases as a result of resumption by the State, pursuant to the terms of the pastoral lease. The practical effect of this measure is to close off those two options, and such closure constitutes a practical and significant step adverse to Aboriginal hopes and aspirations.

The symbolic effect in some ways strikes even deeper. The move represents another step in a chain of events which have seen our legal system acknowledge the supremacy of title by white settlers without having regard to the pre-existing concepts of Aboriginal interests or ownerships. Again, it is astonishing that at one level of political thinking in Australia Aboriginal hopes can be raised by talk of a Makaratta, whilst at the same time, those hopes and aspirations must be seriously undermined by legislative proposals of this nature.

The United Farmers and Stockowners talks about Aborigines already running Mimili, Indulkana, Kenmore Park, Ernabella, etc., but what about those communities outside the Pitjantjatjara lands? Many approaches have been made and correspondence has passed between Government departments and other Aboriginal tribes within the Far North of South Australia, and particularly those communities outside the Pitjantjatjara lands. For example, the Kokatha People's Committee, which represents members of the Kokatha tribe from around Port Augusta, Whyalla and Coober Pedy, is concerned about that tribe's special interests in the Roxby Downs and Olympic Dam area.

Mr Lewis: What about the Kaurna—are you going to give your house back to them?

Mr ABBOTT: If the honourable member will be patient, I may even come to that. The Oodnadatta community is seeking some form of land tenure for the purpose of running its own cattle station to help that community. I must say that if ever a community needed some help, it is the Oodnadatta Aboriginal community. The Adnjamathanha people at Nepabunna have for a long time been seeking a portion of the Balcanoona station. The Balcanoona area contains many sites sacred and secret to the Aboriginal people that are most important to their culture. In the report of the Aboriginal Lands Trust for the year ended 30 June 1981, a specific section dealt with Balcanoona. It is as follows:

> On 2 August 1979, the trust wrote to the Minister on behalf of the Adnjamathanha Land Rights Committee seeking transfer to the trust of the title to Balcanoona station which had been purchased by the Government as a national park for $360 000, because this land contained a number of sites of significance to the Adnjamathanha people. The trust envisaged a joint management arrangement between the Department of the Environment and the Adnjamathanha people for the management of the national park and for the protection of the Aboriginal sites of significance. The proposal was also submitted for a training programme whereby Aboriginal people could be trained as park rangers. Apart from an acknowledgement of the receipt of the proposals, which 'will receive attention and a reply will follow at a later date' nothing further has been heard of the matter.
>
> It can be readily understood that some land transactions may be more complicated than others and there may well be reason for some delay in such cases, but when there appears to be a constant pattern of delay in the trust achieving title to Aboriginal land surely this is a matter for concern—the more so when the trust is aware that attempts have been made by the Minister's own office of Aboriginal Affairs to have these long-outstanding matters expedited. It would appear that there exist grounds for at least an examination, perhaps even an overhaul, of the mechanism for handling Aboriginal land matters so that more effective results can be achieved.

I do not want to speak further on this matter, as I do not think it is necessary. I wanted to make some comments on behalf of those Aboriginal communities who are extremely concerned about this piece of legislation. The Bill before us is totally unacceptable to the Opposition, and I oppose it out of hand.

Mr BLACKER (Flinders): I support the second reading. I do so because I believe that, first, an election undertaking given by the Government was that the land tenure system throughout the State would be reviewed with the idea of giving freehold title to perpetual leases and bringing some sense of uniformity into the other forms of land tenure that exist throughout the State. After listening to the debate so far I am having a great deal of difficulty reconciling the argument that the Opposition is presenting in this case with that which it presented when perpetual leases for fruit blocks were converted, to be made freehold. We all know that it has been the policy of the Australian Labor Party to hang on to the principle of the leasehold system for land, yet when the matter to which I have referred came before the House, it went through with hardly a murmur from the Opposition.

That being the case I tend to wonder about the Opposition's motives on this occasion. I cannot help but feel—and maybe I am being rather cynical—that it all gets around to electoral advantage and where the Opposition can best gain votes and who it can best hit with the smallest number of persons being affected in their own particular camp. Quite obviously, if the same principle that the Opposition is applying now applied to the Bill before the House at that stage to make fruit blocks freehold, we would have had a totally different argument. The difference is that there were potential Labor voters in the fruitgrowing area, whereas in the pastoral area there may not be so, and we are dealing with a small number of people, some 247 units.

I might add that those 247 units do not mean that there are only 247 votes; in fact, it would run into 1 000 or maybe 2 000 votes in the pastoral areas, taking into account not only the husband and wife on the block but also the number of employees involved. So, there is some unexplained change of attitude by the Labor Party in this case. I believe that the Labor Party should be exposed to the people of South Australia for its change of heart on this question and for the cynical way in which it has approached this problem, particularly bearing in mind its attitude to the case involving the fruitgrowers.

In supporting this Bill, I think it is only fair to say that farmers, pastoralists or any people who grows crops or keeps stock are by their very nature conservationists—they have to be. They will fail if they are not conservationists. We all know that unless crops, pastures and stock are looked after properly, they will not produce. After all, what is the point in being a pastoralist if one cannot earn a living from his property? So, we have a very fundamental position involving those persons who live on and own these areas of the State to see that they are carefully and properly managed and therefore producing in a right manner.

Of course, it is hard to draw an overall picture and say that all pastoralists are responsible. Unfortunately, they are not all responsible and in just about every form of living there is someone who makes it difficult for everyone else. But why condemn an entire industry for the sake of the irresponsible attitude of just a handful of people?

I think that this legislation is good, because it has a further effect in that it enables those persons who can get a longer tenure of their property to make long-term plans, to invest in a long-term manner, knowing full well that what moneys they sink back into the property in terms of development will be retained by them and/or their families at some future date. It pays them and gives them an incentive to do the right thing. Obviously, when someone is on a leasehold property and that lease is going to terminate in a few years, what the heck, anyway—he is going to be off

the place or it will be up for renewal, or whatever the case may be. Such people do not have that length of tenure which enables them to continue on. Furthermore, the ability to raise finance in such a case is, I think, an argument which cannot be disputed. We all know that you cannot raise finance through the normal banking institutions on a pastoral lease. Certainly, the stock firms will advance money on it, but in terms of normal banking arrangements that is not possible through the present system as we know it.

So from that point alone, there is a considerable advantage in having a lease for an longer tenure in these areas of the State. I should also say that I am speaking on behalf of or in the interests, I believe, of the pastoralists. I only have a handful of pastoralists within my own electorate, but I think I have sufficient sympathy for those involved to be able to support their stand in this case.

Much has been said about the way in which the country in the arid north has been abused, seriously eroded and become a desert. I believe that the problem where that has occurred is not necessarily through the fault of the pastoralist. One of the greatest problems we have is that of our natural fauna and the massive numbers of kangaroos that build up from time to time. They, in turn, completely denude areas as they sweep through and in many cases come down from the channel country in the north. They sweep through our State in literally thousands and thousands, yet the conservationists say that that should go on unimpeded. Probably one of the greatest problems we have is the introduced species, rabbits being one of the first. I think the feral animals, as mentioned by the member for Fisher, probably pose one of the greatest threats to our pastoral and agricultural areas.

The introduced species, more particularly the feral pig and the feral goat occurring in some of the hill areas, cause one of the greatest threats that I know of to our quarantine measures operating in the State and the nation as a whole. The mind boggles as to what might happen should an outbreak of foot and mouth or an exotic disease like that occur in the feral animals in this State. That is a problem which obviously this Bill does not tackle, but it is one which I think the people in South Australia will have to face at some time in the future. I only hope that it never occurs, but one never knows.

I made the point before that good managers are by their very nature conservationists. I believe that this Bill encourages them to be even better managers, for it enables them to do more in terms of raising finance and planning for a long term in the future. It has also been stated that there are controls on that which do not normally exist on leasehold, that the outback management advisory committee is set up to advise the Minister and the leases can be terminated for abuse of the system. When this Bill was first introduced in the House there was some considerable publicity about it. I had a telephone call from a farmer at Kimba who is, I believe, one of the responsible people, and he expressed some concern about access of these areas.

He and some of his friends for many years have been taking an annual safari through the north, and they have always sought the permission of landholders. Generally speaking, I think they enjoy that type of life, as I think we would all enjoy it from time to time. His concern was that it would require only one landholder, one owner of a proposed perpetual lease, to say 'No' and his entire safari would have to be abandoned because of that. I would like the Minister to explain in his summing up to indicate the position concerning these people who have undertaken and intend to undertake genuine safaris through the north with, I believe, the full support of pastoralists. In many cases, the genuine person reports any wrongdoing that has occurred and whether any waterholes have been polluted or tanks or windmills have been shot up or damaged. Generally speaking, I think most pastoralists are sympathetic to the person on a genuine safari, but not all pastoralists have the same sympathies or receive such co-operation from him. So, there is a problem in that area.

I support the Bill. I reiterate that I have some difficulty in reconciling the Opposition's change of attitude from that which it expressed to the legislation that it supported in changing the fruit block entitlements from leasehold to freehold, bearing in mind that in this case, when we are changing from pastoral lease to leasehold, its attitude, as I have indicated, is different.

I contend that the reason for that was purely vote catching; there can be no other explanation. In one case we were dealing with people who were potential Labor supporters but in this case, because the numbers are so small, they are not seen as an overall threat to the organisation. Not only is it determined on a locality basis, but obviously it reflects through the electoral council system. I support the second reading.

Mr PLUNKETT (Peake): I oppose the Bill, because it causes me great concern to see that the Government of the day is prepared to support a Bill that will give a few people control of 60 per cent of our arid land. I have listened to previous speakers from this side, and I wholeheartedly agree with my colleague the member for Spence and his concern about Aboriginal lands and sacred sites. I also support the comments of my colleagues the member for Hartley and the member for Baudin.

I should like to quote from the *Age* of 18 March, in which a report was headed, 'The law will give farmers freehold over 60 per cent of South Australia'. The only thing I see wrong with that is that the word should not be 'farmers', but rather 'pastoralists' or 'graziers', who are to be given 60 per cent of South Australia. As most people who have been on properties would know, there is a vast difference between a farmer and a pastoralist or grazier. One difference is that a farmer holds only a small property, grazing sheep and sometimes cattle. He is not a pastoralist or a grazier. The newspaper report states:

> The South Australian Government is facing a revolt in Parliament over proposed changes to land tenure laws which, in effect, hand over about 60 per cent of the State to a small group of pastoralists.

I agree wholeheartedly with the reference to a small group of pastoralists. Why should this Government be prepared to give this small group the control of a perpetual lease? Those pastoralists have had the leases for 42 years, or they have a 42-year lease, and I know of no-one who has been refused the renewal of a lease.

Why is this Government concerned or why are the pastoralists concerned that a 42-year lease is not sufficient? Has it anything to do with Aboriginal rights? Is that one of the reasons? One possible reason could be indicated in the recent edition of the *Farmer and Stockowner*, of March 1982, which states:

> Government acts on longer leases
>
> Changes to the Pastoral Act proposed by the State Government have been welcomed by the U.F.S. Pastoral Land Committee Chairman, Mr K. M. Sawers, said this week the U.F.S. had worked hard to get greater security of tenure for pastoralists.

I will not quote the whole report, but I have marked out portions that I would like to bring to the attention of the House, because I think they are important. The article states:

> If the Minister of Lands and the Pastoral Board felt a leaseholder was abusing the land, the lease could be forfeited or reverted to a 21-year terminating type.

That is not a short period if a person is mismanaging a property. I am not quite as convinced as are some of my colleagues who have spoken about these leases. I have

worked on these properties for more than 25 years, and I have found that many of the families who are alleged to have been deprived of opportunities to go to the opera and live in the city to participate in the good life have in fact lived in the cities, in Adelaide, Melbourne or Sydney, and have been the first people to afford to own land at Surfers Paradise and to go on extended holidays. Who then looks after the property?

I come back to a point I made when the member for Eyre was speaking. He tried to have us believe that the people who go through the properties leave dogs tied up where there is no access to water, but I have never experienced that in 28 years on properties, although I have experienced mismanagement on several occasions. I have arrived at properties when the owner has not been present, or perhaps he has been, but he has overlooked changing the sheep from one paddock to another and sheep have been lost because they have been unable to get to a tank for water. This has not happened in many cases, but there is mismanagement on some properties, and it is useless to say otherwise. I have seen dogs that have died of thirst or starvation because they have been left on properties without anyone to care for them in 100-degree heat. I have seen that on many occasions.

Dr Billard interjecting:

Mr PLUNKETT: I have not got much time and I will not answer any stupid interjections, so other members should be quiet and they can speak later. I first went on leasehold land in 1949 at Narin Station, via Dirranbandi, in Queensland. That was the front property, and Noodoo was the back property.

Mr LEWIS: On a point of order, Sir, I wonder about the relevance of the example being quoted by the honourable member to this Bill, because, if I am not mistaken, he is referring to leases in Queensland.

The SPEAKER: I do not uphold the point of order in relation to a completely new Bill with wide ramifications. It is natural that there should be a broad debate. I was concerned earlier about the occupancy of houses at Surfers Paradise, but that was used only as part of a scene the honourable member was painting and he fairly quickly left it. I shall be listening to make sure that there is relevance to the issue. While the honourable member is talking of leases, whether in this State or elsewhere, there is a relevance of comparison.

Mr PLUNKETT: Thank you, Sir. The honourable member who asked the question might not know that there were 99-year leases in 1949 and during the 1950s, and probably there are still some in existence in Queensland and New South Wales. I am quoting the example of a case where there were 20 shearers on Narin and 15 on Noodoo, shearing all at once. Members opposite have said how responsible are many of these graziers, but I say that they are irresponsible if they know that they will lose the lease in a certain time. On this property, the 99-year lease ran out in the 1950s. The same company had other properties, and it brought the sheep from the other properties and completely ate out the land because it was known that the lease was not renewable.

I do not know whether the Minister who is dealing with this Bill understands the situation completely, but I sympathise with him if he does not, because he has a big problem in front of him. On such properties there is saltbush and bluebush. This vegetation provides food that sheep, cattle, horses or other animals can eat during extremely dry weather. In normal circumstances when the land is flushed with growth, sheep seldom eat too much of such vegetation, but it is a good standby.

What happens on such leasehold properties, and there are plenty of them, not just one, is that they are overstocked and the sheep eat out the bluebush and the saltbush. Certainly, it takes many years to regenerate and the member for Flinders, if he studied closely what really happens on such properties, would realise that many leaseholders allow their animals to eat out the properties. As has been proven in many other places, at Menamerty in New South Wales land owned by South Australian pastoralists was subject to this problem.

In fact, West Darling authorities gave the people involved a certain time to do something about the problem, but I do not know whether or not it was solved. However there have been many cases where that has happened. Apart from what happens on properties, I refer to what the *Farmer and Stockowner* said about the people who are seeking these leases. It stated:

> These were essential as leaseholders were constantly being plagued by travellers and their demands.

Honourable members know what that means. People would be crossing the land and leaseholders would be upset because they would believe they owned the land. A perpetual lease lasts forever. Leaseholders will own the land forever and will believe that other people have no right on that property at all. Reference is made to leaseholders being pestered by people travelling, who might run short of petrol and water and who call in and ask in a neighbourly manner if they could be supplied with essentials at their cost. That is the sort of 'pestering' that they would get. The quote continues:

> 'Rights of public access to pastoral lands in motor vehicles will be limited and regulated,' Mr Sawers said.

It most certainly will be. The Minister of Tourism should be looking at this matter, because there is much interest in tourism through visits to big properties. It is this area where people from overseas and cities like to visit. They like to visit the outback, and this is what leaseholders are seeking to prevent. Leaseholders will ensure that their land cannot be used. The quote continues:

> Motor vehicles will be required to travel largely on those roads constructed or maintained by the Highways Department or a few other tracks to be proclaimed by the Minister.

There are no worries there. One will not be able to drive through the properties that are there now.

Members interjecting:

Mr PLUNKETT: Honourable members may laugh, but I doubt that they have been much further than 25 kilometres outside Adelaide. By their laughing they merely indicate straight away that they do not know anything about the pastoral companies and the roads through those pastoral company lands. I advise members to take a trip to the outback to inspect some of those places. I would further suggest that they try and work on some of the properties. I am talking about the few large families involved.

What about the McLachlans? None of the McLachlans ever walked off one of their pastoral lands. That family was very happy with its 42-year lease, and it will be even happier with a perpetual lease. It will ensure that no-one goes on to the property. That family owns the small properties of Jumbuck and Commonwealth Hill! Do members know those properties? Have they visited them? Those are the small people that members opposite are looking after!

It was suggested that not many Labor voters are in those areas, and I agree with that: there are not many Labor voters on those properties. Even though such properties had industrial harmony in the shearing industry for 26 years, what has happened this year? The company concerned turned around and brought in scab shearers from Western Australia. They brought them in because their profit was not big enough from the four big properties involved in arid land. True, they have further properties on much better land in the South-East. I suggest that, in regard to those people the Government is trying to help, those few poor

families who should have an extended lease, there was harmony in the shearing sheds after 1956, but that was broken by these graziers trying to introduce scab shearers on their properties in order to get the shearing done more cheaply. Indeed, I would like to refer even further back, but I would have to ignore the member for Mallee, because I doubt that he has been out of the Mallee district; there is not much lease land left in the Mallee area. I will leave him to his own ignorance in the matter.

Why are Government members so keen on this measure? Why are pastoralists applying such pressure on the Liberal Government to give them a perpetual lease? There are lots of questions and many answers, too. One answer has perhaps much to do with what happened recently in Queensland in regard to the Queensland Premier's remarks concerning Aboriginal rights. I believe and guarantee that the issue of perpetual leases has much to do with Aboriginal rights. Doubtless in a few years—even though I may not see it, I am sure that younger people will—Aborigines will not be allowed on this land at all: not only Aborigines but everyone else, because one will have to have a permit to go through such areas. Government members should not forget that. They can laugh, but this will be the position. Therefore, before voting on this matter, I advise Government members to visit these properties and see who it is that they are supporting by this measure. How many families will be supported—very few. The McLachlans and the Rankines—

Mr Becker: What about the homosexual Bill?

Mr PLUNKETT: The honourable member should not worry about who he is supporting, because he is only voting for a few electors. It is probably some sort of pay-back in return for what was done in 1979. I do not intend to hold up the House any longer, because I said I would only be 10 minutes. I merely wanted to show the pure ignorance of members opposite and to indicate how much they are willing to sell themselves for the benefit of a few people.

Mr LEWIS (Mallee): On this occasion I rise to follow a speech the like of which I have never followed previously. Whilst I have found it long on entertainment, I did find it short on substance. That is perhaps a reflection as much upon the member's experience as upon his ability to deliver his speech. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

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

STAMP DUTIES ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3502.)

Mr CRAFTER (Norwood): The Opposition supports the two components of this measure. The first of these is a matter of some moment in the community, and it is pleasing to see that the Government, albeit belatedly, has acted to right an anomaly that arose as a result of a High Court decision handed down on Christmas Eve last year. This anomaly involves a hiatus between Commonwealth and State laws with respect to divorce or matrimonial settlements involving property and the ability of the State now to claim stamp duty on such property transfers.

It would appear that the policy of this Government from that time has been to collect stamp duty in these circumstances, and that is something that the Opposition very much regrets. It has asked the Government on a number of occasions to bring down a clear policy on this matter and to introduce legislation to make sure that the intention of the State and Commonwealth Legislatures, as far back as 1975, when the Federal Family Law Act was enacted, be continued in this State.

As recently as last week the Leader of the Opposition in the Legislative Council called on the Government to state its policy in this matter and to do something about it. It is pleasing to see that that call from the Opposition has caused this measure to be introduced this week in the House. The hardship and the anguish that this has caused to many people in the community is to be regretted, and it is pleasing to see this measure has a retrospective element. Any person who has paid stamp duty or believed that he would be liable to pay stamp duty since the time of the High Court decision will no longer be required to pay that duty.

The other aspect of this Bill is to overcome some exemption difficulties that have befallen the State Bank of South Australia, particularly in relation to the funding of concessional housing programmes. The Opposition supports this power of the State Bank Board being clarified so that these exemptions can be granted without any doubt. However, in passing, I would say that this would appear to be contrary to the Government's accounting practice which it has adopted since it has been in office, and this would seem to be one of the criticisms that the Government has levelled against many instrumentalities (the Land Commission and other bodies) where it was said that they were trading in favourable circumstances that were not available to their competitors in private enterprise.

Nevertheless, it is a matter of great importance in the community that money be made available for the provision of housing, particularly for low income groups, and in that respect the State Bank plays a very vital role, and it has done so in this community for a very long time. It seems quite ridiculous that they should have this stamp duty imposed on them in these circumstances, with the associated costs of collection and accounting procedures. With those brief comments the Opposition is pleased to support this measure.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

The Hon. R. G. PAYNE: As I understand it, the Act is deemed to have come into operation on 24 December 1981. I believe that that was the date of a certain judgment and, therefore, I would assume that, hopefully, no person would be in limbo somewhere between certain dates. I rise because an approach has been made to me.

The Hon. D. O. TONKIN: I, too, have had some doubts raised, but as far as I understand it no-one should be caught. The Act has been interpreted federally, as the honourable member would know, up until the day of that judgment, and it will be retrospective to cover everyone from the day of that judgment. So, no-one should be caught.

Clause passed.

Clause 3 passed.

Clause 4—'Amendment of second schedule to principal Act.'

The Hon. R. G. PAYNE: This clause appears to relate to the schedule wherein certain exemptions are listed. Will the Premier tell me whether the remission of stamp duties on a first home purchase would be covered under this clause? I realise that that is not the purpose of the Bill.

The CHAIRMAN: Order! A considerable amount of conversation that is taking place in the Chamber is not assisting the deliberations of the Committee.

The Hon. D. O. TONKIN: This relates entirely to conveyances in respect of securities passing, for instance, from the State Bank to S.G.I.C. in relation to major housing loans. It is nothing to do with the first home purchase scheme.

The Hon. R. G. PAYNE: Clause 4 of the amending Bill reads:

The second schedule to the principal Act is amended by striking out paragraph 6 under the heading 'General exemptions from all stamp duties'.

If under that heading remission of stamp duty on first home purchase would appear to be involved, I have a query for the Premier. That is what I am trying to ascertain.

The Hon. D. O. TONKIN: It relates to securities only.

Mr CRAFTER: Will the Premier provide the Committee, if it is not available now, then at a later time, with the figure in relation to the amount of stamp duty that is involved in this measure, that is, the amount of money that will not be paid to the Stamp Duties office?

The Hon. D. O. TONKIN: I understand that it is a minimal amount, but I do not have the exact figure. If we can quantify it, I would be delighted to do so, but I do not hold out a great deal of hope.

Clause passed.

Title passed.

Bill read a third time and passed.

PAY-ROLL TAX ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 3501.)

Mr BANNON (Leader of the Opposition): This Bill amends the Pay-roll Tax Act by lifting the exemption to $125 000 in round terms, thus bringing it into line with the current exemption rate in Victoria. Just how long that will remain the exemption rate in Victoria, I do not think we know, because the Premier of Victoria in his election policy speech said that if re-elected he would raise the exemption level to $175 000.

In the unlikely event of the Liberal Government in Victoria being returned, that would mean of course that this amendment, which does not apply until 1 July this year, will then be $50 000 behind the Victorian exemption level, and we will be back with the same problem that we have had for the past 2½ years of this Government. On the other hand, if the Labor Party forms the next Government in Victoria, as is very likely to be the case, it has precise proposals on pay-roll tax, particularly exemption levels, and so on. At this stage, I am not sure of them. However, whatever happens, we must monitor the situation closely in Victoria. Indeed, it may be necessary by June of this year for further exemptions to be made.

Whatever happens in the result of the elections it has been the continuing practice in Victoria to adjust the exemption rate in every Budget, and I suspect that, whatever Party is in power, that policy will be adopted. The fact that this new exemption rate applies only from 1 July means that a further adjustment must be made this year in order to maintain that parity with Victoria one way or another, whether it is sooner or later.

I am placing so much stress on this question of parity with Victoria because for many years there has been an historical nexus between the exemption rates in the two States. The matter has been canvassed and debated in this House many times, and I do not intend to go over that ground. I simply state that the reasons for it are quite clear; particularly as far as small business is concerned in the manufacturing sector they are competing very often directly with equivalent companies in Victoria. Those companies have the added advantage of being very close to their markets, the massive markets of the Eastern States of Australia. Our companies suffer from the disadvantage of distance, freight costs, and so on. They may have some other advantages, but in terms of pay-roll tax it has been a well-established principle since the States were granted this tax as a growth tax in 1971 that some parity of exemption level would be maintained. That has been a very important principle indeed.

The facts are that as from 1 January this year, many small businesses employing many thousands of employees in this State have been at quite a considerable disadvantage. In fact, if one takes that group with an annual pay-roll of $150 000 (and there would be quite a few of them) the pay-roll tax payable would be $5 500 compared to $2 083 for their counterparts in Victoria, a difference of 164 per cent. In the case of the higher pay-rolls, the difference is less gross. It narrows down to about 2 per cent, but the facts are that the vast majority of businesses at these pay-roll levels have been operating at a distinct disadvantage.

Many more businesses here have been caught up in pay-roll tax than in Victoria because of the level at which the Government has fixed it, and many more are paying tax, but paying it at far higher levels than their counterparts in Victoria. So, the situation has been crying out for rectification for at least two years. I say at least 2 years because it was not until 1980 that the pay-roll tax exemptions got out of kilter as between Victoria and South Australia.

In all the years that one can research it back (I have got figures here specifically from 1975 onwards), the Dunstan Labor Government moved to raise the exemption level as it was raised in Victoria. In fact, on one occasion the Premier brought in a special Bill because, after he published his Budget, the Victorian Budget came into operation, and it raised the exemption level. Premier Dunstan brought in a special Bill immediately to ensure that that parity was maintained to the advantage of the small businesses of this State.

That practice has been departed from only three times since 1975, and on each of those occasions the current Treasurer has been in office. In 1980, when Victoria's exemption level was $84 000, ours was $72 000. In 1981, when Victoria's level was $96 600, ours was $84 000. In 1982, the current situation, the Victorian exemption is $125 000, as it has been since 1 January, and ours is $84 000. I make clear that this Act does not come into force until 1 July this year, so there is no relief for the first half of this year.

That very large disparity indeed, is going to continue, despite the promises made by the Premier that he was going to do something about it. I will come to those promises in a minute. In support of the arguments that I have just adduced, I seek leave to have incorporated in *Hansard* two statistical tables which show the figures that I have just read.

The SPEAKER: Does the Leader assure that they are purely statistical?

Mr BANNON: Yes.

Leave granted.

PAY-ROLL TAX

Annual Pay-roll	Pay-roll Tax Payable (from 1.1.82)		Excess of S.A. Tax over Vic.
	S.A.	Vic.	
$	$	$	%
100 000	1 333	Nil	N.A.
150 000	5 500	2 083	164.0
175 000	7 583	4 166	82.0
200 000	8 110	6 250	29.8
225 000	9 360	8 333	12.3
250 000	10 610	10 416	1.9

Changes in the general exemption from pay-roll tax in Victoria and South Australia from January 1975 onwards, have been as follows:

GENERAL PAY-ROLL TAX EXEMPTION

Year from 1 January	Victoria $	South Aust. $	S.A. Treasurer
1975	20 800	20 800	Dunstan
1976	41 600	41 600	"
1977	48 000	48 000	"
1978	60 000	60 000	"
1979	66 000	66 000	"
1980	84 000	72 000	Tonkin
1981	96 600	84 000	"
1982	125 000	84 000	"

Mr BANNON: The fact is that the Budgets produced by the Premier incorporated the concept of further increases in taxes, and part of the 14.7 per cent rise in pay-roll tax collections forecast and planned in that Budget has been garnered as a result of this refusal by the Premier to alter the exemption level.

It is all very well for the Premier to say, which he does constantly whenever tackled on this, that for this financial year both New South Wales and Victoria applied a temporary surcharge to the pay-roll tax level, and because he did not, he ought to get some special credit and congratulations for that. Unfortunately, some industry groups did see it as a cause for congratulation. It is very odd, because that was a temporary surcharge employed for particular reasons in those two States. I do not know what arguments or reasons could be given for applying it in South Australia, and I do not see any great virtue or merit in the Premier's not having applied it. After all, it was not applied in Tasmania, Western Australia or Queensland, so he is not out of step with anyone else in that respect. Nonetheless, he has tried to make much of this fact that he did not impose a surcharge. No-one asked him to impose a surcharge.

I suggest that, in view of the statements that the Premier has had on the record, it would have been absolutely impossible for him to impose some surcharge. So, he did not do so, and I do not think that that is any cause for congratulations. It would have been cause for enormous censure if he had. However, in relation to the exemptions he has done nothing: he has simply maintained that level. As I have said, for the last three Budgets, 1980, 1981, and 1982, small business in South Australia has been at a considerable disadvantage *vis a vis* their counterparts in Victoria. That is simply good enough.

We are not just talking about a few employees or a fiddling amount of money, as the Premier would seek to imply. It can be calculated that South Australia's small business with pay-rolls from $84 000 to $250 000, all of which would be worse than Victorian businesses, number many thousands, with many thousands of employees. We sought information from the Premier as to those numbers and found it somewhat hard to extract. Finally, however, the Premier advised, after numerous letters and requests, that the number of small businesses with pay-rolls between those levels was in fact 2 600, with 32 000 employees.

So, 2 600 local small businesses were at a competitive disadvantage compared with similar businesses in Victoria, and they will remain so until 1 July. If the mooted changes in Victorian pay-roll tax exemptions occur before then or soon after it, they will be back out of kilter again. So there is very little satisfaction contained in this Bill for small businesses in terms of the principle that we are propounding. The Premier has not accepted the principle. He is not moving the exemption rate in line with Victoria, as was the practice of the former Government. He is belatedly moving to correct the situation, which, by the time the correction comes into force, will be out of line again. It is simply not good enough. It certainly sits very oddly with the remarks that were made by the Premier when he was in Opposition.

I have already quoted in this place the statements that the Premier made in 1977 when Premier Dunstan brought these exemptions into line with Victoria. The present Premier said that pay-roll tax provided for exemptions. 'It is a shame we have not kept pace with the original spirit of the proposal,' he said. He argued that even that exemption, even bringing it into line with Victoria, was not enough; we should go further; we should go beyond that.

Now we see this situation where he has by conscious decision let these rates drift behind the comparable rates in Victoria. It is not for want of having had the matter drawn to his attention. We have raised this on every occasion—in the Estimates debates, and when we have had an opportunity to do so. We have contacted business groups by letters, and I have a vast file of letters commenting on this situation, which have been sent to me by many small businessmen, small business organisations and other groups in the community, in response to letters that I have written to them. I have contacted business groups on four occasions since 28 September 1981, when it became clear that the Premier was not going to budge on this matter. I wrote in September, in November, in December, and again just recently.

The Premier is well aware of our concern about this matter. We have raised it by question in the House. Of course, when we have done that he has scoffed at us. He has suggested that what we were proposing was irresponsible and that we should not be raising it. I remember that on 10 November in this House he said:

> The Leader of the Opposition has said in his letters (and I have heard him say publicly) that the level of pay-roll tax exemption will be frozen in South Australia. He knows perfectly well that the level of pay-roll tax exemption is not changed until 1 January.

He implied, in other words, in response to those questions from the Opposition, that he was definitely going to do something about it, and that he would do something about it by 1 January. He has not, of course, acknowledged the fact that the situation was already anomalous and that all he was doing was belatedly correcting a situation which he had allowed to get out of hand. He has never acknowledged that, but he has gone further: he has promised that he would be doing something, and said that the Opposition was wrong to raise it in the manner in which it had.

Let this Bill be his testimony. There was no increase on 1 January. None of his promises has been fulfilled in this respect. He comes before us with this measure, I suspect because of the total embarrassment in to which he has been forced, not only by the Opposition but also by all those groups in the community, those small businesses which have seen the disadvantages under which they suffer. Such was our frustration in this matter and the lack of response from the Premier that I moved the motion, which was commenced in private members' business on 2 December 1981, condemning the Government's failure to raise the general pay-roll tax exemption level and calling on it immediately to raise that exemption level. As is the nature of private members' business, no reply was forthcoming from the Government, there was no further debate, and no vote has been taken on it. The Premier did not even pick up that challenge, as he could have. That was simply allowed to drift. Instead of that, he has given assurances which, as I said a moment ago, have not been kept. I have already referred to his promise on 10 November in this House that a decision to lift the exemption would be made close to the Christmas recess. Those were his words when he said that the level of pay-roll tax would not be changed until 1

January. A decision, he said, to lift the exemption would be made close to the Christmas recess.

That was a clear indication, I would have thought, to business that there was going to be some relief. Admittedly, he gave no undertaking that he would lift it to the Victorian exemption level, but, nonetheless, relief was promised, and it was promised by decision to be made before Christmas. No decision was made at all. I drew this fact to the attention of a number of groups. Obviously, pressure was put on him. Obviously, various bodies wrote to him. I thought that the best example was the response that he gave to the Chamber of Commerce and Industry when it raised its queries with him. He said that he would make a decision to lift the exemption by Christmas. He has not done so. Obviously this was taken up with him by the Chamber.

In a letter to the General Manager of the Chamber, or in discussions with him, the Premier made clear that there would be an alteration, and he made a specific promise to the Chamber. Let me quote from a letter sent to me by the General Manager on 16 December. He said that he had continued to make representations to the Premier. He goes on:

> He has told me in the last few days that he cannot see an alteration in the level before 1 March . . .

That certainly was not publicly communicated. As far as the Parliament knew on 10 November (the last statement the Premier had made on this matter), the decision was going to be made at Christmas and was going to apply from 1 January. Apparently, by December he had decided that there would not be an alteration before 1 March. Let me continue quoting from Mr Schrape's letter:

> He has told me that the exemption level will most certainly be lifted by that date, but maintains that he cannot put a figure on it until there is some clear picture of where wage levels are going to settle down, if in fact they do. I am as disappointed as you are, but that is the answer I get to my best representations.

The words on which I am focusing attention are these: 'He has told me that the exemption level will most certainly be lifted by that date' (that is, 1 March). Instead of that, the date has passed. No change has been made to the exemption level. Right at the end of March, on the eve of the Premier's departure for overseas, this Bill is produced in Parliament, not to raise the exemption level immediately, but to do so from 1 July—a quite extraordinary breach, I would suggest, of an undertaking given to the major employer representative organisation in this State. I hope that they have noted just how sound are the Premier's promises to them, because that is really quite extraordinary, particularly coming from the current Premier.

What does this measure do? The Premier claims that it will 'considerably more than maintain the real value of the present exemption'. That is just not true. It will not maintain the real value of the present exemption. It will restore the real value of the exemption. The value of the exemption has dropped, and dropped quite sharply, over the past two years. The alterations that have been made belatedly by the Government have not been sufficient. The fact that no alteration at all was made in the 1981 Budget has meant that it is severely below the inflation rate, that it requires urgent ajustment to maintain, to use the Premier's views, its real value. The maintenance of which he is talking dates back some considerable time. The fact is that the present exemption must have its real value restored, not maintained. That is one of the situations that the Premier has allowed the exemption to get into. The real value of the exemption fell during 1981-1982 because it was frozen. All that this Bill does is very belatedly indeed restore that value. So that statement in the Premier's second reading speech is culpable nonsense.

Secondly, the Premier says that the measure will enable many small businesses to escape pay-roll tax altogether. That is factually true. By raising the exemption level, many of those 2 600 businesses about which I was talking will be exempted. However, the fact is that equally many of them were forced to pay for the first time in 1981-1982, when pay-roll tax exemption was frozen. These were firms that probably never before had attracted pay-roll tax, but they were forced to pay because their wage payments grew. As a result of this, from 1 July this year many of these firms will no longer pay, and that is to be welcomed, but the fact is that what has happened to them is that for the first time they have become eligible for it they had to fill out the forms, make the payments, and go through all the red tape and bureaucracy involved in collecting the tax.

Now some months later they are told that they are exempt. Surely this is very inefficient and costly for both Government and business alike. Businesses should not be moving backwards and forwards into and out of liabilities for the tax. Accounting systems and paper work will have to be changed as firms become liable, then they cease to be liable following this belated alteration to the exemption level and obviously their systems and accounting procedures will have to be changed again.

The Premier admitted in response to Opposition questions that 280 small businesses became liable last year for the first time because the exemption was not raised. These businesses employed 2 200 workers. I imagine that most of those businesses would be exempt now, if not all of them, and they have to, in effect, alter their systems and exclude the tax. To say that businesses will escape pay-roll tax altogether may be true, but that does not recognise the inefficiencies that have been caused by their being uncertain from month to month as to their standing.

In the light of the promises that the Premier made last year, many of them probably thought that if they were to be liable to pay they would not have to pay after 1 January. However, nothing happened. No doubt, in view of the undertakings given to the Chamber of Commerce and Industry, businesses thought that they were not going to have to pay after 1 March. Again, nothing happened. Now they are told that it will be July. Let me say that, if these exemption rates change in Victoria, I believe that the Premier must make a further adjustment, and if he does not, we will be back in the situation we were in in 1981.

I thought one of the most interesting aspects of the Premier's speech was the admission that the very centrepiece of his employment policies in 1979 was in fact useless. Members will recall that the Premier, in his election policy in 1979, introduced what he called a bold initiative that would create 7 000 jobs for unemployed young people. Later he said that this would be 10 000 jobs. He has mentioned that figure of 7 000 a number of times. The basis of that, the way in which the Premier was going to achieve this, was to be a pay-roll tax incentive scheme; employers were offered reduced pay-roll tax liability in return for hiring young people.

The scheme provided for a refund of pay-roll tax to employers who employed extra full-time employees under 20 years of age. The refund was $600 per annum for an extra teenager, $1 800 per annum if more than one teenager was employed, and a full refund was to be made if the rebatable amounts exceeded the total pay-roll tax payments. It was interesting to see that having introduced this scheme in his first Budget and provided a sum of money for it, that money was considerably under-expended and it has been reduced successively. There were clear indications that the scheme was simply not doing what it was meant to do, but the pay-roll tax cuts to boost business and create new jobs for young people, as I say, was a centrepiece of the

Premier's strategy. What do we find in this explanation? We find the following statement:

> It is difficult to argue that the extra cost represented by pay-roll tax actually influences the decision to hire the marginal employee.

That is a quite extraordinary statement; a statement that, in fact, rejects the whole basis of the Premier's strategy for new jobs. It is a devastating admission on his part. It means, in effect, as we suggested through 1979 and 1980 when it was plainly demonstrated that the scheme was not working, that it is a confession by the Premier that his whole strategy was totally misguided. If it is true that the extra cost of pay-roll tax does not really influence the decision to hire a marginal employee, what is the point of a pay-roll tax remission scheme to create jobs, a scheme that will provide rebates of $600 or $1 800, depending on the numbers employed? Therefore, one would have thought that, if nothing else, the Premier's explanation has revealed the bankruptcy of the Government's thinking on job creation, on how to do anything on employment problems that we face today.

I do not think there is any purpose in going into any more detail on this measure. The Opposition supports it, because we have been calling for just such a measure to be introduced, by way of question, letter, and indeed, motions in this House, for some considerable time. The Opposition is glad to see that at last the measure has hit the deck, but we are sorry to see that it is not applying from the date that the Premier suggested, either 1 January or 1 March, or even from today or from the date on which it is passed. It will apply from 1 July.

Two major things are demonstrated by this measure. The first is the Government's failure to assist small business in the way the previous Government did by ensuring that the level of pay-roll tax exemption was kept in line with that of Victoria. The result of that failure has been tax many more small firms employing many thousands of employees in this State and to create disadvantages for many, many thousands of firms with many thousands of employees.

A real slap in the face, if you like, to small business has been involved in the Government's total inaction in this area, and it is not really corrected by this Bill. The measure goes a very little way along the track to do it, because we do not have in this Bill or in the second reading explanation a firm undertaking from the Government that it will maintain that exemption level in line with Victoria, which is the principle that the Opposition suggests ought to be incorporated. Secondly, in the course of presenting this measure and arguing for it, the Premier, in fact, has totally destroyed the whole basis of his employment creation policy around pay-roll tax which he announced and which he and his Minister of Industrial Affairs boasted about during the first couple of years of the Government's term of office.

We hear very little about it now, particularly as the amounts allocated by the Treasurer for the scheme have dwindled as the scheme's failure has been demonstrated. I suggest this admission in the course of the second reading explanation by the Premier that the scheme does not work is the final death knell, because the scheme cannot work, according to the Premier's words. He is now saying that the effect of the pay-roll tax exemption is minimal; it does not really influence whether or not a business hires or fires an employee, and in that respect it is just destroying the whole strategy that was introduced in 1979.

I think that this is a fairly pitiful response to the real community concern about pay-roll tax and its level and, indeed, about the plight of small business in this State. I hope that the Premier is not going to jump up and down and boast about what he is doing here: what he has done has been done far too late to be of direct assistance to many businesses. It will be out of date by the time it comes into operation and I hope that small business in this State understands the contempt with which it is being treated.

Mr BLACKER (Flinders): I support the Bill. I do so because in my electorate I have a considerable number of small businesses that come within this category of recieving benefits from it. However, I do agree that the increase is rather modest, the true value of which could be questioned. It is modest from the point of view that it really is trying to rectify a level of funding set in January last year and the amending Bill does not really take effect until July this year, so there is an 18-month lag in the legislation.

Even though the proposal to increase the amount from $84 000 to $125 000 is considerably in excess of inflationary figures and must do some good to try to reinstate some of the original intent of the Bill, it does not go far enough. I agree with what the Leader of the Opposition was saying, namely, that we should truly provide incentives to more than just the family delicatessen, the family partnership operation, to give them some incentive to get out and employ people. I look to the small business community as being the most able to rectify some of our unemployment problems, if they are given sufficient incentives and opportunities to do so.

When the Premier responds to this debate (I do not wish to say any more than that), I would be grateful if he could give some indication of when it is expected that this Bill will again be reviewed. I look at this particular measure as being a catch-up clause for the past 18 months. Do we have to wait another 18 months before the legislation comes in, or is it expected that the matter will be reviewed at 1 January next year? What is the intention of the Government? Really speaking, we are only talking about a catch-up provision at this stage.

Mr BLACKER: Without saying any more than that, I support the Bill for as far as it goes. I trust that the Government will view seriously the potential impact that it could have if a larger exemption were provided to the small business community, because they are the ones that can really help with the unemployment problem.

Mr CRAFTER (Norwood): I also support the remarks of the Leader of the Opposition on this matter and congratulate him, not only on his speech tonight on this most important matter, but also on the action that he has taken over a long period of time to try to rectify the injustice that was being meted out to this important sector of the business community by the Government in two successive Budgets. I was distressed this evening to hear on the television news that the Premier had made this concession to small business people, in particular, so begrudgingly that he said that, as a result of the $5 000 000 that it is anticipated would not be received in pay-roll tax revenue in the next financial year, there will have to be corresponding cuts in the delivery of services to the community. The only conclusion that a small business man could infer from that is that that was being brought about at the cost of profitability of that sector of the business community. That is a most unfortunate burden to impose and allegation to make regarding that most vital sector of our economy.

No doubt all members received today a booklet from the Council of Small Business Organisations of Australia, which is the collective lobby group of a number of associations that speak on behalf of various trades and professions and service industries in support of this sector of the community. That report, at page 11, states:

> We are talking about a vital sector of the Australian economy and social structure. The lives and livelihood of up to 1 500 000 proprietors of small businesses, their employees, and their families are at stake. There is far too much emphasis today on big business,

resource development, major investment programmes, and the like. These are important areas, of course, but so too is small business, and a proper balance is essential.

We can see there so clearly the voice of despair of a group of people who have been neglected and, as I have suggested even attacked for their call for some equity in the taxation system and some justice in meeting their taxation dues. As the Leader of the Opposition has pointed out, it is clear that this tax, which is a most unpopular tax in the community, based on the level of employment in private industry and commerce, falls more heavily on the small operator than on the larger operator. There is a discrimination there and it is this area of the exemption that can redress some of the injustices that have arisen in the impact of this impost.

We have had explained to us so clearly and carefully now by the Opposition over a long period of time the harmful effect that this is having on the competitiveness of small business operations in this State compared to those similar operations, particularly in New South Wales and Victoria, who are, after all, our greatest competitiors. I have written to many small business men in my electorate and have had discussions with them about this form of taxation. Often I was quite appalled to learn of the little they understood of the effect that this legislation had and how the exemptions were much greater in our competitor States. Once they were aware of these facts they became agitated, as we on this side of the House have become to make sure there is some equity forthcoming. It is disappointing that the Government has broken promise after promise in this regard, promises that it has made publicly, and expectations that have been raised have only been dashed. Once again, in this measure tonight we see that it is not to take effect until the next financial year. One wonders why it is being brought down now and could not have been done some time ago so businesses would have had time to plan and cost their operations accordingly.

We find that a great deal of money is being spent on public relation exercises by the Government in alleged support of small businesses in our community. Members have received glossy publications, with lots of nice words in them, in recent weeks issued on behalf of the Government, although that is not clearly indicated in the publications. There is little of substance forthcoming for this vital sector of our economy. It is easy to see, particularly from the statements this evening by the Premier, that this exemption increase comes at a stage when no doubt an election is forthcoming and when the proposition that is built up in the community has become so great that it can be no longer denied.

Of course, the damage has already been done. We have seen that there is a substantial downturn in job opportunities in this State; in fact, they have reached alarming proportions. At the time of the last election and shortly after that the Government boasted, through the pay-roll tax exemption scheme, it would create many thousands of jobs, particularly for young people in this State. It was described as a bold new initiative, and other glowing terms were given to it. That scheme has proved to be a disaster; it has not worked. It is now defunct and the hopes of many young people who are on the unemployed queues in this State have been dashed. So, we see that the Government has raised the expectations not only of the young unemployed, but also of business operators who thought that this was a scheme that would help them to increase their profitability, production, and delivery of services.

That was not to be so, because there was not associated with that concession the raising of the pay-roll tax exemption levels so that there could be further advantages and incentives to the small business sector. There has been a fragmentation of approach and support, and this has been most harmful. The year of 1981 saw record levels of business bankruptcies in this State; they are at alarming levels. I know from the many small business operators I see in dealings in my electorate that they are often operating on only very marginal areas of profitability, and one of the most vital factors in their profitability, or the survival of their business, is their pay-roll. Often, they have to put off staff when they do not want to and employ part-time rather than full-time, and their families have to work in the business.

The amount of $5 000 000 that the Premier says will be lost to the coffers of this State by the Bill should be seen as an incentive to that sector of the community, which could have been provided in the last two Budgets, as it was in our competitor States, to that vital sector. It has not been done in this State, and that is a clear indication of the importance that the Government saw fit to place on the small business sector.

The Leader of the Opposition has said something of the correspondence that he has had (and I am sure many other members have had it, too) from organisations representing small business and from individual small business men, criticising the Government and calling for support for the raising of this exemption as soon as it can be achieved. There was no more vivid account of the problems facing small business than that given on an A.B.C. television programme last year, where a series of business men was interviewed about the Government's approach and support for business, small and large. A wellknown business man, Mr Jack Weinert, was one of those interviewed, and he pointed out clearly the difference in the support that this Government gives big business as compared with what it gives to small business. He pointed to the attack made on small business by the decision of the Government to close Moore's building and to purchase it through the Superannuation Fund, and the effect of that on small business in the Victoria Square area and on the many marginal traders in the area who depended on that store and Government activity in the area for their viability.

I thought he very succinctly talked about the attitude of this Government towards foreign investment, and quoted the Japanese business man who comes here wanting to invest, and the red carpet treatment he is given by the Government, as opposed to the local business man who may want to invest the same amount of money but who is given nothing like the red carpet treatment given to foreign investors. It is a sad reflection on the entrepreneurism that is latent in our community and must be developed and encouraged by the public sector to develop either alone or in joint ventures with the Government. That is a factor that cannot be denied in the down-turn of our economy.

By far the greatest employer in this State is the small business man. We live in a time of declining employment, due to a number of factors well known to members in the manufacturing industries in this State, and so we have come to rely more heavily and to have in a more orderly fashion the small business sector of our community. That means that Government policies must be well prepared and succinct and known to the community at large. Many small operators plan their accounting systems, their budgets, and their pricing in advance, and the smallest factor can throw great confusion and hardship on them. It is important that Government taxing policies be made well known, clear and certain, and that is why I echo the request of the Leader of the Opposition that the Government commit itself to a pay-roll tax exemption which is tied into that granted by N.S.W. and Victoria, so that we can computise our competitiveness, and so that the small operator can carry out his accounting procedures and budgeting, so that we can

continue the competitive advantage that we have enjoyed in past years but which is slowly slipping away from us.

In supporting this measure, I add my regrets that it is much too late, that it is an *ad hoc* measure, and that it is presented to the Parliament and the people of South Australia in such a way that the small business sector is cast as a devil, a burden on the community, and as a group of people who are costing other taxpayers a substantial sum of money. That is not the case. It is an important sector of our community in so many ways, and I have spoken in speech after speech in this House and in the community about the role that this sector plays, not only in employment and other economic areas, but in the life of the community, and the contribution that these people make in support services to maintain some vitality in local communities. With these comments, I support the Bill.

Dr BILLARD (Newland): I do not wish to play a great part in the debate, but I think that some statements made tonight by the Leader of the Opposition and the member for Norwood require an answer. I find it rather strange to see this new-found concern for small business on the part of the Opposition. To my mind, it seems rather ingenuous when we look at the record of the A.L.P. in this State in the past and at the record of A.L.P. Governments in other States. Let us look briefly for a moment at the level of pay-roll tax exemption in other Labor States. In N.S.W., after this Bill passes through, it will be below the level—

Mr Bannon: It is $120 000 there.

Dr BILLARD: Right. In Tasmania it is $102 000 and in Western Australia $100 000. After this Bill is passed we will be ahead of New South Wales, Tasmania and Western Australia, which we have been in the previous year also. I note that, when he spoke, the Leader of the Opposition could not say for obvious reasons that the Labor Party, if elected in Victoria, would raise the exemption, and I note that indeed when we were elected to Government in 1979 it was one of our promises to raise the level of exemption and it was not—

Mr Bannon: And you backed away from it.

Dr BILLARD: We did do it, and it was not matched by the A.L.P. in that case. Let us look at the record of the Labor Government, which increased it from 2 per cent to 5 per cent during its reign. We cannot say that it was not increased very heavily during that period. In fact, this Government well recognises that pay-roll tax is a most undesirable tax. It is a tax on employment and a disincentive to employment, but our State finances at the moment are hooked on pay-roll tax, and until we find some alternative source of income we either continue that tax or cut services, and I am sure the Opposition would not want us to cut services. I note by the interjections that we had yesterday a Bill before this House that would seek to allow a development that would greatly increase the income to this State from royalties at least, and the royalties that we receive from mining at the moment are negligible when compared with those in other States, being a mere fraction of what other States receive in that area.

There are avenues we can pursue to try to increase income, but it takes time to find alternatives to pay-roll tax. Let me also correct the assertion that was made by the Leader of the Opposition when he said that increases made by this Government have not kept pace with inflation. Let us look at the figures. In the last Budget introduced by the Labor Government, that for 1978-79, the exemption level was $60 000. If that has inflated with the c.p.i., it should, in this current year, be around $80 000. In fact, the level has been $84 000 and this Bill proposes to increase it to $125 000. I think, quite frankly, any calculations by any schoolboy mathematician will show that is way ahead of inflation, so the assertion that the increases are not keeping pace with inflation is simply wrong.

I note that the member for Norwood in his comments made great play of the fact that small business is hurting. It is true that pay-roll tax is one measure that we would love to be able to remove from the backs of small business, because as I have said, we recognise (and we have said this again and again), that it is a disincentive to employment, but as I also have said, I find it rather ingenuous that the Labor Party should be pretending that it backed small business when its own policies now, let alone its practice in the past, which it seeks to promote and which it has passed into its platform at its conventions, operate to the very great disadvantage of small business. That Party made promises such as six months notice prior to retrenchments, that it would legislate (I am quoting the Party's conference resolutions) to ensure that long service leave is on the basis of three months leave after 10 years employment, with pro rata leave entitlements after five years and similar entitlements for casual workers, and to provide paid study leave for approved trade union courses for a minimum of 10 days per year for trade union members; in other words, another two weeks.

The Party promised four weeks annual leave, plus one week's pay based on the aggregate weekly earnings of the employee. I think it requires stretching the imagination a great deal to say this will favour small business. I allege that it would operate to the very great disadvantage of small business. As I have said, I do not wish to go into great length on this Bill, but I believe it would be welcomed by small business and I believe that the statements made by the Leader of the Opposition in particular regarding the situation in other States and regarding whether the level in South Australia is keeping pace with inflation had to be corrected.

The Hon. D. O. TONKIN (Premier and Treasurer): I must say that the contributions made, albeit short, by the honourable member for Newland and, to some extent, the honourable member for Flinders, have been quite refreshing and tremendously helpful to this debate. I share the very great and grave concern of the member for Newland about the effect of the policies of the Australian Labor Party on small business. I find it totally and absolutely hypocritical for the Leader of the Opposition to suggest, as he is doing, that the policies of the Labor Party can be two-pronged at two levels, that there is a dichotomy of policies, that is, there is one policy for people generally, for business generally, for the trade union movement generally, and yet another one for small business.

If that is what the Leader of the Opposition is saying, I can only take it from that that the Labor Party is suddenly going to revise its policy on compulsory unionism. I am sorry, it is not compulsory unionism at all, according to them, but absolute preference to unionists. In relation to the point made by the member for Newland about six months notice, I am sure the Leader does not want to have these policies ventilated. We heard about the six months notice before redundancy, and the long service leave which will come after five years now, according to these policies. I have no doubt that small business employees will be required to join a union and the Trades Hall will enforce that on the Leader and his Party. Undoubtedly, all these policies set down and approved as recently as last November by the State A.L.P. conference will apply to the employees of small business and they will impinge on small business men.

The Leader may talk about his wonderful small business policy, but there is no way any of the carrots he may dangle in that small business policy are going to overcome the

enormous pitfalls and problems that are going to be caused by the overriding policies of the Labor Party generally. I have heard about the pragmatism of the Labor Party in putting forward small policies for specific groups contrary to its general policy, but I know from bitter experience, as does South Australia, which policy predominates and comes out on top in the end. That is the general policy of the Party itself. To any small business man who is thinking of flirting in any way with the Labor Party, with the socialist philosophy, I can only suggest that he have a hard look at the Labor Party policies, as those policies will surely affect him.

We have heard the same old sanctimonious clap-trap about pay-roll tax from the Leader of the Opposition. He does not have to manage the economy. Not only that but he has made absolutely clear in the press that he does not understand how the State's finances work. One only has to look at that pathetic statement that was made in his name, and I presume he made it, yesterday in the press, about the running down of the State's reserves and what a shocking thing that was. That just shows what an abysmal ignorance he has of the State's economy. Even worse, for all the self-important jumping up and down and huffing and puffing we have seen tonight, despite all his criticisms of pay-roll tax and all the statements he has made about that tax, he has not at any time come forward with an alternative form of taxation or revenue-raising.

In all the years he has been making noises, I have never heard him come forward with an alternative scheme. If he feels so strongly about this and if he aims, as he does by his criticism, to say there must be an alternative, what is the alternative? Let us hear from the Leader of the Opposition clearly and frankly in some detail as to what alternative he can put forward, because Mr Wran cannot find one. His colleague, Mr Holgate, and his colleague before that, Mr Lowe, in Tasmania, cannot find one.

An honourable member: Holgate until tomorrow.

The Hon. D. O. TONKIN: I am not too sure who is going to be leading the Labor Party soon in Tasmania. There has been no suggestion made at any time of an alternative to pay-roll tax. I issue a challenge to the Leader of the Opposition—put up or shut up. Let us hear what his alternative to pay-roll tax is to finance the State's economy. When he can do that I will listen to him with a slightly greater degree of respect and attention. Certainly, the situation with Victoria has been one which makes it necessary for this State to do the best it can to maintain parity with pay-roll tax exemptions in that State. That is the closest market and the closest competitor we have, but we are not obliged slavishly to follow the exemption in that State. There is no reason why we should.

The Hon. Peter Duncan: Why not?

The Hon. D. O. TONKIN: Because we have other advantages, and advantages that are growing every day in relation to Victoria. I agree that it is desirable, if we possibly can, to maintain a parity, but there is no compulsion for us to do so. We are now, by our central position in Australia, developing a tremendous advantage over the Eastern States, certainly an advantage over Queensland and Western Australia, that they cannot overcome. We are providing a central position for industry to establish, to be able to supply markets on the east coast, on the west coast and in the developing north. Indeed, we are finding, with the support of the Japanese manufacturers who are showing increasing interest here, that they believe now that South Australia, as a central region in Australia, provides a very worthwhile area for export into South-East Asia.

We also have the undoubted advantages of the cost of industrial land, the cost of residential land and an extraordinarily good industrial relations record—only a fifth of the disputations of the national average. We have all those things, together with a way of life of which, although the Opposition does not particularly much boast about or does not seem to be proud of in any way, I for one am very proud indeed. All those are advantages to South Australia, and I must say that I cannot in any way condone the suggestion which has been implied by the Opposition that South Australia does not have those advantages and that it is dependent only on pay-roll tax parity to attract industry. That is a load of rubbish.

The member for Norwood made some rather odd statements, but he made one statement which I thought was extraordinarily interesting, and it was picked up by my colleague the member for Newland and I think by way of interjection by the member for Mallee. He said he believed that everyone should be given an opportunity for employment and that we should do something about pay-roll tax, if only to increase job opportunities. I would say to the member for Norwood that, if he really believes that, he had better look very hard at the Roxby Downs indenture, for instance, to see what that offers the people of South Australia, and vote accordingly.

Mr Bannon: Is this going to be a feature of your speeches from now on?

The Hon. D. O. TONKIN: It probably will be, because a Party that complains about employment and the high rate of unemployment and in the same breath denies the opportunity of major numbers of jobs to the people of South Australia has no credibility at all, and the Leader of the Opposition can get himself in a tizz if he wants to, but that is the truth of the matter.

Mr Crafter: How many in the next 10 years—

The Hon. D. O. TONKIN: The member for Norwood totally ignores the fact that major tax cuts have been made in this State since we came to office, and he also ignores the fact that every small business man, together with other members of the community, has been relieved of succession duty, gift duty and, indeed, land tax on the principal place of residence.

Mr Crafter: Not land tax for small business people.

The Hon. D. O. TONKIN: Does the member for Norwood suggest that small business men do not have a home? They have been relieved of land tax on their principal place of residence; that is a relief of the tax burden which has been spread across the entire community, and it is something that the people of South Australia have applauded with every good reason. The Leader of the Opposition has been given away by the member for Norwood, because the only way that the exemption could be put up would be by increasing taxation in other areas, and the Leader has made it absolutely crystal clear in various statements he has made, in which he has come out blatantly and said—it is in the same A.L.P. policy we were talking about that was ratified last November—that the Labor Party would prefer to increase taxation so that it can increase Government activities.

Mr Langley: What have you done during the course of your Government? Haven't you increased taxation? Plenty!

The SPEAKER: Order! The Premier has the floor and is the only one who has the call.

The Hon. D. O. TONKIN: I am rather pleased to hear the honourable member for Unley coming into the debate.

Mr Langley: At least I've won every time. You were defeated in Norwood.

The SPEAKER: Order!

The Hon. D. O. TONKIN: The member for Norwood also made the statement, which I am afraid is quite correct, that there have been record levels of business bankruptcies in South Australia. Of course, what he does not say is that there have been record levels of bankruptcies throughout

Australia and indeed throughout the Western World in the time that he is talking about. That is in no way pleasing, and it is not something to be used to debate a political point. It is a very sad state of affairs, but there is no way that he can say that this is happening only in South Australia.

Mr Crafter: I didn't say that.

The Hon. D. O. TONKIN: I think that was implied very clearly and deliberately. In answer to the member for Flinders, who, apart from the member for Newland, made the only sensible contribution to this debate, may I say that we will continue to review the level as regularly as we can, and as the Leader of the Opposition has made quite clear we have reviewed it constantly since 1 July last year. It is not always possible to make the moves when we want to and as we would like to, and it would be totally irresponsible and, as the member for Flinders would appreciate, the Opposition would be the first group of people jumping up and down if in fact we made those concessions at a time when we were not able properly to afford them in terms of the general budgetary strategy. I can assure the member for Flinders that we will be watching this very carefully indeed. We will make what changes we can when we can, but it will be entirely dependent on the budgetary strategy and not dependent on what the next Liberal Government is likely to do in Victoria.

I think that that deals with most of the things that have been said tonight. As I say, the only two decent contributions were made by the members for Newland and Flinders. I find that the whole attitude of the Opposition is quite remarkable in this. Its so-called concern for small business is becoming a matter of some amusement within the small business community. The thought of a Party that can at the one time endorse the most stringent anti-business policy and try to woo small business is, as I say, causing a great deal of amusement and surprise in some quarters.

When the Leader of the Opposition and members opposite can persuade their masters, the A.L.P. conference and Trades Hall, to change those policies, they may have some real claim to friendship with the small business community, but until they do that they can be sure they will not have the support of the business community, either small or large.

Bill read a second time.

In Committee.

Clause 1 passed.

Clause 2—'Commencement.'

Mr BANNON: I move:

Page 1, line 9—Leave out 'come into operation on the first day of July 1982' and insert 'be deemed to have come into operation on 24 March 1982'.

I move this amendment in order to try to ensure that the promises that the Premier has made in this matter are given effect to. This can be taken as a test of this matter, and I would make clear that what we are doing is simply attempting to bring in these new levels of rates as provided by this Bill from today, the day on which the measure is being presented to Parliament, and not to leave it until 1 July. As I pointed out in my speech, it is a gimmick bringing in the Bill at this time. It is an attempt to say to businessmen before the Premier goes overseas that he is actually doing something about it, but it will not apply until 1 July. The Premier is on record as having made a promise in this matter. He made the first promise in this Parliament when he said:

> The South Australian Government will be considering what move can be made in relation to the exemption, and that decision will be made close to the time when this House gets up for the Christmas recess. I remind the Leader that the House will be sitting well into December. The decision will be taken and the House will hear about it in good time.

We heard nothing at all. Then there is the communication to the General Manager of the Chamber of Commerce and Industry, which I have already mentioned, in which the General Manager points out that the Premier told him—and this is the principal employers' body in South Australia, having many small business men in its ranks, as well as many large businesses—that the exemption level would most certainly be lifted by 1 March. Why has the Premier not chosen to do that in this measure? We are not attempting to alter the amounts. We are not attempting to do other than bring this State forward, if you like, to keep the Government honest and to try to give some satisfaction to those many thousands of small businesses and employees who have been affected by the failure of the Government to move in the matter.

I hope that the Government will heed this amendment and act on it. I ask for support of all those members who are concerned about this issue. In the second reading debate the reasons why these exemptions have been lifted were canvassed fully. I have shown the evidence of past years. All of that is relevant to this amendment. What is most relevant, I believe, is that the Premier is on record as having promised this to large groups of employers. Let him honour that promise. It is shocking that he has introduced this Bill without giving effect to that promise. He did not promise anything specific about the exemption level, although the implication is clear: it was going to be brought into line with Victoria in terms of past practice. But as to the date of operation he did make that clear, and he stated that. I am simply asking through this amendment that that promise be fulfilled.

Mr BLACKER: I support this amendment, and I do so because I would like to do everything possible to implement as much relief as we can for the small business community as soon as is possible. It has been stated that an undertaking was given by the Government to introduce this as soon as possible, and that is what I believe this amendment does: it endeavours to honour a commitment some three months earlier than previously intended. I have endeavoured to have the matter checked as to whether this can be interpreted as a motion of no confidence in the Government, and I have been advised that is not the case. From my interpretation of the Standing Orders, I am in agreement with that. We are not imposing a taxation on any individual at any time. I support the amendment, because I believe that any moneys that may be lost by the Government in having this exemption applied at an earlier date would very soon be caught up by benefits that could accrue by small businesses gaining employment or taking on additional employment. I support the amendment, because we want to get something moving.

The Hon. D. O. TONKIN: I cannot accept the amendment, for obvious reasons. It does impinge upon the Budget and upon the finances of the State. The decision has been taken quite clearly to bring it in on 1 July, for very good financial reasons. If I had thought for a moment that we could bring it in before 1 July, I would be delighted to do that, but the position basically is that it has been thought through very carefully. The Leader has referred before to the question of holding that level. Certainly, the Government has been watching this very carefully indeed, which is exactly what we promised to do.

Mr Hamilton: How much more will it cost?

The Hon. D. O. TONKIN: On a *pro rata* basis, probably just over $2 000 000. As I said before, the Leader has made some particular mention of the fact that we undertook to look at it carefully before Christmas, and we certainly did. Just because we did not come down and make what he considers to be the necessary adjustments is not in any way a breach of faith. It simply means that in managing the Budget as we did the whole question was found to be totally unworkable. I may say that he has not chosen, nor has the

Government chosen, to consider the Chamber of Commerce report, after the decision was made that it was not possible to lift the exemption rate until 1 July, but that letter has been written to the General Manager.

Mr Millhouse: That's going back on what you told him before.

The Hon. D. O. TONKIN: Yes, I was unfortunately obliged to say that although it had been hoped to make a change, it was found not to be possible. That was made quite clear to him. It has been done now (and this was another point of criticism that the Leader of the Opposition had), because it has been calculated that it is possible to do it from 1 July. Having done that, I am giving the business community the same certainty that the Leader has been demanding. That has been done with that specifically in mind. It is not a question of putting it in as a gimmick. I could equally say that this amendment that has been moved by the Leader of the Opposition is a gimmick.

Mr BANNON: Look at my file and see what sort of gimmick it is.

The Hon. D. O. TONKIN: It would be totally irresponsible, I believe, to make this move now. It would impact upon the Budget, and I cannot accept the amendment at all.

The Committee divided on the amendment:

Ayes (20)—Messrs Abbott, L. M. F. Arnold, Bannon (teller), Blacker, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood, Keneally, Langley, Millhouse, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (20)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Rodda, Russack, Schmidt, and Tonkin (teller).

Pairs—Ayes—Messrs Corcoran, McRae, and O'Neill. Noes—Messrs Randall, Wilson, and Wotton.

The CHAIRMAN: There being 20 Ayes and 20 Noes, I give my casting vote in favour of the Noes. The amendment therefore passes in the negative.

Amendment thus negatived; clause passed.

Remaining clauses (3 to 6) and title passed.

Bill read a third time and passed.

PASTORAL ACT AMENDMENT BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page .)

The DEPUTY SPEAKER: Order! There is too much audible conversation in the Chamber and I will take the necessary action if it continues. The member for Mallee.

Mr LEWIS (Mallee): Before the dinner adjournment I was explaining to members of the House that before entering this place I had clients who are pastoralists, and I have friends who are conservationists, and I am a conservationist myself, as my long-term membership of the South Australian Conservation Council testifies. I must say, however, that I do not find any difficulty or conflict at all in any clause of the Bill which goes against the genuine interests of conservationists. In fact, I find every reason to support the Bill as providing a land management mechanism in law superior to that which has prevailed under the old Act. Let me give some evidence that supports the opinion I am now stating. In the principal Act section 44a refers to leases granted after the passing of the Soil Conservation Act, 1939, and states:

> (1) Every lease granted after the passing of the Soil Conservation Act, 1939, shall contain such terms, covenants and conditions as are recommended by the board and approved by the Commissioner for restricting the number of stock to be depastured on the land comprised in the lease.
>
> (2) Every lease, whether granted before or after the passing of the Soil Conservation Act, 1939, shall be deemed to contain a covenant that the lessee will comply with any notice given under subsection (3) of this section.
>
> (3) If the board is of opinion that the lessee of any such lease is depasturing on the land included in his lease such a number of stock that the land is likely to be permanently injured thereby, the Commissioner may by notice in writing require the lessee within the time specified in the notice to reduce the number of stock so depastured to the number specified in the notice and to comply with any other restrictions specified in the notice as to the stocking of such land, and if the lessee fails to comply with the terms of the notice the Commissioner may forfeit the lease as if the lessee had been guilty of a breach of a covenant contained therein.

Nowhere in the amending Bill do I find any provision which does anything but strengthen the original provisions, yet I hear arguments from members opposite to the contrary. Quite obviously they did not read the Minister's second reading explanation in which he eloquently outlined provisions by which he and the board will be able more effectively, and efficiently and expeditiously to manage pastoral lands. Clause 23 amends section 44a by providing for the insertion of new subsection (3a). For the benefit of members opposite and anyone who has any doubts about this matter whatever, I will read it.

Mr Millhouse interjecting:

Mr LEWIS: Yes, it will do the member for Mitcham the world of good. The member for Mitcham has—

Members interjecting:

The CHAIRMAN: Order! The member for Mallee will resume his seat. I have already given one warning. The Chair will not give further warnings if the unruly behaviour continues. The honourable member for Mallee.

Mr LEWIS: The member for Mitcham in the past has had the mistaken belief that he can abuse me in this place while he is speaking and get away with it, but let me now let him know that the substance of the remarks that I am sure he is about to make will be completely undermined: I cannot say that I will give the lie to them, because that is unparliamentary but, nonetheless, should he say what I believe he indicated by interjection he is likely to say, he will be guilty of factual inexactitude. New subsection (3a) states:

> If the board is of the opinion that the condition of the land included in the lease of a lessee indicates that an animal population (other than stock)—

and that includes the member for Mitcham—

> on the land is of such proportions that the land is likely to be permanently injured, the Minister may, by notice in writing to the lessee, require him—
>
> *(a)* within the time specified in the notice, to reduce the number of animals—

and I am not necessarily referring to members opposite—

> of a specified species (not being protected animals) to or by the number specified in the notice;
>
> *(b)* in the case of protected animals, to apply, within the time specified in the notice, for a permit under the National Parks and Wildlife Act, 1972-1981, for the destruction of a specified number of animals, and within a specified time of a permit being granted, to destroy the permitted number of animals;

Paragraphs *(c)* and *(d)* provide as follows:

> *(c)* within the time specified in the notice, to advise the Minister in writing of the time at which and the manner in which he proposes to destroy, or reduce the number of, animals on the land;
>
> and
>
> *(d)* to comply with any other directions in the notice as to reducing or controlling animal populations on the land.;

As far as I can see and as I understand it, that gives a clear discretion through this Act to the Parliament, through the Minister and the board, to do the kind of things about

which some conservationists have told us over the years they are concerned. Therefore, I believe that it is an improvement in the way pastoral lands can be managed. It is an improvement not only for the reasons that I have just outlined but also because it will induce better management by providing greater incentives to pastoralists to invest capital in the improvement of their leases in a way which will ensure that they do not denude areas around watering points during periods of low rainfall when there is insufficient rain for the bush to regenerate.

Mr Hemmings: You're a fool.

Mr LEWIS: It takes one to find one. There will be better, not worse, management of human impact. Pastoralists will have more responsibility and the power to exercise that responsibility and therefore, more control. We all know (and if we do not we ought to know) that land use and management of this kind in this way is subject to control through Parliament and Government.

I would like to refer to some of the remarks made by the member for Spence. I found his logic somewhat odd. I suppose that given the opportunity he would have bid the first fleet to turn around and go back to England by saying, 'You are destroying conservation park Australia; you are dispossessing Aborigines of their heritage, their sacred sites and their land. The march of history has no application for this continent.' I can image the member for Spence saying that, standing there in Botany Bay in his altogetherness in 1788. I never believed in reincarnation until I heard that logic tonight.

Mr Abbott: You don't like the Aboriginals at Point McLeay, either, and that's in your area.

Mr LEWIS: Some of my best friends are Aborigines. The second point I would raise about the way in which the member for Spence called for tax dollars to be spent in a greater way than they are at present and to provide Aborigines with a share of the wealth that might be generated by the use of that land is simply this: if it is possible in the natural State in which our indigenous population lived before being exposed to European settlement and influence for them to derive a greater measure of satisfaction and/or posterity living in that way, I suggest that they should be allowed to do that. If on the other hand the member for Spence considers that, because this land belonged some 200 years ago to a population of Aborigines and that they therefore should share in some of the revenue derived from the land (share, in fact, from the rents charged on Housing Trust homes and on the rates collected by local government), he is probably advocating an increase in the levels of those taxes and the policy of apartheid, because he would reallocate the wealth on no other ground that the colour of someone's skin. I find that kind of policy abhorrent.

Pastoralists are not always wealthy, and very often in my experience it has taken as much or more than two generations of hard work to establish the means by which it is possible responsibly to graze animals and generate sufficient cash flow and profit from it to recoup the outlay that has been made, very often forgoing the kind of comforts which we in cities have enjoyed in this country during that period—not only comforts to the home and family but also it has been at the expense of the education of children in those areas. One cannot tell me that is not a fact. Why on earth do we have a Correspondence School if that is not a fact? I agree with what the member for Flinders said, namely, that the A.L.P. was merely vote catching. He exposed that point by referring to the way in which in the first instance they were prepared to support the freeholding of leases in irrigation areas but in this instance, where the same kind of principle applies, they are unwilling to do so.

During the course of his remarks the honourable member stated that he had some reservation about safaris and the likely capacity of members of the public to get access to the pastoral areas. A regulation-making power is provided for the questions of public access to pastoral land and the activities of the public on such land. By stating that, I am merely restating what the Minister said. I believe that if members opposite had taken the trouble to read the Bill, the sections of the principal Act to which it refers, and the Minister's second reading speech, much of this debate this evening in which they have demonstrated their ignorance would never have been necessary, nor would the embarrassment from which they are now suffering as a result of my having exposed the inadequacy of their inane arguments.

Where a lessee fails to give permission to any member of the general public, the honourable member pointed out in his second reading speech, the Minister may grant a permit. That is a Minister of the Crown, the Minister of Lands, in any Government in this State. Furthermore, he went on a little later in his speech to say that the regulations also may permit limited rights of access; for example, the right to pull off a public road and picnic within a certain distance of that road. This is not intended in any way to restrict public access to those areas so long as that public access does no damage either to the property of the leaseholder or to the environment through which the tourist or the visitor is passing.

I have no idea whether or not the member for Napier would like somebody to come and barbecue in his lounge, or what he would think if they came and cut down the trees in this back yard for the purpose of constructing a wurlie, or whatever else it is that people need to do when they have imbibed too much on his front porch. Indeed, regrettably on too many occasions I have witnessed irresponsible people who have travelled into those areas without giving notice to the leaseholder of their intention to do so; those persons have let water sources run dry or otherwise swum in them, and thereby made them unsatisfactory or unfit for human consumption. In addition, they have removed bird covers from water tanks, which has resulted in the tanks becoming polluted. On one occasion at Mount Searle, after riding for two days and using the water in my waterbag, I found that there was no fit water there for me on arrival at an outpost, simply because an irresponsible dolt had polluted the water some time during the period between my arrival and the last visit prior to my having been there.

Mr Hemmings: Do you think that was intentional?

Mr LEWIS: I am certain it was. There is no way the kind of stuff I found in that tank could have got there if it had not been put there by irresponsible human beings. This will give the owner of pastoral land or his agent certain rights or privilege in granting access. They are contained in section 60 of the Bill. The owner of pastoral lands or his agent may, in giving permission to drive a motor vehicle on those lands, give the permission unconditionally or subject to such conditions as he thinks fit. That is also subject to appeal to the Minister. I cannot understand, therefore, why anyone would want to argue or claim that this measure in any way restricts responsible access to those lands.

I come now to the member for Peake. He pointed to the actions of certain graziers in other States who knew that they were going to lose their land at the expiration of their lease. Such people, if they are unprincipled, have absolutely no incentive to act responsibly, and in the ensuing weeks left to them it is understandable—regrettable, but nonetheless understandable—that they did overgraze the land. I do not support that, and that is why I endorse the Bill, because it gives security of tenure to people who are prepared to be responsible managers, responsible husbandmen, and responsible in the spirit of Christian stewardship in the way in which they look after the land for generations of Australians yet unborn.

I believe that I have provided sufficient evidence to indicate that the Opposition has gone wide of the mark in deciding to oppose the measure, at least for the reasons members opposite have given. The kind of argument that I hear running in a common thread through the more inane remarks from speakers opposite is that much pressure was applied to the Liberal Party by pastoral interests and that if indeed we did not yield to that pressure, the argument went, we would suffer the consequences. I thought to myself that if my colleague, the member for Eyre, is likely to be ever found shaking in his shoes it will not be in fear or trembling of any pastoralists. There are 71 individual holdings in the region, 63 are held by partners, usually husband and wife, 81 by families, and 26 by major pastoral companies with diverse shareholdings. Let us assume that the member for Eyre is under political threat, for the sake of the argument presented by members opposite, to see the stupidity of their reasoning. The 71 plus 63 plus 81 who are likely to be living in the area total 215. Let us assume that they are all married and that their spouses live with them in the electorate: 430 people; in Eyre, that is less than 2 per cent of the population. That will be the day, when the member for Eyre cannot honestly state his opinion in fear of any sectarian interest in his electorate.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr LEWIS: The member for Eyre, I would be prepared to bet, would have spent in all his election campaigns since he was elected less than half of the amount that any member opposite would have spent in the last election. The constituents in Eyre vote for their member because they know he does the job. We know that members opposite respond to the kind of pressure that they accuse us of and believe we respond to. What nonsense! We know it happens in the Labor Party, and that is the only reason that they ever do anything—to ensure preselection next time round and to ensure, if possible, electoral support from the people whose finances they conscript, from people seeking jobs.

Mr MILLHOUSE: On a point of order, Sir, I have listened to this tosh for a long time now, and it has absolutely nothing to do with the Bill: how the Labor Party responds to pressure, how good you are as the local member—it is all completely irrelevant to the Bill. I ask that the honourable member, if he is to go on at all, stick to the subject matter under discussion.

The DEPUTY SPEAKER: I cannot uphold the point of order, but I point out to the honourable for Mallee that he should link up his remarks to the Bill. However, this has been a wide-ranging debate and the Chair has given considerable latitude.

Mr LEWIS: In concluding my remarks, I point out that all feral animals inhabiting this land will be controlled more effectively by directions given by the Government in that it will be capable of requiring, through the board, leaseholders to take such actions as are necessary to ensure the control of animals such as feral goats, camels, horses, and donkeys—I am not talking about members opposite or the member for Mitcham—as well as cats and dogs.

Members interjecting:

Mr LEWIS: I did not know that dingoes were feral. However, that being the case, I have no reservations or hesitation in stating that I wholeheartedly support the measure, and I commend the Minister for having taken the initiative and introduced it and at the same time sustaining the kind of explanation that he has in spite of the way in which his position has been misrepresented publicly in the debate since the introduction of the Bill.

Mr LYNN ARNOLD (Salisbury): It could be said that, after days of heavy and turgid debate, comic relief is a welcome event for us all, and I thank the member for Mallee for his contribution in the last 20 minutes, because it has provided us with that relaxation. I commend it for the 'Carry on' producers to make a film out of it—*Carry on Up the Mallee.*

Getting to more serious events, I have a large number of comments to make on this issue, but, as I am conscious of the time constraints on the House, I have agreed to curtail what was a half-hour speech into a 15-minute one.

I believe the only reasonable course of action for this House to take on behalf of the citizens of South Australia is to oppose this legislation. It is the only reasonable course, because what we would be doing if we were to pass this Bill would be to sell off a significant part of the heritage of this State, a heritage that should be shared by all the citizenry here rather than by one small section of the community.

I want to address my comments to one aspect of the development or the progress of the arid zones of this State, and that concerns the treeing of the area—the trees that grow there, the trees that might grow there, or the trees that have been removed over years gone by. I address some comments to that because members will know that this year will see, on 5 June, the commencement of the United Nations Year of the Tree. It will be a strange irony that may well take place that if this Bill passes in this House and goes to another place it may well be proclaimed on the very day on which the Year of the Tree commences. On the one hand, we would have a Bill that would potentially denude still further trees in this State, and, on the other hand, a proclamation that in fact trees play an important part in our eco system.

I believe that the concerns of conservationists raised in this House and in other fora are well worthy of consideration and investigation, and I do not believe that members on the Government side have given them that serious investigation. I wish to quote a number of instances in the following speech from a national conference on the decline of trees in the rural landscape, held in 1980. Members may have had an opportunity to read the report, 'Focus on farm trees'. It analysed very closely the role of trees in the Australian landscape, not just in the areas where trees are quite abundant in forest form, but in the arid zones, the areas with which this Bill deals.

The conference looked at the way in which land use has proceeded and how it is related to trees. Indeed, one paper given by a past Director of the Ministry of Conservation in Victoria said this:

> In Australia, land has been subject to imposed forms of land use for only a relatively short time, but the effects of this use in some places are as bad, and sometimes worse than those resulting from man's activities for centuries in some other parts of the world.

He goes on to say:

> Unfortunately many users of land have not been convinced of the predicted need for change until the effects of the imposed systems of use and management have reached a critical stage.

We come to the situation where there has been some land use in the past that may not have been the most beneficial for the country at large—beneficial, on the one hand, for those people who are striving to derive an income from the land directly and beneficial, on the other hand, for the community at large which benefits from that income derived from the land and benefits from the very existence of that land.

There are some very bad portents that could be open to us if we do not try to reach a style of management of our land resources that adequately takes account of the dangers that face us. The Sahel in Africa should be a very potent example to us all. It is an example that exists because of the policy of denuding the land of trees in this century. The problems that existed in the Mid-West of the United

States are similar, although on a lesser scale and they show a similar magnitude of the problems that could face us unless we develop a style of management that is responsible and takes account of realities.

I accept the comments made by members opposite that they want to adopt a style of management which is responsible and which will lead to the proper management of our land resource, but we need to be realistic. I mentioned in my contribution to the Roxby Downs indenture that it is one thing to have words written on a sheet of paper saying what ought to be, but it is another thing for that actually to be effected in practice. We need to know that what we are saying and what we are passing in this House will in fact be effective in practice: that we are not merely relying on the goodwill of certain people in the community, but that we have established systems that require it and ensure it.

Members will know that, even with the legislation we have at present, before it is amended, criticisms have been made by certain sections of the community, saying that that has not been policed, and that there have been dangers to the pastoral system, because it has not been policed. Yet here we have amending legislation that does not address that problem, the problem of not policing what we have. Instead, it seeks to undermine it, erode it still further and make it more difficult to police the situation. To give an example, for many years we have recognised the value of trees in the landscape, and yet what we have said about things is not always what we have actually done. In 1889, in South Australian Parliamentary Papers, when members were discussing at that time the virtues of having an Arbor Day to teach the wisdom of protecting trees, a very long speech was given about the virtue of trees and their significance for the community. However, the conference reported:

> However, the South Australian countryside shows little evidence of the effect of Arbor Day morality on the rural landscape. Plantings appear to be mainly confined to schoolgrounds, reserves and roadsides.

It went on:

> During the maximum exploitation stage, the rural society tolerated the remaining native trees only where they did not interfere with short-term economic gain.
>
> The present decline of native trees is not taken seriously by most farmers, research on the usefulness of native trees has been ignored and the exploitation ethic remains firmly entrenched in rural Australia.

So, we have an important issue that is at hand there. I accept that a significant part of the farming community is aware of its responsibilities in the landscape, inasmuch as there is a significant part of the urban population that is likewise aware. But, as in any community, there are some who are not, and they are out for the quick buck, the quick return. They are the ones who will do the damage unless we can legislate and make sure that that damage does not take place.

The area of land in question in the arid zone has unique characteristics all its own. Indeed, the conference on trees addressed itself to the arid zone and talked about the three areas that exist there: the marginal cropping areas, the pastoral areas and the areas that are not grazed by domestic stock. That was mentioned in the contribution made by the member for Mallee. It said about the pastoral areas:

> The progressive and continuing degradation of these areas, comprising one third of the total area of Australia, is very serious. There are very few pastoral properties in this zone that show any regeneration of tree cover. Edible shrubs and trees are being bulldozed and cut to feed starving stock as supplementary drought fodder on many properties. Little deserts surround almost every permanent water, their size being in proportion to the concentration of stock based on the amount of water.

One of the reasons explaining this or indicating why this situation was getting worse was summed up in the workshop on legislation policy, as follows:

> Indeed, various Government policies act as a disincentive to retain trees and bushland, for example, Crown land alienation legislation.

In effect, this Bill before us tonight is an example of Crown land alienation legislation, because we have acknowledged that by converting from 42-year leases to 99-year perpetual leases we are alienating land and effectively giving freehold land to those people who presently occupy the land.

I accept that very real issues are raised in the economics of agriculture that require answers being given to the anxieties raised by the farming community. They have addressed the community and said that they cannot operate on 42-year leases and have any sense of economic security. I am somewhat perplexed, because they have done it for a long time. This State was not settled in the past two years. Even if the member for Spence was on the beach welcoming newcomers, it was longer ago than that, and we have managed on the arrangements that we have had up until now for a very long time. However, I accept that if they raise the issue it is certainly one to which we need to give some attention.

Mr WHITTEN: Mr Deputy Speaker, I draw your attention to the state of the House.

A quorum having been formed:

Mr LYNN ARNOLD: It is an indication of the interest of Government members in this whole legislation that they were found skulking in the back corridor and came out only when the bells draggged them here. We must address the problem of the economic insecurity that farmers may face, but do we resolve it by selling out the common legal right of the States to enjoy the heritage of the land resource that they have enjoyed for such a long period of time? I want to pose in a different way the way in which that problem was answered in another country many centuries ago. In fact, I will refer to the United Kingdom, and I know that a point of order was raised when the member for Peake was in Queensland in part of his debate. I am about to take us to England some centuries ago, which will stimulate the member for Glenelg.

The DEPUTY SPEAKER: I hope that the member is going to link up his remarks.

Mr LYNN ARNOLD: Very much so. Centuries ago, when land was all common and farmers shared the land without distinct ownership of it, there came to be problems in the agricultural economy of that country, and clearly the economy could not go on the way it was. There needed to be an agricultural revolution, and there needed to be changes in the form of land ownership and land tenure. Indeed, there were, and the enclosures took place.

We know, from analysing English situations since, that the enclosures in themselves presented problems for the rest of society. They solved one problem, but they were not without problems of their own. In one analysis it was a case of the pendulum swinging from one side to the other. Surely the reasonable analysis in any problem is to find that middle point where we can address needs on both sides. The legislation that presently exists, if properly policed and with some fine tuning to take account of the anxieties of farmers with regard to agricultural economic concepts, would provide that middle position of the pendulum.

On the one hand it would recognise some of the 'ownership' needs of the agricultural community but on the other hand it would also recognise that this land is part of our entire State heritage, that it is part of the commonwealth. What we can do is to fine up those requirements in the legislation that would guarantee people maintenance of their leases if they were providing sound economic managers and tenants of that land, and threaten them with termination of the lease only if they were not proving sound managers of the land—if there trusteeship was bad.

I am not convinced that the amending legislation we have before us provides that opportunity. Of course, it says the right words; of course, it says that the Pastoral Board is to take cognizance of the environment, that it is to look at the conservation of the national environment and the resources of the land and the ways in which they may be best developed, managed or used. But, we are taking away the very tools of the Government to ensure that that could happen, so it becomes a piece of paper with very little merit to it, other than to be used as a sounding board to answer needs in one place and yet satisfy the sell off in another place. My time has run out. I wish to live by the commitment which was arranged. Much more ought to be said on this Bill, but I leave it to the imagination of the community at large to anticipate what that might have been.

Mr MILLHOUSE (Mitcham): Because of the change in the programme of the business in the House my thunder has been somewhat stolen yet again by my colleague in another place, who has already appeared on television, extremely effective, I understand.

Mr Lynn Arnold: Perhaps you could incorporate the television programme in your speech.

Mr MILLHOUSE: I could incorporate it in my speech because we discussed the matter very carefully before he spoke, and I agree with everything that he said. The result is that this Bill will not pass Parliament if the Labor Party sticks, because we are opposed to it. That is what I was going to say, but I must make clear that, although I found the member for Salisbury very interesting in his disposition about trees, the implication behind it that pastoralists now adays are not good managers and that, if this Bill was to pass, the place would soon become a desert, I think is going too far. In the old days there was a great deal of abuse of the land, and particularly in the northern parts of this State, but it is very rare now. It does happen, but it is there, and I think that it is an unnecessary slur on present-day pastoralists to suggest otherwise. Nevertheless, I am completely opposed to this Bill, and I may say that I have never known opposition to a measure to come from so many quarters so quickly when there has been so little publicity about the Bill itself.

Mr Lewis: And so ill informed.

Mr MILLHOUSE: I listened to the honourable member for Mallee with some amusement and interest. He is one of the stronger debaters on the Liberal side, and he always deserves to be listened to in silence. Now, I hope, he will do the same for me. Let me say that I have had representations of opposition to this measure from such people as the off-road recreation vehicle people, Conservation Council, bushwalkers, Aboriginal groups, and scientists. The only people that I can find who are in favour of the jolly Bill are the pastoralists themselves, and no wonder, because they are to be given what is virtually a freehold title. It is not quite a freehold title but it is virtually a freehold title.

One's mind boggles at the thought of the increase in the value they will be handed at the stroke of His Excellency's pen if this Bill were to be passed. If leasehold lands are to become perpetual, that would mean an enormous appreciation of values and of course the larger the holdings—and one can think of the large pastoral properties in South Australia—the larger the increase in value that they would be handed for nothing, except for the lobbying with the Liberal Party.

Mr Keneally: Do you think the Minister was unaware of that point?

Mr MILLHOUSE: Of course he was not unaware of that. He is not as dumb as that. That is the core of my opposition to the Bill. I believe it is wrong to convert term leases into perpetual leases, but there is more to it than that, and may I just mention some of the heads and quote a couple of letters that I have had on this matter. I believe that Aboriginal groups have not been consulted, and they certainly will not be represented on this advisory board. Of course, three pastoralists are on it, but one out of nine of the members of the board will be an Aboriginal. The first protest I had about this Bill was from Phillip Toyne in Alice Springs.

Mr Mathwin: We know of him.

Mr MILLHOUSE: What is wrong with him? Let the member for Glenelg say what is wrong with him.

Mr Mathwin: First of all, he is a solicitor, and that is enough.

Mr Keneally: Is your lad a solicitor?

Mr MILLHOUSE: The honourable member's own son is a solicitor. This is what Mr Toyne wrote in his letter addressed to the Hon. Lance Milne and me. It reads:

Dear Robin and Lance,

Re: Pastoral Act Amendment Bill.

Following my telephone conversation with Robin today, I am writing to set out the position as I understand it to be with respect to the Government's proposed changes to the Pastoral Act.

Last year, the Pitjantjatjara Council was provided with a copy of the Vickery Report and studied its recommendations and commented upon these. That report recommended a continuation of the 42-year leases for pastoral properties with control retained by an expansion of the Pastoral Board.

The Pitjantjatjara Council adopted this proposal as a sound one, as significant protection and rights are offered to Aboriginal people under the covenants to the leases. For instance, Aboriginal people are entitled as of right to hunt, forage and live on pastoral leases as they now are. The Pitjantjatjara Council, however, was concerned that any expansion of the Pastoral Board should include Aboriginal representation—

Mr Gunn: The Pitjantjatjara Council or Phillip Toyne? Come to your senses. You know that Toyne dictates to and dominates that organisation.

Mr MILLHOUSE: I hope that that interjection is reported by *Hansard*.

Mr Gunn: I hope it is, too. I make no apologies for it.

Mr MILLHOUSE: If the honourable the member who represents the inhabitants of that district shows such dislike, and indeed hatred, of them, then I am sorry for them that they have a representative like that.

Mr Gunn: I was referring to Mr Toyne. That is all I was referring to.

The SPEAKER: This is a one-person debate, not a dialogue.

Mr MILLHOUSE: The letter continues:

The Pitjantjatjara Council, however, was concerned that any expansion of the Pastoral Board should include Aboriginal representation as well as conservation members, to ensure a balanced control of those lands. It is now clear the Government's intentions to ignore the Vickery Report and legislate for perpetual leases which we fear is a forerunner to the implementation of their policy to convert all pastoral leases to freehold title. If this is done the protection for Aboriginal people would be lost together with those effective controls available to the Conservation Commission.

We understand that the Government will endeavour to have the Bill rushed through both Houses this coming sittings, and urge both of you to resist this most strongly. The A.L.P. has expressed opposition to the Government's moves.

That was the first approach I had. Then a few days ago I had an approach from Dr Bob Langey of the Department of Botany at the University of Adelaide. I am glad that the honourable the member for Mallee is back in the Chamber. He vaunts himself as a conservationist but let him listen to this. Mr Langey wrote to me after he came to see me last Saturday. The letter, headed, 'Pastoral Act Amendment Act', states:

Dear Robin,

This serious point is that when the chips are down, landcare administrators and the whole of landcare professionalism hasn't got a leg to stand on, unless real bad eggs can be removed promptly, the same as the Stock Exchange can delist, and the legal and medical fraternities can strike off.

He has his own picturesque turn of phrase, but what he is saying, of course, is that this Bill would make leaseholders pretty well invulnerable to the Government's pleasure. Those who did offend, as some will, would go unscathed. He goes on:

Weeping sores like Strathearn Station (flagrantly abused land) literally thumb their noses at landcare administrators and the provisions of laws. To offer such offenders perpetual lease is an insult to probity, and to 'discipline' them with a 21-year lease is an insult to the intelligence.

What good does it do the pastoral industry to close ranks around their bad eggs? The cost will be our world reputation and respectability, when international landcare authorities hear about this. We'll look like a banana republic.

Surely some exercise in statesmanship might persuade the Government to keep immediate forfeiture on the books to frighten real bad eggs? I'll bet proper pastoralists secretly agree with this view. I have tried to get this view across also to Mr Chatterton.

I do not know if he succeeded in that or not, but he certainly got it across to me. He is a scientist and an expert in landcare in arid areas, as the member for Mallee may know. He was literally spitting chips about this Bill, about which he had not been consulted either. Nobody seems to have been consulted about it. Those are the main reasons that I have for opposing the Bill. There are some others. There is the question of trespassing, and the unreasonably heavy penalties that are involved. There is the question of getting consent to go on the land.

The Hon. P. B. ARNOLD (Minister of Lands): I move:

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

Motion carried.

Mr MILLHOUSE: It will be pretty immaterial to me. I will not be here after 10 o'clock, I hope.

Mr Mathwin: You're not going to bed early again, Robin, are you?

The SPEAKER: The member for Glenelg is fully aware that, when addressing another member in this Chamber, the member will be referred to as an honourable member or as a member by the name of his electorate.

Mr MILLHOUSE: Thank you, Sir. I appreciate that. I got up to the point of the unreasonably heavy penalties that are imposed for trespassing. One would have to get Ministerial consent, and goodness knows how long that is going to take if one does not get consent from the leaseholder himself. We would start off with no roads proclaimed at all. It would be impossible to go up there at all, as the Act stands. The only roadways that can be used are those that are going to be declared. I do not agree with the advisory board, and I believe, and so does Lance Milne, that it would be far better to strengthen the Pastoral Board itself, and, heaven knows, it needs a bit more to do its job effectively, than to bring in this advisory board. To punish leaseholders by reducing their leases to 21 years, is an absolute farce. I do not want to expand on these reasons. It is sufficient to say that I expect that my colleague will do so in another place. Both he and I will oppose this Bill. Here, it will not matter of course. Up there I hope that it does, and that the Bill is defeated at the second reading stage.

The Hon. P. B. ARNOLD (Minister of Lands): I can well understand or recognise the stance that has been adopted by the official Opposition in relation to this matter. I think that the member for Peake gave us a very clear indication of where the Labor Party stands in relation to people on the land and landholders. I think that one will only have to read back through his speech to recognise quite clearly the absolute hatred that the member has, which I think is reflected in the Labor Party, for people on the land. The bigoted approach in statements that he made during his speech is there for all to see.

It is unfortunate that the member for Mitcham is going to leave, because there are one or two things that I would have liked to point out to him. There are many statements that have been made tonight and this afternoon in relation to this matter that are completely false and can be clearly shown to be so. The Labor Party, the Opposition, has based its complete stand on this matter on the campaign that has been put forward by the Conservation Council. All that the Labor Party has done in this debate is echo the sentiments that have been expressed by the Conservation Council over the past few weeks. I had the opportunity of speaking with Mr Sibley and Mr Papps in my office for an hour and a half. The points that they are making to the public and circulating were discussed at length. I believe that they are well aware of the total inaccuracies of the material that they are putting forward. I will go through them shortly to indicate exactly where the problems exist, and the fact that what they are saying is in the main totally untrue and cannot be substantiated in any way whatsoever.

I will first go back to the comments made by the member for Hartley. If there is one member on the Opposition side who has some general understanding of what country matters are about, it is certainly that member. I think that one of the unfortunate things about the Opposition is that it is not a Party that is made up of a broad cross-section of city and country interests. It is a totally city-dominated Party that has had very little experience with matters relating to country areas. At least the member for Hartley did have the good grace, which is far more than most of the other members of the Labor Party had, to recognise the quite remarkable work that has been done over the years by the Pastoral Board. That was a true statement, but then the member went on to make some quite remarkable statements.

The same sentiments were expressed by the member for Mitcham namely, that going from a terminating tenure to a perpetual lease would add some enormous capital values to the properties. That is quite untrue, because there is one fundamental thing that the Opposition does not recognise, and I honestly do not believe that it is even aware of it. That is the fact that in South Australia we have some 240 pastoral lease pastoral properties. We also have 100 (in round figures) perpetual lease pastoral properties in South Australia. The interesting thing is that there is virtually no difference in the market value of those properties, whether they are perpetual lease properties or pastoral lease properties. Therefore, the claims that have been made by the member for Mitcham and the member for Hartley are totally baseless.

Mr Abbott: Are they comparable?

The Hon. P. B. ARNOLD: Yes, they are. In many instances they are side by side. In fact, the member for Baudin did not even know that they existed. That is how little the research by the Opposition has determined. Members opposite have based all their comments on the information that has been provided to them by the Conservation Council and, as such, unfortunately most of their information in this instance is totally baseless.

The facts of life are as I have stated, namely, that virtually a third of the pastoral properties in South Australia, unbeknown to the member for Stuart, are under perpetual lease at this time. That might come as some surprise to the majority of the members opposite, but it is time that they caught up with a few of the facts in this matter instead of perpetuating the line that they are following at the moment. It is high time that the Opposition developed a little credibility and started addressing their comments to the matter at hand. I refer to some of the comments that have been made. I refer first to the newsletter that was issued by the Conservation Council of South Australia, in which it was stated:

No Government has ever seen fit to grant perpetual tenure to unlimited areas of arid lands.

Let us look at the situation in Australia. In New South Wales, permanent tenure of arid lands has been available for upwards of 35 years in the form of western lands perpetual leases. I am not making that up; that is a fact of life. In Queensland the tenure system provides for the right of progression from terminating pastoral development, pastoral preferential tenures, to grazing homestead perpetual leases and grazing homestead freehold titles. The point I am making is that the Conservation Council, from which the Opposition is basing its stance, has come out and said that no Government has ever seen fit to grant perpetual tenures to unlimited areas of arid lands.

In the Northern Territory an inquiry into pastoral tenures in 1980 recommended the introduction of perpetual pastoral tenure. That legislation is currently being considered by the Northern Territory Legislature. The statement that I have outlined, made by a recognised body, is blatantly untrue. I refer to some of the other statements echoed in the House this afternoon and this evening by members of the Opposition, which have largely emanated from the Conservation Council. The statement was made that the Government's proposal to provide perpetual tenure of arid lands is a clear indication of ultimate progression to the granting of freehold title to pastoral lessees. The Government has said quite clearly right through that there is no intention whatever of proceeding to freehold titles. In actual fact, there is no mention of freehold titles in this legislation. What is more, to enable freeholding to proceed, an amendment to the Pastoral Act would be required. Once again, the statement made is quite untrue. Another statement was:

> The amendments weaken the legislation enforcing adherence to lease covenants, particularly those relating to stocking rates.

Once again, that statement is just not true. In fact, at the moment the covenants are reviewed every 42 years. Under the provision in this amending Bill covenants can be reviewed every 14 years, and that gives the Pastoral Board far greater opportunity and flexibility for management than it has ever had before. Once again, that was a statement on which the Opposition has based its facts in opposition to the measure which is quite untrue. A further statement was that the South Australian Pastoral lands are principally held by largely pastoral companies under Australian and overseas ownership. Perhaps members opposite can explain to me just why the body making these statements is not prepared to stick to the truth, because the truth is that there are no overseas interests in the pastoral industry in South Australia. That is the fact of the matter. The same body came out and stated:

> The amendments show a dangerous shift in responsibility from statutory authority to a politician.

Once again, that is blatantly untrue, because there is no change whatsoever. The Pastoral Board has always been answerable to the Minister. Members of the Opposition would be well aware of what the principal Act provides and the fact is that the provision is the same as that which applies to the Land Board's making recommendations to the Minister and the Minister's then making his decision. For the Conservation Council to say that the amendments show a dangerous shift in responsibility from a statutory authority to a politician is simply not true, because there is no change whatsoever. The principal Act remains exactly as it is. Once again, that statement is one that is blatantly untrue.

Also, the paper that has been distributed very widely in South Australia states that the Pastoral Board has no professional qualified scientific expertise on which to base its arid land resource management decisions and recommendations. This is not true. What is more, I went through every one of these points with Mr Sibley and Mr Papps. They know what the situation is but they still proceed on the basis of the contents of this document.

It is quite clear that the campaign that has been waged against this piece of legislation is an unfortunate one for South Australia. The Opposition seems to be totally obsessed by the words 'perpetual lease', which, for all intents and purposes, mean a continuing lease. One can call it whatever one likes. Whether it is called a perpetual lease or a continuing lease, the thing is that it does not alienate land from the Crown as was suggested by the member for Salisbury. To suggest that this legislation would alienate that vast area of land from the Crown is just not true. I am surprised that the member for Salisbury persists with that sort of statement, because fundamentally I listen with a great deal of interest to his contributions in this House on many matters that come before it, and it is unfortunate that he and other members of this House are dealing with a matter about which they do not have any real experience or background.

As such, they have been totally reliant on information that has been provided to them by an organisation that I have always regarded as being a very creditable one. However, unfortunately now its credibility is certainly under great threat. The material is here in this document for anyone to see. The statements that have been made clearly indicate that that organisation, too, just does not understand what the whole business is all about. No Government in Australia has a better record as far as Aboriginal people are concerned than has this present Government. This is recognised throughout Australia.

The existing legislation does not require the Pastoral Board to give consideration to decisions as far as Aboriginal people are concerned. The amendments to this legislation clearly require the Pastoral Board to give consideration to the interests of Aboriginal people in whatever decision they are making. So, quite clearly, this improves the situation as far as the Aboriginal people are concerned. Also, the rights and privileges that have always related to the pastoral areas, the arid lands of South Australia, have not been altered in any way whatsoever. They continue as they have proceeded in the past.

Besides that, there is also representation for the Aboriginal people on the board, in the same way as the tourist industry has representation and as most of the other bodies concerned have representation. In fact, the Bill makes provision regarding pastoral and mining interests, conservation, recreation, tourism and the Aboriginal people. We could have an advisory board with one representative from each area, or we could have an advisory board with two, three or four, but quite obviously I think members opposite recognise that there is a limit to the size of an effective board if it is going to perform the job that is placed before it.

For anyone to claim that the interests of the Aboriginal people have not been taken into account in this Bill is just blatantly untrue, because in actual fact the interests have been significantly improved by this legislation. The Pastoral Board did not have to take into account the interests of Aboriginal people when making a recommendation in the past. This is not the case with the amending legislation; the amending legislation clearly requires that the Pastoral Board will take into account the interests of the Aboriginal people when making recommendations to the Government, so for members opposite to say that that is not the case is, once again, blatantly untrue.

I believe that it is a sad day for South Australia when in actual fact we have before the Parliament of the State a piece of legislation that is one of the most significant pieces of environmental legislation to be introduced into this Parliament for many a long day. It is in jeopardy because of the sheer ignorance of members opposite who

unfortunately just do not have any general knowledge of the subject that is before the House. I think that in itself is a real tragedy and it is unfortunate that South Australia has an Opposition that has such sectional interests and does not clearly recognise the interests of the total of South Australia.

The Government in South Australia is made up of part country representation and part city representation, but we cannot say that of the Opposition, which, unfortunately, has no real knowledge or background experience in rural areas and consequently we have the type of debate that the House has seen on this occasion. To me that is a sad day for South Australia. I only hope that as a result of the debate in this House today members in the Upper House will endeavour to improve or expand their knowledge certainly way beyond that which has been displayed here this afternoon and tonight by the Opposition, which is sadly lacking in knowledge. I think it reflects very poorly on South Australia that we have an Opposition that is so limited in its knowledge of the broad matters that are so important to the total interests of the State.

This Bill does not alienate any of the land in South Australia and, in fact, the point that I made earlier was that the conversion from terminating tenure to a perpetual lease will not alter the market value of the properties. That can be clearly shown and proved, because that has been the situation for many years in South Australia. It is a pity that members opposite were not even aware of the fact that 30 per cent of the pastoral properties in South Australia are already perpetual lease and they sell on the open market for no different price. The price is very much determined by the development, the improvements on the property, and the carrying capacity, which is determined by the Pastoral Board. That is what determines the value of a pastoral property, whether it be a perpetual lease property or a pastoral lease property. That is something that honourable members opposite should take on board and try to understand.

The claims made by the member for Mitcham and the member for Hartley are quite baseless. I can possibly understand the member for Mitcham making such claims, because he does not know anything about the subject. At least I would have given credit to the member for Hartley, who is a former Minister of Lands, and I would have expected him to have known the position, but obviously by his statements in this House he was totally unaware of that situation. Once again, that clearly indicates the problem that we are confronted with in South Australia as a result of the sheer lack of knowledge and lack of understanding as far as the Opposition is concerned, of what goes on outside the metropolitan area. I think above all else, the member for Peake clearly spelt out the attitude of the Labor Party towards people in country areas and their attitude towards people on the land. That will stand for all time and it will be there for all to see.

This piece of legislation is a major step forward as far as the environment and the management of the arid lands of South Australia are concerned. While the member for Stuart keeps chirping that it is a handout and until such time as he is prepared to go away and make a study and find out for himself that the market value of the perpetual lease pastoral properties in South Australia is no different whatever from that of the pastoral lease properties, I am afraid there is no point in arguing with him any further. He just does not understand. The reason for fundamental changing is that it gives—

The Hon. R. G. Payne: It won't help them in any way.

The Hon. P. B. ARNOLD: I have no difficulty in answering that whatsoever, but I am not going to shout against the interjection by the member for Mitchell. The reason for extending the perpetual lease to the other 70 per cent of pastoral properties in South Australia and for bringing them in line with the existing perpetual lease pastoral properties is to enable those families that occupy those properties (and whether we like it or not, some 65 per cent to 67 per cent of the properties are occupied by individual families, not companies) to more readily go to banking institutions and borrow to build for themselves or their family a decent residence.

Members interjecting:

The SPEAKER: Order!

The Hon. P. B. ARNOLD: Quite obviously, most members opposite have never spent any time in this part of the country and would not be aware of the conditions under which some of the families must live. This conversion will enable those families to get banking finance. They can get finance from the stock firms for development, stocking, and some other improvements, but the stock firms are not in business of financing home facilities and home building.

I shall explain that further and a little closer to home. It might be easier for members opposite to look at the situation in the Riverland, where families living on miscellaneous lease title land, particularly in the vegetable growing areas, were very much restricted. It was almost impossible for a vegetable grower to provide a reasonable home for his family because of the miscellaneous or terminating tenure lease. The growers could not obtain bank housing loans. Consequently, the standard of many houses in those areas was below what it should have been. The vegetable growers were good operators but they could not borrow from the banks because of the land tenure. This Government therefore has been converting those vegetable properties to permanent tenure, and as a result of legislation passed some months ago they will now have the opportunity to freehold their properties if they wish, giving them absolute security.

In this instance, we are providing a form of perpetual lease different from that provided under the Crown Lands Act. It can be better described as a continuing lease in that it can be terminated, unlike a Crown perpetual lease. This will give the security that the banks require and will enable a better standard of dwelling to be erected on pastoral properties. This Government is concerned about families, and that is one of the major reasons for the introduction of the Bill. If members opposite do not share that concern, then they will vote against the Bill. We have a very real concern for the family unit, and we will do whatever we can to protect it and to make it possible for those families to enjoy what most other people enjoy today. To deny those people, especially the wives and children, the right to the sort of home that we enjoy in the metropolitan area or in the more closely settled country areas is a totally unrealistic action on the part of the Opposition.

Nothing in the legislation is detrimental in any way. It is one of the most significant pieces of environmental legislation introduced in South Australia for some time, and it gives the Pastoral Board far greater management control than it has enjoyed previously. It enables other interests to be catered for—conservation, recreation, tourism, and so on—through the advisory board, which will report directly to the Minister.

I have no problems in presenting this Bill to the Parliament. I am proud to present it, and it will be seen in time to be of enormous benefit to South Australia. If the Labor Party and the Democrats decide to defeat it, then let it be on their heads, because that will clearly indicate to the vast majority of people in South Australia, once they get a clear picture of what the legislation is about, the attitude of the Opposition. Do not let us be under any misapprehension; the people of South Australia, even if the Opposition defeats this legislation now, within a month or two will see through

the actions of the Opposition, and the Opposition will rue the day on which it took the action it contemplates.

If Opposition members believe that they will be able to put it over the people of South Australia, they might do that for a month or two, but I assure them that it will not be for long, just as they were not able to put it over South Australians for long some 10 years ago in the matter of the Chowilla Dam. It did not take the people long to work out that they had been totally misled by the then Opposition.

Mr Keneally: That was in 1979.

The Hon. P. B. ARNOLD: No, it was in 1970. I remind members opposite that South Australians are very capable of assessing a situation. Although it may be a month or so before the picture becomes clear, it will be a sad day for South Australia if this Bill is not passed through both Houses.

The House divided on the second reading:

Ayes (21)—Mrs Adamson, Messrs Allison, P. B. Arnold (teller), Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Evans, Glazbrook, Goldsworthy, Gunn, Lewis, Mathwin, Olsen, Oswald, Rodda, Russack, Schmidt, and Tonkin.

Noes (18)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood (teller), Keneally, Langley, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Randall, Wilson, and Wotton.

Noes—Messrs Corcoran, McRae, and O'Neill.

Majority of 3 for the Ayes.

Second reading thus carried.

In Committee.

Clauses 1 to 5 passed.

Clause 6—'Interpretation.'

The Hon. D. J. HOPGOOD: The Opposition supports this clause. I think that striking the word 'goats' from the definition of sheep is a piece of zoological realism which no-one could oppose. Whilst I am on my feet, I wish to indicate what the Opposition is doing in this Committee stage. We will test the Government in relation to clause 16, which I will take as a test clause on the tenure provisions, but in view of the fact that the world has been told this evening through the electronic media that this is a phony war and the real battle is yet to come I will not delay the Committee.

Clause passed.

Clauses 7 to 11 passed.

Clause 12—'Particulars in notice.'

The Hon. D. J. HOPGOOD: References to the change in tenure are printed throughout this Bill, but clauses 12, 13 and 14 obviously directly relate to them. I therefore oppose clause 12, and I would urge the Committee to join with me in rejecting this clause. As I have already indicated, I will take this as a test vote on the tenure provisions of the legislation.

The Committee divided on the clause:

Ayes (21)—Mrs Adamson, Messrs Allison, P. B. Arnold (teller), Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Eastick, Evans, Glazbrook, Goldsworthy, Lewis, Mathwin, Olsen, Oswald, Rodda, Russack, Schmidt, and Tonkin.

Noes (18)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hamilton, Hemmings, Hopgood (teller), Keneally, Langley, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Randall, Wilson, and Wotton.

Noes—Messrs Corcoran, McRae, and O'Neill.

Majority of 3 for the Ayes.

Clause thus passed.

Clause 13 passed.

Clause 14—'Power of Governor to grant leases.'

Mr KENEALLY: The Minister earlier this evening chided the Opposition and said that it was unfortunate for South Australia that we had an Opposition which knew so little about the pastoral industry. If he thinks that his premise is right, and of course it is not, then I can point out to him that within a very few months that position will be rectified because we will have an Opposition—

The CHAIRMAN: Will the honourable member refer to the clause?

Mr KENEALLY: The Minister said that our knowledge of pastoral leases and perpetual leases was inhibited by our lack of knowledge of the pastoral industry, and I am pointing out to him that that position will be rectified if he wants to make that criticism of the Opposition. I believe I am fully within my rights to speak to this clause.

The Minister, in answer to the charge that this clause was a hand-out to his friends, went to great pains to explain that 30 per cent of the pastoral leases were currently perpetual leases, and he made out as though no-one was aware of that fact. He may have just found that out, but the rest of us knew that that was the case; we have known that all along, and that information has been provided to the Opposition in another place.

It is because of the availability of pastoral leases that the perpetual lease has not increased dramatically in price, but where there are no pastoral leases and there are only perpetual leases available within South Australia we will see that the market forces change dramatically. It is all very well for the Minister to lecture the Opposition on what the market forces do when he has no idea of this himself, and that is the point we are making. I am absolutely certain that the increase in value of these properties is not a matter of surprise to any member on the Government benches.

The reason why the Government has introduced this legislation, apart from its great environmental benefit, which runs contrary to the report from the Minister's own department and experts—they did not feel that it was an environmental benefit to the State—is to allow pastoral holdings (that is, those involving pastoral leases) to be converted to perpetual leases so as to afford greater borrowing capacity. On the one hand, he says that the conversion will allow the leaseholder to have greater borrowing capacity, so that it has greater asset backing, and on the other hand he says that it will have no effect on the value of the property at all. Those two propositions are in such stark contrast to each other that this is utterly ridiculous.

During the Minister's explanation, he was frequently asked to explain those very points, but he rejected the opportunity, as he rejected the invitation to explain this vital issue on television tonight. There is no doubt that banks are interested in security of tenure when they provide loans. The greater the security and the greater the value of the asset, the easier it is to get a loan.

In terms of the period of leaseholding that remains with the pastoralists in South Australia, I do not have the figures with me now, but I understand that 80 per cent of the pastoralists in South Australia still have more than 20 years of their leaseholdings to run. If pastoralists want to go to the banks, they have to be very fortunate indeed to get accommodation involving a period longer than 20 years, and that applies to pastoralists as much as it applies to everyone else. If they have a leasehold that currently exceeds 20 years, they have the borrowing capacity already.

The Minister made the point that if you have a pastoral lease you do not have the capacity to be able to provide yourself with adequate housing on these pastoral holdings. Is he telling us that people on pastoral holdings involving pastoral leases are living in hovels? Of course, that is rubbish. He knows very well that some of the most affluent

pastoralists in South Australia have pastoral leases and are able to get accommodation from the banks any time they need it, and they do not need this hand-out so that they can get additional money from the banks. That argument is absolutely fallacious. The Minister tries to suggest also that everybody who has a property on perpetual leasehold is obviously living in a palace. That is rubbish, of course, and everybody knows it.

It is also rubbish that members on this side have no appreciation of, or relationship with the land. If the Minister had any idea of the background of a number of members on this side, he would know that they come from farming families, and not only farming families but people who first opened the land up in the north of South Australia. We have two of them here, the member for Whyalla and the member for Stuart. The Minister laughs. I can tell him that my family was the first to settle a large area of land in the hundreds of Whyacca, Boolcunda and Willochra, and I will wager that it was before the Minister's family settled on the land, so my traditions in land in South Australia go further back than the Minister's and, I would wager, a number of his colleagues on his side. In fact, my people were starved off the land in the most difficult years. I have my heritage, and I know full well what happens to farmers in South Australia, because it happened to my family. The member for Whyalla is another, and there are many members on this side whose people have been in that position.

Do not tell us about appreciation of problems of the land. We know them and our families have lived through them. In addition, it seems to me to be rather insulting to tell the member for Stuart, who lives at Port Augusta, that he would have no idea of pastoral concerns. I wonder whether the Minister knows of any place in South Australia other than Adelaide, of course, where some pastoralists are able to fly down and back, where pastoralists get together as frequently as they do at Port Augusta. What other town in South Australia would pastoralists consider to be their town, other than Port Augusta? Do not tell people on this side that we do not know anything about this.

This is a hand-out to the Minister's and his colleagues' friends. It will improve the value of the properties of pastoralists in South Australia, and if that is what the Government wants to do it should come out and say so. All this talk about this being an environmental measure and all this concern about giving perpetual leasehold to the pastoralists to protect the environment is so much rubbish. I am not prepared to say that pastoralists are not environmentalists. I know the history has not been as good as it might be, but the history environmentally of people everywhere in the world, not only pastoralists in South Australia, has not been good. It is only in recent years that we have come to understand what we are doing to the earth we live on. It is only very recently that we have come to understand that.

We ought to now, having come to understand that, do something about it. If they have made mistakes in other States by perpetual leasing or freeholding pastoral land, let us learn by those mistakes and not do it here in South Australia. We have an opportunity here to preserve something that is dear and very vital to all of us. It is part of our heritage. If 30 per cent of pastoral leasehold in South Australia is perpetual lease and 70 per cent is pastoral lease, for the sake of equality it all ought to be pastoral lease, because that makes much more sense. For the Minister to say that the 70 per cent should be converted to agree with the 30 per cent is outlandish; the 30 per cent should be converted to agree to the 70 per cent if he wants equality.

I did not intend to rise in this debate, but the insults that I and my colleagues suffered from the Minister forced me to do so. I found his arguments to be worth not one whit, and I repeat that this is a hand-out to his friends. He has already pointed out to us the close relationship the Government and its members have with the pastoral industry. He has already pointed out that members on this side have no friends within the pastoral industry. To equate what he says, the Minister and his colleagues are now doing their friends a favour.

We are prepared to look at any sensible measure that will assist the pastoralists, but we are not prepared to put the interests of pastoralists before the rest of South Australia. That is what the Minister is doing. Whilst the pastoral leases that are currently part of our legislation in South Australia adequately provide for a majority of pastoralists, there are pastoralists who are in desperate straits. There are other pastoralists who are doing very well indeed.

The reason for the difference is not the terms of the lease, but (a) the types of land the pastoralists hold and (b) quite often the sorts of expertise the pastoralists have. The problem is not within the leaseholding at all: the problem is within the activities of the pastoralists themselves and quite often the type of land that they are fortunate or unfortunate enough to have as part of their leasehold. If assistance needs to be given, then give it to pastoralists who are in desperate situations. Why should we be giving a small gift to small pastoralists in South Australia and at the same time a massive gift to others?

As stated on *Nationwide* tonight by the Hon. Lance Milne, from another place, small pastoralists will benefit marginally by this measure but large pastoralists will benefit by millions of dollars. I do not know whether the Hon. Mr Milne is correct in his figures, but the assumption is correct because big pastoralists and pastoral companies will do very well out of this. Small or marginal pastoralists might not do so well. Let us look after them in another way. We will not solve problems of the small pastoralists by this measure. If they are on marginal land and are poor pastoralists, this will not benefit them one whit. It will have no impact at all. What it will do is have a massive impact on the large pastoralists and pastoral companies. I do not think that this has come as a shock to anyone on the Government side. I know they are fully aware of this. All the backbenchers know what their Minister is on about, and they support it.

To compare perpetual leasehold involving pastoral leases with leasehold in the city and for the Minister to say that he wants the pastoralists in South Australia to have the rights of every other citizen in Australia is absolute rubbish. The overwhelming majority of people in my electorate do not own any land at all. They pay Housing Trust rentals, and the majority of the electorates of members on this side are made up of Housing Trust homes where people pay rent. The Minister, who obviously does not know about people who pay rent, thinks that everyone in Australia owns his own house, either on perpetual lease, or freehold, etc. What rubbish! The majority of the people I represent live in Housing Trust homes in Port Augusta and Port Pirie.

They see this Government handing out 60 per cent of the land that is vested in this Parliament and in this generation to be managed by 240 families, and the people in my electorate alone, who vastly outnumber these few pastoral families, are forced to pay rent—exorbitant rentals in some cases outside the Housing Trust, but generally pretty good rentals under the Housing Trust—and some of them cannot get rentals at all. The Minister ought to take the blinkers off his eyes and find out what are the problems of the people of South Australia.

Mr Mathwin interjecting:

Mr KENEALLY: One of the problems that the people of South Australia have in addition to all else is the member for Glenelg.

Mr BLACKER: I would like to take up the point made by the member for Stuart a while ago. Am I correct in quoting the honourable member when he said that because some of the pastoral leases had some 20 or so years to run, and because financial institutions lend only on a 15-year term, there was no problem with security? If that is the logic of the argument it throws to the wind everything that he has just said, because that is not the way the system works.

Banks do not advance money on pastoral leases, irrespective of whether they have 42 years left to run. They just do not advance money on pastoral leases. Therefore, everything that he has said in that context is so ill-founded and without base that it makes a mockery of the argument. The whole principle of providing a perpetual lease is so that it can become a security on which banks can advance funds. Therefore, the average person who normally would invest in land has a reasonable opportunity to be able to buy into pastoral country if he so desires. At present, it is probably only those who are born into it, or born with a silver spoon, who are able to get into it, because they have outside moneys which they can invest, or they have to go through the stock firms. The average person who has a genuine desire to work on the land cannot do so in normal circumstances as he or she would do under a perpetual lease or freeholding in a property in the general farming operations that we have. The explanation on banking, as given by the member for Stuart is to my mind, totally wrong.

Clause passed.

Clauses 15 to 51 passed.

Clause 52—'Conversion of a perpetual lease to a terminating lease upon breach of condition or covenant.'

The Hon. D. J. HOPGOOD: In line with what I said at the very beginning of this Committee stage, I do not want to detain the Committee in any way: I simply point out that this clause has come under a great deal of criticism outside. It is the penalty clause, and it is regarded as being quite inadequate in view of what is being given to the pastoralists. I indicate that we will be calling against this clause.

Clause passed.

Clause 53—'Regulations'

The Hon. D. J. HOPGOOD: Clause 53 has also been under a great deal of criticism, because this is the clause which deals with matters of access and penalties, and so on. This has brought almost as much opposition outside as have the changes to the tenure provision. I think the Minister should look very carefully at this before his colleague in another place introduces it, because there is no doubt that a great deal of opposition to the Bill arises as much from the matter of access as it does from the matter of tenure. Again, the Opposition will be calling against this clause.

Clause passed.

Remaining clauses (54 to 63) and title passed.

The Hon. P. B. ARNOLD (Minister of Lands): I move:

That this Bill be now read a third time.

The Hon. D. J. HOPGOOD (Baudin): I oppose the third reading. As the Bill comes out of Committee, having been unamended, I am extremely confined in what I can say. I will content myself merely by saying that the Opposition has found the Minister's performance here this evening quite unconvincing. The Opposition is unshaken in its opposition to the Bill, and our colleagues in another place will be unshaken in their opposition to it. I am sure that what the Minister has had to say in this place this evening will not in any way dampen down the opposition to the measure that has built up outside. I am sure that, if anything, it will have inflamed the opposition to the measure. No doubt we will see that as the next few days progress. I make one last appeal to this House to reject the measure rather than our having go through the exercise of its having to go to another place where its doom appears to be certain.

The House divided on the third reading:

Ayes (20)—Mrs Adamson, Messrs Allison, P. B. Arnold (teller), Ashenden, Becker, Billard, Blacker, D. C. Brown, Chapman, Evans, Glazbrook, Gunn, Lewis, Mathwin, Olsen, Oswald, Rodda, Russack, Schmidt, and Tonkin.

Noes (17)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan, Hemmings, Hopgood (teller), Keneally, Langley, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Pairs—Ayes—Messrs Goldsworthy, Randall, Wilson, and Wotton. Noes—Messrs Corcoran, Hamilton, McRae, and O'Neill.

Majority of 3 for the Ayes.

Third reading thus carried.

WORKERS COMPENSATION ACT AMENDMENT BILL (1982)

Adjourned debate on second reading.

(Continued from 3 March. Page 3276.)

The Hon. J. D. WRIGHT (Deputy Leader of the Opposition): I want to place on record my strongest possible objection to discussing this most serious piece of legislation commencing at seven minutes past eleven. I do this with all sincerity. The House manager on the Government's side could not manage a brickyard. Here we have been, for the past two weeks, most of the Ministers I would say using up free invitations to the Festival—

The SPEAKER: Order!

The Hon. J. D. WRIGHT: —going out every night—

The SPEAKER: Order! I ask the Deputy Leader to come to the Bill which is before the House relative to workers compensation.

The Hon. J. D. WRIGHT: I am going to do that, but I believe that it is my right to complain about the time at which the legislation comes on.

Mr Ashenden: Whose fault is that?

The Hon. J. D. WRIGHT: I suggest—

The SPEAKER: Order! Is the Deputy Leader going to dispute the ruling of the Chair, which indicates that the matter before the Chair is the Workers Compensation Act? There is nothing in the clauses of the Workers Compensation Act that deals with the time of the debate.

The Hon. J. D. WRIGHT: Therefore, I seek leave to continue my remarks later.

The SPEAKER: The honourable member seeks leave to continue his remarks later. Is leave granted?

An honourable member: No.

The Hon. J. D. WRIGHT: The legislation before us is, as I have indicated, of the utmost concern to South Australians. This is the first occasion on which we have been afforded the opportunity of discussing this type of legislation since 1976. Really, it is six years since members of this House sat down and deliberated on workers compensation.

The Hon. W. E. Chapman: That is not true.

The Hon. J. D. WRIGHT: Well, it has been about that time since we have seriously discussed it. There have been some slight amendments to the legislation. However, one could not describe the amending Bill before us as slight. Indeed, one would describe it as most serious. It is quite unfortunate that we are expected to debate this matter and continue the debate until the second reading is completed, as is the intention of the Government at the moment, which I suggest will finish in the very early hours of the morning.

I hold the Government quite responsible for that. It is the Government's responsibility to manage the House, and the House should be managed in a better way than it is being managed at the moment. That being said, I have made my objection. I think it is quite ridiculous that we have to debate this very serious matter at this time of the night, when most of us have been working since 8 o'clock this morning.

I have found it very difficult to decide in my own mind whether or not to support this legislation, because quite clearly it is bad legislation. However, whether or not I have reservations about the legislation does not matter at this stage, because, in order to amend the legislation, or to attempt to amend it, it is quite clear that one must support it. Therefore, reluctantly—and I say, quite reluctantly—the Opposition will support this piece of legislation through to the second reading.

The Hon. W. E. Chapman: Well, let's wrap it up and go home.

The Hon. J. D. WRIGHT: Well, I am prepared to do that. The Minister of Agriculture has suggested that we should wrap it up and go home. I am prepared to do that and continue the debate tomorrow. It is in the hands of the Government if it wants to do it. This clearly is a Committee Bill, and I serve notice now on the Government that there will be several quite legitimate and reasonable amendments to discuss in Committee.

First, I want to condemn the Government for waiting so long to bring in these amendments. It has had some two years and seven months at this stage to bring in the considered amendments in relation to the Workmens Compensation Act. It is no good the Minister of Agriculture sitting there, shaking his head and shrugging his shoulders because I am going to speak for the time it takes me to deliver this speech, whatever time that is.

The Hon. W. E. Chapman: You like staying up all hours of the night.

The Hon. J. D. WRIGHT: No, I do not. I certainly do not think the people of South Australia want us to be doing that, either. The only person who has any sense in relation to time is the member for Mitcham, who has gone home; he said he was going home at 10 o'clock. He is the only member in this House who has any sense, and he has gone home so he can be restful and peaceful and be in good form tomorrow.

The amendments to this legislation are belated. In fact, they are far too belated. The Government has had plenty of opportunity over the past two years and six months at least to have fixed up some of the matters that are wrong with this legislation. On two occasions I gave them the opportunity. I gave them the opportunity in 1980 and again in 1981 to amend the legislation, and on neither occasion was the Government prepared in those circumstances even to debate those pieces of legislation. On both those occasions they chose not to even debate it or put it to a vote.

An honourable member: They gagged it.

The Hon. J. D. WRIGHT: They gagged the vote on both those occasions. So, the responsibility for this legislation being in such a mess clearly lies with the Government.

The Hon. W. E. Chapman: Why don't you put it to a vote on the second reading if it is predominantly a Committee Bill?

The SPEAKER: Order! The Minister of Agriculture will assist in the debate if he is silent.

The Hon. J. D. WRIGHT: Having said that, I think it is true to say that the South Australian Labor Party's 1973 legislation was a milestone in the protection for workers injured at work in this State. It laid the foundation for other States in the Commonwealth to follow the legislation of that kind.

It want to pay credit in this speech to the Hon. David McKee, as he then was, and particularly the member for Playford, who was one of the architects of that piece of legislation. Clearly, it was a milestone in the legislative sphere as far as workmens compensation is concerned in this nation. Unfortunately, because of the attitudes and philosophies and numbers of the Liberal Party over the foregoing years, it was impossible to improve to any large extent on that 1973 legislation.

It has always been the philosophy of the Liberal Party to reduce the weekly wage payments that were introduced in 1973 below the average weekly earnings content. They have argued consistently that to do so would reduce the premiums; they have never talked about the safety of the work place, or about the education and training of both workmen and management. That has not been a part of the philosophy of the Liberal Party in this State. One can look at its record. I moved two pieces of legislation in this House, and both were opposed by the Liberal Party and subsequently destroyed, thrown out, laid aside, whatever one wants to call it, by the Liberals in the Upper House.

I sincerely believe that, irrespective of whether the average weekly earnings paid to people because of the 1973 Bill, they were correct and a proper thing to do. Other States have followed, not quite to the extent but certainly to some extent. I believe that that was the correct situation at that time and, as I said in my second reading speech in the 1976 legislation, Mr Heath, one of the most prominent people in the insurance field in South Australia, said to me on that occasion that the legislation then in operation in South Australia was good and fair legislation for both sides of the political arena.

In fact, in his view premiums were not caused to rise to any large extent because of those conditions applying, but the reverse had occurred because clearly employers had started for the very first time to be safety and training conscious, to have their managers, foremen, workers and safety representatives trained. From 1974 on, one sees that there is clearly a trend, if one looks at the figures, and even if the Minister himself cannot deny this because he said so in his second reading speech: that there had been a trend from 1974 on for less workmens compensation claims.

Therefore, one relatively can say that there have been fewer claims and fewer accidents. That is the secret to keeping the workers safe at work, and, secondly, of ensuring under all the circumstances that the training and operation of the work place continues on a proper level. In my belief, it is only then, when all those things are carried out, that everyone is safety conscious within the work place, and the employer can expect and, in my view, demand that premiums come down.

I sincerely believe that the 1973 legislation was a milestone in the workmens compensation field in South Australia and Australia and that it has stood the test of time. Now we see, about eight years after that legislation was brought into operation, the philosophical viewpoint of the Liberal Party emerging very strongly in trying to reduce those concepts of that time. What are the major concepts of the Minister's Bill? First of all, there is a reduction in weekly payments, and he refers to site allowances and overtime. The Opposition will not accept any reduction in weekly earnings; that is definite. I place on record now that, if this legislation in that aspect or in any other aspect which we oppose or to which we move amendments is carried by both Houses of Parliament, after we win the next election we will change them back and improve them.

I want to place this on record as well. The Labor Party does not believe that one should receive more while one is on workmens compensation than one would have received at work. The clear evidence of that is in the 1976 legislation

that was engineered through this House by myself. The concept of the formula at that time was to prevent that sort of occurrence happening, and that is the proper concept. That concept was not only accepted by the trade union movement but also in many ways it was a reduction. Clearly, from what had happened prior to that, it was possible for the workmen to receive more when on workmens compensation than while at work. The concept introduced at that stage and the formula were accepted by the trade union movement and by the employer organisations. That is the proper concept, and I put that to the Minister as honestly and as conscientiously as I can.

We have in the Bill provision for a 5 per cent reduction in the weekly wage; in fact, the A.M.W.S.U. has put to me that the reduction to a fitter could be as much as $47 a week under the provisions of the Bill. But it does not stop there. There is another reduction for the employee, because the Minister wants to tax him by taking a further 5 per cent to put it into rehabilitation after the worker has been off work for 12 weeks. On the one hand, we see a reduction in weekly wages with site allowances and overtime; on the other hand, we see a further reduction by taxation imposed by the Minister on persons on weekly compensation. The Opposition will not support that; we oppose it completely.

Mr Langley: It comes from Mr Griffin. He's the boss.

The Hon. J. D. WRIGHT: I do not know whether it comes from Mr Griffin, but it will not be accepted by this Party; if it is carried, in the final analysis it will be rectified. I do not disagree with the concept of rehabilitation. The rehabilitation provisions in the legislation are reasonably good, but I do not think that a workman who is injured at work, whether it is his fault, whether it is through negligence on the part of the employer, or whether no-one is at fault, should pay for his own rehabilitation. That should be the responsibility of the employer or the Government; certainly, in my view, it should not be the responsibility of the employee to get well so that he can return to work and risk being injured again, but that is what the Minister is putting up in this proposition.

Another major change relates to the hearing loss provision. The Minister wants to make the hearing loss adjustment not available unless the employee suffers a loss of hearing of more than 20 per cent.

Mr Whitten: What percentage?

The Hon. J. D. WRIGHT: A hearing loss of 20 per cent. Unless the hearing loss exceeds 20 per cent, if this legislation passes through the Parliament, the employee will no longer be entitled to receive any remuneration for it.

Mr Mathwin: That is not right.

The Hon. J. D. WRIGHT: That is what the Bill says. I agree with the member for Glenelg that it is not right; it is clearly wrong in principle. I have been informed by the A.M.W.S.U. that in 1977-78 that organisation had 743 claims, 526 of which involved less than 20 per cent and 217 more than 20 per cent. I calculate that about 70 per cent would not have received any remuneration at all. I put to the Minister that it is clearly his intention to deprive 70 per cent of people now receiving compensation for hearing loss of their entitlement to so receive it. He cannot pretend that that is not so if he is at least a reasonable man. He can tell me if it is not so.

I should like to read to the House what I consider to be a most important letter. It is not the voice of the Labor Party or of the trade union movement, but it comes from Keith Chiveralls and Douglas Nelson, who are both lecturers in audiology. No-one can explain this matter better than these people can. I shall read the letter into *Hansard*. I remind the member for Glenelg that, according to my correspondent, he has a similar letter, because the authors say in a postcript that a similar letter has been forwarded to Mr J. Mathwin, M.L.C., Glenelg, and yet the member for Glenelg keeps interrupting me and saying that I am not right.

Mr Max Brown: He doesn't understand it.

The Hon. J. D. WRIGHT: He has read the letter, but obviously he does not understand it. The letter states:

Dear Mr Wright,

Further to my telephone conversation of 8 March, we wish to draw your attention to some concerns relating to the proposed 'Workers Compensation Act, Amendment Act 1982', in particular subsection (5a) [17o] on page 7. In effect this aliows compensation only for the amount of noise-induced hearing loss in excess of 20 per cent.

As quoted in *Hansard* 3 March 1982, page 21, this is indeed 'a new concept', a new concept from a number of most disconcerting points:

1. There seems to be introduced the idea, not of compensating a worker for injury caused him by virtue of the work demanded of him by his employer, but of compensating the worker for loss of earning capacity or reduction in the worker's ability to carry out the job—paragraph 3 page 20 *Hansard* 3 March 1982 in relation to pensions, paragraph 4 page 20 in relation to ability to perform the job.
2. The judgment of 'ability to perform the job' is applied only in the case of noise-induced hearing loss not in other physically obvious injuries; for instance, loss of phalanx of great toe attracts compensation of 11 per cent (table in section 69).
3. Because the abovementioned 'ability' is applied only in the case of noise-induced hearing loss, subsection (5a) might be viewed by many organisations and persons concerned with the hearing impaired as discriminatory.
4. The compensation for total loss of hearing is raised (as from 1 July 1983) to $40 000 [17c]. However, this raising of compensation masks the fact that under the prepared subsection, this figure is purely hypothetical. Since only the loss in excess of 20 per cent would be compensated, then the maximum compensation would become 80 per cent or $32 000.

That is another fraud. The letter continues:

It may be seen then, that for workers claiming for an injury before 1 July 1982, the proposed amendment would result in a reduction of the maximum permissible figure to $16 000.

5. *Hansard* 3 March 1982 suggests a disparaging attitude on behalf of the Minister to hearing loss. The Minister is quoted as follows:

   'the almost (trendy) spate of noise-induced hearing loss claims'.

   The implication is that workers are pursuing claims purely as the 'done thing'. Whilst one cannot deny that this does happen, most professionals in fields pertaining to hearing and its disorders have welcomed the fact that the number of claims for noise-induced hearing loss has stimulated concern about people's hearing, and realisation of the significant effects even of minor hearing loss. The suggestion of trivialisation of the problem by the Minister causes us much concern.
6. Again, paragraph 4 *Hansard* 3 March 1982, page 20, suggests that the amendment could 'make it easier for those persons suffering from a hearing loss disability to obtain employment'. The current Act and its regulations allow that an employer shall be responsible only for the noise-induced hearing loss caused to a worker during his period of employment, provided that the employer has obtained a pre-employment audiogram. It is therefore difficult to see how the quotation can be justified. Indeed, evidence suggests that pre-existing hearing impairment may lessen the effects of noise on hearing.
7. Some notion of a 20 per cent hearing loss might be helpful. The current tables in the Regulations of the Act imply that this would result from a smooth loss across all frequencies important for speech of some 30-40 dB. With this level of hearing loss, children would be at serious educational risk; adults, while coping with conversational speech would have considerable problems and develop socially abnormal behaviours—they might well need to purchase hearing aids in order to perform optimally. Since, however, noise usually causes hearing loss in the high frequencies, it would be much more likely that a 20 per cent loss would result from losses of, for example, 30 dB at 1500 Hz, 45 dB at 2 kHz and 60 dB at 3 kHz and 4 kHz.

This would result in much more disruption of hearing for speech, less benefit from the use of a hearing aid, and much more significant problems of understanding speech in background noise. Since this is precisely the condition of the worker's employment, it is most unlikely that this would 'rarely affect the worker's ability to perform the job'. Rather, the effect would be more akin to a flat loss of 50-55 dB, whose equivalent percentage for compensation would be 50 per cent. This magnitude of loss would imply that the worker could understand no conversational speech, and so his ability to communicate would be grossly disrupted.

Many of the above concerns would be removed or reduced if the Act included an amendment having the following intent. No worker should be allowed to claim compensation until the loss of hearing reached or exceeded 10 per cent (or 20 per cent) except in the case of retirement for age or ill health. However, when a claim is made, the entire loss of hearing should be compensable.

Finally, *Hansard* of 3 March 1982, page 17, quotes the Minister as follows:

'. . . a total of 44 organisations and individuals chose to comment on the report.'

I draw your attention to the fact that neither the Australian Deafness Council (S.A.), nor the Australian Association for Better Hearing (S.A.), nor the Royal South Australian Deaf Society, nor the Audiological Society of Australia commented on the proposed change to the Act which so clearly discriminates against the hearing impaired. As I said, it is signed by Keith Chiveralls and Douglas Nelson, lecturers in audiology. I think that clearly indicates that the Government has made a very bad decision regarding this legislation. I am not an expert in these areas. I am not quite sure whether I have retained all my hearing, having worked in very rowdy factories from time to time. I have never bothered to have my hearing tested, but I do know boilermakers and I do know people who work in the Commonwealth Railway workshops, where I was an organiser. I would say that 90 per cent of people in those workshops have unquestionably lost some percentage of their hearing.

I am not prepared to say what percentage, but I think there is clear evidence that, if that impairment has been brought about by the work place, clearly the employer has one of two responsibilities, and I would prefer the first. He either decides to prevent the hearing loss from occurring by insulating the factories in order to protect the worker's hearing, or, if he is unable to do that or does not want to do it, for whatever reason, clearly he has a responsibility to pay to that worker any damages in relation to any disability that occurs. If he loses a finger, he gets a disability allowance for it. If he loses part of a finger, he gets a disability allowance for it. If he loses a toe or part of a toe, he gets a disability allowance for that.

This Minister and this Government are saying that one can lose part of one's hearing, but one does not get any allowance for that. I think it is one of the most disgraceful actions I have ever seen on the part of a Minister who calls himself a Minister of Industrial Relations. I rest my case on those facts. I believe that they are indisputable. I would be vitally interested to hear what the member for Glenelg has to say, because it was he who continually interjected and said that I was wrong. I have since seen the Minister have words with him, and he is not saying anything now. The member for Glenelg has spoken on workmen's compensation debates previously and has had the same information that I have got.

Mr Mathwin: I was responsible for your getting that information.

The Hon. J. D. WRIGHT: I would be happy to see what the member for Glenelg says about this legislation.

Mr Mathwin: It was through me that you received that information.

The Hon. J. D. WRIGHT: You did not understand it, because you were disputing my figures.

Mr Mathwin: If it were not for me, you would not have it.

The Hon. J. D. WRIGHT: The letter is to me, with a copy for you. I am not going to argue with the honourable member all night. We come now to another major concept of this legislation. I refer to lump sum payments, which have not been changed since 1974. There are a number of reasons for that. In 1976, I introduced legislation into this House in an attempt to take care of those considerations at that stage and, carrying out the philosophical viewpoint that the Liberal Party has adopted, to reduce the weekly wage concept, so far as workmen's compensation is concerned, the Upper House then laid my Bill aside.

I have previously canvassed this in the House, so I do not want to go into great detail about it. Those are the facts. Quite clearly, the responsibility lies with the Liberal Party on that occasion. Following that there was a great upsurge in relation to workmen's compensation in South Australia, mostly caused, may I say, by the now Minister of Industrial Affairs complaining that the workers were being paid too much. The employers came to us, there having been some dissatisfaction. It was decided that we should then set up a tripartite committee to examine workmen's compensation rather than at that stage move amendments to the legislation as it then was. That tripartite committee sat for much longer.

I want to place on record my appreciation for the work that the committee did. In many ways, I am disappointed that its report was not accepted by the community in South Australia. It was not accepted by the trade union movement or by the lawyers. I am not sure where the employers stood on it. Generally speaking, though, I still believe that the tripartite committee recommendations will be put forward as future legislation that will have to be looked at in due course.

The Hon. D. C. Brown: But you acknowledge that the overwhelming majority of—

The Hon. J. D. WRIGHT: I am not disputing that there was opposition to it. I believe that opposition was based on a lack of understanding and a genuine concern for the common law rights in the recommendation. Nevertheless, we are not canvassing that legislation. I regret that something could not be worked out where those recommendations could have been acceptable to the vast majority. It was not. Nevertheless, it was one of the reasons why there was such a delay in relation to the lump sum payments.

I reiterate that I wrote to the Chairman of that board asking him whether it would be an insult to the committee if I moved those amendments while the tripartite committee was in progress. The Chairman replied that it would be in order. The Minister knows that. In the meantime, there was an early election, and the Labor Party was defeated. The Minister knows that that correspondence was entered into, with an exchange of letters between the Chairman of that tripartite committee and myself.

Over the past couple of years, if he so desired, the Minister could have increased those lump sum payments. People who have been injured at work, and the families of workers who have been killed at work, have been deprived, I believe quite wrongly, over six years, not just two years. It is not just the responsibility of this Government, but for six years there has not been an adequate indexation or proper justification for just entitlements in regard to workmen's compensation.

Even now at this late stage, for which I criticise the Government strongly, the Minister is not attempting to go as far as I believe he should go. I have said in this House (and I will be saying it in Committee) that the proper adjustment to the lump sum payments right through, wherever they appear, ought to be first established by working out the c.p.i. relationship to those particular amounts and then indexing, so that never again can we get into that

situation where workers will get behind and employers will get further in front, as will insurance companies.

We should take that step now while we have this opportunity with the legislation before the House. I do not think in any circumstances this is a political point. It is a rational human viewpoint that ought to be agreed to by the Liberal Party that, these amounts having been established, they should be indexed for future purposes. It will simply mean that there will be no time in the future where Governments, whether Labor or Liberal, will have to be concerned about bringing in legislation to adjust them, because it is very simple to get behind.

If we are going to live by a c.p.i. standard, if we are going to accept wage movements according to c.p.i. standards, if polititicians are going to put their hands out when the tribunal makes a decision—and that will mostly be done on c.p.i.—surely workers are entitled to receive c.p.i. indexation so far as their remuneration is concerned in relation to lump sum payments.

I want now to deal briefly with clause 14 of the Bill. I hope the Minister is listening at this particular time because the member for Peake will deal much more fully with the clause, but I want to bring this to the Minister's attention. That clause provides:

Section 56 of the principal Act is amended by inserting after subsection (1) the following subsection:

(1a) A worker shall not, while receiving weekly payments, take a vacation away from his place of abode unless the employer or the executive officer of the Workers Rehabilitation Advisory Unit consents in writing, and if the worker does so without such consent, his entitlement to receive weekly payments shall be suspended for the duration of the vacation.

I believe that is criminal. I do not believe anyone, whether it be a rehabilitation board, a Government, the Police Force, or the fascist Party, has the right to stop the movement of any person from one State to another. That is what that particular clause is saying, that without that authority, the authority of the Workers Rehabilitation Advisory Unit, the person will be not permitted to move. Personally, I think that is disgraceful.

The Hon. D. C. Brown: I think there is a printing mistake in the Bill and a word was left out. It is meant to be 'overseas' vacation.

The Hon. J. D. WRIGHT: It is not in the Bill, so I cannot guess what you meant.

The Hon. D. C. Brown: I think there is an amendment on the way.

The Hon. J. D. WRIGHT: I just wanted to bring to your attention that it is criminal the way it reads at the moment, that we will be voting against it, but if you have an amendment on file, I will say no more at this stage. However, I understand the member for Peake has done quite a lot of research on this and will say something about it.

I come now to clause 15 of the Bill. There is a very interesting turn of events here. As I understand it that clause, amongst other things, was giving the primary right of chiropractors to receive their patients without their first having to be processed by a medical person. Incidentally, I agree with that. The way the amendment reads at the moment will get the entire support of the Opposition. I have in my possession a letter dated 16 March 1982 written to Mr K. J. Wetherall, D.C., South Australian Branch Inc., Australian Chiropractors Association, 10 Mann Street, Mount Barker. It reads:

I refer to your letter of 23 February 1982 and advise that on 3 March 1982, I introduced a Bill to amend the Workers Compensation Act, 1972-1979 (a copy of which is attached). You will note that in accordance with previous requests of your association one of the amendments includes the services of a registered chiropractor in the list of medical services covered by the Act. Under the amendment, chiropractic examination and treatment are given status as a primary service and referral by a medical practitioner is not required. I would appreciate any comments you may wish to make on this aspect as soon as possible as detailed debate on the Bill will commence when Parliament resumes on 23 March 1981.

The amendments to the Act are consistent with the letter sent by the Minister on 16 March 1982. Up to that stage I was quite delighted with the Minister. I thought this was a progressive move.

Mr Whitten: You should have known better.

The Hon. J. D. WRIGHT: It may be that I was wrong about that. I was giving him some credit. We were the people who did our utmost to register chiropractors in the first instance but here was a complete recognition that for the very first time chiropractors would be able to see their patients without referral. When I looked at that piece of legislation, I thought that it was progressive and certainly the Labor Party would support it, but something happened on the way to the ship. I now have a further letter from Mr A. D. Menash, the President of the South Australian Branch of the Australian Chiropractors Association dated 22 March 1982. That letter reads:

You will be aware that the Minister of Industrial Affairs, Mr Dean Brown on 3 March 1982 introduced into the House a Bill (No. 129) for an Act to amend the Workers Compensation Act, 1971-1979. The Bill recognised the services of a registered chiropractor in the list of those services for which the employer is liable for payment (*Hansard* page 3274). The prime contact practitioner status established by the Chiropractors Registration Act (No. 19 of 1979) was recognised by the Minister and the wording of the above-mentioned proposed amendments ensured that referral by a medical practitioner was not required. This was further confirmed in a letter to this Association dated 16 March 1982 and signed by the Minister.

That letter will now be in *Hansard*. I do not want to quote the lady's name, so I will leave that out, but the letter states:

On 18 March 1982 advice was received verbally from the Minister's office through X that this situation was to be reversed, and that the Act amendments would be modified so that medical referral became necessary before chiropractic services could be dispensed under workers compensation.

This about-face by the Minister is seen by the chiropractic profession as an act of treachery, presumably under the coercion of a medical lobby, and we write to you to seek your help in blocking the passage of this Bill in any form other than that in which it is written at present so far as the chiropractic services are concerned.

I do not suppose that I have seen in the time I have been in this House an act that could be defined as being worse than that of the Minister in these circumstances. Here the Minister puts this into legislation, then gets one of his staff to telephone. The Minister knows about whom I am talking. He did not bother to telephone, he did not have enough courage, I would say. He got one of his staff to telephone and do his dirty work, to tell these people a mistake had been made, first of all, that there had been a misprint, that the Bill was wrong. The lady got into trouble and said she did not want to debate it any more. The man said he had a letter from the Minister dated 16 March. The lady said she did not want to debate it any more and that she thought it ought to be left there. I want to tell the Minister that the Chiropractic Association of this State sees the Minister as treacherous.

It sees the Minister as no longer able to be trusted, and calls on him to resign his job. That is what it thinks of the Minister's actions in these circumstances, and I support their demand. Here is a Minister totally incompetent, totally unreliable and totally untrustworthy to continue, and I call upon him to resign tonight. This is absolutely disgraceful, and the Minister sits there and grins. If it were I, I would be hanging my head in shame. I would be out apologising and trying to correct the wrong. The first thing I would have done if I were in this sort of trouble would be not to get my staff to do my dirty work. I will leave it with you,

Sir, to judge this Minister, as to whether you think he is capable of continuing his job after that sort of action.

I have had further correspondence also, which I do not intend to go into at this particular stage, from the Podiatry Society of South Australia. It is a registered organisation, and its request is that it ought to be given the same recognition as the Minister intended and desired in the first instance to give to chiropractors. At the appropriate time (the amendments may or may not be on file) I will certainly ask the Parliamentary Counsel to include in my amendments the physiotherapists, the chiropractors, and the podiatrists as well, and I will be bringing in their information, their request as they put it, and their submission at the proper time of the amendment.

Mr McRae: The amendments will be ready.

The Hon. J. D. WRIGHT: Yes, I understand that the amendments will be ready. As I said in the first instance, I was betwixt and between on whether we should support or oppose this legislation, but, as I have said, there are some matters in it that do have the support of the Opposition, and it is therefore necessary to support the second reading. I want to say that the Opposition will be supporting the Rehabilitation Advisory Unit. We will also be supporting the section on the Workers Rehabilitation Advisory Board and, of course, the Statutory Reserve Fund. They are all good ideas, and I will say more about them in Committee. As I said earlier, this is a Committee Bill and it will be necessary for the Opposition to move several amendments in this particular area.

The other comment I want to make concerns assistance with obtaining insurance. I attempted something similar regarding the nominal insurer. This is a slightly different situation, but it will guarantee that people are able to get insurance where there are high risks. I have had these experiences myself, where people have telephoned me complaining that they were unable to get insurance. The Opposition will support that concept of the legislation as well. I draw to the Minister's attention at this stage the fact that that particular section of the Bill does not provide any opportunity for trade union representation. I do not know whether that has been deliberately left out or whether it has been overlooked. I merely draw it to his attention at this stage—I will bring it up in Committee so that he can look at it to see whether he will be in a position to support my amendments.

I have laid down what I believe to be the fundamental mistakes with the Bill. I have indicated those areas where the Opposition will support the legislation in order to make it at all respectable. The amendments that will be put forward by the Opposition (and I say at this stage that they are numerous) will have to be considered. I do not suppose that we will be lucky enough in this House for the Minister to be reasonable, having the philosophical viewpoint that he has in relation to average weekly earnings, the lump sum, and those areas. Nevertheless, we will be moving them. I want to place on record again, as I said when I commenced my speech, that, irrespective of how this legislation finishes and whatever happens to it in this House and the other, if any of the matters that I will move in the Committee stages fail, they will be rectified when this Opposition returns to Government, which I do not believe will be very long.

Mr McRAE (Playford): There are a few passages in the second reading explanation that I can support. One of the few is the opening sentence, and I quote it from the Minister's explanation given on 3 March 1982 (*Hansard* page 3271) as follows:

> Historically one of the most difficult and complex areas of State industrial jurisdiction has proven to be legislation to provide for the compensating of employees injured in the course of their employment.

Why is that the case? I will tell the House immediately why it is the case. It is because conservative Governments, one after the other, for the past 82 years have endeavoured to give the least possible benefit to workers injured in their employment. That is why difficulties have been presented, and that is why workers in industry have continually been confronted with difficulties.

There are two methods of approaching workmen's compensation legislation (or, as the new sexless terminology gives it, workers compensation). One is what I would call the blunt and honest one, which says that it is a lottery whether you are injured or not injured at work. We all know that that is the truth of the matter. What happens from then on is the responsibility of this Legislature, and before 1971 it had done remarkably little to help those persons who were unfortunate enough to have been injured at work.

Every member of this House, whatever his status, whether he is an officer of the Parliament, a Minister or a mere back-bencher would know this. I should not use the term mere back-bencher, because I am no mere back-bencher, because I represent Playford, and I am proud to represent Playford and I will go on representing Playford as fiercely as I can because it is one of the areas that has suffered most from—

The SPEAKER: Order! The member for Playford would be assisted by less background noise.

Mr McRAE: Thank you, Mr Speaker.

Mr Mathwin: A back-bencher is the backbone of the Parliament.

Mr McRAE: Yes; in this case, the member for Playford happens to be the backbone of his own electorate and I will fiercely support those of my constituents who happen to get caught up in the ridiculous situation that we now have. This is in the week following the Festival of Arts, and we can justly say that we are a State that compares with any other State or any nation in the world when it comes to the arts, be it music, opera, drama, or anything else. However, when we then look at the state of our workers compensation legislation, I am appalled and disgusted to find that such political non-entities and semi-fascists as Jo Bjelke-Petersen can produce workmens compensation legislation that is better than that which exists in this State.

That is absolutely disgraceful. I will not tolerate that position and neither will my electors. I want to make that very clear. It is disgusting and repellant that the two key figures of $18 000 and $25 000 have been exceeded by two of the most conservative State leaders that this nation has ever seen, in the persons of Mr Jo Bjelke-Petersen and Sir Charles Court (a Premier until recently), providing payments of $45 000 and $55 000, respectively. When my electors come to me I make it clear that I have been disgusted over the years with the whole situation.

This ought not be an area of political point scoring; this ought to be an area of justice. In this Bill we find what we have been accustomed to find with this Minister, when he was the shadow Minister of Industrial Affairs. We find repellant and repugnant doctrines that we will not accept, that the trade union movement will not accept and, more importantly, that the whole community will not accept. On behalf of my own constituents, I demand that we get justice throughout this whole mess.

I refer again to *Hansard* of 3 March 1982 (page 3272) which refers to the history of this legislation. When the Labor Party introduced this legislation, we were proud to say that we carried the banner for the whole of Australia in introducing average weekly earnings as the concept of payments. I do not personally step back one inch from

that—not one inch. If someone gains from that, so be it, but there are others who will lose from it. Pragmatically (and I accept my Party's policy and the majority decision of Caucus), I accept that there must be certain realistic adjustments, with which I am prepared to go along to a certain extent. However, I question all the time, when I look at the Minister who now confronts me, just how far this is the thin edge of the wedge when it comes to workers compensation.

I direct my remarks to three crucial issues: first, average weekly earnings; secondly, the key denominator of the lump sum which is available for either permanent partial disablement or total and permanent disablement; and thirdly, the proceedings of the court. At this stage I do not deal with rehabilitation, because I believe that what the Minister has embodied in the Bill as a so-called rehabilitation procedure is an absolute farce and a sop to those who wanted some definite movement in this area.

Therefore, before I refer to my three main areas of comment, I will deal with the matter of rehabilitation first. What nonsense, what absurdity one finds when reading through this Bill. It refers to a rehabilitation committee—one can laugh at the whole thing. I have been involved for 20 years in the area of workers compensation. I seek to make not a penny out of the whole damn thing. I am sickened by the spectacle that I now see before me, and what a spectacle that is!

I see a Government insurance office, and to my disgrace and my Party's disgrace, it is the S.G.I.C. that now predominates the situation. It has farmed its work out carefully between two lawyers' offices (or maybe it is now three), and it is common knowledge throughout the community that very strange deals indeed have been going between that company, lawyers and doctors. I demand that the Minister institute an immediate investigation into what is going on. I find it strange and peculiar that in a week there is to be a so-called medico-legal seminar in Bali. Bali, as members may know, is not really in the forefront of medical technology, but I note that two or three firms represented in that area will all be present, and that the doctors involved will all be present.

[Midnight]

I have noted with sickening certainty that the doctors involved in this matter are curiously also present on the same occasion. I know that not just on an occasional basis but week by week, month by month, year by year these same persons are meeting together in circumstances where the entertainment is not as the member for Mitcham would portray our rather pleasant but homely fare but where chicken, crayfish, champagne, Johnny Walker Black Label and other such commodities are being traded off, I presume as a helpful tax deduction.

I also note that the fees for reports have gone up very considerably. No longer does one look at $70, $80 or $100, but at $250. Very seriously I have asked myself the question in relation to certain persons who have been clients of mine: do I take the point that these people are in collusion? The Minister appears to be ignoring me totally but I am not surprised by that. he is normally ignorant and arrogant, but I hope his officers will follow the whole thing. I want him to investigate what is going on, because I think that something very sick and very corrupt is going on.

I will now go back to my other major points, having made those. First, the question of average weekly earnings: there is nothing philosophically wrong, nor is there anything practically wrong, with the concept of average weekly earnings. Why should not the worker get his average weekly earnings? After all, that is precisely what the judge is given, or what you, Mr Acting Deputy Speaker, if you were Speaker, would get if you were on sick leave. Why should not the worker get that? Why should it be said that the worker does not have to pay his lunch money because he happens to be in a period of illness? To me the whole thing smacks of hypocrisy and double standards.

Now we come to the crunch question: money. Here I want to make two points. First, I must hang my head in disgrace, and I do hang my head in disgrace. Every member of this Parliament must hang his head in disgrace—

Mr Whitten: All except the Minister. He wouldn't.

Mr McRAE: He would not hang his head in disgrace under any circumstances. We must all hang our heads in disgrace that since 1974 nothing has been done to elevate the rates, nothing at all—the key rates of $18 000 and $25 000 respectively. The formula that was worked out between the then Minister of Labor and Industry (Mr Glen Broomhill) and myself was a fair one. We tried to work out what would be a fair maximum rate.

The Hon. D. C. Brown: I think Dave McKee was the Minister.

Mr McRAE: No, he was not, and the Minister who now is interrupting in his usual arrogant fashion was not in the House at the time. The Hon. Mr Glen Broomhill, a very honourable gentleman, was the Minister in charge. I clearly remember that he and I had a discussion about this matter in 1971. We put forward the proposition jointly to Cabinet that it was not a bad idea that if you took four years of average weekly earnings and multiplied them you would get a rate that would be a fair and reasonable rate for a living. At that time $25 000 was the product of average weekly earnings, or average award earnings, I think; now it is nothing like that at all. The amount that the Minister proposes is ridiculous; in fact, it is lower than what his colleague (sorry, I was about to say his colleague in Queensland, but even on the Minister I would not inflict Joh Bjelke-Petersen) in Western Australian offers the widow of a deceased person.

The Hon. D. C. Brown: It's higher than your colleague in New South Wales offers.

Mr McRAE: I do not care about that at all; let me make that very clear. Let my opponents laugh; many people have laughed at me in the time that I have been speaking here in support of workers compensation. Let me assure you that I have been totally sincere in my commitment over the last 20 years with the Labor movement. Those around me know that, and my opponents know it. That is one of the reasons why they get agitated. I do not care what Mr Wran chooses to do. I do not care what they do in Soviet Russia, or the United States of America for that matter. I demand justice for the workers of South Australia, and I demand that the widows of those workers in South Australia get just compensation. Frankly, they are just not getting it.

The Hon. D. C. Brown: This puts us equal highest in Australia.

Mr McRAE: The Minister is making the widows of the workers of South Australia pay the costs of the cost-cutting ventures of his Government. I now go back to the very key figure—

The Hon. D. C. Brown: This puts us equal highest in Australia.

Mr McRAE: Mr Acting Deputy Speaker, I must ask for your protection against this continued interjecting. I am finding it very hard to continue my train of thought. I take it that your are not going to protect me against the Minister. I will try to continue with or without protection. The fact of the matter is that I will speak for the widows of South Australia, and I will speak remorselessly, whether or not that offends people in the Liberal Party or the Country Party. I have made very clear over 20 years that I am

committed to workers compensation and justice in this whole area.

I turn now to the key area of payment to the worker who has been disabled. What a disgrace! What a disgrace that things should come to this, that we who led the nation should now be put down as less than the Joh Bjelke-Petersens—less than some of the other little rabbits who run some of the institutions around Australia. I do not care who they are. I express to the House my thoughts on the whole thing, and I will be saying this to my constituents.

The Hon. D. C. Brown: Read out the lump sum payments in each State.

Mr McRAE: The Minister must be very highly embarrassed. He continually interjects, but I have again picked up my thread of thought. I have not had a great deal of time to explore the whole thing in depth, but now I must turn to the whole question of the machinery of the Act. What a joke! The determination of this Parliament in 1971 and 1973 and throughout the whole period has been to make South Australia a model of the way in which workers compensation claims should be dealt with. Has that been the case? Earlier on, it was, but no longer is that the case. I ask you, Sir, and the Minister to go to what is known as the calling over list at the Industrial Court. I doubt that the Minister has ever been to that calling over list. In fact, the judges and commissioners and magistrates and registrars despise him so much that they would not accept him too splendidly anyway, but I demand that he go to that ludicrous spectacle.

There are simply not enough judges to deal with the volume of work. We in the Opposition know that this Minister has followed the policy of his colleague in another place, the Hon. Mr Griffin, the Attorney-General, in cutting back the number of judges. But when I find a situation in which a deprived person, a semi-educated, semi-illiterate Aboriginal person, travelled twice from Oodnadatta to have his case heard and could not get it heard, when I know on good authority that those were the facts, when the Deputy Leader and I checked them out to make sure that they were the facts, then I break, and I say what fools we are shown to be.

I say that in all honesty we should have the guts, if that is not unparliamentary, to go right back to average weekly earnings, as we had originally formulated it, as a better way of attacking this. If we have not got the guts to do that, then let us accept a little less. If we are to accept a little less, at least let us have some swift justice, and at least let the Minister appoint sufficient people to staff that court so that workers can have their cases dealt with promptly.

We all know (it is not just a matter of the Opposition; it is Government members as well) that insurance companies have deliberately taken out actions under the workers compensation legislation to delay workers' actions as much as possible, to turn these poor people into neurotics, and to put the screws on. I demand of the Minister that he do something about this. Has he ever been down to the spectacle, which is all it can be called, of the calling over list on Monday in the Industrial Court? I do not think he has.

The Hon. Peter Duncan: I doubt it.

Mr McRAE: I doubt it, although he might have been. He is showing no interest. He is reading the *Advertiser*, perhaps the social news, to see what is going on with some of his influential colleagues, or perhaps his challenge for the leadership. I might as well read the *News* if he is going to read the *Advertiser* for all the points we will make out of this. I challenge him to attend that event, and I will describe the ridiculous situation that occurs.

The Hon. D. C. Brown: I had a report only two weeks ago from the President, who highlighted to me the present position and the significant improvement that has occurred in the last four months.

Mr McRAE: The Minister interjects, very belatedly and very lamely, I might say, because only a week ago I happened to be a witness to what went on in the calling over. There were 26 cases listed before a judge, five of which were treated and had already been given priority listing. Two could not go on because the Minister, in his usual fashion, had bullheadedly intervened in the P.S.A. case and God knows how many other cases. But we cannot lay all the blame at his feet. He must appoint more staff or we will get nowhere.

I summarise my remarks. I am glad there is a time limit of 30 minutes, because I tend to speak my mind on this topic when I confront some of the hypocrites who use the huge cash flow engendered by workers compensation premiums and then double their options by using the Minister to make sure that their cash flow is doubled and that the investment rate that they get from that is very well helped as well. If I have anything to do with this Party, with the A.L.P., when it is returned to Government in October or March, as assuredly it will be, this Bill will be brought back to some semblance of justice and this nonsense we have heard tonight will be torn up in pieces.

Mr PLUNKETT (Peake): This Bill is a sad commentary on the moral insensibility of the Minister of Industrial Affairs. Many times before we have seen his unbalanced and unnatural mind at work in this Government's legislative activity. This time we see it at close to its darkest. In the midst of this Act are some of the most perverted enactments to be revealed in an Australian Parliament. First, the Minister proposes to impose a discriminatory tax on injured people—typical of the Minister. Persons who have had the grave misfortune to be injured so that they cannot return to work within three months will be taxed 5 per cent of their income because of that misfortune. It is well known that the vast majority of workers compensation claims relate to injuries resulting in incapacity of less than that duration. The Minister here suggests that only those people who are seriously injured should be taxed—again, typical of the Minister. Not a cent will be paid by the employer in whose employment the injury took place. He is insured against the cost and he is not suffering any injury, he is maintaining his business and his life style, unimpeded by traumatic injury, debilitating convalescence, family upheaval, and social dislocation.

The tax will be paid by a person who is most severely prejudiced and in most need. No doubt soon we will tax the poor to remove poverty. Shortly after this demented contortion, the Minister proposes to compulsorily retire everyone who is injured at work at the age of 65. For every other consideration our citizens are free to choose to retire when they wish. Let them be injured at work, however, and they have no choice. They will be cut off at 65 years and thrown on to the aged pension, regardless.

On page 5 of this Bill we witness the petty preoccupation and resentment by which this Minister is devoured. Workers are now to be fined for making applications for compensation. That is another typical provision for the Minister to have in there. This sadistic detail is simply indicative of a bitter and twisted policy. Thoughtful reading of clauses 13 and 14 of the Bill will reveal the implicit assumption on which the Minister acts. To him, workmen's compensation is a holiday. People injured at work are having a holiday. The existing provisions of the Act providing for the ongoing accrual of annual leave shall, in this Minister's view, be removed. These people have no need for annual leave. Such a right in his mysterious calculation is double counting, which drains industrial productivity.

Is it proposed that being off work for a year because of what must clearly be a serious injury or disease is the equivalent of recreation leave? It would seem that the Minister would have one think so. In this regard, once again, this Minister demonstrates his legislative incompetence. Only a person who has been so seriously injured as to be incapacitated continuously for 12 months will be affected.

Persons incapacitated for between one week and 51 weeks will not have their annual leave affected. A person returning to work for one day during a 12-month period will not be affected. I have mentioned this type of incompetence before in relation to the Bill coming before the House from this source. It arises, in my suggestion, out of an inquisitional hatred of working people and a desire to take pleasure from their deprivations.

No more illustration of this policy needs to be made than to point to the remarkable provisions of clause 14 of the Bill. I have heard my colleague, the member for Adelaide, mention this provision. The Minister mumbled something about a word missing. We are speaking to the Bill which is in front of us, the Workers Compensation Bill. There is no amendment there. I doubt that there is any mistake, but the Minister now realises this, since hearing that there is a mistake, and he has some weak excuse about a word missing. There are a hell of a lot of words missing in this Bill. There is not much there for workers.

This Minister proposes to introduce for the first time in this nation's history a form of internal exile. This most extraordinary limitation on the freedom of movement in our national society is a gross breach of human rights. No wonder the Minister hangs his head.

Workers are to be prisoners in their homes, and their disposition, subject to the dictates of their employer or the petty bureaucrats, with no right of appeal and removal of their livelihood whilst incapacitated is the sanction that is to be used against them. I do not blame the Minister for not looking up and taking note of what is being said. He is listening and reading the paper, showing his complete ignorance to a very very important Bill. Apparently he has never been involved with the sick and the injured on workers compensation like we have on this side of the House.

Can the Liberal Government claim that its dictates to the rights of the individual is here demonstrated? Is this the cherished free and democratic society we seek? Will these workers be issued with identity cards and passports, perhaps to go to Kangaroo Island? The Minister proposes that we treat the unfortunate victims of industrial accidents as lepers in our midst. His rotten policy has infested the whole of his Government and Party and they can all hang their heads down in shame. Never will the Liberal Party live down this outrageous clause 14. Never will the lies about individual liberty be believable again.

Here is what comes out of the true application of Liberal policy: individual freedom for all those who do not have to work for a living and the industrial prison ward for those who do. It would seem inconceivable that in our society a direct and premeditated breach of the United Nations Universal Declaration of Human Rights could be introduced into this Parliament. That is exactly what is here proposed.

This proposal is not only a breach of that declaration but also, concurrently, the International Covenant on Civil and Political Rights, which has been ratified by the Australian Government. Proposed covenant articles 10, 12 and 13 of the Universal Declaration of Human Rights and articles 12, 17 and 26 of the International Covenant on Civil and Political Rights provide that every person has the right to freedom of movement and residing within their country and to leave and return to that country without interference. They provide that no person can be arbitrarily detained generally or particularly on account of their status. They provide also that no-one will be subject to arbitrary interference with their privacy, family or home and that all persons have the right to protection by law against such interference.

I have referred to the foregoing features of this Bill partly and primarily because they illustrate the inhuman arrogance that pervades this Bill, but also out of plain disgust. Having spent most of my life close to industry and working people, it is difficult for me to suppress anger and frustration in relation to people who have nothing with which to live than by their labour and who are to be reduced to a penal colony because of the misfortunes of injury.

Let us not be deluded by the increasing amounts of lump sum settlements provided in this Act. First, the motive is not to improve such lump sum compensations, but to limit them. I will now go on to show where it is limited. The Minister made a big noise about the doubling of the lump sum amount. He well knows that the minimal provisions of the Acts currently encourage solicitors to expand their activities in suits for negligence against employers.

This has the effect of removing the upper limits on compensation settlements. The Minister hopes that this tendency will revert and that the maximum amount provided in this Bill will prevail. Nevertheless, the maximum amount of lump sum compensation shall be increased, but by much more than the Minister proposes. To maintain the real value of amounts fixed in the 1971 Act in today's money values, the amendments in paragraph 11 would have to be $51 000 and $72 000, not $36 000 and $50 000 respectively.

Just as the Minister seeks to short-change injured workers entitled to lump sum compensation amounts, so, too, does he short-change workers in receipt of weekly payments. Paragraph 16 makes a travesty of the Act's intention of providing weekly payments on the basis of average weekly earnings. I ask why any worker should have his income reduced because of injury at work. Surely we have reached the day when provision can be made for a system of insurance which provides no reduction of income. The truth of the matter is that the Minister wants to punish people for being injured.

Overtime and site allowances are now not to be included in calculations of earnings. With his minimal exposure to working life and industrial work practice, I suppose that there may be an explanation of ignorance on the Minister's part. He may be ignorant that both common law and award provisions make the working of overtime compulsory. He may be ignorant (and I am sure he is) that the shift workers are required to work overtime to ensure that the rotation of work through shift rosters is capable of being effected. He may be ignorant, too, that workers work overtime when their employers want them to and need them to do so.

Workers unfortunate enough to be injured quite probably in many cases while working such overtime are not to be compensated accordingly. The Minister may be able to explain this in his answer later. I hope that he can. None of the workers have been able to pick it up to date. The Minister may be ignorant of the fact that site allowances are often fixed to attract labour, often specialised labour, to particular jobs. The Moomba to Stony Point pipeline is an example. Having been recruited from many different places, including other States, for their specialised skills, these workers are to be denied the earnings that formed the basis of their decision to take up employment when they were injured.

The Minister's brutal disregard for the well-being of working people is starkly displayed in clause 17 of the Bill, which deals with industrial hearing loss. Probably I speak so loudly at times because I have lost a portion of my hearing because of my previous employment.

The presumption very simply is that losing one fifth of ones hearing at work just does not matter. A working person of any age could go to work tomorrow with perfect hearing, lose 20 per cent of that hearing due to occurrences at the work place, quickly or slowly it matters not, and find that this Government has removed their right of compensation. This Government has decided very simply that the existing rights such people have under the law are to be arbitrarily and summarily removed.

The Government has decided that workers only need 4/5ths of their natural gift of sound. Does such a principal apply in any other area of litigation for damages? Of course it does not. Perhaps next we shall see a declaration that workers should get by with 8 fingers or toes. Perhaps a provision that a 20 per cent loss of capacity in the spine should not be accounted for in compensation. Why not 20 per cent loss of sight?

The principle is outrageous. Hearing can have no lower value than any other natural endowment. This Bill is the product of a vindictive and spiteful policy that seeks not to aid and comfort people traumatised by accidents at work but to aggravate the suffering that attends these accidents. It is a disgrace to any pretence at natural human behaviour. The Minister is an industrial deviate.

I mentioned earlier the articles in the Universal Declaration of Human Rights, which I have, if the Minister at a later stage wishes to peruse them. In the short time that I have left I will refer to clause 14 in the Bill. In relation to the articles in the Universal Declaration of Human Rights, Article 9 states:

> No one shall be subjected to arbitrary detention.

Article 10 states:

> Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations.

Article 12 states:

> No-one shall be subjected to arbitrary interference with his privacy, family, home . . . Everyone has the right to the protection of the law against such interference or attacks.

Article 13 states:

> (1) Everyone has the right to freedom of movement and residence within the borders of each State.
> (2) Everyone has the right to leave any country, including his own, and to return to his country.

Mr Randall: What has that got to do with workers compensation?

Mr PLUNKETT: The member would not know because he does not know anything about workers compensation. If he keeps quiet and listens to someone who does he may be better informed next time he stands up and gives his opinion on workers compensation, as the honourable member can be completely ignorant. He is nearly as bad as another member opposite who haunts this house. If the member listens he will learn. The Bill proves that the Minister who put it before the House also does not know much about workers compensation and it is a pity that he did not do his homework. He made some excuse that there has been a word or some words left out. The bank manager may yawn; he may be getting tired, but quite a few of us are getting tired. The working class from this side, which we all are, are getting sick and tired of the pure ignorance of the Ministers on the other side of the House.

They will not be there for very long. This is a typical example of the management of a Minister who thinks that he is God's gift to everyone. That was what he thought when he first came in. He has changed his mind now. He has not been there three years yet. I heard a comment from a back-bencher earlier. I would like to add that I have not yet been here three years but the person who made that comment has been here 12 years, and I tell you what, he is still a back-bencher. I will finish off my remarks and continue with the Universal Declaration of Human Rights. It would do the Minister good to acquire this document and have a good look through it before he starts on compensation amendments. Article 24 states:

> Everyone has a right to rest and leisure.

Have a look at the holiday clause in that Bill and then you will realise that you have made not one mistake in the Bill but you have made mistakes right through the Bill. It is about time you got your game together because you only have about three or four months. I think there will be an election by then.

Mr Becker: Don't hold your breath.

Mr PLUNKETT: I do not have to hold my breath. I have a very good breath when I get up and speak. You have plenty of opportunities to stand on your feet and do the same thing. I do not interfere when you stand on your feet. I do not want to hold the House up. I have said what I want to say. I have covered the Bill as I see it. There are plenty of my colleagues who have plenty more to add to it and I do not intend to hold their time up and so I thank you, Mr Speaker.

Mr HEMMINGS: I draw your attention to the state of the House.

A quorum having been formed:

Mr WHITTEN (Price): I wish to address myself also to this Bill. I noticed in the openings remarks by the Minister when he introduced this Bill that he talked about the history. He said:

> It is historically one of the most difficult and complex areas of State industrial jurisdiction has proved to be legislation to provide for the compensating of employees injured in the course of their employment.

Well, that is one of the true things that he said in that Bill. I quite agree with him; it is difficult. If we look at the history of workmens compensation, it was not until the end of the last century that there was any workmens compensation whatsoever. In fact, it was that great General Bismarck who first brought in workmens compensation in Germany, in 1881. Then in 1897 workmens compensation was introduced in England. That was mainly for miners and those who worked in heavy industry. They received the magnificent sum that should not exceed £1 a week at that time. We come to 1900. South Australia was one of the leaders at that time in Australia and brought in a Workmens Compensation Act. That was two years before the Commonwealth did. In 1971, after a mere 30 years of Liberal rule, we had the worst compensation Act in the whole Commonwealth. In that year, with the advent of the Labor Party, we received a good—

Mr Randall: That is why we are changing it; it is the worst in Australia.

Mr WHITTEN: I wish the member for Henley Beach would not interject. I do not always hear what he has to say, and this is one of the parts of the Bill I am rotten about. I have lost a bit of my hearing and he is going to make sure that a lot of people who have lost some of their hearing do not get any compensation. If he would be quiet I could have my say. I have only 30 minutes, and I intend to take all that time.

The Hon. W. E. Chapman: Fair go!

Mr WHITTEN: I will get a fair go now, I am sure. In 1971 we got a good compensation Act, and in 1973 it was improved so that South Australia had the best compensation legislation in Australia. Further amendments were made in 1974, but it has never been improved since then. Honourable members might say that the Labor Government did not do anything for some time. I know that that is so, and I am not happy about it. Now, we are so far behind that this Bill will still keep us in almost the worst position in the Commonwealth, making the Act worse in many respects.

Members interjecting:

Mr WHITTEN: I echo the comment of my colleague, who reminds me that the member for Henley Beach is no better as an interjector than he was as Acting Chairman, when he refused to give protection.

Mr Randall: You're not reflecting on the Chair, I hope.

Mr WHITTEN: I make no reflection on our Speaker. He does a good job. There has been no increase in compensation since 1974, and injured workers have not been adequately compensated for their injuries. This is important, because it is the only way in which a worker can get some recompense for injury and disability. When I went back through the history a little, I was surprised that this Bill had been brought in. I looked at what the present Minister had to say when he was a back-bencher in 1973. He was the most vindictive speaker on the Liberal side when the then Opposition opposed the 1973 legislation. I compliment the former member for Torrens, John Coumbe, who was the leading speaker for the Opposition on the 1973 legislation. He had some knowledge of industry, had worked in industry, and knew what it was. I am sure that the present Minister has had no such experience. All the time he has been in this House he has endeavoured to downgrade workers as much as possible.

Mr Randall: You've got to speak to the Bill.

Mr WHITTEN: I am speaking to the Bill. Clause 6 deals with the failure to compensate workers for hearing losses. A person who has lost some of his hearing has lost a good deal, whether it is 20 per cent, or more or less. I do not know how much hearing I have lost, because I have never gone for compensation, but I have lost some hearing, and it can be embarrassing at times. I do not hear well against background noise, and I am pleased to see that the Premier has suggested that the member for Henley Beach should shut up and let me have my say.

This Bill provides that injured workers will pay for their own rehabilitation. Not only will they pay for it but they will pay tax on the amount paid into the Government fund for their own rehabilitation. They will then receive not rehabilitation but counselling. They will get no medical treatment from a doctor or any medical person in any way whatsoever. After 12 weeks, the Bill provides that the workers compensation shall be reduced by 5 per cent, so that amount of money can go into a fund and the Government will not pay anything towards it. It will rob the worker.

The Minister has also said that he will ensure that the average weekly earnings that workers received previously will not be received in the future. I believe a worker requires a lot more money when he is injured than when he is able to work. I can give reasons although members may think they are minor. For example, he has to have someone mow his lawns and that is expensive at the present time.

Mr Randall: How much a week?

Mr WHITTEN: I do not know how much a week. I would say from $6 to $10 a week to mow the lawn. I suggest it would be at least that amount. He has to pay taxi fares as he cannot drive his car, and that is another added expense. The Minister says the Government will give workers less money. Also, the worker is not able to repair his car or paint his house. It can cost up to $1 000 to get a house painted. They are a few things a worker is not able to do. Therefore, he requires not less money as the Minister is endeavouring to provide but, rather, more money. I move that progress be reported and that I have leave to continue my remarks later.

The SPEAKER: I accept that the honourable member can seek leave to continue his remarks but I cannot accept the motion that progress be reported. Is leave granted?

An honourable member: No.

Mr McRAE: I rise on a point of order. On what basis are you, Sir, unable to accept a motion that progress be reported and that the Committee have leave to sit again?

The SPEAKER: We are not in Committee and therefore progress cannot be reported. It is the tradition of the House that when progress is reported by any person it is done by a Minister and not a member of the House. A member may seek leave to continue his remarks which has something of a similar connotation but is different in procedural manner. The honourable member for Price.

Mr WHITTEN: On 4 March this year, the day after the Minister introduced the Bill, there was a glowing report in the *Advertiser* on what this Bill is supposed to do. There are about half a dozen points in that article, which was headed 'Sweeping Changes sought for compo'. The article states:

> Legislation proposing sweeping changes to the Workers Compensation Act was introduced in the House of Assembly yesterday.

There is no argument about that; they are certainly sweeping changes. As far as lump sum amounts are concerned, whilst they are going to be increased from the maximum of $25 000 to $50 000, they are not to be indexed.

If c.p.i. increases were followed through from when this figure was last increased to $25 000 the maximum amount would now be between $60 000 and $70 000. The figure should be indexed, because every year workers get further and further behind. We know that a Liberal Government will not increase that maximum amount. I come back to the point I made previously; I am disgusted, as the member for Playford is, that the previous Government did not do a great deal to increase that amount from 1975 onwards.

Mr Randall: We have to take some action now.

Mr WHITTEN: I have some argument with the next paragraph of that press report which states that the Minister of Industrial Affairs, Mr Brown, said that this legislation would significantly improve the present Workers Compensation Act. I do not think that one part of that Act will be improved in any way whatsoever. I will go through many of these clauses directly, and I believe I will show the House that there will be no improvements in any way and that there is, in fact, a deterioration. The article continues:

> It will immediately raise the maximum amount payable for death or total or permanent incapacity from $25 000 to $50 000.

I have dealt with that matter and said that that amount should be in excess of $60 000 and should be indexed. The next point was to lift the maximum lump sum payment for injuries from $20 000 to $40 000 over a two-year period. I say again that if the amounts had been indexed that amount would now have been a lot more than $40 000. I think the article raises that anomaly when it states:

> It will remove an anomaly under the existing Act under which a worker on compensation could receive more money than when at work.

The Minister pretends to do that under clause 16, which provides:

> Section 63 of the principal Act is amended by striking out paragraph *(c)* and the word 'or' immediately preceding that paragraph and substituting the following paragraphs:
> *(c)* by way of a site allowance—

take that away—

> *(d)* by way of overtime—

take that away, but here is the crunch—

> by way of any other prescribed payment, allowance or benefit.

That means that any over-award payment, any dirt money or any of those matters will be taken away and it will be the base flat rate. If we do not raise these matters now, the unions and the Minister will ask, 'What are you doing?' The Minister will say that he got away with it, that we did not pick it up, and the unions will certainly criticise us for not picking it up. So far as allowances are concerned, I

would like to read a paragraph that I copied out of a 1974 *Hansard* which records the member for Glenelg, who is not with us tonight (not that he is very often), referring to award payments and supporting the allowances that the Minister is now taking out. I quote from *Hansard* of 13 November, at page 1732, as follows:

I believe that payments for penalty rates, bonuses, proficiency, tea money and dirt money should be considered. . .

I support that contention. The member for Glenelg, who would not be the greatest supporter of workers, especially those on workers compensation, was saying on that occasion, when we put the Bill forward, that those allowances should apply, and he supported them.

The Hon. Peter Duncan: We are sure to get his support, then.

Mr WHITTEN: I am sure we will, and I am sure that he will go against the Minister. I hope that he is an honourable gentleman. Even the then Shadow Minister, the member for Torrens, John Coumbe, when referring to full rates stated on 13 November 1973 (page 1733 of *Hansard*):

This expression, as I understand it, appears in the 1972 Industrial Conciliation and Arbitration Act, and I understand it to include award rates, over-award payments, bonuses, incentives, shift allowances, etc., etc.

The then Shadow Minister said that. As I have already said, John Coumbe understood a little about industry, but I am sure that the present Minister does not understand it at all.

I now turn to the Workers Rehabilitation Advisory Board. I have already said that I believe that it is crook. I am knocking not the idea of a board but the lopsided, onesided representation on that board. The Minister intends to put on the board—

The Hon. D. C. Brown: One employer representative and one representative from the trade union movement.

Mr WHITTEN: That is correct, but the Minister goes further than that. The Bill provides:

The board shall consist of the following members:
(a) a person experienced in the field of rehabilitation (who shall be chairman of the board);

I expect that that person will be a medical practitioner or someone who has worked in the welfare field. I hope that is so, because he will be dealing with rehabilitation. I have no argument about that member. The second member will be:

a legally qualified medical practitioner experienced in the field of rehabilitation.

I agree with that and have no argument with it. The third member will be:

a person who is, in the opinion of the Minister, a suitable person to represent the interests of employers (including employers in respect of whom certificates of exemption are in force under Division II of Part XA).

That is one anti-worker for a start. The fourth member will be:

a person who is, in the opinion of the Minister, a suitable person to represent the interests of workers.

That is one for the worker. The final member of the board will be:

a person who is, in the opinion of the Minister, a suitable person to represent the interests of insurers.

That is another anti-worker, because they are certainly—

Mr Becker: He'd be a worker. The General Manager of S.G.I.C. is a worker.

Mr WHITTEN: I will bet the honourable member a pound to a penny that this Minister will put someone on the board from the insurance companies who is only there to make a profit out of workers. That is what the Liberals do. In the main, the member for Hanson is not a bad Liberal; he should be able to see that. Certainly, no term of office is stipulated for the appointment of these members. They are appointed to the board at the pleasure of the Minister. The Bill does not provide for a three-year term, a four-year term. The members of the board will sit on the board for as long as the Minister wants them.

In relation to hearing loss, if a person does not make a claim within 12 months of leaving his job he has no hope of being successful. In clause 6, new subsection (4) of section 27 provides:

Where a worker retires or is retired from employment on account of age or ill health, then notwithstanding the foregoing provisions of this section, a claim in respect of hearing loss arising out of or in the course of that employment shall, unless made within one year of the date of retirement, be barred.

In the first 12 months of working, many people do not realise the amount of hearing lost. They come out of a noisy industry where they are shouted at all the time and there is the noise of rivet guns and the banging of plates, and go home, thinking they hear better because they do not have that singing in their ears. This applies especially to people from my trade, as I have experienced over many years. One loses a lot of hearing in the early part of one's exposure to noise.

Mr Lewis: Yes, in the discotheques.

Mr WHITTEN: When will the member for Mallee wake up? Several members of this House have noise induced deafness. I have never been in a discotheque in my life and have never believed in loud music. From when I was a young bloke, I worked in a boiler shop until 12 or 14 years ago and was continuously exposed to noise. The honourable member does not know what it means to lose hearing.

The Minister is here saying that, if one has not lost 20 per cent of one's hearing, one will get no compensation whatsoever. I point out that 71 per cent of claims of workers in my organisation—which was the Boilermakers Society and is now the A.M.W.S.U.—which have been satisfied have been for loss of hearing of 20 per cent or less. What the Minister is trying to do is to have another shot at workers and help insurance companies make more profit. He will debar seven out of 10 workers with a hearing loss from obtaining any compensation. I do not think that is fair and just. The Minister sits there with his head back and is not concerned, but that is the situation.

Another disgraceful thing I picked up in this Bill is in clause 14. New subsection (1a) of section 56 provides:

(1a) A worker shall not, while receiving weekly payments, take a vacation away from his place of abode unless the employer or the executive officer of the Workers Rehabilitation Advisory Unit consents in writing, and if the worker does so without such consent, his entitlement to receive weekly payments shall be suspended for the duration of the vacation.

That is disgraceful. If that worker leaves his place of abode and goes for a holiday—and it may be that that change of environment will allow him to improve his health so that he can return to work earlier—he will get no compensation.

Mr Lewis: That's not true. It says 'without consent': anyone will get consent if it is a reasonable request.

Mr WHITTEN: Why do we allow that sort of thing? Are the workers still slaves that they have to go to someone and ask, 'Please may I leave my home and have a holiday?' That is what the Minister wants, to bring us back to the days of slavery when one cannot do anything without asking.

I have already dealt with the case where the Minister intends to take away all the prescribed payments, allowances and benefits as well as site allowances, when we have found that many instances are satisfactory. I noticed in a sheet that I have received from the Amalgamated Metalworkers and Shipwrights Union that there is the following criticism of the Minister:

I am not satisfied that a worker's weekly payment will be cut by 5 per cent after 12 weeks and that he or she will receive only 95 per cent of the new calculated rate, and the 5 per cent taken

from the injured worker, for which tax will still be paid by the worker, will be used to fund a rehabilitation scheme.

That is disgraceful.

The Hon. D. C. Brown: That's rubbish about the tax still being paid, and you know it.

Mr WHITTEN: It is not rubbish. A worker is taxed on his all-up amount, as the Minister knows. When one deducts 5 per cent from the all-up amount which goes to the fund—

The Hon. D. C. Brown: The worker is not paid that 5 per cent, so he cannot be taxed on it.

Mr WHITTEN: It is part of his all-up amount of compensation. Why does not the Minister spell it out and say it clearly, instead of leading people astray as the Minister is doing? That has been the Minister's usual ploy.

I wish to finish on the following point that I know that the Deputy Leader of the Opposition spoke about. I have here a graph which shows that a worker receives between $45 and $50 a week less under the present Act than he receives when he is working. That is still based on average weekly earnings. The average weekly earnings for a fitter—

The Hon. D. C. Brown: The graph does not show that.

Mr WHITTEN: The graph of 12 December 1981 shows that weekly wages were then about $290 a week for a fitter. Average weekly earnings for compensation payments would be just over $240 a week, and anyone can see that that fitter is $45 a week worse off.

The Hon. D. C. Brown: Give me the figure for June 1981 on that graph.

Mr WHITTEN: I do not have the figure for June 1981.

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

Mr HAMILTON (Albert Park): I move:

That the debate be now adjourned.

The House divided on the motion:

Ayes (17)—Messrs Abbott, Bannon, M. J. Brown, Crafter, Duncan, Hamilton (teller), Hemmings, Keneally, Langley, McRae, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown (teller), Chapman, Evans, Glazbrook, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, and Tonkin.

Majority of 4 for the Noes.

Motion thus negatived.

Mr HAMILTON (Albert Park): I am rather surprised at the Government's attitude.

Mr Becker: That is what you did when in Government.

The SPEAKER: Order! The House will come to order. The member for Albert Park was called.

Mr HAMILTON: Thank you, Mr Speaker. Bearing in mind that we have at least a week before Easter, one would have thought that the Government would give us the opportunity—

The SPEAKER: Order! The honourable member is now reflecting on a vote that was taken by the House. I ask him to continue with the debate that is relative to the Workers Compensation Act.

Mr HAMILTON: When I read the Bill, I was not surprised to see that, once again, the Government has attacked the workers. This is not the first time that we have read statements from the Minister, particularly when he was in Opposition, attacking the workers of this State. I vividly recall his attacks when he wanted to reduce penalty payments in 1978.

However, he failed to recognise, of course, that many of those workers were shift workers who worked regular shifts year in, year out. It was all right for the Minister who was elected to this place and who did not have to undergo all the inconveniences and the traumas that shift workers suffer. I speak from experience from the industry that I worked in for some 24½ years, during which time I came to understand, not only as a worker but also as a union official within that industry, what it means to be paid penalty rates, particularly on Saturdays and Sundays when other people were out enjoying themselves.

However, when one compares the penalty rates which one received when I first came into the job with other industries it can be realised that they were very poor, to say the least. As I say, the measures in the Bill are an attack on workers. The measures are an illustration of what I expect from the Minister; it is a hard line attitude that we have come to expect from the conservative element in the Federal arena and from the State Liberal Government. It also illustrates the arrogant attitude of the Minister and his involvement in industrial disputations, his poking his nose in everywhere and interfering in other portfolios.

Mr Langley: How did he go last week against the future member for Unley?

Mr HAMILTON: One can recall his involvement in the teachers' dispute and the recent P.S.A. dispute.

The SPEAKER: Order! The honourable member will come back to the clauses of the Bill.

Mr HAMILTON: Yes, I will, Mr Speaker. I am simply illustrating the attacks on workers and how they are incorporated in this Bill. Tonight we see another attempt made by this arrogant Minister, through the introduction of this Bill, to break down the conditions of workers in this State. The provisions of the Bill seek to reduce weekly payments, site allowance and average weekly earnings. With regard to average weekly earnings, I can recall that after coming down from the country many years ago one of the first things that I did after booking on on this particular day at about mid-day was to hit the kick for one of my injured workmates whom I did not know at the time, paying out so that he could try to afford to keep his family and to try to repay some of the debts that he owed. As I said, apart from reductions in weekly payments, site allowance and average weekly earnings envisaged by the provisions in this Bill, we also see attempts to reduce the number of persons entitled to claim for loss of hearing.

The member for Price gave many instances of what can happen in that area. I have experienced situations myself where workers have had problems with hearing loss or problems after they have retired, but who have been able to obtain sufficient compensation for their hearing loss. However, under this Bill the Minister is seeking to restrict the claims that workers may make in that area. On the question of industrial accidents, we hear very little from the Government and the conservatives in this country. That typifies the Liberal Party's philosophy in this area.

Mr Lewis: What is that?

Mr HAMILTON: I thank the member for that interjection. In response to that interjection I point out that the attitude seems to be concerned with reducing the amount of compensations and weekly payments to workers so that they can be forced back into the work force. The attitude is 'Get them back on the job at all costs.'

This is a typical Liberal attitude, which we on this side of the House have come to expect over many years: attacks on the workers, and, particularly in relation to industrial disputation, we have heard so many attacks upon the workers in this State. I seek leave to continue my remarks later.

The SPEAKER: Order! The honourable member has sought leave to continue his remarks later. The purpose of the procedure in the House is that such a request is taken in concert with a member's seeking to adjourn the debate. Standing Orders quite clearly indicate that the action contemplated may not be taken more frequently than at 15-

minute intervals. The last such request having been made at 1.28 a.m. the request by the member is out of order.

Mr McRAE: I rise on a point of order. It was at precisely 1.19 that the last request was made. I checked that, and I checked that with the Clerk of the House.

The SPEAKER: I indicate to the honourable member for Playford that the request was made by the honourable member for Albert Park. If the honourable member looks at the recording device used for debate at the time that he rose to his place it showed 22 minutes to go. It is a 30-minute debate; therefore, the honourable member for Albert Park had been up for only eight minutes and, if the honourable member then looks at the clock, which registers 1.37 a.m., he will understand that the honourable member for Albert Park rose to his feet at 1.29 a.m. and not at 1.19 a.m.

Mr McRAE: I rise on a further point of order. With great respect, I ask on what basis and to which Standing Order do you, Mr Speaker, make that judgment?

The SPEAKER: Standing order 181 states:

> If a motion for the adjournment of the debate upon any question be negatived, or a member speaking to a question be refused leave to continue his remarks at a future time, a new motion for the adjournment of the debate or further request for leave to continue shall not be entertained within a quarter of an hour thereafter, except it be within a quarter of an hour before the time fixed for a suspension of the sitting of the House.

There is no such move for a suspension of the sitting of the House before the Chair at this time.

Mr McRAE: In the circumstances, Sir, I move:

> That the House be suspended.

The SPEAKER: There is no provision within Standing Orders for a member to move for such a suspension, which relates to a suspension for the purpose of the holding of a conference of the House. I cannot accept the request made by the honourable member for Playford.

Mr HAMILTON: I had been referring to the question of accidents and accident control, and I should like to read to the House some of the comments made by my Deputy Leader at the seventh annual residential accident control course at Raywood on 25 September last year. I quote from the transcript, in which the Deputy said this:

> In 1981 we can expect more than 300 000 to be injured and more than 1 000 killed at work places. The social and human costs cannot be quantified, but the losses in terms of production are enormous. There are other costs. Employers in 1976 and 1977 paid a hefty $926 000 000 in employers' liability premiums and, according to Ian Spicer, Executive Director of the Victorian Employers Federation, the total cost of industrial accidents to Australian industry in 1979 was more than $3 600 000 000. Other figures released by the International Labor Organisation showed that Australia's industrial costs are now about 40 times higher than the cost of industrial disputes.

As I said, we hear much about industrial disputes, but not a great deal about industrial accidents, and the illustration I have just given typifies that. One would venture to suggest that many industrial disputations were the result of poor working conditions in which employees were required to work. In relation to industrial accidents, I can recall as a union official many cases where workers were injured as a result of poor working conditions. Of course, in many cases they were required to undergo rehabilitation over lengthy periods—weeks, months, and in some cases years.

I have been greatly concerned about rehabilitation and how workers are to be rehabilitated. Just after being elected to this Parliament I attended the opening of the Alfreda Rehabilitation Centre, at Royal Park, in October 1979. The newly elected Premier attended and praised (rightly so) the opening of the centre. A request was made by one of the administrators for a heated therapeutic swimming pool for the rehabilitation of injured workers who require aquatic therapy. I mentioned the matter in this House on 16 October 1979, and I said this:

> I direct the attention of members to the statement made by the Premier at the opening of the new workshops at the regional headquarters of the Western Rehabilitation Service Unit at Royal Park on 4 October, in response to the opening address. On that occasion, Mr Peter Pickering, Senior Administrative Officer for the South Australian Health Commission, requested additional funds from this Government for the erection of a therapeutic swimming pool to assist the rehabilitation of patients using that centre. The Premier stated, in part:
>
> > I have three new words in my vocabulary since becoming Premier: The first two words are "how much" and the third word is "No".
>
> What hypocrisy, particularly in light of the Premier's expressed appreciation to the management and staff for their efforts in assisting patients to return to a useful role in the work force and society.
>
> That is the type of statement and hypocritical attitude that one has come to expect from his Liberal colleague, the Prime Minister . . .

I seek leave to continue my remarks later and I move that the debate be now adjourned.

The SPEAKER: The honourable member has made two requests. I refer to the second one first. A member, having commenced a debate, may not seek the adjournment of the debate. A member may seek the adjournment of the debate when he accepts the call to follow another member or the delivery of a second reading. Therefore, I do not accept the second of the two requests that the honourable member made.

Mr McRAE: I rise on a point of order.

The SPEAKER: Order! The member for Playford will be heard in due course. First, the honourable member sought leave to continue his remarks. That was in a period less than the 15 minutes to which I referred previously as covered by Standing Order 181. The honourable member will recall that I indicated to him that the figure that showed for him to speak was 22 minutes. It is now showing 12 minutes. There is therefore ample opportunity for the member to realise that the 15-minute period has not passed. The suggestion has been made that an interpretation is that it is 15 minutes from the initial request and that therefore the request made at 1.37 is not to be considered as the previous 15-minute period. It highlights a situation that ought to be looked at by the Standing Orders Committee but I am advised that the precedent has been for the 15 minutes to be taken from the initial request. That being the case, the request made by the honourable member will be accepted by the Chair. Is leave granted?

Honourable members: No.

Mr McRAE (Playford): I move:

> That the debate be now adjourned.

The SPEAKER: I cannot accept the motion by the member for Playford as he will appreciate that he has already spoken in this debate. He is therefore denied the opportunity of speaking again except on a personal explanation or a point of order.

Mr McRAE: I, in all good faith, sought advice from the officers at the table. I followed that advice. I was advised that the procedure that Opposition adopted would be in accordance with Standing Orders. If it is not, so be it. However, I am very disappointed that the Opposition now cannot rely upon the whole situation.

The SPEAKER: Order! I suggest that the member for Playford read Standing Order 181. I think that, having read that Standing Order, he will be better able to appreciate that the advice he has been given by the Chair is the correct advice.

Mr HAMILTON: I move:

> That the debate be now adjourned.

The SPEAKER: Order! The member for Playford.

Mr McRAE: I just have not had time to read Standing Order 181.

The SPEAKER: I suggest that the honourable member return to his seat and consideration will be given to hearing him after he has had the opportunity to read Standing Order 181. I point out to the honourable member for Albert Park that, quite recently, in answering the second of the two requests he made, I indicated that he may not seek the adjournment of the debate.

Mr McRAE: I rise on my point of order. It seems perfectly clear from the Standing Order, which states:

If a motion for the adjournment of the debate upon any question being negatived,—

which it was—

or a member speaking to a question be refused leave to continue his remarks at a future time,—

which he was—

a new motion for the adjournment of the debate or further request for leave to continue shall not be entertained within a quarter of an hour thereafter, except it be within a quarter of an hour before the time fixed for a suspension of the sitting of the House.

With great respect, I sought advice on this matter. There was no intention on the part of the Opposition to cause trouble on the issue and there is certainly no question of dissent from your ruling, Mr Speaker, but I ask you to look, in all fairness, at the plain meaning of the words.

The SPEAKER: I take the reading of Standing Order 181 as just presented by the honourable member for Playford. However, I did indicate when requested initially by the honourable member for Albert Park that my immediate interpretation was that it would not be considered within 15 minutes of the last occurring request. I subsequently indicated that it had been the practice of the House that it is 15 minutes after the first request. Therefore, I gave the honourable member for Albert Park the opportunity to test the request that he made. The House rejected the request that was made by the honourable member and that is where the position lies. It does not in any way give the honourable member for Playford the opportunity of having his point of order upheld. The honourable member for Albert Park.

Mr HAMILTON: I was endeavouring to point up the problems with rehabilitation and the attitude of the Government in relation to rehabilitation and workmens compensation costs in South Australia. As I previously pointed out, my attempts to obtain this therapeutic swimming pool within my electorate have, since 1979, fallen upon deaf ears. The attitude of the Minister, despite repeated requests for this therapeutic swimming pool, indicates to me quite clearly that the Minister is speaking with tongue in cheek when he talks in terms of rehabilitation for the workers in this State. On not one occasion has the Minister attempted to assist in this particular area. It reeks of hypocrisy when he introduces Bills such as this, particularly in the light of his previous statements as reported in the media where he was reported as talking of reducing the cost of workmens compensation in this State by something like $20 000 000. I would like to have incorporated in *Hansard* some statistics which I obtained from the research library on 28 September last and which relate to the cost of industrial accidents versus the cost of strikes and the number of disputes caused by safety problems.

The SPEAKER: Does the honourable member assure the House that it is purely statistical?

Mr HAMILTON: Yes, Mr Speaker.

Leave granted.

INDUSTRIAL DISPUTES AND INDUSTRIAL ACCIDENTS IN S.A. 1975-76—1980

INDUSTRIAL DISPUTES S.A.

Year	Working days lost	Lost in wages $
1980	59 400	2 598 000
1979	186 500	6 785 000
1978	79 100	2 639 000
1977	30 600	940 000
1976	151 800	4 285 200
	507 400	17 247 200
Average	101 480	3 449 440

INDUSTRIAL ACCIDENTS, S.A.

Year	Compensation paid on all claims current during year	Total time lost in W.C. claims	Time lost on claims of 1 week or more
1979-80	*63 100 000	N.A.	
1978-79	46 400 000	423 030	
1977-78	54 500 000	480 510	
1976-77	49 200 000	539 065	
1975-76	46 700 000		482 035
	269 900 000		
Average	53 980 000		

* Preliminary figure supplied by the Department of Industrial Affairs and Employment.

Source: S.A. Year Book.
Industrial Disputes Australia 1980 6322.0
Industrial Accidents South Australia 1975-76 to 1978-79 6301.4.

Mr HAMILTON: If the Minister had directed more attention to this problem, instead of trying to cut down on entitlements to workers, as I have endeavoured to explain, he would have been better served and perhaps would have won the respect of some of the workers in this State.

The Hon. Peter Duncan: It's doubtful whether he could win the respect of anyone in this State.

Mr HAMILTON: That may well be so. In relation to rehabilitation, the traumas that I have seen from my experience in the work force and within the trade union movement indicate, in my opinion, that more attention and more monetary assistance need to be given to those workers who have been injured and are off work. I believe that in many cases more money is required rather than less, which seems to be indicated in this Bill.

There are a number of areas where the Government should be directing its attention in this Bill. I have read statements attributed to Sir Roderick Carnegie, of Conzinc Riotinto, who said that management should be more humane, particularly in the corporate business sector, in relation to the ties between the workers and management. I think the Government should take heed of his statement, because it has quoted the attitudes of this prominent business manager in this country. There is no doubt that there should be stronger ties between management and the workers on the job. Of course, that can be achieved through many means. I found an interesting example of that in 1980 when I visited the Woodlawn mine just outside Canberra. The management and workers at that mine were prepared to sit down and discuss—

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

Mr TRAINER (Ascot Park): I move:

That the House do now adjourn.

The SPEAKER: Order! The honourable member for Ascot Park's request is not acceptable to the Chair, the member for Semaphore having been called. The honourable member for Semaphore.

Mr PETERSON (Semaphore): When this legislation—

Mr Trainer: That's not right.

The SPEAKER: Order! There is some questioning of the Chair. The honourable member for Ascot Park rose to his feet after the honourable member for Semaphore has been called. The honourable member for Ascot Park then sought to adjourn the debate. That opportunity was not available to the honourable member for Ascot Park while another member was on his feet. The honourable member for Semaphore.

Mr PETERSON: When this Bill was introduced, the question came to my mind why did we need to change this legislation, which in my opinion is very good, and which is held up as an example for other States to use. Industrial actions will continue to occur in our community. There will always be a small percentage of people in the community who will take advantage of any system such as the workers compensation system. By the same token, there always will be employers who will not provide adequate protection for the workers they employ.

During the Minister's second reading explanation he said that successive Governments had found it necessary to progressively amend and update the legislation to reflect changes in social values. I do not consider this to be an upgrading of the legislation. I am not sure where the Minister gets the idea that it reflects changes in social values. I do not think that members of the community generally believe that an injured worker should be treated in this way: they believe that a person genuinely injured in his employment should be given the best opportunity to be rehabilitated, which is one aspect of the Bill, and also to be compensated for that injury. Nobody will ever tell me that people go out and deliberately get hurt at work: anybody who has worked in industry and in the work place knows that it is ludicrous to even consider that.

Mr Lewis: Some of them swing the lead when they get compensation.

Mr PETERSON: I will not reply to interjections, but it has been suggested that some people swing the lead. Who decides when a worker is ready to go back to work? Not the worker, not the employer, but the doctor or the medical services which attended that person, so I do not think that that theory has much support.

In the Minister's second reading explanation he said that the number of claims peaked in 1974 but that they have progressively fallen since that time. The Minister also said that he believes in a greater awareness by employers of costs of compensation and in the introduction of measures to reduce the number of accidents. He said that compensation costs have continued to escalate. There has been a greater awareness in the community, especially in management, of the cost of compensation. I do not think that they have really catered for this increased cost by providing enough training in safety measures for workers. By the same token, safety measures are not always applied by the worker himself. There is no clear black and white in this situation. Greater responsibility is needed by workers and the unions involved. I do not believe that employers insist on sufficient safety in the work force.

On the question of compensation costs rising, I looked into the figures, and in the 1981 *Year Book* I noted the average weekly time off from work for injured workers. The average cost is much higher than the payment to the worker. Under the heading 'Mining', the average time off was eight weeks, but the all-up cost for those people for compensation was nearly $3 000.

There is no way that his salary could be that high. That amount is made up by medical costs, and one cannot blame the worker for the medical costs which are part of the system. Medical costs have to be paid for the worker to be cured, healed or brought back to the best condition possible. One cannot blame the worker for that, yet this legislation penalises the worker. It does not cut down what the doctor, the radiologist, the specialist or the surgeon get for their service, but the worker will get less. Under that aspect of the Bill the worker gets less but no-one else will.

I am sure that insurance premiums will not come down, either. The insurance company will still get its cop, just as the doctor will and the insurance assessor will get their fee, but the worker will get less. The hospital gets its fee.

Mr Becker: The hospital gets the full cost; that's the trouble.

Mr PETERSON: You cannot blame the worker for that.

Mr Becker: No, but that adds to the cost.

Mr PETERSON: You cannot blame the worker for what the hospital charges to fix him up. Later in his explanation, the Minister talked about the opportunity for an injured worker to receive more whilst on compensation than he would be paid whilst he was still on the job. I cannot see how his average pay would be higher than what he earned while on the job, because that is what it is worked out from. The average pay on the job is his pay, and that seems self-evident to me. I cannot understand the logic there. I know what the Minister is trying to do by this legislation—pay the worker less. However, I do not see how the worker's average pay can be any more than if he were at work. That aspect makes no sense to me.

One point about which I did agree was the need for emphasis on rehabilitation rather than just compensation. That is one aspect of all compensation that needs to be analysed much more than it is. The report brought down about 12 or 18 months ago emphasised the need for rehabilitation, and this aspect needs to be concentrated on at least as much as prevention, and probably even more emphasis should be given to it.

Later in his explanation the Minister says that the main aim is to ensure that all seriously injured workers receive appropriate rehabilitation without delay. I have dealt with that in my comments because that aspect has not been covered enough. The Minister then goes into more detail about average earnings. To analyse just what is the effect of compensation payments in regard to the incidence of injuries, I have referred to the 1981 Year Book concerning the 1978-79 statistics for injuries and accidents in industry.

This legislation implies that people have been taking advantage of the system and that this Bill is a way of pulling those people back into line. If that were so one would assume that there would be industries that would be much higher than others out of context: some industries would be more dangerous than others, and the injury rate would be higher. It is logical that some industries are more dangerous by their very nature. Looking at injuries on an industry basis, I tried to pick up some pattern and could not find one. In 1978-79 in agriculture, forestry, fishing and hunting there were 732 accidents, which is about 6.1 per cent of the total. Considering the nature of those industries, which involve outdoor work, that figure is not unreasonable. I was surprised that in the mining industry there were 92 accidents, only .8 per cent of all injuries.

The Hon. Peter Duncan: When one thinks about mining in South Australia, it must be pretty clean and safe.

Mr PETERSON: I believe that .8 per cent is remarkably low considering the nature of the industry. Automation and the use of heavy equipment as opposed to manual systems would have contributed. In regard to food, beverages and tobacco, there were 1 233 accidents, 10.2 per cent of the total accidents. Automated packaging machinery, and the lifting of cartons and other gear would have contributed, so I suppose that figure is not unreasonable. Regarding wood products and furniture, there were 293 injuries, only 2.4 per cent of the total. Anyone who has worked in a

timber mill or with wood products would know that it is not the safest industry, so that is not an unreasonable figure.

The Hon. D. C. Brown: You must take into account the size of the various industries.

Mr PETERSON: Yes, and I believe that the figures reflect that some industries are more dangerous than others.

The Hon. D. C. Brown: I was talking about the size of the industry.

Mr PETERSON: I assume that the wood products and furniture industry would involve the machinery in the South-East, the manufacture of furniture, cabinet-making, and joinery, which all involve machinery that is very dangerous. There would be a high incidence of risk, so again that figure is not unreasonable.

Mr Mathwin: A person can be injured playing tiddlywinks if he is hit in the eye.

Mr PETERSON: That is not listed as an industry. In regard to glass, clay and other non-metallic mineral products, there were 276 injuries, 2.3 per cent of the total; basic metal products, 583 accidents (4.8 per cent), and any work involving metals is dangerous; fabricated metal products, 608 accidents (5 per cent), and that is a fairly dangerous sort of industry involving sharp edges of metal, oxy torches, and grinding machines; transport equipment, 760 injuries (6.3 per cent), and that is not out of context considering the number of trucks on the road, the materials handled, and the terrain; other industrial machinery, etc., and household appliances, 536 accidents (4.4 per cent), and one would expect that; and in the category of 'Other', there were 576 accidents (4.8 per cent). Total injuries in the manufacturing industry in 1978-79 were 4 865, which was 40.2 per cent of the accidents recorded. To my mind, that is not unreasonable. Regarding other industries, such as electricity, gas and water—

The Hon. D. C. Brown: Why don't you insert the table in *Hansard* without reading it?

Mr PETERSON: I want to read it. If I insert it in *Hansard*, the Minister will not read it, but if I read it out, he will have to listen or leave the Chamber. In regard to electricity, gas and water, there were 364 accidents, or 3 per cent of the total; in construction, which one would anticipate is dangerous, involving all types of sites and trades, there were 2 034 accidents, or 16.8 per cent. This was the highest classification.

The Hon. D. C. Brown: This is the point I made earlier. About 10 per cent of the work force is employed in this area, but those people account for 16 per cent of the accidents.

Mr PETERSON: Would you anticipate then that a clerical worker would be at the same risk as a construction worker? Surely the type of industry has an effect on the type of injuries sustained and the percentage of injuries sustained.

Mr Becker: What about ulcers and heart diseases?

Mr PETERSON: I was going to refer to that.

Mr Becker: I am glad; I wondered whether you would get around to that.

The SPEAKER: Order! The member for Semaphore will be quite competent to conduct his own debate.

Mr PETERSON: Thank you, Sir. For the wholesale and retail trade there were 1 519 injuries, and this was, surprisingly, 12.6 per cent of the total number of injuries. Again, the types of injuries involved are outlined on a table which gives a break-down of the types of injuries. That table will probably indicate that the injuries in the wholesale and retail industry probably reflect the fact that people have not been trained properly in the handling, lifting and carrying of goods. I will refer to that matter shortly. The figure for transport, storage and communication was 771 accidents or 6.4 per cent of the total. There is an interesting figure for finance, insurance, real estate and business services, which one would have to consider to be a fairly safe industry, anyway, and the figures reflect that with 133 accidents, or 1.1 per cent of the total injuries. With regard to public administration, again, one would not think of that as high risk employment and the figures were 173 injuries or 1.4 per cent of the total. An interestng figure for community services was 892 accidents or 7.4 per cent of the total. I am not quite sure what is covered under this category, but it is a high figure.

Mr Becker: Working for fetes and so forth.

Mr PETERSON: With regard to entertainment, recreation, restaurants, hotels and personnel services there were 518 injuries or 4.3 per cent of the total accidents. There was a total of 12 093 accidents reported altogether, but I would suggest that nothing included in the figures would suggest that there is any abuse of the system. There is no industry that stands out for which one cannot make some compensatory explanation such as the nature of the industry. The types of injuries sustained are reflected in the figures that are here. The injuries sustained in the construction industry, for example, as one would expect, totalled 207 which concerned machinery and vehicles; there were 508 caused by falling, stumbling, slipping, stepping on, etc., and there were 618 for handling, which again reflects that people are not trained properly in the handling of goods, in lifting and carrying. In connection with objects moving or falling, there were 233 injuries.

Mr Becker: How many Mediterranean backs?

Mr PETERSON: That is a good question. I have a chart concerning back injuries. It does not say back injuries as such, but it refers to 'trunks', which I assume is the back. That category accounted for the second largest area of injury. For the trunk of the body there were 364 injuries. The highest percentage by far, which, again, is logical when one thinks about the fact, is for arm and hand injuries. There were 4 319 injuries of that type that were inflicted by a gun because of either insufficient protection with gloves or insufficient training. I could go through all the figures but I will not do that. I will reflect a little on the types of things I am talking about such as gloves, protective clothing and so on. These things are very hard to get out of some employers; I have been in industries and have seen it happen. It is all right to complain afterwards that people have not used equipment correctly or have not used the right clothing but most employers are very reluctant to provide it; they count every glove—even the fingers.

I spent quite a few years in the stevedoring industry, which to my mind is a particularly dangerous industry. I have actually seen men killed in front of me through cargo falling on them and I have seen people injured through incorrect handling of cargo. In the 20-odd years that I was there I have seen people run over and I have seen injuries absolutely out of anyone's hands. I saw a gangway fall from a ship once, and no-one can blame that on the person going up the gangway.

Sure, it was an absolute accident. The gangway rusted away and fell. The gangway was full of people and fell on the wharf. Some people were severely injured, it was not their fault. As a matter of fact, they were going up the gangway to go to work. The Government wants to penalise them under this legislation and say that, because that gangway fell and because that davit rusted away and fell on the wharf and caused injury to those people, they now cannot have what they would have earned; that is not right and fair. That is not the men's fault. As I said earlier, there are people that tort the system. There will always be the employer who will not do the right thing by the employee. I do not believe that the Government has the right to take away from a man, who has been genuinely hurt in his employment while trying to do his job, what he would earn.

I do not believe there is much more I can say. I have been through the figures, which show there is not any outstanding pattern for the injuries. There is no particular trades person or group of trades people or craft people or members of a profession who tort the system. I believe that in the main the person who goes on compensation is a man who is really hurt through a genuine accident. As I said earlier, nobody goes out to hurt himself; nobody runs over himself or hits himself with a forklift or makes the gangplant fall or the cargo fall from a net. I do not believe that the Government has the right to deny an injured person his rightful earnings.

The Hon. PETER DUNCAN (Elizabeth): I move:

That this debate be now adjourned.

The House divided on the motion:

Ayes (18)—Messrs Abbott, L. M. F. Arnold, Bannon, M. J. Brown, Crafter, Duncan (teller), Hamilton, Hemmings, Keneally, Langley, McRae, Payne, Peterson, Plunkett, Slater, Trainer, Whitten, and Wright.

Noes (21)—Mrs Adamson, Messrs Allison, P. B. Arnold, Ashenden, Becker, Billard, Blacker, D. C. Brown (teller), Chapman, Evans, Glazbrook, Gunn, Lewis, Mathwin, Olsen, Oswald, Randall, Rodda, Russack, Schmidt, and Tonkin.

Majority of 3 for the Noes.

Motion thus negatived.

The Hon. PETER DUNCAN (Elizabeth): Mr Speaker—

Mr Becker: Are you going to speak to the Bill?

The Hon. PETER DUNCAN: Yes, and I will have quite a lot to say about the Bill in the next half hour, I can tell the honourable member.

Mr Mathwin: This will be a leadership run, I can tell you.

The SPEAKER: Order! The conduct of the House can be much improved by the person given the call to speak being the only one who is speaking.

The Hon. PETER DUNCAN: Thank you for your protection, Mr Speaker.

The SPEAKER: It is available to everyone.

The Hon. PETER DUNCAN: As long as I have the benefit of it, I will have no complaint. This Bill, being debated at this late hour, most regrettably, in my view is one of the most important pieces of legislation to come before the Parliament during this session—not the most important, but one of the most important. It is a disgrace to this Government, because it shows clearly its utter contempt for the ordinary people in this State, the ordinary people who live here and work here—not the people who run the insurance companies, who are directors of boards in London, Sydney, Melbourne or wherever else, but the ordinary people who elect the members of this Parliament to sit here and represent their interests.

The Bill could be described as a double or nothing Bill. I have no doubt that the Government, realising that there was no way known that it could any longer hold out on introducing more up-to-date monetary amounts for workers compensation, decided that this was an opportunity where, even if it had to up the ante a little in financial terms for the compensation granted, it would see what it could do about excluding some workers from the benefits of compensation. It has gone about it in a very sinister way, in my view. Many of the changes proposed by the legislation are deliberately intended to be legal mechanisms for avoiding the obligation to pay compensation for injured or deceased workers.

In my view that is a disgrace. I hope that the people of South Australia have the opportunity of becoming familiar with what this Government is trying to do in this piece of legislation. I hope that in the fullness of time the people of this State become very much aware of exactly what the Government is trying to do to them. It is trying to say that in general terms it is going to up the financial amounts available for compensation, but to individual workers it is showing a very penny-pinching, mean and nasty attitude.

When one looks at the way in which the Bill has been put together, one can see very clearly the attitude of the Minister who introduced the legislation. There is no doubt that, in a few years time when this legislation has had a chance to do its worst, this Minister will not have anything of which to be proud. He should be ashamed of himself for bringing it in. The legislation is a disgrace, and the intention of it is to be mean and nasty to individual workers in this State. Many members opposite and members of their Party who have never had to work in the factories and work places of this State or nation have little or no comprehension of how dangerous it is, as the member for Semaphore said earlier.

Workers do not simply go out intending to injure themselves so that they can get workers compensation. Fortunately, we in this State have not yet sunk to the depths of economic deprivation as they have in places like India, where people actually maim themselves to get a little bit of money through begging in the streets. However, if this Government and the Liberal Party has its way it will not be very long in this country before that situation arises.

The member for Glenelg can laugh if he wants to, but this Government and the Fraser Government are leading us into another depression. He knows it, but members opposite are not worried about it. They are happy in here: they have their pensions coming up and are looked after only too well. However, that does not apply to the poor wage slaves out in the factories. The Government wants to damn well take away from these people rights that they have at the present time. It is a damned disgrace and the Minister particularly should be ashamed of himself.

Mr Mathwin: This is a leadership speech.

The Hon. PETER DUNCAN: That is typical of the member for Glenelg. He knows so little about anything that all he can do in a debate like this is throw in inane interjections like that. I represent a working class area and I am proud to do so. The way things are going, if the ordinary people need strong representation in this Parliament, it is here and now, in this day and age. People who, in my submission, are fools, like the member for Glenelg, do not realise what they and their Government are doing to the people of this State. I would like to take the honourable member to areas of my electorate like Elizabeth West, where in this age one can go doorknocking in the daytime without fear of missing most of one's constituents because the unemployment level has got to such a stage where most of the breadwinners are home during the day.

That is a disgraceful situation, on which the member for Glenelg may care to reflect. It is the result of the economic policies of the Fraser Government particularly and, to a lesser extent, the Tonkin Government. I believe that this Bill is a disgrace, and I wish to go into some of the reasons for that. There is no doubt that this Bill will pass the Parliament. Quite obviously, this aspect of the legislation has the hallmarks of the Minister who brought it into the House, namely, the Minister of Industrial Affairs.

It has the Minister's hallmark in that on the one hand he is saying to the workers of this State, 'I am going to be generous and up the ante so far as the financial compensation is concerned,' and, on the other hand, he is taking away the right of a whole series of injured and disabled workers to claim compensation. One example of that (by no means the worst example necessarily) has already been mentioned

by several speakers on this side, including the member for Price.

Mr Becker: He made the best speech.

The Hon. PETER DUNCAN: I think he did make a good contribution, because he was able to speak as a person who has suffered a disability as a result of working in a noisy environment. He is also a person who did not claim compensation for the hearing loss that he has suffered.

Mr Becker: That is the trouble. He's a typical Australian worker, isn't he?

The Hon. PETER DUNCAN: I do not know whether or not he is typical. However, he is typical in that he has suffered injury while at work. I hope that the member for Hanson is not suggesting for a moment that the honourable member does not have a hearing disability, because I would have thought that everybody in this House knew that. He made the very telling point that this legislation, in a most extraordinarily nasty attack on ordinary working people, intends to take away from workers the right to claim compensation for hearing loss where that hearing loss is less than 20 per cent. That is a disgraceful situation. If a person works in a noisy environment and, as a result of that, has a hearing loss, he should be able to claim compensation. I believe that the more humane and decent members on the Government benches would not be particularly happy with this. I see the member for Henley Beach sinking down in his chair. He is sitting up again, now that I have belled the cat, but he was sinking down in his chair because I believe he knows that his former work mates will be particularly appalled at this and that he is not particularly proud of it.

Meanwhile, Government members such as the members for Mawson and Brighton, and the Minister of Agriculture, who do not really care two hoots about the workers of this State, the vast bulk of people in this State, are blithely sleeping their way through this debate, completely disregarding the interests of the working class of this State, and completely nonchalent about whether the workers should have any rights.

An honourable member: Oblivious.

The Hon. PETER DUNCAN: They are totally oblivious to whether or not the workers should have any interests. They do not give a damn about them. It was interesting to read through the Minister's second reading explanation and to see that he referred to the fact that the first workers compensation legislation in this State was passed in 1900. The point I draw from that is that workers compensation, the right to which no reasonable person would now argue about in this State, was established only after the Labor Party came into existence and started to represent the interests of the working class in places such as this Parliament.

The development of workers compensation has very closely mirrored the development of the political Labor movement, in this State. This Bill again mirrors the fortunes of the Labor movement in this State. We are out of Government and the first moves that are made in the workers compensation area are to reduce the eligibility for compensation of certain classes of injured or disabled workers. I have mentioned the hearing loss situation. I also refer to an interesting and shrewd, snide almost, attempt to deny workers compensation when travelling from their homes to their work place. Clause 5 provides:

> Section 9 of the principal Act is amended by inserting after subsection (5) the following subsection:
>
> (5a) For the purposes of this section, a journey that commences at a worker's place of abode shall not be regarded as having commenced until the worker has progressed beyond the land appurtenant to the house or other structure that constitutes his place of abode is situated.

Before the introduction of this legislation a worker simply had to have commenced his journey. However, it gets much worse, because clause 4 provides the following definition:

> 'Place of abode' in relation to a worker means the worker's principal place of abode.

I believe that this Minister is attempting to deny many thousands of workers the right to compensation for injuries suffered in journeys from the place wnere they stayed the night before when travelling to their place of employment or when travelling from their place of employment to where they intend to stay that night.

Mr Becker: They are covered by third party insurance.

The Hon. PETER DUNCAN: Not if they are pedestrians, for example, and possibly not if they are travelling on public transport. There is a whole range of people who are covered by workers compensation at the present time who will not be covered by this legislation in circumstances where they should be covered. For example, under this legislation a person who is working on a construction site might well be injured when travelling from the construction camp to the place where he is working and would not be entitled to compensation, because his principal place of abode would be the place where he normally resides, where his wife and family live, and so on.

I think this provision is a despicable attack on the rights of working people in this State and one that should not be tolerated for a moment. I do not believe that this Parliament should tolerate that sort of thing from the Minister. I do not believe that some members of the Liberal Party intend that to happen, and I will be interested to see what transpires later in this debate when we vote on some of these measures.

Another example of the restriction on workers' rights in this legislation is the fact that it proposes, as has been pointed out, to get rid of certain of the benefits that are paid to workers out of the computation of the amount due to an injured worker on a weekly basis. They might be small amounts, but, nonetheless it is another example of taking away from injured workers rights which they already have and which should not be taken away. I believe that many members of the Government have no real understanding of the incredible suffering of many people in this community who, through no fault of their own, suffer injuries at work. Many of my constituents come to my office in absolutely desperate circumstances seeking my assistance because of problems that have arisen whilst they are receiving workers compensation. For example, they are often required by doctors to pay for medical accounts. Sometimes large sums amounting to $150 and $80 are involved. They find it completely beyond their means to pay those accounts.

These people have not only the injury or the disability they are suffering but also the great worry thrust upon them because of their financial plight as well. In a humane and caring society, we simply should not stand for that. Many members of the Government, when matters of suffering in the community are brought to their attention, show considerable compassion and concern. However, I cannot understand why, when we come to issues such as compensation, where we have the opportunity across the board to remedy many of these individual cases of crisis and hardship, Government members cannot see the merits in a sound and decent compensation system.

Many members of the Government seem to approach the question of compensation in a very frivolous and offhand manner. I heard the member for Mallee tonight quipping across the Chamber, 'I suppose you will want to compensate them for ingrown toe nails next'. I heard mention of Mediterranean back.

Members interjecting:

The Hon. PETER DUNCAN: The member for Hanson and apparently the member for Glenelg are about to adopt

the term 'Mediterranean back.' Many people who suffer from back complaints are indeed migrants to this country from countries such as Italy, Greece, Malta, Lebanon, and other parts of southern Europe and the Mediterranean area. I would be the first to recognise that they possibly are over-represented in the statistics of back injuries, but there are many excellent reasons why this happens to be the case.

First, people from those countries are brought here by a deliberate policy of the Australian Government to be the factory fodder of this nation. They work almost in circumstances as beasts of burden in many cases, and it is perfectly understandable that such people would be likely to suffer significant back injuries as a result of the nature of the work they do.

Secondly, although this possibly does not apply quite so much now, it certainly did in the post-war period, many people who came here from southern Europe came because they wanted to start a new life. Many of them did not speak the language, their qualifications were not recognised, and therefore they were placed in the situation of having to accept employment in occupations that had not been their traditional occupations. Doctors, lawyers, engineers, accountants, and a whole range of office workers who came here and who had been used to basically sedentary occupations were required to undertake work which was, by its nature, heavy manual work, and was entirely unsuited to their physical condition.

Is it any wonder that, in such circumstances, people suffered serious back injuries? I challenge members opposite to do two or three weeks hard manual labour and see how their backs stand up to it after the sedentary life they have had sleeping around on the back-benches tonight. We would then see a great increase—

Mr Becker: I challenge you to go where I have gone in the past couple of weeks.

The Hon. PETER DUNCAN: My record in physical activity is not under challenge here tonight. In particular, I want to deal with two other matters. It is clear from the Minister's second reading explanation that he admits readily that, when the cost of compensation proportionately rose in 1973, the number of claims subsequently fell. The Minister admits that this was probably because insurance companies started cracking the whip over employers, who started becoming more safety conscious.

It is well known that employers in many instances are so callous that they will improve safety conditions only where it is economically to their advantage to do so. That is a shameful situation but one which unfortunately exists in this country. Employers see labour as they see their capital, simply an input into the productive arena.

Mr Becker: What about the industrial safety, health and welfare provisions which make it safe, as well?

The Hon. PETER DUNCAN: I will not go into it in great detail, but I expected that someone from the Government side might say that things are not quite as bad today. I recommend to anyone who believes that things are not as bad as they used to be in factories to read a little book which is in the Parliamentary Library called *Working for the Company* by Roy Kriegler. It is a study of the B.H.P. organisation in Whyalla. In many ways that book is a frightening one, and I am told by my friends and associates who have worked in that plant that it is pretty close to the mark.

Mr Becker: Surely it would be outdated in regard to B.H.P. by now.

The Hon. PETER DUNCAN: There is nothing here that indicates to me that it is outdated. It is obvious from reading this book that the safety consciousness of firms such as B.H.P. is largely a charade. To force people back to work when they are still bedridden, or to send a taxi to pick them up and put them on light duties when there are no light duties, or to leave them lying around in the heat and dust of the factory all day when people should be confined to bed, is disgraceful and there are other examples of this.

I have seen factories and working conditions in Adelaide in which no member of this House would want to see any of his relatives or associates working, and all members should have a conscience on behalf of the whole community, which is what this legislation is all about.

This Bill will be amended in the Upper House. I hope it will be amended, and I hope that when it is one of the things to be amended will be to take account of a matter that I believe is of considerable importance, that is, that if a worker is seriously injured at present he is compensated for the injury and, if he is totally incapacitated, he is paid a large amount. I am talking about the situation from the point of view of the employer and the insurance company. If a worker is killed as a result of an accident, then the insurance company can dust its hands of the whole matter and pay out $500, and that is the end of it.

I have always believed that that is not a satisfactory position. Just as members of this Parliament are insured for $100 000 on death, with the premium being paid by the Government or the House of Assembly, so under workers compensation legislation every other worker in South Australia should be similarly insured, perhaps not for $100 000 but for some amount sufficient to leave his family or his estate with a reasonable amount of money.

I hope that amendments will be moved to provide for that. I want to get one thing clear before I finish—it is worth repeating. Workers compensation insurance does not necessarily penalise employers or require them to take responsibility for negligence. It is not a fault insurance scheme: it is a no-fault insurance scheme. It is rather similar to long service leave, holiday pay, or payments that are made to workers. If a person wants to employ someone, he must insure that person.

In the light of that, I see nothing wrong in principle in incorporating in workers compensation legislation provisions that would enable a reasonable sum to be paid to the estate of a person who is killed, for distribution to his beneficiaries. There have been many cases where the workman who dies does not have direct dependants, but his relatives, his mother and father, may suffer quite grievously as a result of his death. It would be perfectly reasonable that some compensation be paid to them. My time has virtually expired and I conclude by saying that the Minister in the future will have good reason to be ashamed of himself because of this Bill.

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

Mr MAX BROWN (Whyalla): When this Bill was presented to the House by the Minister, the news media made great play of it and, in fact, I would say that it hailed the proposed amendments to the Workers Compensation Act, stating that it was a Bill with a great deal of conscience which tries to tackle the problems faced by a person who is injured at work. That piece of journalism is a stark affront to the ordinary people who, through no fault of their own, are injured at work.

This Government, since coming to power, has been anti-union and anti-worker. It has created industrial unrest and has played a very poor part in endeavouring to solve industrial disputes. Invariably, the workers have been blamed for disputes. If this Bill is passed, there will be even more industrial unrest. I hope, quite sincerely, that the Government, when that industrial unrest occurs, as inevitably it will if the Bill is passed in its present form, will not blame the workers who have taken the Government to task.

Unfortunately, the Workers Compensation Act, although it has been very important to the working class people, has always been a very legal document. This present legislation really takes us back to the 1960s. I point out to members that it is without doubt a backward Bill; we are going back in time as far as workers compensation coverage is concerned.

Over the 10 years of the previous Labor Government some humane decency was shown to those workers who, through no fault of their own, suffered some incapacitation whilst at work. The present Government obviously intends through this Bill to return to the archaic situation under which workers suffered during the Playford era. During that era, for example, first, there was no coverage for journeys to and from work, as is covered under the current legislation. However, the Minister is now endeavouring to remove part of that coverage. Secondly, there was no coverage for loss of hearing, but this Bill challenges the question of the legality of claiming damages for less than a 20 per cent loss of hearing. The third point is that during the Playford era there existed a very substantially unrealistic lump-sum payment. This Bill provides for unrealistic lump-sum payments. Also, during the Playford era there was an unrealistic weekly payment, and under this Bill the provisions return in part to that unrealistic weekly payment for workers.

The only part of this Bill in relation to which it could be argued that some merit exists concerns the rehabilitation provisions. I have been involved in workers compensation for well over 20 years. During that time, I have seen the results of accidents, and no-one could fail to be deeply moved by the tremendous hardship inflicted on families because of those injuries. A very high percentage of workers injured during their normal employment suffer from loss of limb or loss of physical ability in some shape or form. The greatest tragedy of all is when a family suffers the loss of a loved one. No-one can convince me that just money can in any way compensate for such a loss. What we are endeavouring to do is to set down what we consider to be a reasonable cash reimbursement for such a loss.

In the Bill, the Minister degrades the injured workers and families by reducing workers' earning capacity. Of course, no lump-sum payment can return a worker to life, but at least the matter can be examined and a realistic and proper amount of money to which a family ought to be legally entitled can be determined. In my opinion and in the opinion of my colleagues this Bill does not do that. On many occasions members of the Government have branded members of the Opposition as haters of the word 'profit' in industry and haters of monopolies. This Bill glaringly shows the Government members as haters of workers and of unions, and haters of according common decency to the families of injured ordinary people who through no fault, or very little fault, of their own, suffer a disability or loss of life.

I turn now to analysing some of the members of the Government and their relationship with workers and their problems. It is important that as late as this afternoon, when we were dealing with the Pastoral Act Amendment Bill, members of the Government implied that members of the Opposition did not know anything about land or pastoral leases or anything to do with that particular Bill. Now the same could be said this morning about members of the Government. We have heard continuously during this debate interjections and half-hearted wisecracks, etc., from members of the Government. There is no doubt in my mind that not one of them would have any idea of the problems of working class people who suffer injuries.

I doubt whether the Minister has any idea at all of the very heartfelt problems that eventuate when a loved one is hurt and injured or dies. The member for Glenelg at one stage was making this debate some sort of a joke. I think he is probably the only member of the Government who has had anything to do with a union—I think at one time he was in the painters union back in London. The member for Hanson was member of a union; he was a clerk or a teller in a bank.

An honourable member: Bank officers.

Mr MAX BROWN: I will give him that much credit for being in that. That member would certainly have no experience of what happens to workers who are injured in heavy industry. All the other back-benchers are currently asleep so I will not deal with them at all.

The Hon. D. C. Brown: What about the member for Henley Beach?

Mr MAX BROWN: I am glad the Minister refers to the member for Henley Beach. At one time the member for Henley Beach was throwing around the current E.T.U. membership card. I do not see him throwing it around tonight, and I doubt very much, after voting for this piece of trash legislation, he will ever have the audacity to throw it around again.

I now turn for a short time to the current anomalies that exist in the Act, without this Bill. All this Bill really does is add to the current anomalies and intensifies them greatly. At this time, even under the current Act there is no payment to a worker's kin on death when the kin are not dependent upon him or her. For example, I cite a working mother whose husband works for a living and they have a family.

If that mother is killed in the course of her work, no compensation is legally payable, and that is an anomaly of which we cannot be proud. There are loved ones, there is an estate, and there should be some payment, even if it is not the full payment, in relation to that loss. The Bill has no such provision, but the situation should be recognised. The Minister has not bothered to look at that anomaly; in fact, he is aggravating it by reducing the real value of the lump sum payment on the death of the worker.

We have had many long-winded legal battles about workers compensation, and I have been involved in many protracted battles in the court. I recall most vividly that only recently a woman came to my office and told me that her husband had died nine years ago, that there had been no compensation case, and that the legal profession had decided to take up the case under common law. That was seven years ago, and the matter still had not been finalised. I took up the matter with the legal advisers, and it has been satisfactorily settled. There have been other such cases, and I think we should be examining the existing legislation, but the Bill does nothing to overcome this inhumanity.

The current lump sum must be considerably increased. In real terms, and with inflationary trends in this country, the proposal in the Bill does not remotely come up to what should be looked at. As I said earlier, the one reasonably good thing in the Bill relates to rehabilitation, but even that proposal does not go far enough. Over the years I have had a great deal to do with B.H.P., which covers workers compensation through its own insurance. That is done for very logical reasons, and by so doing the company is more or less master of its own destiny.

Obviously they are able to save indirectly a huge amount of money as far as workers compensation insurance payments are concerned. The point I make about the situation at the present moment is that if a worker suffers some disability (for example, loss of hearing) in almost every case a doctor can give a person a percentage loss of hearing. Nevertheless, if that happens, the B.H.P. will not re-employ that workman. I believe that, if we are fair dinkum about the rehabilitation part of the Act, it is quite logical and proper that a company like the B.H.P. should examine the situation seriously and possibly agree to it.

It is quite proper that a doctor, in the case of loss of hearing, could give a percentage of loss. If it was 40 per cent loss of hearing, I believe that the worker could be re-employed by the employer, recognising the 40 per cent loss of hearing, and all the employer would be compensatable against would be a further aggravation of that loss of hearing. If an employee had 40 per cent loss of hearing and after five or 10 years of employment with a company had 50 per cent loss of hearing, the employer under the Act would only be required legally to recognise 10 per cent payment of that loss of hearing. I believe that that would be a genuine and proper system to rehabilitate workers back into the workforce. The more difficult part of that exercise would be someone with a back injury. A worker sustaining a back injury is difficult to analyse, and it is difficult to obtain a doctor's opinion as to the percentage of loss involved. That is a part of the rehabilitation programme that I am putting to the House. It is true that in most cases where an arm, leg or even a neck is involved the doctor can normally give a percentage of loss but in the case of the back it is very difficult.

Mr Mathwin: There is a lot of guesswork in the back.

Mr MAX BROWN: Yes, I appreciate that. If we are going to be fair dinkum about the rehabilitation part of the Act we have to seriously look at that situation. I have given credit where credit is due and there is some merit in the Bill although I am not very happy with the 5 per cent. We have to look at the percentage loss because no employer or insurance company is interested in rehabilitation while they have to pay the full loss factor it incurs. The Minister is not interested in the situation.

Nevertheless, I am putting to the Minister, whether he is interested or not, that my remarks on this question of rehabilitation are genuine and sincere, and are backed by a great deal of experience in rehabilitation of workers. Some years ago, I had discussions with the management of B.H.P., which was very interested in my suggestion and went so far as to put in writing that they would be prepared to consider the merits of my proposal.

Unfortunately, the Labor Government went out of office and this Government has paid no attention to this question at all. I put to the Minister that, in fact, under this Bill the Government is paying lip service to rehabilitation; there is no doubt in my mind about that.

I wish also to refer to a certain case that I experienced some years ago involving an employee with whom I was associated and who was working for a particular employer. He was a welder who was lying on his back with a helmet over his head, doing what we called at that time overhead welding. A truck carrying oxygen bottles came into the yard, reversed and ran clean over this man while he was welding. That gentleman was in hospital for some years, and common law arguments about the negligence of the employer covered a period of some years. Finally, there was a settlement involving a five-figure amount. It seems ironic to me that only a few days ago I saw that gentleman and his wife in the street and, when I saw him, he was a broken shell in relation to his capabilities.

Although we believed that we were highly successful in getting a proper payment for that gentleman because of the loss that he incurred in that accident, all the money that man has received did not bring back his physical ability to work. It also deprived him, to some degree, of his mentality, and I do not mean that in a derogatory manner. However, he found it difficult to adjust to an ordinary way of life after the accident.

I point to that case because I want to use it to strengthen my argument that lump sum payments in this Act will in no way compensate in a reasonable way for severe loss or injury. I believe, if anything, that there is a great need for an upgrading and not a downgrading of the existing Act. That is my right, because this particular Bill downgrades the situation; it does not upgrade it at all. I want to conclude with the following points. I put to the Minister that I am very annoyed and very unhappy about this Bill.

The rehabilitation provision of the Bill more or less places the financial onus on the injured worker. There is no doubt in my mind that it is a deliberate cut-back of the earning power of the injured worker. I put to the Minister in all sincerity, certainly from my experience with injured workers, that when workers, particularly those with families, are injured at work, their financial commitments increase. That is the ironical part about this. The worker cannot go to work, and he is placed in a situation where his financial commitments increase. This Bill will increase and intensify that situation, because it will take something away from that worker—something that he can ill afford to have taken away. That is one provision of the Bill about which I am most annoyed.

I believe that we should re-examine that provision. Whatever happens to this particular Bill (and I hope that it is thrown out), I urge the Minister to examine the very lengthy legal battles that occur in relation to the settlement of these cases. This Bill does not deal with that aspect.

The Hon. D. C. Brown: What if it does.

Mr MAX BROWN: I say that it does not, and the Government must really have another look at it.

The Hon. D. C. Brown: The rehabilitation unit has—

Mr MAX BROWN: As I have pointed out, I do not believe that this Bill provides any rehabilitation and I have already stated my reasons for holding that belief. That is the very point that I am making to the Minister. I believe that he should be looking at the matter seriously.

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

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

ADJOURNMENT

At 3.28 a.m. the House adjourned until Thursday 25 March at 2 p.m.