HOUSE OF ASSEMBLY

Wednesday 21 October 1987

The SPEAKER (Hon. J.P. Trainer) took the Chair at 2 p.m. and read prayers.

QUESTIONS

SEWAGE TREATMENT

In reply to **Mr PETERSON** (9 September).

The Hon. D.J. HOPGOOD: There are no current plans to dispense with the screening of digested sludge prior to disposal to sea from the Port Adelaide sewage treatment works.

MINISTERIAL STATEMENT: NEW ZEALAND TIMBER COMPANY

The Hon. R.K. ABBOTT (Minister of Forests): I seek leave to make a statement.

Leave granted.

The Hon. R.K. ABBOTT: The article in this morning's *Advertiser* is completely misleading. The major thrust of the article is that the South Australian Timber Corporation did not accept advice from a chartered accountant in regard to the basis of asset valuation used by the New Zealand company. The fact is that discussions which took place with representatives of the New Zealand company in August 1985 did involve the prospect of revaluing the assets of both Aorangi Forest Industries, New Zealand, and O.R. Beddison (Australia). However, following discussions with Mr John Heard, this did not take place and the amalgamation proceeded on pre-1985 asset values.

These earlier discussions were based on advice from an international firm of machinery consultants who had valued the New Zealand plant at a much higher level than the balance sheet disclosed on 31 January 1985. However, following discussions with John Heard, it was agreed that we should negotiate on reported balance sheet values on 31 January 1985, and the settlement balance sheet of 31 October indicated little change. It is therefore patently wrong to say that the corporation did not accept the advice, as asset valuations agreed with Mr Heard were reflected in the final agreement strictly in accordance with his advice.

In regard to the statement that Allert Heard said it was unable to give assurances on matters relating to the production and marketing of plywood, that is absolutely true and to be expected. In fact, his brief did not cover this aspect as we were in possession of a report with six year profit projections to 30 June 1990, prepared by an international firm of business consultants who operate in New Zealand.

What has been overlooked by the parties who presently seem determined to undermine confidence in these companies is that the corporation at that time was involved in radiata pine plywood production and marketing, and had close associations with technical and quality control staff of the Plywood Association of Australia and carried its own expertise.

Unfortunately, the inaccuracy of this article arising from the Auditor-General's reference of yesterday will further retard the successful recovery of both the Australian and New Zealand plywood operations, which are known to have a sound future.

Members interjecting:

The SPEAKER: Order! I call the member for Victoria to order.

PAPER TABLED

The following paper was laid on the table:

By the Minister of Agriculture (Hon. M.K. Mayes):

South Australian Meat Corporation—Report, 1986-87.

QUESTION TIME

STOCK MARKET FALL

Mr OLSEN: Can the Premier say what impact the stock market fall will have on the State Government Insurance Commission, and will any major losses affect compulsory third party bodily injury premiums? Last financial year the SGIC undertook an active investment program to take advantage of the bull runs on national sharemarkets. In fact, the commission spent almost $180 million on buying shares in public companies in 1986-87. This represented an increase of 137 per cent in just 12 months in the cost of the Commisison's investment in shares.

As a result, shares now represent just over one third of the Commission's total investment portfolio, and the Commission has continued to be an active participant in the market this financial year with, in July, a further significant purchase in the South Australian Brewing Company, and also a $21 million investment in F.H. Faulding.

However, the down-turns this week suggest a current loss to the Commission of $6.6 million on these two transactions alone, and, as the SGIC also made other major acquistions in rising markets during 1986-87, these point to the Commission now being significantly exposed by the present activity on sharemarkets. In turn this has important implications for the compulsory third party fund as most of the Commission's long-term shareholdings are provided from the investments of the fund.

The Hon. J.C. BANNON: Obviously, there would have been some losses suffered in the SGIC share portfolio paper value, but the SGIC is a very prudent investor and it has a very good portfolio mix. Whatever happens in its equity shares is not going to fundamentally affect its overall financial viability, and therefore the premiums it charges. That is point one. Point two is that the sort of investments that SGIC has tended to have been making are long-term investments in strongly based companies. In fact, a couple of examples of that were mentioned by the honourable member.

The South Australian Brewing Company has had bonus issues in which the SGIC has participated; in other words, it has got shares for nothing so, while there has been a very great increase in the paper value of SGIC equities over the boom period and, obviously, therefore, a fairly great reduction in that paper value, I am advised that the market value of the SGIC portfolio is well above the cost paid by the SGIC. A very large paper profit is still there. I make the point also that the SGIC is an investor in quality stocks: it is not trading on a daily basis in the market place to try and make quick profits. The SGIC looks at opportunities as they present, and the current state of the market will provide the SGIC with some buying opportunities that will be turned into profits in the future.

The SPEAKER: Before calling on the next question, I advise that questions that were to have been directed to the

Minister of Transport will be taken by the Minister of Lands, and I understand that questions that would have been directed to the Minister of State Development and Technology will be taken by the Premier, in so far as that portfolio is concerned, and by the Minister of Education regarding the other portfolio.

NEW TECHNOLOGY

Mr ROBERTSON: I direct my question to the Premier, representing the Minister of State Development and Technology. Has the attention of South Australia's emerging defence and optics industries been drawn to the development of the new generation of vacuum flexible variable focal length polyester or 'plastic' mirrors recently developed by a research team at the University of Strathclyde? In a letter that I received from Dr Peter Waddell of the University of Strathclyde on 6 October, he informed me that the mirrors give superb images and represent a major breakthrough in optical imaging ranging from military night vision, white light holograms for advertising media, to superb highly efficient solar concentrators.

I point also to an article written by Dr Waddell in the *Science and Business Link-up* of January this year in which he describes the properties of the mirrors as being able to be an integral part of construction of heat conserving greenhouses, mirror systems in space, laser weapons, infra-red gun sites and camera optics. I point also to an article which appeared on the front page of the *Edinburgh Scotsman* of 30 August 1985 in which a leading Scottish telescope maker (Mr John Braithwaite) described the breakthrough as 'the biggest single advance in telescope-making since Galileo'. In the light of those quotes, I ask the Minister whether a report will be sought on that and whether the technology is applicable to South Australia's emerging defence and optic industries.

The SPEAKER: Before calling on the Premier, I caution members that the excessive use of adjectives, particularly those that are either superlatives or pejoratives, can easily constitute comment.

The Hon. J.C. BANNON: I am not aware of the developments described by the honourable member. They certainly sound like an important technological breakthrough. As such, I hope that South Australian business will get access to that technology and turn it into a marketable or commercial product. We certainly have a very good track record in that area. For instance, the major achievements of Solar Opticals in plastic lenses blazed a worldwide trail. In fact, they were accepted into the United States space program.

There are a number of other operators in the defence industry. For instance, sights for leopard tanks are constructed in South Australia, so a number of firms that have basic technology both for defence and civil purposes could take advantage of this sort of technology. I will refer the matter to my colleague the Minister of State Development and Technology and obtain a report.

HOSPITAL AMALGAMATION

The Hon. E.R. GOLDSWORTHY: My question is a little closer to home than the space age. Will the Premier reconsider his Government's intention to amalgamate the Queen Victoria and Adelaide Children's Hospitals in light of the concern that has been expressed in writing by medical specialists that lives could be endangered by the merger? I am in receipt of a document signed by the Chairman of the Queen Victoria Hospital Medical Staff Society, which is representative of the hospital's paediatricians, gynaecologists, obstetricians, anaesthetists and radiologists. The Chairman, Dr Alastair MacLennan, says in the letter to the Chairman of the Board of the Queen Victoria Hospital, that the medical staff are unable to agree to the proposed amalgamation unless certain specific areas of concern have been resolved and can be guaranteed. These concerns include:

that the quality of services and expertise in specialised areas presently available at the Queen Victoria Hospital would not necessarily be maintained in the new hospital;

that funding may be partially withdrawn during construction of the new hospital, particularly if the Queen Victoria Hospital is sold for a price less than anticipated;

that there may be inadequate parking spaces for staff, patients and visitors, and that doctors need to be convinced that spaces within or close to the hospital can be guaranteed in cases of emergency calls; and

the issue described by the medical staff as being 'of greatest concern'—the question of access to the planned new hospital.

Dr MacLennan says that the viability of the hospital is 'in great doubt' because of poor access to the present site. He claims the present road system around and near the Children's Hospital makes access slow and very difficult, and that the Government's feasibility study did not adequately address the problem. His report concludes that a very major change in the highways around the hospital would be necessary to alleviate these concerns, and that would obviously have an environmental impact on our parklands, as well as on planning and would have huge economic consequences for the Government.

Dr MacLennan says that current access to the proposed site of an amalgamated hospital is such that: '. . . on occasions slow access for staff attending emergencies might endanger the lives of their patients.' In the light of the gravity of the concerns expressed by these medical practitioners, and remembering the Premier's own antagonism towards a former merger proposal, I ask whether he is prepared to reconsider the amalgamation.

The Hon. J.C. BANNON: The question should have been addressed to my colleague the Minister of Health. I guess the honourable member has asked this question because, unfortunately, at the moment the Opposition can get together enough of a quota of questions to handle Question Time in both Houses only if they ask the same questions in each House. That is a fact. On a number of occasions, when I have said to my colleagues, 'Look, I got this question and I am not sure why', I have been very surprised to find that they had been asked an identical question—

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order!

The Hon. J.C. BANNON: —on my portfolio area in the Legislative Council. Anyway, that aside—

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! I call the Deputy Leader of the Opposition to order.

The Hon. J.C. BANNON: I think he has a problem.

The SPEAKER: Order! I ask the Premier not to encourage the Deputy Leader of the Opposition.

The Hon. J.C. BANNON: Well, Mr Speaker—

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! I again call the Deputy Leader of the Opposition to order.

The Hon. J.C. BANNON: Well, I would feel embarrassed if I had someone else's question shoved in my hand and was asked to ask that question and day after day look a

complete idiot, when I should be asking questions on things about which I have some knowledge. I am sure that the Deputy Leader does have some knowledge on certain matters and that he may well direct it. However, I do not think his shadow portfolio is health, either.

Members interjecting:

The Hon. J.C. BANNON: Let me get to the core of the question. I would have thought that all those issues raised in the letter quoted by the Deputy Leader would have to be addressed, and satisfactorily answered, if such an amalgamation was to go ahead. That is why the consultation process is proceeding. The Deputy Leader talks about possible funding withdrawals, not necessarily being the best way of doing something, whether there is adequate parking space and whether access is appropriate. Of course, those questions have to be addressed, and they will be addressed. I repeat what I have said on a previous occasion, that the initiative and the desirability of this move has come from the two boards concerned. Clearly, they will have to be satisfied that the proposal is in the best interests of their hospitals and their patients, and so will the Government. That is the intention.

TRANSPORT REPORTS

Ms GAYLER: Has the Minister of Lands, representing the Minister of Transport, had an opportunity to study the list of titles of transport reports produced yesterday by the Leader of the Opposition and, if so, can he say whether any of these reports that the Leader appeared to dismiss with contempt were in fact quite vital parts of the necessary planning process for the north-east busway?

Members interjecting:

The SPEAKER: Order!

The Hon. R.K. ABBOTT: I thank the honourable member for her question. Yes, I have had an opportunity to look at some of the titles—

Members interjecting:

The Hon. R.K. ABBOTT: I can say, Mr Speaker, that quite a number of these reports were issued whilst I was Minister. I can inform the honourable member that at least five of those reports were indeed relevant to the north-east busway. However, I would not take the Leader's accompanying remarks nor his TV performance too seriously; after all, his parade of the volumes was quite obviously just a childish stunt. He did provide a list of 83 titles, but we must remember that these were issued over 17 years and, perhaps more importantly, 13 of the reports related to public transport patronage, and that always occurs when the STA introduces changes to the services. If I was playing the same game as the Leader, I could note that—

Members interjecting:

The SPEAKER: Order! Would the honourable Minister resume his seat. On more than one occasion the Chair has conceded that a certain amount of latitude above that extended to other members is extended to the Leader of the Opposition. However, it does not extend to the stage of allowing the Leader of the Opposition to maintain a barrage of interjections on every Minister.

Mr GUNN: I rise on a point of order, Mr Speaker. Since the Minister is having a great deal of trouble reading his prepared answer, perhaps he could incorporate it in *Hansard.*

The SPEAKER: I call on the honourable Minister.

The Hon. R.K. ABBOTT: Mr Speaker, 13 of those reports were issued under the former Liberal Government. It is very important to note that most of the reports contain a lot of research and detail. Let me mention just a few to show that the Leader was giving the wrong impression. Report 43, for example, relates to Rundle Mall traffic and parking: that was implemented. Report 50 deals with electronic bus destination signs: that is now in operation. Report 56 covers the Noarlunga interchange: that has also been implemented—

The Hon. D.J. Hopgood: It works very well.

The Hon. R.K. ABBOTT:—and works very well, as my colleague reminds me. Report 61 relates to the integrated road separation at Salisbury: that interchange was also completed and is operating extremely well. So, summing up, I think that the honourable member can reassure her constituents that these reports were produced for a good purpose and they will be of great value to the Department of Transport.

TIMBER COMPANY

The Hon. JENNIFER CASHMORE: Will the Minister of Forests confirm that, before the Government commissioned an independent chartered accountant in November 1985 to assess its $12.8 million investment in a New Zealand timber venture, heads of agreement for the deal had already been signed?

The Hon. R.K. ABBOTT: I am sorry, Mr Speaker, I did not hear the last sentence.

Members interjecting:

The SPEAKER: Order! It is difficult enough for members to hear without the amount of interjection that is currently present in the Chamber. Would the honourable member repeat the question?

The Hon. JENNIFER CASHMORE: Will the Minister of Forests confirm that, before the Government commissioned an independent chartered accountant in November 1985 to assess its $12.8 million investment in a New Zealand timber venture, heads of agreement for the deal had already been signed?

The Hon. R.K. ABBOTT: I thank the honourable member for her question. The chartered accountant pointed out that he could not advise on the future viability of the company, or the group, due to the—

Members interjecting:

The Hon. R.K. ABBOTT: I will come to the question.

Members interjecting:

The Hon. R.K. ABBOTT: We signed the agreement in December 1985.

The Hon. Jennifer Cashmore: The heads of agreement?

The Hon. R.K. ABBOTT: If that is the title the honourable member would like to give it, yes. They were signed in December 1985.

Members interjecting:

The SPEAKER: Order! The honourable member for Mawson will restrain herself. The honourable member for Albert Park.

MEDIA MONITORING UNIT

Mr HAMILTON: Can the Minister of Housing and Construction indicate the cost of the Government's media monitoring unit? In Monday's *Advertiser,* the Hon. Mr Legh Davis (Deputy Leader of the Opposition in the Legislative Council) is reported as complaining about the massive advantage that the Government has over the Opposition because of, among other things, 'the media monitoring unit'.

What is the cost associated with this unit, if indeed such a unit exists?

The Hon. T.H. HEMMINGS: I thank the honourable member for that question. As to the Government having a massive advantage over the Opposition, that is fairly obvious because of the talent on this side of the House as contrasted to that on the other side. When one looks at the Hon. Mr Legh Davis, Mr Davis makes even the member for Mitcham look good. In all seriousness, this is a variation on a very boring theme that continually comes from the lips of the Hon. Legh Davis, and it follows the outrageous claims made by the member for Hanson about additional staff on this side of the House. It is a theme that was picked up by the new bully boy, the member for Mitcham, in last evening's adjournment debate.

As to the specific question, there has never been a media monitoring unit in place since the Bannon Government came to office. There may well have been one under the Tonkin Government, I do not know, although that might be the one to which the Hon. Legh Davis is referring. However, the present Government does not have a media monitoring unit, so no costs are involved. Again, perhaps the Opposition has one tucked away somewhere and, because the Hon. Mr Davis has failed so miserably, the Leader of the Opposition may not let him use it. He has heard about it and thinks that we own it.

Members interjecting:

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

The Hon. B.C. EASTICK: On a point of order, Mr Speaker—

The SPEAKER: Before I take the honourable member's point of order, I point out to the honourable member for Morphett that it is up to the Chair to ask the Minister of Housing and Construction to take his seat.

Mr Oswald interjecting:

The SPEAKER: Order! The Chair will look on 'assistance' of the type offered by the honourable member for Morphett as being close to defiance of the Chair. The honourable member for Light.

The Hon. B.C. EASTICK: Recently, Mr Speaker, you indicated to me that it was not proper for a Minister in one place to make an imputation against a member in another place. You said that it would transgress the Standing Orders of this House if such action were permitted. On that occasion it was also said that I could not respond to the imputation that had been made in another place. Therefore, to safeguard my colleague in another place from having to correct the sort of material that is being used by the honourable Minister, at this stage I ask you to rule his reply out of order.

The SPEAKER: I will not rule the reply out of order. However, the basic content of the point of order of the member for Light has received my attention over the last minute or so, during which I have been consulting with the Clerk, the Chair being of the view that the Minister was getting very close to reflecting on a member of another House. I ask the Minister to construct whatever remains of his answer in such a way that it does not reflect on a member of the other place. The honourable Minister.

The Hon. E.R. GOLDSWORTHY: I take a point of order. I thought that the Standing Order indicated that members in this place were not allowed to reflect on members in another place at all—that they were not to be the subject of disparaging comment in this place—yet that is exactly what the Minister has been up to, and that is why the member for Light was ruled out of order on a previous occasion.

The SPEAKER: Order! I just ruled that derogatory references to members of another place are out of order.

Members interjecting:

The SPEAKER: Order! The remark from the honourable Premier does not assist. One of the difficulties faced by the Chair is whether, for example, it is necessarily a derogatory reference to an honourable member in another place to draw comparisons with a particular member in this place. I will not refer to the particular words used, because it is not proper for the Chair to inadvertently enter the debate by doing so, but it is not quite as simple a matter in such a subjective area as the Deputy Leader may feel. However, I have ruled that the point of order raised by the member for Light is valid and, in calling the Minister, if he has additional material to give by way of answer to his question, I have directed him not to make derogatory references to a member of another place. The honourable Minister.

Mr S.G. EVANS: I take a point of order. I am amazed, Mr Speaker, that at the time you were giving your ruling a member of this House was standing in the Chamber talking to the Minister, who was responding and supposed to be answering the question. In recent times members have been told in this place that they should not stand in the Chamber while the occupant of the Chair was speaking.

The SPEAKER: If that infringement occurred, it escaped the notice of the Chair, because the Chair was giving a ruling on a very complex and vexed point of order. If what the member for Davenport has said is the case, the member concerned was out of order. The honourable Minister

The Hon. T.H. HEMMINGS: Thank you, Mr Speaker. I will restrain my enthusiasm in answering this question and stick to the facts. Along with the rather outrageous press release referring to a media monitoring unit, the same hoary chestnut came up about the Government receiving more assistance and the Opposition receiving little or none. I will put the record straight: in the Legislative Council, the Opposition has four staff members; the ALP has two. No-one is complaining about that. I remind members opposite that the facilities that they have—

Members interjecting:

Mr HAMILTON: I take a point of order. This is no reflection on you, Sir, but is it possible to hear the Minister's response without interruption?

The SPEAKER: The point of order raised by the member for Albert Park is valid. It is the duty of all members to conduct themselves in such a way that the member who has been given the call can be heard. The honourable Minister.

The Hon. T.H. HEMMINGS: Thank you, Mr Speaker. I remind Opposition members that this so-called lack of facilities is exactly what Government members had when in Opposition. We did not go about bleating in this House, in the other place or to the press. We just got on with the job, put forward policies that were acceptable to the people of South Australia, and that is why we sit on the Treasury benches. What members opposite are saying is that, because they are inadequate, the Government has to boost them up.

For once, since being in this place, I am in tune with the Leader of the Opposition, and he ought to listen to this. He has recognised that there is some inadequacy on his own front bench and therefore this Friday and Saturday he will attempt to tune-up his Party's preselection procedures. I say to the Leader of the Opposition, 'Strength to your arm, John, go for it, because with the rabble you've got there you'll never get Government.'

The SPEAKER: Order! The last remark by the Minister was completely out of order. All remarks must be directed

through the Chair and not directly in the second person to other members. The honourable member for Eyre.

TIMBER COMPANY

Mr GUNN: Will the Minister of Forests confirm that, soon after Cabinet's decision in December 1985 to invest $12.8 million of taxpayers' money in a New Zealand timber venture, the Government received further warnings from an independent auditor about the viability of the investment? In his letter to Parliament yesterday, the Auditor-General stated that before the Government made this investment decision, it should have obtained 'an independent assessment' of its viability from a person at 'arm's length' from the venture.

Mr Sheridan also made clear that no such assessment had been obtained, revealing specifically that the Adelaide accountancy firm commissioned by the Government before Cabinet's decision 'had not been asked, nor had it reported on the viability of the joint venture'. This alarming and unprecedented criticism by the Auditor-General about the quality of the information upon which the Government acted shows that the Minister misled his Estimates Committee.

The SPEAKER: Order! The honourable member, I am sure, is aware that he is introducing comment to a totally unacceptable degree at this stage of his explanation. If he persists in that direction, I will have to withdraw leave.

Mr GUNN: I was endeavouring to inform the House of the history of these events.

Members interjecting:

The SPEAKER: Order!

Mr GUNN: I do not need the help of members opposite. The Minister said that the accountant did not signal particular alarms about the viability of the proposal. In fact, I understand that not only did the accountant, Allert Heard and Company, raise concerns about the proposed investment in a report to the Government on 28 November 1985, and in a further letter on 13 December 1985, but also, soon after Cabinet's decision to proceed with the investment on 24 December 1985, the accountant made a further written submission urging further action to protect the Government's investment. I am also advised that, despite these further warnings, they were completely ignored by the Government until the looming financial failure of this venture was exposed earlier this year.

The Hon. R.K. ABBOTT: The corporation did take advice in respect of trading results to 31 July 1985, and it had the chartered accountant's report indicating that between 1 February and 31 July 1985 the New Zealand company had traded profitably. The chartered accountant pointed out that he was not in a position to advise on the future viability of the company or group due to his lack of knowledge of markets and plywood production. The corporation did not engage that accountant to provide such advice and, of course, it had projections from both companies. In the case of IPL (New Zealand), it had a report prepared by a reputable firm of consultants showing projected sales and profit levels over a six-year period to 30 June 1990. In light of those facts, I am a little puzzled by the Auditor-General's suggestion that we needed further independent advice. He expressed the view that somebody was needed at arm's length to advise on this, but we had sought the additional advice.

GAS EXPLORATION PROGRAM

The Hon. J.W. SLATER: Will the Minister of Mines and Energy provide the House with a progress report on the 1987 gas exploration program being undertaken by the Cooper Basin producers? The producers are in their first year of a two year accelerated search for greater gas reserves for South Australia and it would be useful if an indication could be given by the Minister as to how successful that search is proving.

The Hon. R.G. PAYNE: I thank the honourable member for the question, because it allows me to bring both the House and the public at large up to date on the situation with respect to future gas supplies for South Australia. I am sure that this is a topic in which almost every member, except perhaps the member for Murray-Mallee, would be interested. The most recent report to my department from Santos indicates that, as of 6 October, a total of 120.9 billion cubic feet of sales gas has been added to the State's gas reserves since 1 January this year. These reserves have been identified through the drilling of 31 gas exploration and appraisal wells.

The total 1987 gas drilling program comprises 43 wells, and Santos estimates that, by the year's end in this program, 199 BCF will have been added to sales gas reserves. In addition, it expects a gas engineering program to add another 39 BCF, for a 1987 total or 238 BCF, something like about a two years supply for the State. The 1988 gas exploration program is now expected to be 70 gas wells, including 14 dual oil and gas wells, at an estimated cost exceeding $68 million. Santos has estimated that the 1988 exploration and engineering programs will add a further 313 BCF of sales gas to reserves. If (and, of course, that is the important word in this report) these targets can be achieved, the State's gas reserves by the end of 1988 will have been extended by more than five years.

TIMBER COMPANY

Mr D.S. BAKER: My question is directed to the Minister of Forests. Has Mr Sanderson, the Government's principal negotiator in the New Zealand timber venture, made a disclosure of his interests in the matter? I understand that Mr Sanderson, a Melbourne based businessman, has had a long association with the South Australian Timber Corporation and the Woods and Forests Department in various commercial and advisory capacities. I have in my possession documents which show that Mr Sanderson was directly involved in all negotiations which led to the South Australian Government's decision in December 1985 to invest $12.8 million of taxpayers' money in the New Zealand venture. I also have a company search which shows that Mr Sanderson owns 100 000 shares in Westland Industrial Corporation Limited, the New Zealand company which agreed to participate with the South Australian Timber Corporation in this joint venture, and whose directors are now the subject of legal action.

The Hon. R.K. ABBOTT: Mr Sanderson was not the principal negotiator in the joint venture with IPL (New Zealand). Mr Sanderson is an experienced forestry operator. I think that his management of the Nangwarry plan has been first-class, and that was recognised in the Coopers and Lybrand report. That firm was perfectly satisfied with the services of Mr Geoff Sanderson. He may have assisted the officers of the Department of Woods and Forests and the South Australian Timber Corporation in some of the negotiations, but he was not the principal adviser. After we took action against the New Zealand directors, we sent Mr Sanderson over there to manage it until further action could be taken. With respect to the shares that Mr Sanderson alleg-

edly owns (100 000), I would have to check that for the honourable member. I am not sure of his personal business involvement in these companies or any other companies.

Mr D.S. Baker: It is in the document that you presented to Cabinet.

The Hon. R.K. ABBOTT: I will be happy to check out the matter and provide the relevant information to the honourable member.

CAN RECYCLING

Ms LENEHAN: Will the Minister for Environment and Planning tell the House whether it would be possible to expand the present system of returning cans to recycling depots to include local delicatessens? If this is not possible, will the Minister explain to the House why it cannot be done? I ask this question because recently I received a letter from a 12-year-old constituent who suggested that it would probably be far easier if one could simply go to the local deli and deposit cans and bottles. In his letter my constituent went on to say:

> Not long ago we went down to the South-East and along the way when we were travelling we stopped at places to get some drinks. Later on we had a fair number of cans taking up room in the car.

As a PS, my constituent suggests that in the interests of reducing litter it would be beneficial if people could deposit cans and bottles at the closest deli. As my constituent has asked whether I could please reply, I thought that it would be appropriate to ask this question in Parliament.

The Hon. D.J. HOPGOOD: I would like to compliment the honourable member's young constituent on his concern for the environment and indeed for a piece of legislative machinery which, in fact, has served our environment in this State extremely well. I should just explain that prior to the introduction of the legislation many years ago two systems were in operation in this State: a return system through marine store dealers for beer bottles and a return system through delicatessens and such other outlets, involving the refund of a higher deposit, for soft drink bottles. As to the introduction of further legislation, because both those systems were working reasonably well it was felt that it would not be unreasonable to exempt cans from the thrust of it, and so the full ambit of the legislation tended rather to fall to those containers which were only then being introduced and, more recently, containers made of such exotic substances as PET, and other plastics, if I can use that general term. This arrangement has continued to work very well.

As honourable members would know, legislation was recently before this place to increase deposits on certain forms of container considerably, in an attempt to maintain the incentive for industry to use refillable rather than one trip containers. The problem with the return of one trip containers to a delicatessen rather than to a marine store dealer involves, of course, the very real problem of storage which would face small business owners in having to keep large amounts of such material on their premises for quite some time before it could be returned for recyclying. By their very nature, such containers cannot be re-used but the material, of course, is recycled. During the past four or so years I have had discussions with people from the Mixed Business Association, and others, and they remain convinced that it would be very difficult for their members to provide such storage facilities. What has happened instead is that the marine store network has expanded further to enable it to take account of what is required, and I am reliably informed that the return rate for both beer bottles and metal containers in this State is presently in excess of 90 per cent. It is a very good system and one that we hope to be able to continue for many years in future. I commend this young man on his constructive suggestion, but I have to say that at this stage it appears that it would be a little impractical, simply in terms of the situation which would face delicatessen owners.

TERRANCE HALEY

Mr BECKER: Will the Premier say whether the Government believes that it should appeal against bail having been granted today to Terrance Haley—Australia's most notorious kidnapper—who has been charged with possession of a dangerous weapon while on parole? Haley is well known for his part in the kidnapping, robbery and other offences which led to a shoot-out with police on the Birdsville Track in September 1970. He was sentenced to 15½ years gaol, but served very little before escaping from custody in 1972. He was arrested in Sydney and sentenced to 10 years gaol for armed robbery in New South Wales, and was then extradited to South Australia to serve the remainder of his original 15-year sentence.

The Government, however, saw fit to release him on parole last year, with Haley having served less than five years of that sentence. Last week, Haley was arrested by police at Christies Beach and charged with unlawful possession of a dangerous weapon, which I believe was a sawn-off shotgun. He also refused to provide his address. He appeared in court today and received bail of $10 000, with two sureties each of $1 000, and must report daily to the Plympton Police Station. In view of the nature of Haley's past offences, the nature of the charges he is currently facing, and the fact that he is not scheduled to reappear in court until 8 January next year, I ask the Premier whether this is a case where consideration should be given to appealing against bail having been granted.

The Hon. J.C. BANNON: Does the honourable member seriously consider that it would be responsible for me to stand up on the basis of something that he has read out—some sort of court report and case study on which a decision has been made just today—and tell him exactly what I believe is the appropriate action for the law officers of the Crown? It really is an irresponsible waste of this House's time to ask that question. Mr Speaker, I will refer the question to my colleague the Attorney. I would point out that the Attorney will be advised and guided by the Crown Law officers in this matter and, as he always does, he is prepared to appeal or take whatever action is necessary. In that respect, he shows a very marked contrast to the rhetoric and wind uttered by his predecessor, who would not do it. Our Attorney-General gets it done. I come back to the point: why is the member wasting his time asking me to interfere in this way, off the cuff, in this House? Really, surely in 20 years, he has learned more than that.

Members interjecting:

The Hon. J.C. BANNON: Well, Mr Speaker, rhetorical the question might be. Yes, he wants to get a headline; he wants to get himself on TV. That is all his interest is. Well, I congratulate the member; he probably has.

Members interjecting:

The SPEAKER: Order!

CRUICKSHANK'S CORNER

Mr De LAINE: My question is directed to the Minister of Marine. Does the Department of Marine and Harbors

own the piece of land on the bank of the Port River known as Cruickshank's Corner? If the answer is 'Yes', what is the intended use for this land?

The Hon. R.K. ABBOTT: Yes, the—

Members interjecting:

The SPEAKER: Order! The honourable Deputy Leader's persistent interjections about some sort of political purge are completely out of order.

The Hon. E.R. Goldsworthy interjecting:

The SPEAKER: Order! I warn the Deputy Leader against repeated interjections.

The Hon. R.K. ABBOTT: The property is owned by the Department of Marine and Harbors. Cruickshank's Corner is a prominent Port Adelaide landmark over which the National Trust of South Australia holds a 20-year lease. That lease is due to expire in 1999, but in 1985 the National Trust approached the Department of Marine and Harbors with the object of terminating its lease and transferring the remaining part of the lease to the Maritime Museum. However, I understand that the Maritime Museum did not have sufficient funding to take over the responsibility for that piece of land. The Port Adelaide council was contacted but, unfortunately, it did not have sufficient finance to lease the land either. The land also falls within the broad ambit of the Port Adelaide waterfront review on land requirements for port and port-related industry.

I can keep the honourable member informed on the outcome of that report and on future intentions regarding this piece of land in respect of which I understand a number of people are interested in developing it into a maritime historical museum of some description. I will keep the honourable member informed.

ISLAND SEAWAY

The Hon. P.B. ARNOLD: Can the Minister of Marine confirm the report that the Government is paying a rental charge of about $3 000 a day for the MV *Troubridge* and that an officer has been dispatched to Holland for the replacement vessel (*Island Seaway*) to be belatedly tank tested? In view of the obvious handling problems of the *Island Seaway*, will the Minister table the line plans and specifications of this vessel?

The Hon. R.K. ABBOTT: There will no doubt be some cost to the Highways Department, but I will have to check the amount with my colleague the Minister of Transport. The sea trials of the *Island Seaway* have been completed and Eglo is working to complete the final outstanding items. The *Island Seaway* has been trialled in the inner harbor. It has been up and down the Port River a number of times, and I am happy to report to the Parliament that the Birkenhead Bridge is still standing.

The managing agents (R.W. Miller and Company) have trained their officers in the handling of the vessel and they are ready to take it into service as soon as those outstanding items have been completed. I understand that the vessel is expected to be in service within a week or so. In order to optimise the functioning of the propulsion system, two fins are being added to the aft of the vessel and these will be installed by next Tuesday. I will check on the aspect of cost. Concerning the tank testing, we had an officer visit Europe to check that out and I will also seek a report on that for the honourable member.

PORT AUGUSTA POWER STATION

Mr PETERSON: Will the Minister of Mines and Energy say whether a decision has been made on when the third boiler will be installed at the Port Augusta Northern Power Station?

Members interjecting:

Mr PETERSON: Well, if other people can ask questions about my electorate, I can ask a question about theirs. The first two of the new boilers were brought into operation at Port Augusta two years ago and I understand that the old Playford A station is now closed and that the other unit is on standby having reached the end of its useful life. With a lead time of about five years for the new boiler that was originally planned for operation in 1992, a decision will have to be made soon if this is to take place.

The Hon. R.G. PAYNE: I thank the honourable member for his question and I understand his desire, as a consumer of electricity the same as other members, to have some knowledge concerning provision for the future, including when the boiler will be installed. I think that the answer that I should give him in the beginning is that much work has been done to determine that question. The honourable member has asked when a decision will be made. I think he will understand that I have referred this matter to the Energy Planning Executive. Indeed, I gave that answer in the Estimates Committee to a question asked by the Deputy Leader of the Opposition on a similar topic. Since then, the work on refining the various parameters that will govern the decision has been going on.

As recently as today, I received a further presentation from ETSA, and that information will be put to the EPE as well. When I am in possession of all that information and the EPE has provided me with its brief and recommendations on the matter I will be able to go to Cabinet and the decision will be made.

MOBILONG PRISON

Mr LEWIS: Will the Premier say why the Government is refusing to provide funds to upgrade and seal the access road between Murray Bridge and the new Mobilong prison? While the Government seeks kudos for the opening of this prison, it has refused for more than six months to respond to the urgent need to provide an access road to its prison from the road network of Murray Bridge. I raised this matter with the Government in the first instance late last year. About two months later the Premier told the District Council of Murray Bridge that no Government funds would be provided to upgrade Maurice Road, which is only partly sealed and which has seriously deteriorated in condition since building work began at the prison site.

In April, the council made a further written submission to the Government, which I supported, but it has not yet received a response. It would take only about $180 000 of the $20 million-odd that the prison has cost to provide the council with the resources necessary to seal the road and assist it in ensuring that people can get adequate access in all weather to the prison facility. While the Government expects the council to provide this money to facilitate access to Government property (the prison itself), the council is in no position to recoup the money through rate revenue because the prison is on Crown land, which is unrateable. Is it really fair that the ratepayers of Murray Bridge should pay for that road?

Members interjecting:

The SPEAKER: Order! I call the member for Mawson to order. The honourable member for Murray-Mallee should have been aware that those last remarks, as a particular flight of rhetoric, are not the sort of explanation that is supposed to be attached to a question. Were it not for the

fact that they were his concluding remarks, I would have instantly withdrawn leave. The honourable Premier.

The Hon. J.C. BANNON: I understand that the Murray Bridge council was extremely supportive of the location of the prison and saw it as a major boost to employment and economic activity in the district, and I imagine that that would be reflected in the rates. However, I will obtain a report for the honourable member on this matter.

TOBACCO SPONSORSHIP

Mr DUIGAN: Has the Minister of Recreation and Sport sent Mr George Joseph a copy of his statement about tobacco sponsorship and, if not, will he do so? Mr Joseph is reported in the *Advertiser* of last week as planning to convene a meeting of the—

Mr S.G. EVANS: On a point of order, Mr Speaker, I did not hear the question. Because I thought that the honourable member asked whether Mr Joseph was sent a copy of his own speech, I wonder whether he can explain this, or possibly ask the question again.

The SPEAKER: That was not the case, so I cannot uphold the point of order. Has the honourable member completed his explanation?

Mr DUIGAN: I have not started it. In the *Advertiser* last week, Mr Joseph was reported as planning to convene a meeting of the Sports Sponsorship Action Committee, and was quoted as saying:

> We will not lightly accept any attempt to deprive us of lawfully operating sponsorship . . . You may rest assured that we will resist to the best of our ability. Sporting bodies do not intend to sit idly by and see their sports organisations destroyed.

Other members of the Sports Sponsorship Action Committee have referred to comments that the Minister made at the commencement of the Estimates Committee examination of the Department of Recreation and Sport in which he indicated the funding that was to be made available for recreation and sporting facilities programs in 1987-88, which was only a small proportion of the amount that had actually been applied for.

The Hon. M.K. MAYES: I thank the honourable member for his question, because there is a great deal of misunderstanding in the community about the announcement made by the Minister of Health and about replacement funding. In answer to the honourable member's question regarding correspondence with Mr Joseph or any other member of that action group, I indicate that I have written to all the major associations in this State outlining very briefly what the Government intends to do when the Bill is considered in Parliament. The Premier, the Minister of Health and I have given a clear undertaking that funds would be replaced. From my point of view, those funds would replace tobacco sponsorship of sporting bodies, whatever they are and whatever size they are, and that is important to note. I have spoken with a number of sporting groups that were quite confused about what it will mean.

Clearly, the intention is not just to cover major sporting bodies that receive large sponsorship. Football events have major tobacco sponsorship, such as for the Winfield Cup or the Escort Cup, and racing, trotting and greyhound racing also fall into that category. However, smaller sporting clubs and recreational associations also receive funding from the tobacco lobby, and my letter makes very clear that the Government would be looking to replace that funding. I term it a positive replacement, ensuring that we can put funds back into those sporting bodies, and the organisations are now beginning to see the benefit that this will give them. Instead of having to work desperately to gain tobacco sponsorship, particularly—

Mr Ingerson interjecting:

The Hon. M.K. MAYES: The honourable member constantly attacks this. I want him to come out and make clear his position about the insidious advertising aimed at young people in our community encouraging them to smoke. If, as he says, he is a medical man, it is incumbent upon him, more than on some other people in the community and on me as a lay person, to come out clearly and make a statement about where he stands on this insidious advertising which attracts young women in particular. If he looks at the statistics he will see quite clearly that advertising is directed at young women, particularly, in a sporting environment, to make smoking attractive to them.

The member for Bragg must be aware of the figures with regard to lung disease and related illnesses in the community. It is time he made his position clear on this issue of smoking, the health of the general community and sports sponsorship. He has flapped around it but he has not come out clearly. He is probably in the leadership race and wants to keep his powder dry. He is not sure what is happening with the member for Victoria so he wants to keep his powder dry. He does not want to shoot his rifle yet because he is not sure which way the bullet will go. It might get him in the foot, as it has done on numerous occasions. I am surprised that he can still walk because he probably has no toes left at this stage.

The Government is considering replacement funding at all levels, and it is important to convey this message to the sporting groups in the community. As I indicated to a sporting representative at the weekend, it is important that the tobacco sponsorship of all associations be replaced. They will not have to worry about seeking tobacco sponsorship, and this will release them to locate other sources of funding and different sponsorship, providing them with greater opportunity to develop their sporting organisations and funding base.

That is important. I have conveyed that message to all sporting bodies. We have set up a process by which we will consult with them on the basis of the whole funding arrangement and all of the processes by which we consult with them. In addition, we will also be looking carefully at the whole assessment process in which the Minister of Health, the Premier and myself will obviously be involved in setting up. The message is clearly that there are advantages not only to the health of the community as a whole and with the cost savings involved but also to those sporting bodies.

I plead with Mr Joseph to reflect on his statements as they stand. I understand his emotion and reason behind it. However, it is important to look carefully at what can be offered to those sporting bodies. I hope that in the near future we can meet with Mr Joseph and other sports representatives in the community who have an important part to play in advocating not only sport but healthy sport to our community as a whole.

LONG SERVICE LEAVE BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 3, line 8 (clause 3)—Leave out all words in this line and insert 'if the worker's employer provides accommodation during his or her employment but not while the worker is on leave'.

No. 2. Page 4, line 14 (clause 6)—After '*(a)*' insert 'subject to an order of the Court or the Industrial Commission to the contrary,'.

No. 3. Page 7, lines 24 to 27 (clause 10)—Leave out subclause (4) and insert new subclause as follows:

(4) Where there is a change in a worker's employment from one related employer to another—

(a) the former employer must transmit to the other employer all records kept under subsection (1) relating to the worker;

and

(b) the other employer must retain those records in accordance with this Act (but otherwise is not responsible for any deficiency in a record that relates to a period of service before the change in employment).

Penalty: $1 000.

No. 4. Page 7, line 36 (clause 11)—After 'may' insert 'at any reasonable time'.

No. 5. Page 8, line 21 (clause 12)—After 'period' insert '(not being less than 14 days)'.

No. 6. Page 8, lines 22 to 27 (clause 12)—Leave out subclauses (2) and (3) and insert new subclauses as follows:

(2) An employer who receives a notice under subsection (1) may apply to the Industrial Court for a review of the notice.

(3) An application under subsection (2) must be made within 14 days of the receipt of the notice by the employer.

(4) Pending the determination of an application for review, the operation of the notice to which the application relates is suspended.

(5) The Industrial Court may, on an application for review—

(a) confirm the notice to which the review relates;

(b) confirm the notice with such modifications as it thinks fit;

or

(c) cancel the notice.

(6) If an employer—

(a) fails to comply with a notice under subsection (1) (the employer not having made an application for review under subsection (2));

or

(b) having made an application for review under subsection (2), fails to comply with a notice confirmed by the Industrial Court within a period specified by the Court, the employer is guilty of an offence.

Penalty: $5 000.

(7) It is a defence to a charge of an offence under subsection (6) *(a)* to prove that the worker is not entitled to the long service leave or the payment to which the notice relates.

No. 7. Page 8, line 41 (clause 13)—After '*(c)*' insert 'with the consent of the worker—'.

No. 8. Page 9, line 10 (clause 13)—Before 'an allegation' insert 'the Court may, if it considers that in fairness to the worker it should do so, rule that'.

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

That the Legislative Council's amendments be agreed to.

The amendments derogate to some extent from the efficiency and intent of the Bill, but certainly not sufficient to warrant losing the Bill. I have some reservations about them. However, they have sufficient merit at least to warrant a trial. I want on the record my reservations about the effectiveness of the Bill with these amendments. If they render the Bill ineffective in some areas, Parliament will have to look at amending the Act.

Mr S.J. BAKER: I am pleased that the Minister will accept the amendments. I extend special thanks to my colleague in another place for his efforts in this regard. He took advice and I understand that, whilst I was willing to accept a number of the matters that the Minister said would be dealt with substantially under the new Act, as under the old Act, some of the items clarify that situation. The law is stronger as a result and I appreciate the Minister's willingness to accept the amendments forwarded by the other place.

Motion carried.

PUBLIC EMPLOYEES HOUSING BILL

Adjourned debate on second reading.

(Continued from 15 October. Page 1242.)

Mr BECKER (Hanson): This brief but important legislation establishes an office for Government employee housing in the Department of Housing and Construction and repeals the Teacher Housing Authority Act of 1975. In fact, so cheeky is this Government that the position of Director, Housing, Department of Housing and Construction is advertised in the *Advertiser* of 26 September 1987 at an annual salary of $54 038. The advertisement stated:

Applications are invited for this senior executive position which heads the newly created Division of Housing. The position will form part of a corporate management team and offers the stimulation and challenge of working within a revitalised public agency which places high emphasis on service to the community.

Duties: The successful applicant will be responsible to the department's Chief Executive Officer for the effective and efficient management of the Government's housing objectives, including community housing programs, and for the development and maintenance of the Government employee housing program. Responsibilities will include the provision of policy advice to the Minister of Housing, oversight of the housing portfolio budget and preparation of strategic and program performance plans.

Qualifications: A degree or equivalent in economics, commerce, planning, arts or similar is essential.

The position will appeal to applicants who have detailed knowledge and understanding of Government and private sector housing objectives, proven experience in financial management and significant policy development and research, and who are good managers of people.

The usual details on where to apply followed and gave a closing date of Wednesday 7 October. I spotted the advertisement on 26 September. The Minister announced the formation of the new office in the *Advertiser* on 23 December 1986 and, in an article headed 'One Housing Body for SA Employees' it is stated:

All SA Government employee housing will be brought under the control of a single body in a bid to improve efficiency and provide consistent standards. The move means such bodies as the SA Teacher Housing Authority will on 30 June be brought under the control of a new office within the Department of Housing and Construction.

The Minister of Housing and Construction, Mr Hemmings, said yesterday the new Office of Government Employee Housing would absorb the housing functions of 17 departments from 1 July. The measure would benefit country-based public servants and Government housing stock would be more efficiently managed with co-ordination of supply, better control of vacancies and consistent rents.

'State employees can expect a gradual improvement in housing maintenance, locational choice and consistency in rents and standards, while better management will bring savings to the public,' Mr Hemmings said. Departments would remain responsible for the allocation of staff housing.

That statement was very similar to the Minister's introductory speech last Thursday when tabling the legislation. What I do not like in this legislation is the power the Minister is given to determine the employees to whom accommodation is provided under the Bill and to determine the terms on which accommodation is provided, including rent and other charges. It is a delight for the socialists. Power over the bureaucracy is another way of handling the situation.

We believe that the South Australian Housing Trust has the expertise, ability and know-how to handle the task of meeting the needs of some 17 Government departments. The Government departments we understand will be brought under the control of the Act include the following: Education, Technical and Further Education and Children's Services, all of which are currently under the Teacher Housing Authority Act. It would also include the Police, Engineering and Water Supply, Agriculture, Highways, Community Welfare, Environment and Planning, Correctional Services,

Housing and Construction, Lands, Marine and Harbors, Fisheries, Mines and Energy, Woods and Forests and possibly one or two others. We are fully aware of the role of public servants in country centres, particularly the police. They are not just available from 9 a.m. to 5 p.m. In country towns it is a seven day a week, 24 hour a day on-site job.

If the police officer or the officer in charge is not available, then their wives take the phone calls and they also are expected to play a very important role in the community. Over the decades many police officers' wives have assisted offenders and their families. This is why country Government housing is a very important adjunct so that the right people are attracted to the right areas. Because of South Australia's size and environment, some remote locations require very dedicated people to provide the Government services.

Only this morning, as a result of the opening of the Mobilong prison, I was able to ascertain that some 130 staff will be attached to that prison by correctional services—some 100 correctional services officers and 30 administrative officers. Already the South Australian Housing Trust has assisted that department in obtaining 40 houses at Murray Bridge. The role of providing suitable accommodation and the expertise in managing and maintaining that accommodation is very important, because people are employed in Government sectors at various levels. Then, of course, the private sector, encompassing the State Bank and other banks, has also called on the Housing Trust from time to time for support.

As we understand it, the major unions involved do not object to this type of legislation, but of course they want the right to protect any industrial agreement as far as rents are concerned, so that is why I am a little concerned that we do not give that power to the Minister. I believe that the surplus staff in the Teacher Housing Authority could be absorbed into the trust. I think that we should look at the track record of the Housing Authority that has led to this legislation.

The Teacher Housing Authority was subjected to a Public Accounts Committee inquiry in 1980. In that report which I tabled in the House on 27 August 1980 one recommendation suggested:

> The Government should investigate the possible advantages which would accrue if all Government owned employee houses were placed under the control of a single authority, as the PAC's preliminary investigation indicates that this would be an appropriate course of action.

In 1981, under the Liberal Government there was a report on country housing for Government employees and in 1985 a working party was established by the present Government to investigate the basis for establishing a single Government employee housing program. Both these reports raised concerns over difficulties with the management of housing stock including variable standards, poor control of vacancies, inconsistent rent policy, and lack of coordinated financial information.

The Auditor-General in his report to Parliament for the financial year ended 30 June 1987 reported the following on the Teacher Housing Authority:

> A recent audit review revealed that progress in establishing the Office of Government Employee Housing has been slow. As at July 1987, the houses controlled by the South Australian Teacher Housing Authority and only 105 out of approximately 1 800 houses controlled by other agencies have been transferred to the office . . . The deficit for the year was $1.7 million ($1.4 million) increasing the accumulated deficit to $8.9 million [since the formation of the Teacher Housing Authority]; . . . Interest on loans increased by $555 000 to $2.6 million and accounted for 40.2 per cent (33.7 per cent) of total income.

I think that those few figures indicate the difficulties that the Teacher Housing Authority had in coming to grips with the immense problem of establishing an authority. It was given a large number of houses for no consideration. If I remember rightly, it was never given any working capital—it was given the houses, but it was not given any working capital. That is something about which I have been critical of the Government: when a statutory authority is set up, you may as well give that authority some working capital so that it can go out and perform the job that is expected of it.

Mr D.S. Baker interjecting:

Mr BECKER: Of course, they got caught with the Timber Corporation, but I think that explains the difficulty that the authority has had with a large number of houses. Throughout the whole State, the Teacher Housing Authority has had some difficulty in coordinating its housing stock and meeting the demands that were placed on it. A large number of houses were vacant in several country towns. At one stage it was estimated that about $400 000 to $500 000 per annum was being forgone as a result of rent not paid for vacant premises. Of course, during the last financial year that amount was reduced to about $287 000, so there has been some effort made in that regard. We believe that by placing it with the Housing Trust we can reduce that figure considerably.

Further, I believe that all Government sponsored housing should come under the management and control of the South Australian Housing Trust. With 50 years experience throughout the State, the trust could easily absorb the Teacher Housing Authority's 1 182 owned houses. Believe it or not, of the stock of the Teacher Housing Authority, as at 30 June 1987, 523 were already rented from the Housing Trust and 114 come from the private sector. There may be some rationalisation of staff, but I believe that the Housing Trust would require the staff to meet the program. There could well be some fine tuning on maintenance costs and a reduction in vacancy rents. With another 1 800 houses controlled by departments, agents and statutory authorities throughout the State, I believe that these can easily be transferred into the Housing Trust and then one agency handles the whole lot and it is removed from the control of the Minister altogether.

The Housing Trust would charge market rents and then the Government departments and authorities would pay the subsidised differences, so I think that the Government has had ample opportunity to consider Government employee housing, but it has been very slow to introduce this legislation and to get the whole thing into a presentable package to Parliament. As I mentioned, the legislation is very brief and it contains only six clauses. Really, it deals with the interpretation, providing accommodation under the control of the Minister and it repeals the Teacher Housing Authority Act. In doing that, all the financing arrangements, the banking arrangements, or whatever it is at the present time with the Teacher Housing Authority, will go straight into general revenue. A considerable number of assets held by this authority would now have to be reorganised. I believe that the net assets of the Teacher Housing Authority total about $26.4 million, which would be transferred to the Minister. We believe that this is a Committee Bill. We support the second reading, but at the appropriate time we will seek to have the management of all Government housing placed under the control of the South Australian Housing Trust.

Mr S.G. EVANS (Davenport): This Bill seeks to set up a public housing authority. It will be just another public instrumentality which will have to employ an organisation with all its colonels and lieutenants. I agree with the sug-

gestion raised by the member for Hanson on behalf of the Liberal Party that we do not need a separate organisation. I take this opportunity to mention three houses that belong to the STA and which are located near the Long Gully railway station. Those homes were built some 80 to 100 years ago for employees of the State railways. With the signing of the Railways Agreement, which cost this State a lot back in the mid-1970s when the Dunstan Government passed over (or sold, as was claimed) to the Commonwealth railway operations other than those in the inner metropolitan area, those houses thus ended up in the hands of the STA. They are public housing; they were built originally for employees of a State transport organisation.

Having regard to this Year of Shelter for the Homeless—and I am told that this matter of shelter for the disadvantaged will run for five years—and to the fact that we are now considering this Public Employees Housing Bill, I must raise the issue of what is to be done with these three homes. They will be passed over to the National Parks and Wildlife Service, under the Deputy Premier's control. There are people living in two of these homes and they are satisfied with their lives, even though these old homes do not have all the modern conveniences. At present no one is living in the third home, which has corregated iron outside and the small, fluted corregated iron inside, although someone has lived there in recent times. They made a hell of a mess, but this could provide a roof over someone's head, and there are people in the community prepared to live in it. As I have said, the people who live in the other two are happy with those houses. I am told that, apart from public employees, some 39 000 people in this State are on a waiting list for shelter.

Mr Becker: Forty-five thousand.

Mr S.G. EVANS: I am told by the shadow Minister that it is 45 000, but even forgetting the other 6 000 families the situation is not good. What does the Deputy Premier's department intend to do with these homes, two of which are lived in? He has given the occupiers 120 days to get out, and then he is going to put the bulldozer through those houses. The Public Employees Housing Bill involves the creation of another authority that will cost more money. Further, in this year of looking at shelter for disadvantaged people throughout the world this so-called caring Government, using all the platitudes in the world when considering this legislation and other matters, intends to knock these houses down. The Deputy Premier must know that there are many disadvantaged people on the housing waiting list. Why is this to be done? It is for the same reason that was talked about yesterday (and I misheard the member for Coles at the time), namely, for administrative convenience; because those houses happen to be located substantially off the beaten track, in the Belair Recreation Park.

How can anyone stand in this House and support the proposition to establish these new provisions, involving a new organisation, doing away with the Teacher Housing Authority and others, and say to those people in Government that they are great fellows and ladies, when that sort of thing is planned and apparently condoned by the Deputy Premier and his colleagues? At least the Minister of Transport must know that it is going to occur. When those families are kicked out in 120 days, will the Government find them other accommodation? What will be done with them?

Just to make sure that the Deputy Premier knows what I am talking about, let me tell him that the homes are at Long Gully; they are to become the responsibility of his department and that department, on the advice given to me, has notified the tenants of the two houses that are occupied that they have 120 days to get out. The houses will then be flattened. In my view, there is no reason for these tenants to leave. If the Government believes that maintenance is a problem, it should let the tenants have the houses at a lower rental and tell them that they have to maintain them to a certain standard—at least to the standard that they are at present in the case of the two houses that are lived in.

I have admitted that the third house is not that flash by anyone's standards and it is certainly not a palace or a mansion; in many ways it is substandard, but there are many people in the community who do not have accommodation now and who would be prepared to live in that premises and pay a low rental, with the responsibility of doing a bit of cleaning up around the place. Many people would be happy and contented to do that, and an asset of the State would remain, a part of the disappearing heritage of the Hills rail service could be retained and use made of it.

If someone heard my comments about the Government's intention to knock these houses down I would not mind even if someone squatted in the place and said, 'Now, you shift us, Mr Minister.' I do not believe that assets like this should be demolished. I know that it has been done because a road was to go through a property, and I know that it has been done on Engineering and Water Supply Department land where previously departmental officers lived. In that case after the Government had bought the houses and as soon as the departmental officers had found other accommodation the houses were bulldozed by the dozen. At one stage a complete town was involved, a place called Chain of Ponds. Now it is just a chain of sadness.

Mr Lewis: The valley is there but there is no-one in it.

Mr S.G. EVANS: That is Cudlee Creek. In relation to the setting up of another authority, one asks why we need to do it. Does not the Housing Trust have the necessary structure? It has been in the business of providing accommodation for all sections of society—in some cases even the rich are still occupying Housing Trust houses—for 50 years. It is quite logical that the Housing Trust can cater for this area of activity. In some cases, its officers could pick up an extra load, because it would be part of the sort of function that they are carrying out now, and we would not need to employ extra people.

It is interesting to consider what conditions people involved in the police or teaching area have to suffer at times in terms of accommodation, and some of them are not that far out of the metropolitan area. For example, I refer to a house at Clarendon. The police home there is a quite nice house, but there is no reason why that could not fall under the control of the Housing Trust. The old police residence at Blackwood is partly used as an office. The main police office is in the front and the rest of the confounded building is not used to any great degree. Even the front office is not used very often; we are lucky to get patrol cars in the area, let alone a police officer on duty. So, why are we not making use of the residential part of that station at this time, particularly having regard to this year of looking for shelter for those who are disadvantaged?

I sometimes wonder how the Government justifies its actions when it gets up and spruiks that it is doing great things for the disadvantaged. We are told that some 39 000 or 45 000 families are looking for homes. I do not how many people that involves; we have never been told that, and it is hard for the Government to answer that because no-one ever knows just who is going to live in a place. They tell us that there are so many people waiting for homes, and supposedly most of them are genuine applications—I

do not know that, as I do not see them—yet we have accommodation like that which can be used to help the disadvantaged.

If the Government states that it may cost too much to do up some of these buildings that have been on school properties or police stations that have been closed, let us recall that we now have within our community service clubs that sometimes cry out for opportunities to carry out restoration work. They could be offered one in their community, at no cost to the taxpayer if they wanted to do it up as emergency shelter for disadvantaged people. We could then make use of an asset that was previously lying idle.

At the same time, there could be a combined church/service club/local council representative committee that could use that property at times for those within that community who suddenly need emergency shelter as a result of a dispute or unfortunate circumstances such as occurred recently in Coromandel Valley, where a young single mother with two children had her home burnt down and lost all her assets, with nowhere to go and needing help. Just imagine if the police station at Blackwood, other than the front office, was developed for someone to live in, and we gave the responsibility of that development to a service club.

However, we will not do that because the union leaders say that they want the responsibility of doing the work and the Department of Housing and Construction should do the work: they do not want any volunteers, who do it out of the goodness of their heart, to get involved. That is the main reason that it will not be taken by us. That is the attitude of the leaders of those organisations. Many of the genuine run of the mill members in those organisations have as much charity, as much goodwill towards their fellow man, and as much enthusiasm to do that sort of work as any other section of society, and many of them belong to service clubs that would be prepared to do it. However, through fear, they will not allow it.

That section of housing was made available originally for public employees, but they no longer need it because it is not up to the standard that might be required for modern day living. However, many people in the community would be thrilled to get it, and they would be just as happy as someone who lives in a mansion, yet we ignore it.

Teachers and public servants are asked quite often to go to the country, not of their own free will but as part of the opportunity for promotion or even remaining in the department. They do not always end up with the best of accommodation, and I do not think we can always provide it. I think most of them accept that there has to be some moderation in those areas, as long as the rent and other considerations are moderate. The Housing Trust knows its role and it has properties available in many regional centres of the State. If there was a need for public housing in those areas, it could expand its development if it so wished. In metropolitan Adelaide, if it wanted people to sign declarations of their income it could raise another $10 million a year by making them pay the proper market rent. Of the 56 000 houses that the trust has, acknowledging that some are in the country and the rents cannot be varied so much, 36 per cent are above the subsidy line, and many are well above the comfortable living line while getting houses at rents far below the true market value.

I give credit to the Housing Trust for the fact that there has been some catch-up in that area. I received from Mr Edwards, the General Manager, a letter in which he asked me to name people who are in that higher income bracket (and I do know some). However, it would be unfair for me to do that, as some of them are my close friends. Why should one member of Parliament or one person declare that information when all we need is to ask everybody to sign a declaration stating their income? I will debate that matter in a motion that will be discussed later.

It has taken the Government a long time to get to this point. There has been disquiet about the Teacher Housing Authority, and I will not argue whether or not it is justified. There is no reason why we cannot give the Housing Trust the responsibility that we are trying to establish under another piece of legislation, the Public Employees Housing Bill 1987. I hope it never becomes an Act, and that we establish this body within the Housing Trust.

Mr LEWIS (Murray-Mallee): It is my intention to take up very little time of the House in addressing this matter. I have no desire to echo the sentiments and concerns expressed by the member for Hanson or the member for Davenport. I am, as they are, simply concerned about the proliferation of qangos, and this measure proposes to take us further along that path. It is important to remember, and I rise to place on record, that many of the people who presently occupy dwellings as public employees and who are to be affected by this measure if it becomes law, are people who have traditionally believed that the provision of their dwelling at the rental they have enjoyed has been part of the reason why they accepted the job at the emolument level that they get for accepting that job in that location. With the stroke of a pen, however, the Minister of Housing and Construction—who himself once enjoyed the benefit provided by publicly funded housing (if indeed he still does not—but I suspect he does)—is to remove from them that benefit. By the way, he is not the only Minister who lives or has lived in a dwelling provided at public expense at some time during the course of his or her life.

Mr Robertson interjecting:

Mr LEWIS: I did not catch that.

The DEPUTY SPEAKER: Order!

Mr LEWIS: People who are presumably competent to manage the affairs of the State ought therefore to be competent to find the means by which they can provide themselves with their own shelter without relying on somebody else's pocket, I would have thought.

Mr Robertson interjecting:

The DEPUTY SPEAKER: Order! I ask the honourable member to restrain himself.

Mr LEWIS: My point is, quite simply, that at the time I left off my formal post-secondary education, I had no money in my pocket whatever, and yet at no time did I find it necessary to rely on the public purse to provide me with shelter. I suggest, therefore, to the honourable member, who so vehemently interjects, that he might review the sentiments he has just expressed in those interjections and question the capacity of the people who have needed to depend upon the public purse for their housing, unless there are extraordinary circumstances.

I hold the view that, where in those extraordinary circumstances such as exist in this instance public employees are required to move periodically around the State for the purpose of performing their duties competently on our behalf, they should not be penalised by being subjected to a rapidly escalating rental with no offsetting increase in emolument. I use the word 'emolument' rather than 'wage' or 'salary' because there are other ways of paying people for the work that they perform in the places where they perform it than through straight money in the pay packet.

All members would understand, therefore, that such circumstances are better embraced by the term 'emolument' meaning total reward and not something necessarily restricted to the monetary reward of a salary or wage. We cannot now

require the Police Force, without some compensating increase in the rate of pay of those officers who can only live in a country community for four years as a general rule, to take this lying down and I raise my voice on their behalf and on behalf of people like them, including teachers.

It is ridiculous, stupid, and indeed the wisdom of the unwise to leave a police officer in a small community with his spouse for a period longer than the present period which is administratively considered desirable, because it results in the officer's being exposed to too much likelihood of compromise of his authority and exercise of his responsibilities. The fact that police officers know that they must move on, just as ministers of religion and bank managers must move on, ensures that they can do their work in that community as honest, honourable human beings without fear or favour and that neither themselves nor members of their families are compromised in the period during which they are there.

They cannot legitimately be expected to fork out the capital necessary to invest in a permanent dwelling in one of those communities. It is in our interests, therefore, that they have a dwelling provided for them sufficiently commodious and comfortable to ensure that they are not disadvantaged by their choosing to serve us all, as they do through the work that they do.

I believe then that, in connection with this measure, the Minister at the table in particular and the Government in general must give immediate and serious consideration (not flippant, frivolous or token consideration) to the otherwise difficult, indeed unreasonable, industrial problem that they create by this Bill. The Government should not expect to be able to impose upon those people and expect their better nature simply to require them to sit down and cop it.

Mr D.S. BAKER (Victoria): The South Australian Teacher Housing Authority was established under its Act in 1975. As the member for Hanson has pointed out, it has since its establishment accumulated a deficit of about $8.9 million. In March 1987, Cabinet approved the establishment of the Office of Government Employees Housing as a branch of the South Australian Department of Housing and Construction. This office was to incorporate the functions of the South Australian Teacher Housing Authority and be responsible for all Government employee housing.

The Bill before us repeals the Teacher Housing Authority Act of 1975 and introduces the Public Employees Housing Act. I sincerely hope that the new administrative statutory authority does slightly better in the interests of taxpayers and Government employees than the result achieved under the previous mode of operation.

The Minister must answer a few questions. The Auditor-General has stated that progress has been slow following the March 1987 announcement of the establishment of the Office of Government Employees Housing. Perhaps the Minister could tell us why the progress hitherto has been so slow. The Bill dissolves the South Australian Teacher Housing Authority and transfers its property, rights and liabilities to the Minister of Public Works. The transfer of money standing to the credit of the account will be paid into general revenue.

Does this mean that the Minister of Public Works is assuming responsibility for all the liabilities but is returning any cash credits or money received to general revenue? Who will be responsible for the $8.9 million accumulated deficit? How does the Government intend to improve the management of the Government employee housing stock so that it does not run up deficits of almost $9 million, as accrued over the previous short period? How will it ensure that these losses will not occur in the future? Will the new authority own all its own stock? The Minister should answer these questions. Alternatively, will the authority lease some of its stock from the private sector or from the South Australian Housing Trust?

The Minister should explain how the new authority is to work and what improvements will be made so that it will not continue to run into the deficit into which it has run in the past, because this loss of public funds is important and cannot be allowed to continue. The Minister should answer these questions in his reply.

Mr GUNN (Eyre): One of the most important features of providing adequate facilities for the community in my electorate concerns the need of adequate housing for Government employees. As anyone who has had anything to do with employing people will know, the first problem that arises is when the wife becomes dissatisfied with the accommodation. From my experience both as a private employer and as a member of Parliament, I have found that public employees even become disgruntled when their housing is poor.

Can the Minister say whether the employees of the Electricity Trust will come under the provisions of this legislation? The Electricity Trust owns a considerable number of houses in my electorate and I know that many of the problems that are caused by the increase in rents are a direct result of the rotten fringe benefits tax that we have had foisted on us in this country. Indeed, we will need a Liberal Government in Canberra soon so that that form of nonsense can come to an end.

Members interjecting:

Mr GUNN: Members opposite think it is a joke that people are leaving Government housing and going into private rental accommodation. For example, at Murray Town the schoolhouse is on the school site and within 50 metres of the school. It is now vacant because the appropriate authority in its wisdom increased the rent from $41 to over $60 a week.

The teacher or principal—any reasonable person—could get better accommodation away from that school in better surroundings for a lot less. That particular Government facility is standing idle, although a considerable amount of upgrading has taken place—the roof has been replaced. Business could not carry on like that; there must be people in the accommodation. The Government cannot start selling off all these properties because, in future, that house will be needed. If a principal is appointed to that school but a house is not available, the school will not have a teacher.

Rents must be kept in line to encourage people to stay in those houses. The same thing has happened at Jamestown. It is my view that, if increases keep in line with inflation, tenants do not have a great deal to complain about because that is a normally accepted basis, whether in the private or public sector. They cannot expect the houses for nothing. There is considerable cost to the taxpayer to provide and maintain such accommodation. I strongly support the argument that the accommodation should be of a high quality, particularly in isolated communities. However, I suggest to the Minister and his department, which will administer this legislation, that there is a need to consider the problems that will arise if these homes are left vacant, and that brings about a decision to sell them.

As a member of Parliament I have been involved in making representations about a wide variety of housing problems. I have seen ludicrous situations occur. I suggest to the Minister that he give an assurance that there will not

be dual responsibilities. For the benefit of the Minister, I will tell him what took place when there was a school on Nonning Station. A large caravan was provided for the teacher to live in, and the Education Department had a building. Each had its own power generation plant, and maintenance personnel would pass on the road and were not allowed to service the other's equipment. I want an assurance that that nonsense will be put to rest once and for all.

I raise these matters because I understand the difficulties that any department has in administering a Government housing arrangement, whether it be for police, teachers, or others. It is a difficult role because a diverse group of people with different needs must be catered for. In large country towns, accommodation for single people must be on hand, as must accommodation to meet the requirements of families. That in itself creates problems. Because suitable contract tradesmen are not available and cannot be on hand on a 24-hour basis, there is a maintenance problem as well. From my experience, when I looked after a section of Whyalla with a lot of Housing Trust houses, I found that the most capable body to administer Government housing is the Housing Trust.

I got to know the maintenance manager of the trust in Whyalla, as he was a constituent of mine for some time. Under difficult circumstances and with some of the most trying tenants anyone could have, the Housing Trust does a job that is second to none in administration and in meeting the reasonable and unreasonable expectations of its tenants. Particularly in the larger towns such as Ceduna, the Housing Trust is the appropriate authority.

I wonder whether the Minister can give consideration to having rents set, which would guarantee that the houses would be occupied, and that no action would be taken to dispose of houses formerly owned by the Teacher Housing Authority and allocated to teachers. In the very near future, a problem could be faced when teachers are posted to towns such as Jamestown where rental accommodation is not available on farms. In my early years as a member of Parliament I was aware of the difficulties that teachers, principals, and school council chairmen had in filling positions. As a child going to a very small one-teacher school, I know that parents had to take it in turns in boarding the teacher because no accommodation was available. We do not want to go back to those times. In the long term, caravans are not suitable accommodation, particularly in isolated communities such as Cook.

I will not delay the proceedings any further. I have made these few passing comments because it is a matter that has taken up a considerable amount of my time and on which I have had considerable involvement with the Minister and the Teacher Housing Authority. Adequate housing of Government employees throughout South Australia should have a high priority, and it is important that precipitate action is not taken to reduce the availability of housing in future.

Mr BLACKER (Flinders): I will carry on from where the member for Eyre left off and raise an issue on which I asked a question of the Minister a few weeks ago. I refer specifically to teachers who have left Government accommodation because the rent required of them by the Government is considerably higher than the rent available for local premises. In a small country town with a considerable number of vacant homes, the owners of those homes are quite prepared to rent the premises at very modest rates. In many cases teachers avail themselves of that because they can get accommodation in a rural surrounding that they believe to be better for only half the price that is required by the Government agency.

I readily appreciate the Government's dilemma: it is trying to develop a broad brush policy and apply exactly the same criteria to all areas of the State. That does not take into account the isolation of many areas and the number of homes that might be available in particular locations. There might be a high demand for homes in a particular area. It worries me that a point could be reached at wnich every employee would move out of Government housing, so the Government sells those premises, when at some future time, be it five or 10 years down the track, there may be a considerable demand for those homes.

I am concerned that not enough flexibility is being shown to enable Government accommodation to be used by Government employees and, therefore, effectively maintained. As I see it now, a number of Government houses are left to rack and ruin, subjected to all sorts of deterioration and, in some cases, vandalism. Nobody wants that. What we are after is a flexible policy that will enable Government housing, which was provided for a specific purpose, to be used in an effective way.

Reference has been made to community needs. One of the best examples that I can give is the community response to the provision of housing for doctors. Approximately 20 or 30 years ago—even right up to the present—some communities provided houses rent free for medical practitioners. Those communities believe that the district needs a service and they are prepared to assist to provide that sort of accommodation and cross-subsidisation. I suggest that the Government has a role in providing similar cross-subsidisation in the way of services usually expected by every citizen within the community. If people in isolated areas have to be subsidised in their accommodation, I have no compunction in supporting such a proposal, particularly for people in professions where it is not a long-term appointment. It may be that they have to do a three or four year stint in one town and then move on to another place. The Government or the employer has some sort of an obligation to assist in providing the sort of housing required by such people.

I do not wish to labour the point with the Government. I recognise the problem exists. I am simply suggesting to the Minister that sufficient flexibility should be granted so the rents could be graduated in accordance with the local rental values of that district or area. It is rather ludicrous the Government having a home, irrespective of the standard of the home, if the rent being asked for it by the Government is double that which applies in the vicinity. It could be the home next door and could even be of a better standard. It is a dilemma, and I do not have a ready answer. I understand that reference has been made to schoolteachers and other matters come into that, including the 42 week payment. These aspects should be taken into consideration.

The Minister corresponded with me only recently and highlighted a few of the additionals that have been given to the teaching staff with which I was not so readily acquainted. There is perhaps more cross-subsidisation in that aspect than I had originally thought, but that is not the sole answer. We need the ability to ensure that adequate accommodation at local rental values is available to residents, be they teachers or any other professional needed to carry out the work of a Government agency, whether it be the Community Welfare Department or whatever. That accommodation needs to be there and I trust that the Government will keep those matters in mind when discussing the issue.

Reference has been made to who best can administer these provisions and to the fact that the South Australian Housing Trust would be the best manager. I certainly have

had a lot of support and cooperation from the South Australian Housing Trust and would have no qualms in supporting it as manager of such a proposal. I could go one step further back, prior to the days of the Teacher Housing Authority, when the Public Buildings Department managed the system. I had excellent support then, although I know that some members have different views. However, the circumstances in Port Lincoln with the Public Buildings Department were such that it managed all public housing across Eyre Peninsula with total support and in many cases there was great dismay when the Teacher Housing Authority was set up and administration taken away from the Public Buildings Department. Those comments can reflect in day to day management and it requires the astute observation and careful management of the authority concerned. I support the Bill.

The Hon. T.H. HEMMINGS (Minister of Housing and Construction): I thank honourable members for their contributions on what we think is an initiative in overcoming some of the many problems that have been mentioned in this debate. Before I pick up those points I will make one comment to get the record straight in regard to the remarks made by the member for Murray-Mallee about people who occupy public housing. I found that I came into that category as far as the member for Murray-Mallee was concerned. Therefore, why am I sitting here after taking a handout from the Government and am now a Minister of the Crown?

I assure the member for Murray-Mallee and the South Australian community that I have never occupied a house provided by the South Australian Housing Trust for rental purposes. However, I have occupied two homes that I purchased from the South Australian Housing Trust. I am proud of that because it provides good quality homes. For a period from when I was born until I was about five years of age I lived in a council house in England. Then those awful people in 1939 set up a war and a horrible little German bomb fell on our house. I had to get out of public housing, mainly because it had fallen down around me. After living in the country—which is where I get my rural interest—I went back to my council house and stayed in it until I married. A good thing about a council house is that I learnt from the people around me that arrogance still exists, as has been portrayed by the member for Murray-Mallee, towards people living in public housing. He is saying that anyone who lives in any form of public housing, whether it be in South Australia, anywhere in Australia or anywhere in the world, can never aspire to being anything other than a manual labourer. I thought that serfdom went out many hundreds of years ago, but deep down in the Mallee country it is still alive and well.

I will now touch on some of the comments made by individual speakers. The member for Hanson as the lead speaker quite correctly talked about delays in setting up the Office of Government Employee Housing. If he was aware of bringing all these client departments under one umbrella office he would realise that complex procedures were involved in the changover. Originally the Teacher Housing Authority had been dealing with three clients; it now has more than 20. At that time we also had the vexed question of setting the rents. The member for Eyre touched on that point.

Also, as is typical of this Government's attitude in setting up a new office, we established a consultative committee to consult with the trade union movement, individual clients and the police association. As a result a consultative committee was set up to look at the many problems highlighted this afternoon in debate. As a result of that consultative committee I appointed a consultancy to look at anomalies that exist in country areas and to carry out a wide-ranging rent review. I agree with the members for Eyre and Flinders that, even under the old Teacher Housing Authority and under existing Government policy, whereas all other individual client departments in effect service their own housing, we had this inflexibility of setting rents which did not take into account remote locations or the kinds of situations that might not seem much on the surface, but when an individual Government employee went to work in that isolated country town it could create real problems.

Every Government, whether Labor or Liberal, had an existing policy of 80 per cent of Housing Trust vacancy rents. The way of putting everything under the Office of Government Employee Housing, as we are now doing, would give us a chance to go out and look at all these problems and in some ways rectify it. I refer to the proposed amendment by the member for Hanson, who brings in the South Australian Housing Trust as the correct body to administer the Act. I would have thought that, if the Opposition was serious and wanted some input into this debate to find out who, what and why was the best way to administer a service not only for the benefit of the Government but for the benefit of client departments, the person most important is the person who will live in the house.

I would have thought that the member for Hanson would have said to his colleagues, in discussing it in the Party room, 'Gee, boys, I have a ripper of an idea: let's give it all to the trust'. If all members had said, 'Yes', the member for Hanson would then whip across to the General Manager to find out whether he felt it was a good idea. That did not happen because the member for Hanson would know that it is not within the trust's charter to run such an organisation as the Office of Government Employee Housing. It would be in conflict with the trust's role, which is to provide public housing. The Government's role is to provide accommodation for those people who work for the Government. I would have thought that that was very simple.

Members interjecting:

The Hon. T.H. HEMMINGS: All reports that have been presented have said exactly that. The member for Hanson said something—I thought he swore, but I hope he did not—but on 31 March 1980 the Tonkin Cabinet approved the establishment of a committee to review and recommend on housing for Government employees in country areas of South Australia. That committee recommended:

That a centrally controlled and coordinated Government country employee housing program should be established with the following objectives:

Those objectives are then listed and whilst—

Mr LEWIS: On a point of order, if that is part of a ministerial docket, I ask that you, Mr Deputy Speaker, direct the Minister (since it is part of the recommendations of a report sought by the Government) to incorporate that in *Hansard.*

The DEPUTY SPEAKER: Is the Minister reading from a docket or a copy?

The Hon. T.H. HEMMINGS: I am reading from a report that was released to the public and, if the member for Murray-Mallee cares to go to the library, he can get it. I am perfectly happy to table it.

Mr Lewis: Right.

The Hon. T.H. HEMMINGS: I table that report. Another report (and this is not a Cabinet submission but, rather, a briefing note prepared for me) indicated the findings of a consultant. The consultant, Price Waterhouse, was asked to present a report and, after identifying appropriate problems, that firm concluded:

. . . that a single authority would be the most effective mechanism for establishing a financial information system. They saw other advantages including:

full costs would be disclosed;
better coordination would be achieved;
policy review would be better informed;
planning functions would be more accurate;
more consistent standards could be achieved; and
the actual rental subsidy provided to employees could be determined.

The consultants maintained that a single authority would be the most efficient means by which a single system that provides up to date information on the total stock of houses can be achieved. Responsibility for decision making would rest with the individual agency and all transactions could be processed promptly.

That report was presented in 1985. It shows that both major political Parties (the Tonkin Government in 1980 and the Bannon Government in 1985) recognised that it was necessary to bring all Government employees under one office in order to achieve better administration, better utilisation, better standardisation, better rationalisation—you name it, that office would do it.

Now we have the new team—the A Team—who survived the debacle saying that we should forget all of those and give it to the South Australian Housing Trust. Even the member for Davenport asked whether it would be just another public authority. If he looks at the Bill, he will discover that it repeals an authority and places it under the control of a Government office. One would have thought that, because of the philosophy embraced by members opposite, they would support this Bill. We are dismantling that authority and putting it into a Government department. The member for Davenport, as is his wont, raised individual cases—two houses owned by the STA—upon which he then based his whole argument.

The member for Hanson quite correctly referred to all those Government bodies that would be incorporated in this Bill. I would not like it to be thought that those two houses will be bulldozed: they are not affected by this Bill. The reason why those people were evicted was that because they committed the unpardonable sin: they refused to pay their rents and that is the sole reason. It was a major problem for them but a minor managerial problem for us. They refused to pay their rent and they were evicted. I am happy to report that the good nature of my colleague the Deputy Premier prevailed and in one case they relented and have caught up with their rent. They have been allowed to live there. Let us not cloud the whole issue with red herrings relating to people being kicked out of their homes.

In summary, this will be a more efficient organisation. It will recognise some of the many problems that have been highlighted by members opposite. The South Australian Housing Trust should not have sole responsibility, because the member for Eyre made a very valid point: he said that under the old redistribution, when those parts of Whyalla were in his electorate, he had good dealings with the South Australian Housing Trust, which was able to deliver a good service to those tenants. The South Australian Housing Trust will continue to carry out maintenance in major centres such as Port Lincoln, Ceduna, Port Augusta and all those major country areas where there is quite a fair representation of trust accommodation, but the South Australian Housing Trust has never involved itself in remote areas—that has always been performed by the Department of Housing and Construction. During the Committee stage, I urge members to weigh those comments very seriously and I hope that they will realise that this Bill is the only method by which a successful Office of Government Employee Housing can operate in this State.

Bill read a second time.

In Committee.

Clauses 1 and 2 passed.

Clause 3—'Interpretation'.

Mr BECKER: Subclause (2) provides:

The Governor may, by proclamation—

(a) declare that the employees of a specified body corporate are public employees.

In his press release of December 1986 the Minister mentioned 17 agencies and I think that that number was mentioned elsewhere. I think that probably there would be more. Does the Minister have an up-to-date list of how many departments are involved, or whether all departments are involved? It seems a little confusing.

The Hon. T.H. HEMMINGS: The short answer is that all those Government departments that have Government houses are covered. Some Government departments have only one house. Does that explain it?

Mr BECKER: Does the Minister have a list of all the Government departments involved? My secretary contacted the Minister's office and I was given a list which mentioned Police, Engineering and Water Supply, Agriculture, Highways, Community Welfare, Environment and Planning, Correctional Services, Lands, Housing and Construction, Marine and Harbors and Fisheries. Would the courts be involved? The list also mentions Mines and Energy and Transport. Would the Department of Labour be involved? It would be questionable as to whether Public and Consumer Affairs and Services and Supply would be involved, but Woods and Forests would be. I do not know about the Arts. Is the Minister in a position to advise the Committee of the number of houses that are actually involved?

The Hon. T.H. HEMMINGS: I do not have that information with me, but I can provide to the member for Hanson details of the housing stock that each Government department has, etc. It is very complicated.

Mr M.J. EVANS: I have some difficulty working out just who is to be covered by clause 3 (2), which provides:

The Governor may, by proclamation—

(a) declare that the employees of a specified body corporate are public employees.

Of course, 'body corporate' there means any body corporate, including a local council or, indeed, a private company. However, when one looks at the definition of 'public employee', provided in clause 3 (1), it seems to me that there should be almost no-one left and so that does bring some question to my mind as to who is intended to be caught by the additional provisions in clause 3 (2). It appears that all public employees are covered by the definition of 'public employee'.

The Hon. T.H. HEMMINGS: At present, employees are covered by several Acts, as the member for Elizabeth would well know, such as the THA Act, the GME Act, and all the others. The broader definition of those people eligible for housing will allow for a range of employees to be included under the single Public Employees Housing Act. That includes teachers, GME Act employees, weekly paids and police. It gives the broad definition.

Mr M.J. EVANS: I am aware of that, from reading the Bill, but my question really was: who is it intended will be caught by clause 3 (2) *(a)* who is not caught under the definition of 'public employee' in clause 3 (1), given as:

(a) a person employed by the Crown, whether in the Public Service or not—

which is a pretty generous provision—

(b) a person employed by a body corporate that is established by or under an Act—

under several very general classifications, as given. I really do not see who is left. The catch-all provision in subclause (2) *(a)* is very generous and could include local councils, a private corporation or almost anyone employed in a body

corporate in the State, including a private company. I wonder why it is included, given the very generous nature of the definition of 'public employee' and who it is intended that that special provision will catch.

The Hon. T.H. HEMMINGS: I think my previous explanation covered the matter. Of course it is very generous; the whole point of that clause is clearly to establish that the eligibility covers the whole lot. The member for Elizabeth says that it could include employees of local government: sure, it could, but it will not.

Mr M.J. EVANS: I think the Minister has not understood my question, but obviously there is no point in pressing that. His explanation raises a very interesting possibility, and I hope that his last statement is in fact an assurance that it would not affect local government or any other person outside the State Government's employ without their approval, because it is very obvious that subclause (2) *(a)* can include almost anyone in the State. I would like the Minister's assurance that he will not bring local government and other groups that are outside the State Government's direct control under this section without their concurrence and approval.

Clause passed.

Clause 4—'Provision of housing.'

Mr BECKER: I move:

Page 2—
Line 1—Leave out 'Minister' and insert 'South Australian Housing Trust (the Trust)'.
Line 4—Leave out 'Minister' and insert 'Trust'.
Line 7—Leave out 'Ministers' and insert 'Trust'.

This is the test clause as far as our amendments are concerned. In moving these amendments, I am not put off by the fact that the Housing Trust would have to amend its charter. It is very easy for us to bring in supplementary legislation to amend the charter of the South Australian Housing Trust. It is something that probably should have been looked at in the past 12 months, in view of the Housing Trust's fiftieth anniversary, and it is certainly something that we will look at. I do not want to debate the matter at length. I think that most of the comments in relation to the Housing Trust have been made. It is in the field; it is represented throughout the whole of the State. It is looked upon as the leading authority in the management and coordination of housing requirements in this State. It has an enviable record elsewhere in the Commonwealth of Australia; I do not know how it would rank overseas, but I think that it would be highly regarded in many countries.

The Minister has made great play of the fact that I had not contacted the General Manager of the South Australian Housing Trust. First, I point out that the legislation was brought in late on Thursday. Since then I have made several attempts to contact Mr Paul Edwards of the Housing Trust. I do not know how many times I tried yesterday—at least three times. I rang his secretary and at one stage he said that he would interrupt an inspection that the General Manager was undertaking in an effort to get him to contact me—but I did not want him to interrupt an inspection for that purpose.

I certainly made several attempts to contact the General Manager of the trust, but I was not making any official approach to the trust as far as this was concerned. We always run the risk of this sort of thing happening when legislation is introduced on Thursday afternoon. Depending on a member's commitments on Friday, the weekend and on Monday, it often does not give much time to get the legislation up to the shadow Cabinet by Monday afternoon. It is time that the Government woke up to itself, having regard to the swipes that it occasionally takes at us in relation to the things that we are required to do. I run a very busy electorate office, too.

I believe that the South Australian Housing Trust is in an excellent position to look at the vacancy rates of houses in the various country towns. Recently when I was at Lameroo I found certainly three vacant Teacher Housing Authority houses there—I think there might have been six. Those houses could be used in the short term by disadvantaged people. After all, there are some 44 000, nearly 45 000, people on the housing waiting list. Some people are desperate and they would make excellent tenants. Given the opportunity to relocate in the country, with all the facilities and services available for the community and family health services and the various women's organisations in these country towns, these people could be taken in and assisted in re-establishing themselves, whether from broken families or whatever the circumstances they are in. It might be just the break that some of these families need. I was born and brought up in the country, and I think it is the best lifestyle that anyone could have—certainly for the first 20 or 25 years of one's life. I would like to see these houses used wherever possible. I think that it is a shame that they are left vacant. Many young people in the country districts also could use them.

The best organisation to coordinate the use of those houses is the South Australian Housing Trust. So, I do not see any problems whatsoever in this suggested amendment. I remind the Minister that in 1987 the Teacher Housing Authority rented from the South Australian Housing Trust 489 houses. The rent paid was $1.4 million; on average that is $2 500 each—about $48 a week. The Teacher Housing Authority rented 140 houses from private individuals, and rents paid amounted to $444 000; again, about $2 700 each, or about $51 or $52 a week, on average. So, the Teacher Housing Authority, the largest organisation as far as Government employee housing is concerned, was using the South Australian Housing Trust for a third of its accommodation stock. Provisions were written into the Teacher Housing Authority legislation to permit the authority to utilise the services of the South Australian Housing Trust. As I have said, this proposition is logical. It seems sensible to have one well established and well proven authority responsible for this matter. I believe that this would be acceptable to public servants at all levels and the public at large who have had the opportunity—and I am one of them—to use the services and facilities of the South Australian Housing Trust. So, I commend the amendments to the Committee.

The Hon. T.H. HEMMINGS: The Government opposes the amendments, for the many and varied reasons I gave in my summing up at the second reading stage. The member for Hanson mentions a trip he took to Lameroo and some of the things he saw there. He would not see in Lameroo a Housing Trust office, but he would see there an office of the Department of Housing and Construction. That is the whole point. It is all very well to talk about the trust as a great organisation. I am the first to admit it. I am very proud, as the responsible Minister, and it is very good to hear comments of support for the Housing Trust from members of the Opposition. You will recall, Sir, that they sometimes say bad things about the Housing Trust, and it is nice to hear them say good things. The Housing Trust does not operate north of Port Augusta. It is as clear as that. The Department of Housing and Construction does. We are looking at certain areas where we can provide the most effective means of maintenance. That will be touched on by the consultancy which is looking at the whole area of Government employee housing, but also from within my

department, to which the South Australian Housing Trust will have an input.

The member for Hanson talks about the number of homes rented by the THA from the South Australian Housing Trust. Sure, on a short-term basis in those large country towns, when there could be a rapid movement one way or the other with teachers, it was very correct and proper to rent on a short-term basis from the Housing Trust. However, just because they did that, it does not mean that we believe in motherhood, and the tried and tested South Australian Housing Trust is the correct and proper agency to deal with it. Members of the Opposition talk about deregulation—that sounds like my colleague the Minister of Labour—they talk about getting rid of those quangos and getting rid of those authorities; putting it back where it belongs; the responsibility lies with the Minister or with the Director. That is what we are doing. Let us have some consistency. One thing that I believe in, simple man that I am, is consistency. If you are all for deregulation, stay with it. If you want to retain quangos then vote for the amendments. The Government opposes the amendments.

Mr BECKER: I cannot work out this Minister. I do not suppose I should bother. On average, 10 per cent of the Teacher Housing Authority stock is vacant, and the figure has been much higher than that. The parliamentary Public Accounts Committee has looked twice at the Teacher Housing Authority. It had an investigation back in 1980 and it recently reviewed that report. We saw vacant houses, and we saw some houses sold and others rebuilt to replace those vacant houses. I could not make sense out of some of those transactions.

No matter where the Housing Trust operates, its barriers can be extended. Once north of Port Augusta, there are other areas of expertise that we could bring in and use, but it can still be done under the South Australian Housing Trust. I am quite sure that the Housing Trust, given the staff that would be transferred over, would be quite competent and capable of handling it. It is time to save some money on vacancy rents. The loss is running at about $1.4 million per annum, with almost $9 million worth of accumulated losses. That would have built 400 or 500 houses and would have reduced our Housing Trust waiting list. We cannot keep on losing money like this. I just cannot accept the Minister's reasoning on this, and we should do all we can to ensure that the South Australian Housing Trust is the correct body to handle Government employee housing.

The Hon. T.H. HEMMINGS: Some of the comments that the member for Hanson made about the Public Accounts Committee and the Auditor-General's reports on the Teacher Housing Authority are the very reason why this Act is being brought into being: to rationalise the stock that we have and to maximise the return to Government through a mechanism of the actual cost of housing. What people do not seem to realise is that, notwithstanding all the comment that the member for Hanson has made about the South Australian Housing Trust, which I endorse and with which I concur, there is also a deficit, a subsidy, and there will always be a subsidy on public housing.

Under the existing system, the problem is that despite setting up the THA in the 1970s—and I think the member for Victoria said that it has a deficit now, but that deficit will still be there—we will be able to clearly identify the cost of housing to Government in general and to individual departments in particular. We are talking about Government employees and a facility and service that they carry out—and this was touched on by the member for Flinders. People required to go to the country are providing a service. Whilst it has nothing to do with this Bill, there was a great argument as to whether rents should be a part of incentives, and in the opinion of the Government (and I fully supported that proposal and argued that alongside my colleague the Minister of Labour), the Government has the right to set the rents. Here, again, is a direct conflict. If we talk about services being provided in the community, the cost of that service or the provision of that housing can be dealt with only by an office within the Department of Housing and Construction, not another public housing authority. We do get into a conflict.

Take the typical case of a police station. The house, police station and cells are all in one. In effect, the member for Hanson, through his amendment, is saying that the Housing Trust would administer the residence, but we would have the stupidity, the duplication, of one Government department dealing with the police station, the cell and all the bits and pieces that are necessary to maintain law and order in the country, and the residence being maintained and administered by the South Australian Housing Trust.

The flexibility that the member for Hanson indicated—and I do not know whether he appreciated it when he said it—is that the existing movement of trust homes to either the THA or another Government department will continue. However—and I say this very seriously, even though I do not often say nice things about the member for Hanson—he picks up very quickly, as a member of the Public Accounts Committee, the possible waste of vacancies. There will be more flexibility now, because all of the houses will be owned by the Office of Government Employee Housing, so it is not a question of one owned by the Woods and Forests, one owned by the E&WS, one owned by Lands, one owned by Agriculture, and one block up the road owned by the Teacher Housing Authority.

They will all be under the one control and there will be greater flexibility in the allocation of homes. If, under a rationalisation, certain homes are not required by the Government, those homes can easily be made available to the Housing Trust. The member for Hanson talks about changing the Housing Trust's charter, but I believe that that charter is very good and I hope that during my time as Minister we need not change the guidelines and the general thrust given to that charter by the Government years ago.

I hope that members opposite who say that they will support the amendment will rethink their position and oppose it. Although I have not spoken to the General Manager of the trust on this matter, I guess that the trust would prefer to continue to do what it does well rather than get involved in the way suggested by the amendment.

Mr M.J. EVANS: The Minister's arguments have convinced me to vote for the amendment. His arguments about the economies of scale, standardisation, and bringing it all under one control make a good case for bringing all these houses under the aegis of the Housing Trust. As a public servant, I worked for many years in the then Public Buildings Department and it seems to me that its successor, the Department of Housing and Construction, is becoming less and less well equipped to control this type of accommodation whereas the Housing Trust has gained credibility in this area.

Although the Minister has raised the anomaly of police stations and of houses north of Port Augusta, I point out that, even as a combined total, they are a minority in public sector housing and that such anomalies will always exist and can be resolved by proper administrative action. The Minister controls completely the functioning of the Housing Trust and the Department of Housing and Construction and he need only issue instructions to the trust and the department to ensure that proper coordination takes place.

It would be far cheaper in the long run for the State if all the housing stock in this context was administered by the trust, which is the body with the greatest expertise in this area and which administers over 50 000 properties.

The Minister referred to the Housing Trust's charter at great length. As he is no doubt more familiar than I with the legislation, I ask him to direct me to the charter in that legislation so that I may study it as he has undoubtedly studied it. I believe that the Housing Trust was established with certain powers to deal with properties in a general way and that it is subject to total control by the Minister. In the brief time available to me since this Bill was introduced last Thursday, I have found no charter that would exclude the proposition before us this afternoon, and I should appreciate the Minister's drawing the charter to my attention so that I may examine it.

I trust that the Minister can do so. He ignored my previous question, but I hope that he does not ignore this one because it is at least equally as important as my previous question, dealing as it does with the charter of the Housing Trust, an organisation that deserves the credit and confidence of this House.

The Hon. T.H. HEMMINGS: I am tempted to ignore the question because, having lost a vote, I may lose another down the line. The member for Elizabeth is well aware of how the Housing Trust's charter was adopted and how it has been picked up by both Parties when in Government. Indeed, the charter is often referred to in Government circles and in the boardroom of the trust. The trust has been given a responsibility by the South Australian Government to provide housing relief and succour to South Australians. The charter is not spelt out in legislation: it is what the trust knows that it is doing and it keeps the trust going, supported by the Government. I am sure that you understand that, Martyn.

The CHAIRMAN: Order! I remind the Minister that he must refer to another member in the correct way. The honourable member for Elizabeth.

Mr M.J. EVANS: I appreciate the last point, Mr Chairman. Given what the Minister told the Committee earlier, I am amazed that there is no formal written charter for the trust. It is a hypothetical document something like, perhaps, the Constitution of the United Kingdom, which is found by consulting many articles and newspapers but is not in legislation. If the trust's charter is not in writing, it need not impede us in this instance. Indeed, the Minister based much of his argument in opposition to the amendment on the charter, stating that it had been adopted by the House. Now, however, it appears that no such document exists and it need not block consideration of the trust's looking after Government housing.

I appreciate that there is a spirit of understanding, almost a constitutional convention, concerning the Housing Trust's charter, but it is like other such conventions, unwritten and only documented in an unspoken legacy passed from Minister of Housing to Minister of Housing down the ages. However, it is not in the Act and this amendment should not be blocked by any consideration concerning the charter. The amendment would appear to be a reasonable proposition. In his reply, the Minister did not say whether houses north of Port Augusta and police houses were in the majority or whether they would constitute such an enormous anomaly as to block the terms of the amendment. We have not heard any figures advanced in this regard.

Given that absence of data, the proposition is reasonable; and, given the history of the trust and its charter, which we all understand is to provide housing, be that public housing for public servants or for residents of the State, I do not think that it makes much difference.

The Committee divided on the amendments:

Ayes (16)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker, Becker (teller), and Blacker, Ms Cashmore, Messrs M.J. Evans, S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs Bannon, Blevins, Crafter, De Laine, and Duigan, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings (teller), Hopgood, and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Plunkett, Rann, Robertson, Slater, Trainer, and Tyler.

Pairs—Ayes—Messrs Chapman, Eastick, and Oswald. Noes—Messrs L.M.F. Arnold, Keneally, and Peterson.

Majority of 8 for the Noes.

Amendments thus negatived.

Mr M.J. EVANS: In relation to subclause (3), under which 'notwithstanding any other Act or law to the contrary the terms (including the rent and other charges) on which the accommodation is provided will be determined by the Minister', do I take it that this is intended to oust fully and completely the Residential Tenancies Tribunal in respect of all Government housing?

The Hon. T.H. HEMMINGS: Although this is not under the Residential Tenancies Act, we do comply with the spirit of that Act in terms of notification of rent increases. As the honourable member would be well aware, the South Australian Housing Trust is not bound by the provisions governing the Residential Tenancies Tribunal, but there is a view that all Crown properties should be under the control of that tribunal, and that particular problem is being looked at.

Mr M.J. EVANS: Am I to understand that the Minister does not consider that the Residential Tenancies Act binds the Crown now? As I understand the 1981 measure, it amended section 6 by providing that, subject to subsection (2), the Act binds the Crown but then went on to exempt the SAHT. Perhaps that amendment has not been promulgated and has not been brought into effect. Given the limited time I have had for research, I have not been able to check that. It seems to me that, under normal circumstances, with the exception of the Housing Trust, the State Government as the Crown is bound by the Residential Tenancies Act. If that 1981 amendment has not been brought into effect, I take the Minister's point. But, as I understand the position now, the Crown is bound by the Act with the exception of the trust. The Minister has defeated the amendment that would bring these houses under the trust so, as the law now stands, all Government employees have the protection of the Residential Tenancies Act and of the tribunal under that Act.

The implication of subclause (3) is that it would oust the full jurisdiction of the Residential Tenancies Tribunal and leave the Minister the sole arbiter of the terms and conditions of the tenancy which is, in effect, a substantial downgrading of the present protection that is offered. Can the Minister confirm, as I believe that he has done, that the tenants are under the Residential Tenancies Act, and is it his intention that subclause (3) should repudiate that?

The Hon. T.H. HEMMINGS: As the member for Elizabeth has pointed out, they are bound by the Residential Tenancies Act. It was the view of Parliamentary Counsel that this particular clause should be in the Act but the Crown is bound under the Residential Tenancies Act.

The CHAIRMAN: The Minister is out of order. The Committee may not refer to Parliamentary Counsel.

Mr M.J. EVANS: I thank the Minister for his explanation because it seems clear to me now that subclause (3)

will result in a significant downgrading of the position of Government tenants. Since 1981—six years ago—they have enjoyed the protection of the Residential Tenancies Tribunal and Act. Not only are certain concerns applied in the Act but they are able to go to the tribunal with a case in relation to disputes and a whole range of landlord and tenancy matters other than simple terms and conditions of tenancy. The tribunal provides an independent source of quasi-judicial advice and interpretation which has always acted as a substantial benefit to Government employees. Without any fanfare or mention in the second reading explanation, it seems that the whole protection, which is an industrial issue of the greatest importance, is to be swept away.

I find that most unfortunate. The Government has for the last six years offered these people that independent protection and security that is now to be swept away with one clause which invests all of the power, interpretation and conditions fixing ability solely with the Minister without any recourse to an independent tribunal. I am incredulous that the Minister has undertaken that decision without alerting the Committee to its significance and without adequate consultation with employees and unions. I would be amazed if the Public Service unions and the whole variety of employee organisations that represent those people would have agreed so readily to the removal of the legal protection and the independent judiciary review, which has been exercised for the last six years, without any consultation. Will the Minister advise me of any consultation he has had and whether the unions have agreed to such?

The Hon. T.H. HEMMINGS: I will make the Government's view perfectly clear. Clause 4 (3) provides:

> Notwithstanding any other Act or law to the contrary the terms (including the rent and other charges) on which the accommodation is provided will be determined by the Minister.

It warms my heart to see the member for Elizabeth battling for these people who will do shonky things and try to slip through the RTT. In determining that I will comply with the Residential Tenancies Tribunal and the Crown will be bound. The Minister will determine the terms, including the rent and other charges. That has been the whole argument with the South Australian Institute of Teachers, namely, that the Government and the Minister have the right to determine the rent.

If the member for Elizabeth had read the public debate that took place when the last rent increases were announced, he would know that the South Australian Institute of Teachers stated that the rent setting procedure should be in the hands of the commission. The Government objected to that. I am simply saying to the member for Elizabeth and to the Committee that clause 4 (3) says exactly that. It will be determined by the Minister, but we will comply with the Residential Tenancies Tribunal conditions.

Mr S.G. EVANS: I congratulate the member for Elizabeth. I ask the Minister to think about this matter seriously. The member for Elizabeth has given another example of this place being asked to accept the word of a Minister of today, that the word of the Minister today will prevail over the word of the Minister or Government of tomorrow, which may not even be of the same philosophy. We are passing an Act of Parliament and we know from other procedures in this place that the word of people cannot be kept when it comes to political Parties. Question Time is an example of that.

The member for Elizabeth made a point and the Minister responded in precise terms in admitting that this legislation will do away with the opportunity for people to go to the Residential Tenancies Tribunal in law. The current Minister stands up and says, 'I will give a guarantee that I will abide by the Residential Tenancies Tribunal conditions in deciding certain issues for tenants, but not when it comes to rent and so on'. Under the present Residential Tenancies Tribunal Act a tenant has the opportunity to go to the tribunal on matters of dispute about rent and so on. The Minister is saying that he will not allow that to happen. Clearly, as this legislation will state if passed, it is solely in the province of the Minister.

Other matters that the Residential Tenancies Tribunal covers include the condition of the home, notice that one may give and so on. As much as I would like to say that I believe the Minister will put that into operation, he does not hold that position for ever. He has indicated that he may not continue into the next Parliament. The Minister laughs. A Minister's word cannot be accepted as being the Act. That is what the Minister is telling us. The departmental officer who may advise the Minister from time to time cannot give a guarantee that that will be the case. I ask the Minister to adjourn this debate so that we can ascertain whether there is another way of doing it so that tenants in public housing in future (other than Housing Trust tenants) will be fully protected.

The Hon. T.H. HEMMINGS: I will certainly not adjourn. I remind the Committee that there are already various mechanisms that allow rent charges to be determined. I refer to section 56 (1) *(b)* of the Act. Was there shock, horror and outrage when that was enacted? I also refer to section 13 (2) *(g)* of the Teacher Housing Authority Act. This clause makes provision for the continuation of practices that currently exist. So, people currently having their rent set under section 56 (1) *(b)* of the GME Act have a definite right. This clause merely transfers the same provisions in the Teacher Housing Authority Act—section 13 (2) *(g)*—into this legislation. No-one said that under the Teacher Housing Authority Act people did not have the right to go to the Residential Tenancies Tribunal.

I also give an assurance to the Committee that the concerns raised by the members for Elizabeth and Davenport will be looked at to ascertain whether there is any validity in them. If necessary, when it goes to the other place, those concerns will be addressed. That is the most that I can do. I take the point made by the member for Davenport that assurances given by Ministers are sometimes not acceptable to Oppositions.

Mr S.G. Evans: They are not kept.

The Hon. T.H. HEMMINGS: They are not kept. I am pleased to say that the member for Davenport accepts that, if I give a commitment in this House on a certain issue, it is kept. As part of the debate on the setting of rents, which came into effect in August and September, I made perfectly clear to the Public Service Association and the South Australian Institute of Teachers that I supported their right to go to the Residential Tenancies Tribunal if they had a case for undue hardship. The only argument the Government had with those associations was as to who had the right to set the rent. Clause 4 (3) says exactly that. I give an undertaking to the Committee that, after passing through this House and prior to the Bill going to the other place, I will pick up those points and ascertain whether any reason exists to echo the concern that the members for Elizabeth and Davenport have raised on the matter.

Mr S.G. EVANS: I accept the Minister's offer, but in so doing point out that this practice has come into being only in recent times. On a regular basis members have raised a valid point and have been told that we will not adjourn the debate but that it will pass this House and we will wait until the other place looks at it or that it will be looked at

before it gets there. We are asked to trust the Government to do that.

That is not quite our role. Our role is to ensure that, before legislation leaves this House, the majority of members feel that it is in a form that can be applied fairly and correctly and that it is not ambiguous. The Minister based most of his argument on rent, but that is not what it is about. The Bill is about all the provisions contained in the Residential Tenancies Act. I accept the Minister's offer that he will look at the matter before it goes to another place, but this House should wake up to the fact that that sort of practice is not in the best interests of democracy. We should decide the matter here and, if there is some doubt, I think that most members would agree that it should be corrected before the Bill leaves this House.

There must be some doubt in the minds of the Minister and those who advise him, and I give credit to the member for Elizabeth for picking this up. In this case, I am prepared to let it go but, in the future, let us be prepared to say, 'We could be wrong. We will adjourn it for a couple of days. It has waited for years to get to this point. What do a few more days or a week matter? That is the proper way of approaching the matter.

The Hon. T.H. HEMMINGS: I appreciate the support of the member for Davenport and the member for Elizabeth. Even though it is 5.20 p.m., I am sorely tempted to pursue this argument. The whole thrust of the argument by the Opposition and the member for Elizabeth was that this Bill should be under the control of the South Australian Housing Trust. Members have already decided that question but, if one looks at the Residential Tenancies Act 1978, the cornerstone of those exempted from that Act is contained in clause 4, which provides that that Act binds the Crown.

Mr S.G. Evans: Except the South Australian Housing Trust.

The Hon. T.H. HEMMINGS: Except the South Australian Housing Trust. I accept the fact that I or my advisers may have not covered a particular area adequately but, with all due humility, I think that that might have answered the concerns of the member for Elizabeth. You cannot have it both ways. You cannot say that all those Government employees have to be bound by the Crown under the Residential Tenancies Act and then argue (even to the point of calling for a division) that you want to place them in an organisation that is exempt from the Act. Either you accept the fact that it goes into a non statutory authority such as the Office of Government Employee Housing and they are bound by the Crown, or you argue (as did members opposite) for it to come under the control of the South Australian Housing Trust which is not bound by the Crown. The Opposition and the member for Elizabeth wanted six of one and half a dozen of the other.

Mr S.G. EVANS: I know that this is my last chance to speak. I think that the Minister has tried to be smart in one way, but let me try to be smart the other way. The Minister said that you cannot have it both ways. In the future perhaps I shall be prepared to trust the Housing Trust, which is one step away from the Minister, but I am not prepared to trust a future Minister (and I am not referring to the present Minister), because that is what this Bill is about. The Bill as it stands enables the Minister to decide the rents. Perhaps I am prepared to trust the Housing Trust but, by not amending this Bill, the Minister has overlooked the fact that, if it is under the Housing Trust, it means that it is one step away from the Minister's decisions and I refer to a future Minister, whoever she or he may be. The situation is not as the Minister related it. He forgot about the little bit in the middle.

Clause passed.

Remaining clauses (5 and 6), schedule and title passed.

The Hon. T.H. HEMMINGS (Minister of Housing and Construction): I move:

That this Bill be now read a third time.

Mr M.J. EVANS (Elizabeth): As this Bill has emerged from the Committee stage, we have a reasonable strategy for a coordinated approach to public housing for the employees of the Government in this State. I think that that is a reasonable strategy and, as such, I fully support it. I disagreed with some of the Minister's interpretations and, of course, I am free to do that, just as he is free to support an alternative strategy. As it transpired, his alternative strategy was successful.

However, I make it quite clear that, in questioning some aspects of this Bill as it has emerged from the Committee stage, I did not support the proposition both ways. I presented a point of view based on the Bill as I found it at the time. Having achieved his objectives of defeating any transfer of the proposal to the South Australian Housing Trust, the Minister left the Bill as it came into the Chamber initially. That supported a certain strategy whereby the Office of Housing (that is, the Minister of Housing and Construction) would control that completely.

Given those circumstances, I then had to address clause 4 as the Committee had left it and I proceeded to do that. Had an alternative strategy been approved, naturally those questions would not have arisen on clause 4 and they would not have been raised. You cannot have it both ways and use both arguments against members of this House, as the Minister has done, when in fact the members themselves resolve the question. Members have to take the Bill as they find it and I did that. I raised questions that I considered to be legitimate, because they attacked a very fundamental right of public employees, and that is their recourse to independent judicial advice and determination of rental questions, not relating to dollars and cents of the rent but, rather, to the conditions and the terms of that tenancy.

As the Bill has emerged from the Committee stage I am most concerned about the words contained in clause 4 (3) which refer to 'the terms, including the rent' that should apply. I hope that the Minister will focus his attention on that matter, because I believe that the Bill as approved by the Committee will oust the total jurisdiction of the Residential Tenancies Tribunal, not only in areas of rent (although that is important but not paramount), but also it will affect the terms on which that accommodation is made available. That is the area in which employees have the right to an independent judicial determination and not just an appeal to the Minister, which is from season to season.

Bill read a third time and passed.

ABORIGINAL HERITAGE BILL

Adjourned debate on second reading.

(Continued from 15 October. Page 1240.)

The Hon. P.B. ARNOLD (Chaffey): I am not the lead speaker for the Opposition. In relation to the presentation of this legislation in the House, I believe that it does the Deputy Premier little credit to introduce such legislation late in the week and then expect the Opposition to debate it early in the following week—and I point out that the legislation before us is complex. Had the Opposition not received a copy of the draft legislation—and the Bill that

has been presented to the House is in keeping with it—we would not have had time to go to the north of South Australia and consult with the various Aboriginal groups in that part of the State. We would not have had an opportunity to consult with the people who will be affected by this legislation. Fortunately, by one means or another the Opposition received a copy of the draft legislation and that gave us an opportunity to go to the north of South Australia and to discuss at length with the elders their attitudes towards these proposals.

It will do the Deputy Premier little credit if, at the conclusion of the second reading debate, he refuses to agree to a select committee. This is a very complex piece of legislation. It concerns a matter about which very few of us can claim to know a great deal. We are talking about the lifestyle and heritage of a race of people known to have been in this country for some 40 000 years, and yet the Government is introducing legislation, prepared for the Minister in his department with, on the evidence that has been provided to us, very little consultation with people at the grass roots level on which this proposal will have such a bearing. It is quite ludicrous for the Government to think that it can establish a committee, under this legislation, that will be truly representative and be able to make effective decisions on behalf of all Aborigines. It is very much like the Prime Minister trying to develop a treaty with Aborigines throughout Australia, with the immediate question being: who will sign the treaty? Who represents all the Aborigines throughout Australia?

Of course, exactly the same thing applies here in South Australia as far as Aboriginal heritage is concerned. What is important to one group of Aborigines has little or no importance to another group. Consequently, what is sacred to one group of Aborigines is only really known to the elders and the senior members of that group, and that information is not going to be handed over to any committee established by the Minister under this legislation. So, it will be virtually impossible to effectively implement the legislation in South Australia. That is why the Opposition believes that it is absolutely essential that it go to a select committee. I have my doubts as to whether or not a select committee, after lengthy deliberations, will be able to effectively come up with the answers to many of the vexed problems involved in this subject. However, if at the conclusion of the second reading debate the Minister refuses to agree to refer this Bill to a select committee, the Opposition certainly will vote against it at the third reading.

On 4 March I had the opportunity to travel to the north of the State and at that time I was in possession of a draft copy of the legislation and I arranged to meet with many senior members of the various Aboriginal groups in the north. They came from a wide cross-section of areas, and I had lengthy discussions with them. At the conclusion of that visit I returned to Adelaide and on 13 March I made the following statement to the media:

> The State Government's proposed Aboriginal Heritage Bill has been widely condemned by the Aboriginal communities, who have referred to the Bill as a 'silly bit of paper'.

That was the way in which some of the elders described the draft Bill. They went on to explain at length why they regarded it as being a silly bit of paper. I also stated:

> There is widespread dissatisfaction and concern with the Bill's proposals, which many Aborigines consider will destroy Aboriginal culture in this State. It seems ridiculous for this Government to be considering introducing a Bill that nobody wants—least of all the Aboriginal community.

I continued my statement at some length. Following that visit to the north, I put on notice a series of questions to the Minister. First, I asked:

> Is the Minister aware that the Aboriginal communities in Port Augusta, Coober Pedy, Marree, Nepabunna, Copley, Hawker and Quorn have all firmly rejected the proposed Aboriginal Heritage Bill?

The Minister's reply was:

> I am unaware of any firm rejection on the part of the communities mentioned.

So, with that qualification of 'firm rejection', I do not know whether the Minister means that he is aware that there is a mood of rejection of the proposed legislation among the communities involved. Secondly, I asked:

> What instructions have been given, and to which officers of the Aboriginal Heritage Branch, in gathering community reaction to the proposals?

The Minister responded as follows:

> Virtually the entire staff of the Aboriginal Heritage Branch has been engaged in the process of community consultation. In each case, these officers have been instructed to explain and clarify the provisions of the draft Aboriginal Heritage Bill and to record any comment offered by Aboriginal communities.

That really does not answer the question that I asked. The third question was:

> Will the Minister table the reports of these officers before bringing in the Bill?

The response was:

> The reports referred to contain confidential Aboriginal comment and will not, therefore, be tabled.

This points up the whole problem of the establishment of a committee under this legislation. The confidential information involved will not be made available to a committee supposedly representing the interests within the various communities. The only people in whom that information is vested are the elders and senior members of a tribe and that is a confidence that is retained within that group.

We come back to the point that the establishment of a committee will not in any way be acceptable to the people at the grass roots level, those people about whom we are talking, who live often in the very remote parts of South Australia. They will not divulge the confidential information that is of great importance to them. The fourth question I asked was:

> Why is the Minister proposing to transfer traditional elders' responsibilities to the Department of Environment and Planning?

The answer to that question was:

> No such transfer of traditional responsibilities is intended. In fact, the draft Bill specifically emphasises consultation with traditional owners.

Again this relates to the question of the establishment of a committee under the legislation, as a consequence of which much of the responsibility involved will be transferred to this body. Of course, as I have said before, the people involved will not make that information available to a body, created by the Minister, which they consider does not have the right to it.

So, Mr Speaker, certainly the indications given to me in March of this year while in the north of South Australia were very much of opposition to the legislation. Of course, it is easy to understand why when we look at some of its provisions. The definition of 'Aboriginal object', in clause (3) *(a)* and *(b)*, is totally inadequate since there is no provision for determining the truth about the description of an object. It also takes no account of the fact that what may be significant to one Aboriginal may be irrelevant to another. No account is taken of the need to establish the credibility or credentials of either the object or those who are claiming that it is of significance. This cannot be done by anyone other than the group that we are talking about. No committee can ever determine what is important and what is not.

The discussion paper made no mention of 'Aboriginal record', probably for the very good reason that this is a nonsense in Aboriginal terms. Clearly the thrust of this definition is to ensure that the Bill embraces academic collections such as the Strehlow collection. Once again, this is not a matter that has been discussed amongst the Aboriginal community, but is rather a bureaucratic exigency. So, Mr Speaker, once again I was advised by the people with whom I have discussed this proposal that it is totally unsatisfactory.

The meaning of 'Aboriginal organisation' is similarly inadequate, since it uses the word 'group' without requiring that the group have some constitutional capacity to describe its bounds, responsibilities, membership and other relevant credentials. Worse still, it uses the word 'substantially' without defining the manner in which the word will be interpreted—whether it refers to mass, constituency, authority, etc. So, we continue to find one problem after another. All of the foregoing comments apply equally to the definition of 'sites', added to which is the call for ministerial 'function' to search and research Aboriginal heritage. Once again the fact of genuine Aboriginal heritage matters is that they are the exclusive preserve of the people involved and one of their most essential requirements is to keep them confidential to the traditional owners. This is exactly what I have been trying to say in my opening remarks.

The most incomprehensible definition is that of 'Aboriginal tradition'. The main problem with this definition is that it fails to address the point of whether the tradition is historical or contemporary, living or dead, and on whose authority the statement is made and must be believed. In the absence of any criteria as outlined above, 'traditional owner' presents yet another example of how the State is prepared to pervert the interests of its citizens by creating a category or class of people and confer upon them quite extraordinary powers. Traditional owners are recognised but not identified.

Many of these problems that have been outlined to me could well be properly and effectively covered in a select committee hearing, and I will be extremely disappointed if the Minister, as I am led to understand, sticks to his intention not to agree to a select committee in the House of Assembly. A distinction must be made between traditional owners and democratically elected 'leaders' and it must be recognised that this title in itself is a contradiction in terms. There is absolutely no reason why those who are to be acknowledged as traditional owners should not be clearly identified and placed upon the same record as is proposed for Aboriginal sites, objects and records. The list goes on and on of the problems that have been highlighted to me.

The Aboriginal Heritage Committee is in itself a contradiction in terms. In Aboriginal culture, it would be inconceivable that any committee set up by other than the people relevant to that particular culture involved would be tolerated by the local Aboriginal community. We keep coming back to what this legislation revolves around, and that is the creation of this committee which in no way can be completely representative of a particular community. In no way can it be, and in no way do they have the knowledge or responsibility for that community. The whole idea of one Aboriginal being able to represent the interests of another is entirely at odds with the customary mode of the operation of traditionally orientated groups. The very idea that a committee can sit to arbitrate, decide or otherwise comment upon specific cultural affairs of any one group must make a mockery of the idea of Aboriginal heritage.

The only way in which the traditional Aboriginal heritage matters can be conducted with any credibility at all will be to create machinery whereby the traditional authorities are identified, their jurisdictions specified, and matters must then be dealt with at the local level by the appropriate local people. It is these people alone who are capable of determining who should act in a custodial capacity with respect to their cultural interests. I think I have outlined to the House many of the objections that have been put to me and, for that reason, the Opposition will be moving at the appropriate time for the legislation to be referred to a select committee. As I have indicated, if that is rejected by the Government, then the Opposition will vote against the Bill at the third reading.

Mr GUNN (Eyre): The member for Coles is the Opposition's lead speaker in this debate, but I want to say from the outset that the member for Chaffey, in his usual reasonable fashion, has explained to the House why the Opposition has considerable reservations about this measure. As someone who represents a very large part of South Australia and who has been involved since 1970 with every select committee relating to land rights, I believe I have some understanding of the problems of the Aboriginal communities in this State as well as the agricultural and pastoral industries. It is very important in a civilised society that the competing interests of both sections are taken into account and are dealt with. It would be highly irresponsible of any member in this place to fail to recognise that many Aboriginal communities and Aboriginal groups have a close affinity with the land.

However, it is also true that there are, unfortunately, certain people who have, for their own devious ends, tried to hijack the Aboriginal community. Having represented Aborigines from the Pitjantjatjara and Maralinga lands, I have seen at first hand some of those individuals who can be described only as scoundrels. They are the ones about whom I am concerned because in my dealings in nearly 18 years as a member of Parliament I have had no problems dealing with Aborigines. Indeed, I have found them most reasonable, but I have experienced considerable problems with some of their advisers, their legal friends, and other hangers-on who have attached themselves to the coat tails of the Aboriginal movement. They are the ones that concern me in relation to the provisions of this Bill.

Obviously, scattered throughout South Australia there are many areas of significant value to the Aboriginal community and certain areas, too numerous to mention, that could be described as sacred sites. There is a need to identify those sacred sites, to record them and to protect them. In achieving those three objectives, problems will be experienced because, if such sites are made widely known to the general community, they will lose their significance to the Aboriginal community and that knowledge will become available to people who wish to commercialise and even damage those sites. Protecting those sites presents problems for pastoralists and agriculturists.

Therefore, the provisions of this Bill must be carefully drawn to ensure that the rights and needs of the pastoral and agricultural industries are properly protected, because what is required by the community at large is an understanding between those groups and a cooperation that will create a situation where both groups can work together towards their mutual objectives. In most fields, if commonsense prevails then goodwill prevails, and we must have goodwill from both these groups. It is essential that discussion, compromise and a proper understanding be reached on both sides so that the objectives which I have outlined can be implemented because, if they are not implemented, no matter what legislation is passed by Parliament it will

have little or no effect. Indeed, members of Parliament can pass whatever legislation they like and draw up regulations to support it, but, unless commonsense is enshrined in that legislation and it is accepted by all the people involved, it will be virtually useless.

In this regard, I have previously told the House of instances where people have gone over the fence legislatively and I cited the instance of one State in the United States passing a law to say that birds could not fly over an airport. That law was passed, but we all know how stupid that was. I am trying to explain the need to apply commonsense. The member for Chaffey and I had discussions at Port Augusta with Aborigines who came from widely dispersed communities and many of whom were people I had known personally for a long time. They rejected this proposal totally, yet they were not radicals or young people: they were mature age responsible people who were most concerned that they had not been properly consulted so that their views could be considered and so that the legislation could achieve what they considered was in the long term interests of the Aboriginal community. That is unfortunate.

I realise that to obtain consensus will be difficult, but certainly not impossible. The suggestion made by the member for Coles earlier in the week of a select committee is the appropriate and proper course of action. In my time as a member of Parliament, especially when dealing with Aboriginal land rights legislation, the considerations and recommendations of select committees have done much to improve legislation and to put it into a workable state. I believe that in future these matters can be properly proceeded with by way of a select committee, with arguments and matters in dispute being taken out of the public arena and made the subject of rational and responsible discussion.

Those select committees have put before them considerations from a wide group in the community, and that is as it should be. Moreover, such select committees can visit those areas from which people may have difficulty in getting to Parliament House in the city. After all, all wisdom does not flow from this place and it is important that all views be considered. Therefore, if this Bill is referred to a select committee, I believe that it will be greatly improved so that it can achieve the objectives which no doubt the Minister, the Government, and the Parliament as a whole have in mind because I believe that all members, even though some of us may have strong views on certain elements of the legislation, are willing to see the traditions and the interests of Aboriginal communities protected.

Indeed, it is fair to say that people must recognise that we are living in 1987, not 1887, so there is an expectation throughout the community that the culture of those people who have occupied this continent for the majority of its occupation should be protected and their rights and beliefs preserved. However, in doing that we must balance out to ensure that we do not unduly impede the commercial and economic conditions of this nation because, at the end of any debate or discussion, we must have a soundly based economy so that the aspirations, desires and needs of a total community, including the Aborigines, can be fulfilled. Therefore, there must be a balance.

There is great concern on the part of the mining industry about the activities of certain political activists who have infiltrated and attached themselves to the coat tails of the Aborigines. For example, during the lengthy discussions that took place on the Pitjantjatjara land rights, the Hon. Arthur Whyte and I went to Mimili and had discussions with the Aborigines. A great debate took place on what should happen to Mintabie. We managed to get the Chairman of the council away in a quiet spot and asked him what were the facts about Mintabie. He said, 'Don't worry about it. The Aborigines here aren't greatly concerned about it. The only ones who are concerned are the white advisers.' That was just what I thought the situation was. There were still problems in regard to that legislation and it was nowhere near perfect, but at least in the short term those problems were overcome.

What are the areas of concern that I have about this Bill? I do not object to seeing a confidential register of areas of significance or sacred sites, because that is a good thing. Indeed, the Maralinga land rights legislation contains a provision of that nature. As a member of a committee, from time to time I have been given certain information which I respect and I understand that confidential information is held in the bank at Ceduna.

The legislation refers to private property and, when one talks about areas of significance or Aboriginal sacred sites, most people immediately think of someone else's land. However, those people who would advocate all sorts of provisions should remember that there must be sites of significance within the Adelaide metropolitan area. Some people would adopt a different attitude if it were pointed out to them that there must have been significant numbers of Aborigines living near this building at one time because there was a permanent supply of water here. Some people who would apply stringent conditions to farmers and pastoralists in the far flung areas of the State would not want those conditions to apply in the Adelaide metropolitan area.

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

Mr GUNN: It is reasonable to say that if the Government and the Minister want to see this measure pass into law, even though it may be in a somewhat different form than it is now, they will have to agree to a select committee. I realise that heads of departments, Government advisers, Ministers and backbenchers do not like having their proposals questioned by the Parliament. Parliament is a great leveller and one of the hallmarks of a bicameral system of parliamentary democracy is that often the Government does not get its will, and that is a good thing, no matter what is the nature of the Government. Therefore, these particular proposals have to run through the will of Parliament. The Queensland Parliament is a unicameral system with Executive Government, but fortunately in this State and the other States that is not the case.

I suggest that the Minister accept the proposals that will be put forward by the member for Coles, the lead speaker for the Opposition, and who will canvass in some detail a number of concerns. In the short time left to me I will discuss briefly one or two problem areas. The provision to allow the Minister to compulsorily acquire land, records and objects should not be exercised without the greatest care and caution. The Compulsory Acquisition of Land Act needs amending badly. It does not afford protection to the person whose property has been acquired. It is a thoroughly bad piece of legislation. The acquisition provisions in this Bill cause me concern because what most people in the community at large do not understand is that the moment an unfortunate person is served with an objectionable notice, which in many cases would have been put up to the Minister by a public servant, he loses all rights in that exercise. I look forward to the amending of that Act in the not too distant future.

The surrender of records seems to be an interesting provision and a different matter from what are copy records. Some people may have collected records over many years, and the Minister needs to give us a better explanation why this provision is necessary. The provision regarding the

forfeiture of objects is really the same as acquisition. With regard to land and records, I suppose that it is fair that they be kept in proper custody. As to divulging information contrary to Aboriginal tradition, that provision will be the subject of great controversy. Competing groups of Aborigines will claim that they are the traditional custodians of an area or site. In that case, whose advice will the Minister accept? Will it be the advice of what could be classed professional Aborigines who have fitted themselves into the Public Service mould and have the ear of the Minister? Will it be the traditional or semi-traditional people with whom the member for Chaffey, the Hon. Martin Cameron and I have been having discussions? At the end of the day, whose point of view will be accepted? That is very important to the matters under discussion.

Another provision concerns access to lands by Aborigines. It is important that people who are endeavouring to make a living from the land have the right to control access. I realise that the Minister has a discretionary power but it is essential that access be given for genuine reasons, that it is not the figment of someone's imagination, and that it can be substantiated. In any of these matters guidance, caution and wisdom must be displayed. When people have the right to enter private property they can greatly affect a person's opportunity to properly, effectively and efficiently manage that property. That is important to note.

Offences against this legislation will be dealt with summarily. I am not particularly keen about that matter because some of the penalties imposed are quite severe. I realise that before a prosecution is launched it is necessary to have a certificate from the Attorney-General or the Minister. I thoroughly endorse that course. Under the legislation, some people will have immunity to prosecution, and that provision should be exercised with a great deal of care. Another clause deals with failing to consult with traditional owners, and that could also cause concern. It was pointed out to some of us that some traditional owners are not keen to impart their knowledge to people who may make up the consultative committee. That is another clear reason why this measure should receive the consideration of a select committee.

It would be far wiser to have a select committee of the House of Assembly. The Minister could chair it and have control, but at least the public and the competing interests—the Aboriginal community, their supporters, graziers and the mining industry—would have the opportunity to frankly and fairly put their point of view so they could be considered accurately and properly by the Parliament. After all, that is the role of the Parliament. All wisdom does not flow from government. It is the role of government to put legislation before the Parliament but, at the end of the day, it is for the Parliament to assess, consider and eventually enact.

This measure, important as it is, has been a long time reaching this stage and, therefore, it is important that the right decisions are made. Decisions made in haste are not always right. I realise that the parliamentary system is long, cumbersome and frustrating for people who wish to see this measure proceed. However, once Parliament makes a law, it often stays on the Statute Book for a long time. It is far better to have a composite piece of legislation now than have to come back and amend it. That is not in anyone's best interests.

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

The Hon. JENNIFER CASHMORE (Coles): If this Bill is an attempt by the Government to provide justice to Aborigines and attempt to protect their culture and heritage, it is a complete failure. The Bill rests on three concepts, each of which is alien to the Aboriginal people: namely, an advisory committee; a register, and the vesting of all power in the Minister. The committee will advise the Minister about Aboriginal culture and heritage, and the Minister alone will determine what is and what is not an Aboriginal site or object. This committee is defined in such loose terms that the Bill does not specify the number of people on the committee or the qualifications needed to be on it. The word 'Aboriginal' is loose indeed when one thinks of the vast number of tribes and groups of people of Aboriginal origin in this State. That notion is objected to most strongly by Aborigines.

The whole idea of one Aboriginal being able to represent the interests of another from a far distant part, another with different values, different traditions and beliefs, is one that is alien to the Aboriginal people. The only way that Aboriginals believe these matters can be satisfactorily dealt with in determining heritage is, as I have been advised, at the local level where local groups and traditional owners are aware of the very tightly and closely held traditions, beliefs and cultures which are significant to them in that part of the world.

The Bill vests the Minister with powers over people whom he not only does not understand and could not be expected to understand (and neither could we) and people whom he culturally cannot represent, but worse still, these powers of the Minister reach very far, as the member for Eyre has outlined, into the well accepted and defined civil liberties of all Australians. If ever legislation placed total power in the hands of a representative of one race or culture to determine the very cultural identity of another race and culture, this Bill is it.

It empowers the Minister for Environment and Planning, if he so chooses (and there is nothing in the Bill to stop him) to define out of existence any site or object of Aboriginal heritage. It is the cultural equivalent—if one can think of an analogy—of giving a primitive Eskimo the power to decide, for example, whether Christ dying on the cross was a significant event in Christian history and whether Bethlehem is a significant site for Christians. It would be akin to giving a primitive New Guinea tribesman the task of deciding whether the Mona Lisa is a painting of any significance to western European culture and art.

From an Aboriginal viewpoint, this Bill embodies all that is oppressive in terms of European power to determine Aboriginal identity of which heritage and culture is an intrinsic part. The Government has painted the Bill as legislation which empowers Aborigines and protects their history. It is the reverse of that. The Minister has full discretionary powers. He holds control over research and excavation, has power to authorise prosecution and has control of a central register, control of the Aboriginal heritage fund and can appoint the committee—a mysterious body whose numbers and members are not defined or outlined in the Bill. All of this is allegedly to protect Aboriginal heritage. We must ask and find some kind of answer to what exactly is Aboriginal heritage.

A workshop held earlier this year by a group of Aborigines defined heritage as the land, the language, the dreaming, the songs, the dances, the objects and the artefacts—all part of Aboriginal heritage. For Aborigines, heritage is part of an ongoing culture. Heritage is a totality including the recent history of dispossession and their continuing struggle for survival. To Aborigines, defending Aboriginal heritage is not putting artefacts or records in museums or private collections.

Already Aboriginal people believe that bones and remains of Aboriginal people stored in museums and private collections are put there in a callous and inappropriate manner. Many Aborigines do not know their origins as a result of genocide and assimilation. They regard control of Aboriginal heritage as essential in putting back the pieces that have been taken from them over the last 150 to 200 years.

The background to this Bill is referred to, albeit briefly, in the Minister's second reading explanation. He simply refers to the legislative efforts that have been made to protect Aboriginal culture, but it is important, in discussing a Bill of this nature, to go further back and try to understand what we are talking about. It is important for us in this Parliament to realise that, since the foundations of South Australia, there have been genuine efforts to appreciate the value of Aboriginal culture. In fact, the proclamation which established the province in 1836 paid particular attention to the rights and needs of the indigenous people in stating:

The natives are to be considered as much under the safeguard of the law as the colonists themselves and equally entitled to the privileges of British subjects.

That optimistic beginning ended with the same result as in other colonies, namely, the extinction of most of the tribes inhabiting the fertile regions. Other groups were reduced to small numbers of part-cast survivors and a few full blood descendants of nomadic groups in the remote areas. Closer settlement in the nineteenth century transformed a series of well established tribal territories into what is virtually now just a chain of archeological sites, many severely damaged.

In the haste to consolidate and extend settlement, prehistoric campsites and ceremonial grounds were ploughed under, native wells used for stock, carved trees fired and uprooted and quarries, cave paintings and rock engravings neglected and left to the mercy of the weather and vandalism. Many portable relics suffered a similar fate. In central and northern Australia the Aborigines found sanctuary and that sanctuary and remoteness delayed the destruction of their culture, but under pressure of developments—notably pastoral, mining and tourism development—the remaining vestiges of that culture have gradually been severely damaged.

Efforts were made in the 1960s to provide some redress for this situation and a Bill was introduced into the House of Assembly in August 1964. It passed all stages, but lapsed after debate in the Legislative Council. That seems to have been a history repeated more than once. After a revised attempt, it became the Aboriginal and Historic Relics Preservation Act in 1965 and under the Act penalties included fines and imprisonment, making it an offence to conceal, destroy, deface or damage Aboriginal relics such as cave paintings, rock engravings, stone arrangements, archeological sites, burial grounds or canoe trees. It also attempted to protect sites and relics by declaring prohibited areas, which would ensure that these sites and relics had some chance of being safeguarded.

The Act did not place any prohibition on the collection of portable relics. Stone implements could be removed from open campsites and many of the artefacts, which are the only evidence of occupation of this country by prehistoric man, were lost. As most members would know, it is possible, by dating specific stone industries in the few archeological sites known, to establish a pattern of defusion at different times over the past 20 000 years. For European academics interested in archeology and anthropology, that was important. It was not understood, of course, that the very act of excavation and the intrusion of anthropologists was itself destructive of the Aboriginal culture. When we look at what this Bill is attempting to preserve and safeguard, we get some idea of the enormity of the task if we look at the background to Aboriginal culture.

It must be understood that the cultures and traditions of Aborigines in South Australia exhibit a profound and wide ranging appreciation of landscape and environment and a very highly developed knowledge of the ecology and natural resources of the land. The three major groups in this State were based in the Murray and the South-East, in the central lakes district and in the western desert. Since the introduction of this Bill (which is different from the draft Bill that was circulated earlier this year by the Minister to those groups but not to the Opposition), it is worth noting that the remoteness of the two latter groups has made it virtually impossible for the Opposition to have any effective consultation with them.

Europeans must understand the interaction between climate, geography and ecology upon which the Aborigines' survival was based. A people who can survive over 30 000 years in an environment that can be extraordinarily harsh obviously need to have a very deep knowledge and understanding of the environment in which they live and that has meant that Aborigines have had to know every plant, every plant's system, every animal and every natural feature. They knew that those plants, animals and features had a place in the order of things. That knowledge was buttressed not only by the practicalities of living, but also by the spiritualities of living and every one of those natural features, every stick, stone, cloud, bluff, flower and plant has some meaning and significance that we can barely know let alone understand.

As a result of that background, here we are, with our European democratic attempts trying to reconcile that ancient culture with our own and impose our own laws on that ancient culture. I firmly believe that it is not possible to do it so that the outcome is entirely satisfactory to all parties, because that is rarely possible other than in an ideal world, but I believe that it is possible to do it much better than it is being done under this Bill. If the correct consultations were to take place and if our efforts were combined, as I believe they should be and in a way to which I will refer later, then we can come up with a better solution, but the Minister's solution is no solution—in fact, it is worse than nothing. Invariably, bad legislation is worse than no legislation and this legislation is regarded universally by the Aborigines, the mining industry and the pastoral industry, along with the archeologists and anthropologists to whom I have spoken, as being very unsatisfactory legislation.

Let us look at some of the particular concerns of the Aboriginal community. The first and most important concern is the belief that the specified powers of the Minister, in comparison with the advisory role of the Aboriginal committee, clearly indicate that the concept of self determination has not been realised. After 200 years Aborigines see that, as a result of this Bill, they will remain in the position of advisers only, whilst full discretionary powers over the fate of their heritage lies with the Minister. They claim that the structure of the committee could not possibly adequately reflect Aboriginal rights, needs and concerns. Under clause 5 the Minister has total control over research; in clauses 21 and 22, over excavation; under clause 6 he has the sole power to authorise prosecutions; under clause 9 he has control over the central register; and, under clause 19, he has control over the Aboriginal Heritage Fund. Under clause 7 the Minister controls the appointment of members to the committee and he can bind those members of the committee to the terms and conditions which he thinks are appropriate. I do not think that I have ever seen in a Bill such a loose reference to a committee as is contained in the Aboriginal Heritage Bill. Clause 7 simply provides:

(1) The Aboriginal Heritage Committee is established.

(2) The committee consists of Aboriginal persons appointed by the Minister to represent the interests of Aboriginal people in the protection and preservation of the Aboriginal heritage.

How broad, ambiguous and totally unsatisfactory can the establishment of a committee be? The Parliament and the Aborigines do not know whether that committee will consist of 2, 22 or 222—

The Hon. E.R. Goldsworthy: Or 2 022.

The Hon. JENNIFER CASHMORE: Or 2 022 people, or indeed the entire Aboriginal population of South Australia. Nothing in the Bill states that that could not happen. We are given absolutely no undertakings as to the qualifications of these people. Presumably, the Minister chooses, but on whose advice does he choose? The Aborigines have no say. If he so chose, he could appoint half a dozen people from, say, the Ngarrinyerri tribe, two from the Pitjantjatjara tribe and he could completely ignore the Maralinga or the Kokatha or a number of other tribes. As a matter of fact, pity help the Minister who is in charge of this legislation if, heaven forbid, it is ever passed because, if ever a Minister were placed in a vulnerable position where he could not possibly please anyone or do anything satisfactorily, the Minister who administers this legislation would be in such a position.

The Hon. E.R. Goldsworthy: He could get a boomerang behind the ear if one tribe is left out.

The Hon. JENNIFER CASHMORE: He would get more than a boomerang—he would get a waddy wrapped around his neck, I should think.

The Hon. D.J. Hopgood: That's a nice reflection on a whole race of people, isn't it?

The Hon. JENNIFER CASHMORE: Needless to say, on this side we are being flippant, but it is an indication of the depth of feeling, confusion, anxiety and bewilderment that Aborigines feel when they see that flimsy, ambiguous and enigmatic clause that could mean absolutely anything. The composition of that committee will depend entirely on the whim or wisdom (and hopefully there will be plenty of that) of the Minister of the day. There is absolutely no term of appointment for committee members. The Minister can put them on and whip them off at his discretion. I can think of no legislative precedent for the manner in which that committee is to be established, but the full responsibility of advising the Minister will fall on that group of people.

Clause 7 is an extremely unsatisfactory clause but, in many respects, it is the key clause of the Bill because it purports to give at least some power, albeit only an advisory power, to the people whose culture we are endeavouring to protect by means of legislation. That is the first and most objectionable feature of the Bill as far as the Aborigines are concerned. The Aboriginal Heritage Working Party, which was established by the Minister in what he describes as a consultative move, made a good point when it stated:

What constitutes an item of cultural significance to Aboriginal people should be for Aborigines to determine. This is an integral part of self determination.

Who could argue with that? If we, as inheritors of western European culture and civilisation, were to put ourselves in the position of Aborigines and if we considered how we would like someone to come and tell us what is important and significant to us (someone who had no knowledge or understanding whatsoever of our culture), then I think we should be able to gauge something of the depth of feeling and animosity that the Aborigines have towards this Bill.

The concerns of the working party are equally serious in respect of the way that the Bill deals with sites, objects, and human remains. It is upset about clauses 9 (2), 12 and 24 (6), which give the Minister broad discretion over maintaining what is and what is not an Aboriginal site or object. They are annoyed that under clause 21 the Minister can, without the consent from the local communities concerned, authorise the excavation and research of Aboriginal sites, objects and remains, and they are angry that under clause 23 the Minister is given broad discretion to allow damage, disturbance or interference to Aboriginal sites, objects or remains.

The whole notion of this ministerial power is objectionable. It is virtually unfettered. It is a cultural insult to suggest that this sort of thing is a genuine effort to protect Aboriginal culture. It is just irreconcilable that this is the right way to do things. There are concerns about the way the Bill deals with heritage. It is the view of the Aboriginal Heritage Working Party that the concept of cultural heritage should be defined much more clearly than it is in this Bill. From such a definition, the definition of 'Aboriginal cultural heritage' would automatically follow, but it should specifically not only include pre-1788 culture but make reference to the continuing Aboriginal culture which has evolved since that period.

In relation to ownership of heritage, the working party is concerned that the Minister is to be vested with the title to Aboriginal objects, once the power of acquisition has been used, under clause 31. The working party is concerned that it remains in the Minister's power to determine who should gain custody of land or Aboriginal objects which have been acquired or which have come into the possession of the Minister, under clause 34. The working party is concerned that the Minister retains the power to determine the flow of information relating to Aboriginal sites, objects, remains and traditions. Further, the working party is concerned that the determination of who is a traditional owner rests with the Minister and that the committee can do no more than advise. If the Minister does not like the advice provided to him he just simply rejects it.

I now refer to the matter of the register. I realise that the register is probably one of the most controversial parts of the Bill from the point of view of non-Aboriginal South Australians. The very idea of a register is a European concept. It is one that is quite alien to the Aboriginal people. To many of them, putting down in written form their culture, their legends, their stories and their beliefs in itself represents destruction, violation and ravishment, and yet here we have with the Minister's proposal this very destructive means of ensuring that Aboriginal culture is protected. They see it as being not protection but rather the reverse. They see it as destruction and as a means by which the things that are precious to them will be exposed in a way that we can only guess at in terms of our own culture. For us, recording things in writing is an intrinsic part of Western European culture. However, to Aborigines, the reverse is the case, and that destruction is a very cruel thing in their eyes, yet it is the mechanism that the Minister proposes to use as a means of preservation and protection.

The working party is also concerned that there is no guarantee in the Bill that economic and recreational development will not proceed without Aboriginal consultation—and in my opinion this is one of the great weaknesses of the Bill. There is nothing built into the Bill to encourage consultation or communication between the two cultures in an effort to resolve any difficulties.

The Hon. D.J. Hopgood: Clause 13, for a start.

The Hon. JENNIFER CASHMORE: Clause 13, the Minister says, which provides that he must take reasonable steps to consult with the committee and any traditional owners and any other Aboriginal persons who have a particular interest in the matter. That is not what I am suggesting. I

am saying that people of European origin who own land and who wish to develop it will also be affected by this Bill. There is no incentive in this Bill whatsoever in providing for consultation between the various parties who have a common interest in certain areas of land, and I refer to those people who have an interest in the land from an Aboriginal point of view, because it is of cultural significance, and those who have an interest in the land from a European point of view, because it is of economic significance. Indeed, it might have some other kind of significance, but economics is likely to be the most powerful factor governing the attitudes of European owners of the land.

The notion of consultation between local traditional owners and European potential developers or actual owners is left out entirely. Even under the Mining Act, which apparently is working reasonably well in regard to the consultative process, there is a better notion of consultation than in this Bill—where it simply does not exist at all. In relation to the power of inspectors, the Aboriginal Heritage Working Party claims that the category of inspector is not defined clearly. It claims that there is no recognition of traditional owners as being custodians and, therefore, inspectors, and that that erodes traditional roles.

All in all, from an Aboriginal point of view the Bill is bad news. Aboriginal heritage is intrinsically tied to the land, and the last 150 years of European settlement has seen a continual erosion of that link between land and heritage. One could go into greater detail, but it is probably sufficient to say that the working party summarises its view on this matter by saying that the Bill does not correct past injustices. It maintains that it fails to protect, rehabilitate or compensate the past or future destruction of Aboriginal heritage; further, that it does not recognise Aboriginal heritage as a right to property and culture, that there is no real commitment to Aboriginal self-determination in the Bill and that, instead, the Minister is the new Aboriginal protector, and there is no means of appealing against or arbitrating between conflicting interests once the Minister has made his decision. That is a relatively brief (and I do not claim that it is adequate) analysis of how Aborigines feel about the Bill.

Perhaps their view is best summarised by the comment of the Pitjantjatjara elders, who told the member for Chaffey that the Bill was a silly piece of paper. Of course, other people are concerned about this legislation. One cannot help asking whether one group which has the most entitlement to some recognition in this Bill is not the South Australian Museum, which is the repository of an extraordinary amount of skill and developed knowledge in the area of Aboriginal culture. It is also the repository for the State's archaeological collection. It holds archaeological materials collected and excavated from approximately 4 000 sites, and it holds a large number of site records for sites of all kinds—that is, historical, archaeological and anthropological sites.

The archival Reuther map of the museum alone shows 2 468 sites just for the eastern Lake Eyre region. A large proportion of these sites is also of significance to Aboriginal traditions, past or extant. There is no mention of the museum in the Bill, and I find that a very strange omission indeed when we are talking about the preservation of Aboriginal culture. There is no recognition that the State's—indeed, probably the world's—most important Aboriginal collection is held by the South Australian Museum. Incidentally, the museum has neither the storage nor curatorial and conservation facilities for the acquisition of objects and archival audio-visual records. On the other hand, as I said, it has the world's largest and best documented Aboriginal collection, collections of major resource for Aborigines, educators and the general public. There are some 30 000 artefacts and art works, approximately 2 million archaeological specimens, tens of thousands of photographs, thousands of Aboriginal family trees, and hundreds of shelf feet of archival materials arising from anthropological and other expeditions and research.

Museum redevelopment over the past few years will enable that collection in the next few years to gain real international recognition, because it will be better housed than it has ever been before, principally as a result of initiatives taken under the Liberal Government in the early 1980s. Suffice to say that the research record of the museum is held in high regard. It is very strange, therefore, that considerable emphasis is given under clause 5 of the Bill to the conduct of research by the Minister. It would be a fair thing to ask the Minister, when we have this magnificent resource which is the repository of this superb collection, why it is not mentioned in a Bill that purports to protect Aboriginal heritage. Indeed, the resources in the museum are not mentioned in terms of the museum's capacity to assist the Minister in the conduct of research. Certainly, the Minister's own department could never hope to rival the capacity of the museum in the conduct of research, yet, as I said, no mention whatsoever is made of the museum.

Clause 29 of the Bill is likely to result in new and probably quite heavy demands being placed on museum staff. It refers to the control of the sale and other dealings with objects, and states:

> A person must not, without the authority of the Minister—
> *(a)* sell or dispose of an Aboriginal object; or
> *(b)* remove an Aboriginal object from the State.

If anyone wants to do that, they will have to find out whether they are allowed to, and I very much doubt whether the expertise resides in the Minister's department to make a determination as to whether or not that sale or removal should be permitted. It very likely does reside in the museum. In terms of the Aborigines themselves, the power should reside with them and not the Minister. So, from an anthropological and archaeological point of view, the Bill pays little regard to the State's most important resource. In fact, it does not even mention it.

Finally, I want to make a brief reference to the impact of the Bill on the mining, agricultural and pastoral industries. My colleagues the members for Chaffey and Eyre have already made some reference to this, and I understand that the members for Murray-Mallee and Victoria will go into somewhat more detail. I simply want to reinforce the point that, despite the Minister's claims that consultation has taken place, everyone whom the Government claims to have consulted states quite categorically that consultation has been minimal and ineffective and the views of those consulted have not been taken into account. The Chamber of Mines and Energy, for example, is absolutely pleading for more time to consider this legislation.

It seems most unjust that the Minister says he has been working on this Bill for five years but has given the Opposition barely five days to examine it. All the people concerned would certainly require more time than that if they are to give a considered response. How on earth is the Opposition to get a view from traditional owners in remote areas? We cannot even use the post or the telephone to contact those people in the first instance and, if we do, we have to allow plenty of time to do it. It is quite wrong that this Bill has been introduced in this fashion and is being debated in a rushed atmosphere which will inevitably result in the application of the guillotine tomorrow afternoon.

The Bill has 46 clauses. Given the number of people who wish to speak to the Bill, given the complexity of the clauses and the number of groups who need to be consulted, it is

an impossible task, and I believe it is very irresponsible of the Minister to expect us to perform that task. No-one denies that to legislate to protect what remains of Aboriginal heritage in the face of 150 years of European settlement, laws, culture, economy and society, is a difficult task. It would have been much less difficult if there had been genuine consultation. No resources were provided to Aborigines to enable them either to get together to discuss the proposals as they would have liked to do or to have the proposals taken to remote communities for consultation. As I said, consultation with the mining, pastoral and agricultural industries has been minimal, and the Opposition has been placed in a really impossible position. It is important to note that the Bill as introduced is different from the draft Bill that was circulated, and at this stage a lot of people have not even been able to identify the differences and work out just what of significance has been altered.

So, in short, and in conclusion, everyone is pleading for time. The Aborigines are pleading for justice and, for this reason, I will be moving at the appropriate time for the Bill to be referred to a select committee. I certainly hope that the Minister responds positively to that plea, because it is in this House that a select committee should take place. It is in this House that the Bill has been introduced. It is in this House that the two Ministers concerned, the Minister for Environment and Planning and the Minister of Aboriginal Affairs, and the two shadow Ministers, my colleague the member for Chaffey and I, sit—

The Hon. E.R. Goldsworthy: Mines and Energy, too.

The Hon. JENNIFER CASHMORE: —and the Minister of Mines and Energy and the shadow Minister, the Deputy Leader and member for Kavel. The responsible portfolio concerns lie in this House, and it is in this House that the Bill should be set right. We believe that it is incapable of amendment and the best proposition is for a select committee.

Mr LEWIS (Murray-Mallee): In the first instance, let me say that it is not my intention to chew the same fat and review the same aspects as the member for Coles has chosen, indeed very properly and competently, to review in the course of her remarks, but to underline those remarks as being the kinds of things that I, too, would put on record were I to be vested with the responsibility of canvassing this entire matter. However, I wish to add to what she has already said and to what my colleagues from Eyre and from Chaffey, before her, said about the consequences of this measure.

I guess in the first instance that I need to make the point that this legislation supersedes the legislation of 1979, which was never proclaimed, and that we can learn much about the intention of this Bill by looking at the previous legislation. Many things in this Bill are simply included by the description of an enormous set of conditions which in 1979 were spelt out in some detail. They are still actions described in the legislation which can be taken if this Bill passes in its present form, but they are general in their ambit in this legislation compared to the unproclaimed legislation of 1979.

I shall give an example of that and refer to it again during the course of my remarks by referring to clause 11 and pointing out that the committee in that instance was to have been called the Aboriginal Heritage Committee and that it was to consist of at least three Nunga members, one member from the Museum Board and one from the Pastoral Board. May I explain for the benefit of members that 'Nunga' is the preferred name by which the people of genuine extraction of the race of dark skinned people who were here at the time of European settlement prefer to be known, at least in this part of the continent. 'Aboriginal' for me has some unfortunate connotations because we now have people who are Aboriginal for no other reason than that they have chosen to become Aborigines. They had no ancestors who were of Aboriginal extraction. Indeed, none of their forebears were 'Nungas'; they are simply white initiates.

However, in this legislation a committee is mentioned in clause 7, which provides that the committee can be only an advisory committee. There will be no member from the museum unless by coincidence one member is of of Aboriginal extraction and works in the museum. The same unlikely circumstance applies, for the present at least, in respect of the Pastoral Board: there is unlikely to be a representative from that board. Under the 1979 legislation the committee was to have far more teeth than this advisory group of people under this Bill will have in putting propositions to the Minister.

Section 21 (2) of the Aboriginal Heritage Act 1979 provides:

> A declaration shall not be made under this section in respect of private lands unless—
>
> *(a)* The Minister—
>
> (i) Has at least eight weeks before making the declaration given the owner and occupier of those lands—

and remember that the land may be owned privately and leased on a long-term contract to some other person—

> a notice in writing setting out the terms of the proposed declaration and informing them that they or either of them may within six weeks after service of the notice object to the proposal; and
>
> (ii) has considered the objections (if any) made in response to the notice; or
>
> *(b)* The Minister is of the opinion that the declaration is urgently required in the public interest or in the interests of Aboriginal people.

Therefore, he will choose to do it more quickly. Section 21 (5) of the 1979 legislation provides:

> A person shall not, without the written permission of the Minister: enter, or use, a protected area—

that is, an area that has been set aside—

> in contravention of a restriction contained in a notice under subsection (1)—

That is where the Minister may delineate a protected area. The terms of this Bill are even harsher on the people who may happen to own the land or be leasing it from private individuals. The provision that I just read out requires the Minister to give the owner and occupier, if they are two different people, at least six weeks notice and hear objections from them. At least he was required to do that under section 42 of the 1979 Act, which provides:

> No person other than a traditional owner is entitled to call into question the validity of an act or determination of the Minister on the ground that there has been a failure to comply with a requirement of this Act as to consultation with traditional owners, or as to the obtaining of approval from, or the stipulation of conditions by, traditional owners.

So, no person (neither the owner nor the leaseholder in the event of the land being owned privately and leased to some other party) other than the traditional owner is entitled to call into question. There is no appeal in either case and no objection is possible under the Bill that is before us this evening. It is just not possible for anyone to approach the Minister to discuss the situation confronting that person. Such a person cannot, under the terms of this Bill, discuss or seek information about the reason why the land is said to be a significant or sacred site.

Although I understand the need to respect people's sensitivities, in this case the sensitivities of the Nungas, especially in cultural terms where there are religious implications (and I use that term in the sense of 'sacred' to give some

insight into the feelings that relate to the land), on the other hand I am compelled to point out that we are living almost in the twenty-first century and, as Margaret Mead has pointed out, the world is really a global village. Indeed, we have recently seen what can happen within 24 hours in this world when a disagreement between the national leaders of two leading economies in the world causes an enormous amount of confidence in those economies to be written off: the value of the capitalisation in the industries that supply the goods and services to all nations (not just those in the two economies where the differences arose, but also the rest of the world who believe in the right of the individual to do what he wishes to do, subject to the rights of others—indeed, the rest of the world that believes in democracy, freedom of speech, freedom of action, and freedom of movement) has slumped. That is the case in some countries where things are not so free but still have a capitalised economy. That has huge ramifications for all of us. That is the global village.

Another example is that action taken by one nation, protecting what it sees as its legitimate interests, those of its trading partners and people who hold dear the same principles of democratic government and citizenship, against another nation that does not hold those values has dramatic effects on the entire population of the rest of the globe. At the same time I refer to the incidents of recent times in the Persian Gulf. We live in a world in which incidents on the other side of the globe have an immediate and instant effect upon our security and prosperity. We therefore need to recognise that legislation of this kind must do the same: it cannot take a position that advocates a view of one section of society, albeit a minority, to the exclusion of the interests of the rest of society, where no member of society has (to that point) broken any law or committed any offence.

As this legislation stands, it will confiscate the land of legitimate landholders, if the Minister is so inclined to do so, with no right of appeal for the individual citizen (or body corporate) whose assets or other personal things of value are taken with no chance of discovering why. I am particularly concerned about real estate. Indeed, the Minister is not just given the power to say that he will not consult. The Bill says that he will not. It does not say that he may not; it simply says that he will not. I find that utterly objectionable.

It is quite outside the best traditions of the Westminster system of government, which effectively integrated largely illiterate peoples of divergent cultural backgrounds into one nation. That is the state of affairs that pertained in 1645 when the King was told, 'Go to hell! We will cut off your head for your pains. You will not question the sovereignty of Parliament. It will make the laws in the best interests of everyone who lives in this land.'

I want the Minister to understand that, through this legislation, he is returning to the position which King Charles I declared was his divine right. I know that the Minister does not believe himself to be capable of exercising that kind of responsibility. In all fairness, the Minister is a modest and god-fearing man and I respect him for that. Nonetheless I want him to understand that the provision of this legislation as he has drawn it up, where he was thinking in terms of the effect it would have outside the counties and the declared hundreds between the traditional owners or occupiers of the land and the mining companies and pastoral interests that use the land, does not preclude the influence it would have and the full weight of the law that it would bring into effect inside the counties and the declared hundreds. Make no bones about it, as this legislation stands, if the Minister or any of his successors in his role were of a mind to do so, they could confiscate all the land along the banks of the Murray River.

The simple cultural and sociological behaviour of the people here before European settlement meant that they sat, slept, ate and interacted with each other close to where they could get ready access to food, water, fuel and shelter from the worst of the elements, such as along the banks on both sides of the Murray River, in sheltered spots along the coastline and up and down permanent or semi-permanent watercourses in which there were permanent waterholes.

The Hon. H. Allison interjecting:

Mr LEWIS: As the member for Mount Gambier has invited me to point out by his interjection, in the case of the Ngarringjerri, there is not a landowner or occupier on leased land anywhere along or near the shores of the estuarine lakes of the Murray or the lower Murray who is not potentially dispossessed by this measure if it passes into law. Sites all along the banks of the river were occupied.

I will illustrate that point. Rather than refer to any of my constituents who have drawn to my attention the concerns they have about the effects of this measure if it passes in its present form, I will use my own case. Since my election to this place, I have been threatened anonymously and by those very few who were prepared to say who they were (I have taken them at their word), both on the telephone and in unsigned mail, that my house and land at Tailem Bend would be their possession. To paraphrase their simple words, 'We'll get your place.' That threat was not made by people of Aboriginal extraction or necessarily by people who live in Meningie, Tailem Bend, Murray Bridge, Wellington or Point McLeay. One person who threatened me referred to the 1979 legislation and told me that he was determined that I would be dispossessed of my land. Under the terms of this legislation as it now stands and the 1979 legislation I will receive no compensation, nor will any other landholder whose land is declared to be a sacred site or a site of significance.

There is no such provision; indeed, this legislation specifically excludes the capacity of the Minister or the Government to pay compensation. They may acquire the land but they cannot pay compensation. The effects of this will be very much the same as those of the *ultra vires* regulations, in the first instance, of the native vegetation clearance control and, more particularly, the legislation itself. People may own land for which, in some instances, they receive no compensation for up to 12.5 per cent of the area they own but in other instances for quite substantial areas they get grossly inadequate compensation. The legislation must therefore go to a select committee. I would like to draw many other things to the attention of the House but time precludes the possibility of my so doing.

Mr D.S. BAKER (Victoria): I support the comments made by the members for Chaffey, Eyre, Coles and Murray-Mallee. It should be pointed out to the Minister that the Liberal Party introduced the Pitjantjatjara legislation, which was landmark legislation in this State and in Australia, and something of which the Liberal Party is proud. This legislation, however, is in some cases patronising and in others dictatorial. It should be looked at very closely by all members of this House. I agree that it is necessary that the State have effective protection for Aboriginal and European cultural relics. It is noted in the second reading explanation that the South Australian Heritage Act of 1978 covers the preservation of European heritage items and that it is necessary to have a separate piece of legislation covering Aboriginal heritage items. Protection of both types of historical relics was originally covered by one piece of legislation.

As far as I am concerned, it would have been much better if such legislation were covered under the one statute. Why should we divide our heritage into two or more parts? It could be that in the future we will have Chinese heritage legislation. We might have Afghan heritage legislation. Although it is too late to bring up the subject now, as it goes back to 1965, all heritage should be protected in this State and all protected under the one statute because in effect there is no difference in what we are trying to protect. However, the division occurred in 1978 and it is much too late now to alter it as the original legislation came in as early as 1965.

One point that needs to be considered is adequate provision for the necessary preservation without the legislation being administratively overburdened. We should also realise that we cannot and should not protect or preserve everything, nor should we frighten people or restrict development concerned with tomorrow's heritage. That is something in this Bill with which I will deal in a moment in terms of inadequate consultation on such. According to the second reading explanation, the Bill provides for blanket protection of all sites and objects of significance to Aboriginal heritage, with the Minister having the power to provide exemptions in areas where certain activities are justified. With the blanket provisions we are left virtually with a ministerial decision, when a quick decision may be beneficial and necessary to the development of the State.

It is fitting, in the Westminster legislative way, that the law be understood and applied with the least necessity for ministerial or dictatorial powers. Let me for a moment reflect on the same legislative position applying to European heritage, if no-one knew what had to be preserved or for what purpose it had to be preserved. Suppose for a moment that we had blanket provisions for the preservation of European heritage. I fully understand that as far as Aboriginal sites and objects of significance are concerned a different degree of significance applies to the Aboriginal people than applies with the significance European heritage sites and objects to Europeans. However, at the same time all of us—Aborigines, Europeans, European descendants and new arrivals—are all trying to build in this country a new nation and, whether we like it or not, a new heritage.

We need to turn our vision in that direction, as well as look back, to preserve for posterity what has happened in the past. Therefore, while I appreciate the difficulties, we need to ensure that our future is not restricted too much by our views of the past. It is a very important consideration.

The proposed storage of information in centrally sited archives will be determined by the Minister with particular emphasis on registered sites of significance. Again, it must be queried whether the Minister should hold the administrative power to make those decisions. They are dictatorial decisions which should not be made by the Minister. The question comes back again to whether such wide powers—almost dictatorial powers—covering the whole State should rest entirely on the decision of a Minister of the Crown. While access to the information stored in the archives will be subject to the approval or disapproval of the traditional owners, the Minister at the end of the day will still have the arbitrary decision to make. In all these decisions the Minister must consult with the Aboriginal people. I agree with that and the Minister will have to seek advice from other interests such as archeologists, anthropologists, historians and, if necessary, communicate with the mining and pastoral interests, which again is very important for the development of the State.

As I understand this Bill, by regulations under the Planning Act the areas themselves will be prescribed. It is possible that a blanket provision under the Act can cover vast areas of the State. For example, I note in the second reading explanation a reference to the fact that all development proposals in a certain hundred, in which an Aboriginal site may occur, will have to be submitted to the Minister responsible for determination. The coverage of an Aboriginal site in a hundred would or could cover the whole of the Adelaide metropolitan area, the whole of the lakes area south of Adelaide or the whole of the Coorong. Surely this is going to restrict development and gives the Minister far too much power.

In relation to excavation, will all mining operations need to be approved by the Minister after consultation with the Aboriginal people? I suggest, from my reading of the Bill, that this is the position, because only the Minister will know under this Act the location of an Aboriginal site. The Bill is inadequate. There has been inadequate consultation with the people concerned. I noted tonight on television that even the representatives of the Aboriginal people have come out and said that the Bill is dictatorial, that it is patronising and that they have not been adequately consulted over the Bill. That has happened not only with this Bill but over many years in the past. The Bill should be referred to a select committee so that proper consultation can take place and, most importantly, undertaken with the people whom it will most concern. They are the people whose heritage we are trying to protect, and it is important that they have an adequate say in the matter.

Mr BLACKER (Flinders): I wish to express my concern that the Bill, having only been introduced on 15 October, is being debated tonight and is expected to be pushed through all stages. I happened to be interstate last weekend and have not had the opportunity to show the Bill to any of my Aboriginal constituents, and that is a considerable number of people: in fact, I believe I have the second or third highest proportion of Aboriginal constituents of all members in this place. It concerns me that the legislation has been handled in this way. The Minister stated that there has been significant consultation. However, I wonder whether there has been significant consultation with people in my area—I very much doubt it.

The problems that could occur in the northern part of the State would be vastly different from the problems that could occur in my electorate. As an example, the Aboriginal fish traps in the Port Lincoln marine development were of archeological significance to the Aboriginal community. I did not know that there were fish traps in what is now known as Lavender Bay (which I did not know had a name, but it has cropped up as a result of the recent oyster lease controversy in the Coffin Bay area). Furthermore, in the Coffin Bay Peninsula area there has been a great deal of evidence of historical aspects of the Aboriginal community. I know for a fact that in the Coffin Bay Peninsula National Park there is a burial ground which contains an entire tribe. Seemingly, at the moment it has no significance to any section of the community, but I believe that not one person from that tribe is left and nobody seems to want to recognise the significance of that burial ground.

I am the first to admit that a site such as that should be recognised. However, I am concerned (and this topic has been raised in this debate) that it does not appear that the rules and regulations will apply elsewhere. I have some sort of vested interest in this Bill, because part of the Tod River on Eyre Peninsula runs through my property. It is known that the permanent water holes in the Tod River were

collection points or meeting areas for Aboriginal tribes in the early days. I have been told by a local historian that on my property certain rocks have been marked, indicating that one of the very first white people on the peninsula was speared on that site. As a result, it could well be that my property could be the subject of this legislation. I have absolutely no qualms with the identification of that site: it is identified and I believe that local historians have it marked as such. Perhaps no further action will take place and, if that is the case, I have no problem; but I am not yet convinced that that is the view of the Government, nor am I convinced that the Government could control and restrict it to that extent, even if it so desired.

I am concerned about the consultation aspect. I have not had the opportunity to speak with my Aboriginal constituents (there being, as I have said, quite a considerable number of them with whom I have a great rapport). I would have dearly liked the opportunity to be able to sit down with them as I have done in the case of other Bills of this kind. The Pitjantjatjara Land Rights Bill has been mentioned, and at the time a lot was written in the press about it. In relation to that Bill I contacted one of my Aboriginal constituents and asked him if he could contact a few Aborigines so that we could sit down and talk about it, which we did. I would have liked the opportunity to do exactly the same with this Bill.

I totally support the suggestion to set up a select committee on this topic. I do not believe that this matter has adequately been considered. I think that the Government probably believes it is appropriate legislation for the northern parts of the State and, to a large extent, a majority of the Aboriginal community, but areas in my electorate could well be brought under the legislation. I refer to the Poonindie Church, the Toa River and Gawler Ponds areas, all of which members know have a historic connection with various Aboriginal communities. I have already mentioned the Coffin Bay Peninsula, and there have been reports from time to time of various activities further up the West Coast, some of which white civilisation is proud and others of which they are certainly not very proud. I trust that my constituents will be able to have some sort of input into this debate, but obviously we will not get it from this Chamber.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I have followed the debate this evening very closely indeed. There has been one significant absentee from the debate. I do not know whether it has been by accident or otherwise, but the significant absentee from the debate is the member for Heysen. I happen to know that the member for Heysen is present (he does not have a pair and he is not absent from the House or anything like that), but he has not made a contribution to the debate. I find that very interesting indeed, because I remind members that, in the years of grace 1981 and 1982, the member for Heysen, as Minister for Environment and Planning, introduced legislation into this House. Those two Bills amended a 1979 Bill that had been assented to but was not proclaimed, so there is a sense in which the three measures form part of the one piece of legislation. In my remarks I will refer to the 1979 and 1982 legislation in effect as being the one body of legislation.

It is interesting to note that the member for Murray-Mallee, who was a member of Parliament from 1979 to 1982, apparently has forgotten about that legislation, or he conveniently did not refer to it because, in his remarks, where he made any comparisons that were relevant to this debate, he tended to compare this legislation with the 1979 legislation and completely forgot the attempts made by his parliamentary colleague and the Government which he supported to bring Aboriginal heritage legislation into this State. As I say, I do not criticise the honourable member for not speaking (that is quite irrelevant), but it is interesting that, either conveniently or otherwise, the Liberal Party has forgotten the occasion when it attempted to place its stamp on legislation and when it wore its heart on its sleeve. That may be because it is not convenient to its arguments in this Chamber this evening.

The Hon. H. Allison interjecting:

The Hon. D.J. HOPGOOD: If the honourable member does not understand what I am saying, he is either dense or deaf and he will fully understand by the time I finish. I have before me the 1979, 1981 and 1982 Bills, which make very interesting reading. Practically every criticism that members opposite have made of this legislation this evening could equally validly be made in respect of that corpus of legislation. Are they repenting for what they did at that time, or what are they doing? Are they simply seeking to throw a cloud of confusion over this matter?

Mr D.S. Baker interjecting:

The Hon. D.J. HOPGOOD: The member for Victoria cannot get away with the comment about whether or not to trust the Minister. His colleagues have queried what sort of Minister or Government might be in office in 1990, 2090, 3090 or something like that. I will give one example of the way in which there has been a convenient lapse of memory on the part of members opposite. The member for Coles made considerable play of the omission in this legislation of any reference to the museum. The member for Murray-Mallee reminded us that, although not a detailed reference, in the 1979 legislation there was some reference to the museum. Certainly, no philosophical statement or charter as to what the museum should do was set out, but the museum got a seat on the committee. He has probably forgotten (and it seems to demolish the argument of the member for Coles) that the Liberal Bills initially wrote a reference to the museum out of the scheme of legislation. There must have been some reason for that. At the time they must have felt that that move was valid. If they have forgotten, let me remind them: the 1979 legislation gave a seat on the committee—

Mr D.S. Baker interjecting:

The ACTING SPEAKER (Mr Tyler): Order! I call Opposition members to order. Members of the Opposition have had an opportunity to contribute to the second reading debate and it is now the Minister's turn to reply.

The Hon. D.J. HOPGOOD: I was suitably restrained throughout the whole of the debate, except for one occasion, for which I apologise.

The Hon. H. Allison interjecting:

The ACTING SPEAKER: Order! I have just called Opposition members to order. The member for Mount Gambier is totally out of order.

The Hon. D.J. HOPGOOD: The legislation provided for a seat for a representative of the Pastoral Board and a representative of the museum. That was in 1979. I can find no reference to any such representation in either of the two Bills that I have before me—those of 1981 and 1982. It is true that the 1981 Bill was a slaughtered innocent, and it may be that the Minister was subsequently repentant of the move made at that time. The 1982 Bill clearly was designed to go into the Statute Book. Minister Wotton of the day said as much, and it was only the Liberal Government's loss at the 1982 election that prevented it from going on with that legislation. Let us have a little consistency in this matter. If members opposite are repentant of what they

committed themselves to on those occasions, let them stand up and say it—but that is not what they have said at all. I would say that it is a case of crocodile tears.

A lot has been said about consultation, and I want to spend a little time explaining the nature of the consultative process that has been undertaken since I came to office. In December 1982, I made a statement in the *Aboriginal Heritage Newsletter* that I intended to re-examine the 1979 Act. On 25 January 1983, I held a meeting with interested Aboriginal people, who indicated some concern with the legislation as it was previously proposed. I gave a commitment to redraft the legislation and to undertake consultation in March and in May of that year. The Aboriginal Heritage Branch staff then visited over 25 Aboriginal communities throughout the State at least twice during that period. Information sheets outlining possible areas of discussion were mailed to the various communities prior to the visits. The first visit was used to introduce the concept of a new Act and the second to record comments. Both rounds of meetings were completed by mid-June, and a summary of recommendations was presented to me. Also, summaries of comments recorded during the consultative visits were printed in both March and June editions of the newsletter.

In 1987 a draft Bill was prepared and taken back to the communities for comment. Copies were also sent to other interested organisations, and a copy of the draft Bill, together with explanatory notes and an invitation to make comments to the Minister, was printed in the newsletter. A number of comments on the proposed Bill were made by Aboriginal people. Those comments, together with others received from organisations such as the South Australian Chamber of Mines and the United Farmers and Stockowners of Australia, were taken into account during the drafting of the current Bill. A copy of the Bill was printed in the newsletter, which is mailed out to all the Aboriginal communities in this State.

As regards the Pitjantjatjara Council, Aboriginal staff visited all the communities in the Pitjantjatjara lands during March 1983 and the staff revisited the same communities again in May and June of 1983. A Pitjantjatjara language tape of an information sheet on the proposed Act was sent to all those communities and to the Pitjantjatjara Council prior to these visits. The itinerary for both rounds of visits was worked out with officers of the Pitjantjatjara Council. A copy of the draft Bill was also taken to Alice Springs in February 1987 and discussed with the Pitjantjatjara Council. Various submissions were subsequently received from the Pitjantjatjara Council, including one from the council's legal advisers and anthropologist.

We then have the Maralinga people. I would like members to listen very carefully to a letter that I have received. By the way, in relation to our talking about the difficulty of dealing with and contacting these people in a tribal situation, I point out that this letter was sent to me on a fax machine. The letter, forwarded to my office by the Maralinga Tjarutja people, stated:

Dear Sir,

Concerning the Aboriginal heritage legislation: we support the initiative of the Government in introducing the Aboriginal heritage legislation to cover Aboriginal sites and heritage throughout South Australia. We believe, particularly from our experience of the operation of the Maralinga Tjarutja Land Rights Act, that the best form of protection for Aboriginal sites and culture is the vesting of inalienable freehold title in the appropriate Aboriginal organisation. We sympathise with your Government in its difficulty in balancing Aboriginal interests, particularly in alienated land. We are pleased with the way in which your department has consulted and been involved with our organisation in the preparation of this legislation.

We are aware of the criticisms of the legislation from other Aboriginal organisations and the mining lobby generally and, whilst there are aspects of the legislation which fall short of the most desirable position for the protection of Aboriginal heritage, we nonetheless feel that, as comprehensive national land rights and heritage protection is some way in the future, the Government's recent initiatives deserve support, and we look forward to our ongoing relationship with officers of your department.

I also have before me copies of all the Aboriginal newsletters that have been published since September 1981 that have given specific information on this matter. The very first one was the September 1981 edition, and that was followed by the newsletters published in December 1981, September 1982, December 1982 (that one with the smiling face of the new Minister on the front), March 1983, and June of 1983—that gave a very detailed examination of the Aboriginal Heritage Act. Further, there were the newsletters No. 21 of 1987, No. 22 of June 1987 and No. 23 of September 1987. I have with me a copy of the mailing list of all those individuals and organisations who received this newsletter. As there are over 500 entries on that register I will not read it into the record.

Before people start talking about consultation or the lack of consultation and about the support or lack of support for this measure among Aboriginal people, let them come to grips with these matters that I have just placed before the House. I am glad to see that the member for Heysen is in the House and, referring again to the 1981 and 1982 Bills, it is clear that at that time the member for Heysen and the Government that he represented were happy with the idea of a committee and with the idea of the exercise of ministerial powers laid down in the scheme of legislation, and that it was also happy with the level of fines and penalties.

The member for Coles misunderstands the nature of the committee. Let me make absolutely clear that the Minister does not determine what is an item of significance to Aboriginal people: only Aboriginal people do that. The Minister determines when and how the Act will operate (clause 12). He can, and will, delegate to not only the committee but also the traditional owners (clause 6), and he is required to consult (clause 13). The committee has value as being a very broad ranging committee, which is able to advise the Minister on a variety of general matters that affect Aboriginal heritage. However, it will not be treated as any sort of buffer (and this is not in the legislation) between the Minister and the traditional owners.

Indeed, it is envisaged that most of the delegations will be to the traditional owners. While we are talking about traditional owners, the member for Chaffey criticised the definition of 'traditional owner' that we have used here. Yet it is almost word for word with what is in the Pitjantjatjara Act, the piece of legislation that I think the member for Victoria reminded us was a Liberal initiative, and the Maralinga Act. So, what is so wrong with the definition which is incorporated in those pieces of legislation? So far as the 1979-82 body of legislation, there is no definition, none whatsoever. There is no requirement for consultation in the 1979-82 corpus of legislation, as there is in the Bill which is presently before members.

I am a little interested in who attended this meeting at Port Augusta: how many were there, who they were supposed to represent and, indeed, whether the members who have talked about their odyssey went beyond Port Augusta to talk to Aborigines or whether they just got together with a few Aborigines who happened to be in Port Augusta at the time who came down for the meeting—

Mr Gunn interjecting:

The Hon. D.J. HOPGOOD: The member for Eyre now wishes to change the subject. He wants to get back to the select committee. All the select committee will be is a further round of consultation. I have already indicated to

members just how thorough the consultative process has been, and all that members seem to want is a further round of consultation. Let me make it absolutely clear that if we miss the opportunity to be able to get legislation at this time, I do not think we will get it again before the 1990s, yet the Opposition is blithely saying they are happy and if they do not get what they want, they will vote against the third reading. I assume that is with some indication that maybe they think they will be successful; otherwise, why vote against the thing in the first place?

People have been trying since well before 1979 to introduce into the statutes of this State legislation which will give protection for heritage. Des Corcoran, I think, was the Minister in 1979, and the member for Heysen was the Minister in 1981-82. Here we are in the year of grace 1987, and there is still some possibility that we may not finish up with legislation on the statute books. I say: let us get on with it; let us get the thing going, and I am confident that it can work and work very well. In any event, once we have proper legislation on the statute books, of course it is open to modification by the Parliament where that is seen as necessary.

I have been referring to remarks made by the member for Eyre. He criticised the fines and penalties laid down here. They are the same as in the European Heritage Act. They are the same as in the South Australian Planning Act and, indeed, they are the same as was in the body of legislation which was the child, if you like, of the efforts of Des Corcoran and the member for Heysen so very long ago. The real question is how such a scheme of protection is worked into the framework of European law. If a mining company wilfully destroys a site, under this legislation it will be dealt with in a European court according to European law. That is inescapable. There must be a degree of predictability in the system rather than caprice—that is one of the tenets of European law, yet the member for Coles does not want to register. I think that probably means if we have no register, we have no Act.

The Hon. Jennifer Cashmore interjecting:

The Hon. D.J. HOPGOOD: I am grateful for that interjection, because again I have to remind members that in contradistinction to what the member for Coles has said about the impact of registration on matters which are of sacred significance to Aborigines, the Maralinga people have insisted that their sacred, secret information be recorded before this tradition is lost. The member for Coles also went on to say that I had established the Aboriginal Heritage Working Party. Nothing could be further from the truth. As a matter of fact, during this debate, I had to send for advice as to the membership of that group. It has nothing to do with me. I did not set it up, nor is it involved in any close way with my department.

As I understand the position—and I think I should make this known because I imagine other members will be a little bemused about this—it is constituted of city based Aborigines who seem to have little or no contact with the traditional people; some have come from interstate and some are not Aborigines at all. The committee was formed about nine months ago. The person who seems to speak for this group, an Irene Watson, is the person who was interviewed on television tonight. I utterly reject any suggestion by members opposite that Irene Watson is speaking for traditional Aboriginal culture in this State. She is entitled to her viewpoint and to express that viewpoint, but to draw the sorts of inferences from that viewpoint that members have tried to draw this evening is indeed totally invalid.

I have to agree with the member for Eyre and the member for Chaffey, and I will wind up very shortly, that the committee cannot represent traditional owners' wishes so far as sites are concerned. The broad purpose of the committee is to provide general advice on Aboriginal heritage. The committee is not expected to be delegated such functions as section 12 determinations where traditional owners or local Aboriginal organisations exist, particularly where they relate to sites of a sacred or secret nature. In fact, where possible, the majority of the Act can and will be delegated to traditional owners or local Aboriginal organisations such as the Maralinga, Tjarutja and Pitjantjatjara councils.

The member for Eyre also wanted competing interests to be taken into account, and I agree with him. I have to say that they will. Whether or not a site or object is of significance to Aborigines will be a matter of fact to be determined in most cases by traditional owners. The Minister, following consultation, may agree that for the interests of the community at large, a site may be disturbed subject to section 23. Equally, the same judgment could be made by a traditional owner. Reference was made during the debate to the museum. The museum has a research and curatorial function.

The Aboriginal heritage branch will have the policing role in relation to this Bill, and I do not believe that the two should be confused with each other, nor do I believe that there need be any conflict at all in relation to these matters and the particular interests that those two organisations have. I also must remind the member for Murray-Mallee that the word 'Nunga', which I think we all know how to spell, is used in certain areas of the State, but the Pitjantjatjara and Maralinga people use the world 'Anangu' and not 'Nunga'. Therefore, 'Nunga' should not be seen as a synonym for the whole of the Aborigines in this State. Of course, there remains the ongoing debate as to whether 'Aboriginal' is a noun or an adjective. I notice the increasing use of the word as an adjective—

The DEPUTY SPEAKER: Order! I ask honourable members to sit down please.

The Hon. D.J. HOPGOOD: If one wants to be a purist in the English language, one would have to say 'Aborigine' is the noun and 'Aboriginal' is the adjective, but I notice that Aborigines increasingly use the word 'Aboriginal' as a noun, and I respect their wishes in that case. I urge members to accept this legislation.

Bill read a second time.

The Hon. JENNIFER CASHMORE (Coles): I move:

That the Aboriginal Heritage Bill be referred to a select committee.

In his second reading reply, the Minister tried, unsuccessfully, to demonstrate that the Government had consulted on this Bill, that it had general support among the Aboriginal people and, that there was no need for a select committee because the Government had spent several years preparing the Bill. However, the experience of the Opposition in the extremely short time that we have had to study the Bill and try to consult with interested people is contrary to the Minister's assertions.

The Minister has listed, and has given chapter and verse concerning, the people he alleges that he has consulted, but the few of those that I have been able to contact claim that consultation took the form of a letter covering a draft Bill, which was not this Bill, and a request for comment on that draft Bill. The comments forwarded by letter went into the maw of the department and may or may not have been adopted and taken into account by the Minister. If the Minister calls that consultation, I assure him that the people whom he allegedly consulted do not.

In the short time available, the Opposition has not been able to contact the traditional owners in the remote areas,

so we have no way of verifying whether what the Minister says took place by way of consultation did in fact take place. I do not want to question the Minister's good intentions, but I suggest that his view of what his officers did is not necessarily the view of Aborigines or other people who allegedly have been consulted. The general view seems to be that the Minister's officers gave sundry lectures on what the Government intended. The interested parties listened to those lectures and, if they were given a chance to speak, they did so, but there was no sitting around the table with interested groups, and no resources were made available by the Government to enable the Aborigines to get together not only among themselves but with other interested parties such as representatives of the pastoral, mining, and tourism industries. At least the Victorian Government in introducing its legislation made such resources available and that action was very much appreciated. However, no such resources have been made available in this State.

On behalf of my colleagues, I assure the Minister and the House, although I doubt whether such an assurance is necessary, that members on this side genuinely wish to resolve what is a genuine difficulty. However, we do not believe, nor do I think that the South Australian electorate believes, that five days for an Opposition to consider such a Bill and five hours, or less so far, to debate it is sufficient to cope with what the Government claims to be five years preparation of the Bill. It is simply not reasonable, just or fair, and the public of South Australia will not see it as fair. It is an extremely complex and extremely contentious matter. The controversy has raged for some time and this Bill will do nothing whatever to dispel it.

Surely, if the Minister says that he has made that much effort, it is not too much to ask him to chair a select committee which can hear evidence and on which representatives of the Parliament, not just the Government, can hear evidence from all interested parties and take that evidence into account. From what we as an Opposition have been told, the Bill is so badly based in terms of its concepts that it cannot be amended. If, as I suspect, the Minister opposes this move for a select committee, we would not try to move amendments that would be of little value because the basic principles of the Bill are, in the opinion of many, unsound.

The general dissatisfaction with the Bill should alone be grounds for the Government to allow it to go to a select committee if it is sincere in its wish to have the Bill passed. The history of this legislation and its forerunner, going back to the 1960s, and of other legislation dealing with Aboriginal lands suggests, in fact demonstrates clearly, that, when a select committee is established, the outcome is better legislation. That has been clearly shown in respect of the Pitjantjatjara land rights legislation and the Maralinga land rights legislation. Why then should the Minister refuse, as he appears to be about to do, a perfectly reasonable request? He well knows that, if the Liberal Party and the Australian Democrats were to combine forces in another place, a select committee could be established. Surely, he as the responsible Minister would want to have control of that select committee in this place. Surely his colleague the Minister of Aboriginal Affairs, who is in the House of Assembly, would not want to see an important issue such as this referred to Ministers in another place whose portfolios are not related to this matter. Indeed, this is the place where the select committee should be.

On behalf of my colleagues, I make the point that it is most unjust to members representing districts where there are Aboriginal constituents that they had so little time, scant time, minimal time. Indeed, many have not been able to get back to their electorates to consult with their people since the Bill was introduced. What about the member for Eyre who represents over 80 per cent of this State and whose district contains most significant Aboriginal lands? What about the member for Murray-Mallee whose area contains significant sacred sites? What about the member for Victoria? What about the member for Flinders who made a plea in his speech for some kind of reasonable and fair deal? What about all the people out there who have an interest in this matter and want to put their views to Parliament? What chance have they had since Thursday night last when this Bill was introduced. It is most unreasonable and unjust if this Bill is not referred to a select committee.

If the Government refuses this reasonable request, there will be ample grounds to consider that the Government is not genuine in its wish to have this legislation passed. The Minister knows, because we have made it clear, that, if a select committee is not granted, we cannot support the Bill, and the Australian Democrats have made that similarly clear. We can only assume that, if the Minister refuses our request, he is entirely cynical in his wish to have this legislation passed, that he wants it to be defeated, and that he wants the odium for its defeat to rest not upon him but upon members of the Liberal Party and the Australian Democrats. That is the only conclusion that can be reasonably drawn at if the Minister refuses a perfectly reasonable and proper request. On behalf of the Opposition and on behalf of the groups that will be affected by this Bill, I urge the Minister to agree to this move for a select committee.

The Hon. D.C. WOTTON (Heysen): Mr Speaker—

The DEPUTY SPEAKER: Order! Is the honourable member for Heysen seconding the motion?

The Hon. D.C. WOTTON: Yes, Mr Deputy Speaker. I strongly support the concept of taking this legislation to a select committee and I also support the comments made by the member for Coles. I believe that the serve that I have just received from the Minister also needs some explanation and that his criticism is undeserved. I would therefore like to have the opportunity, as I will have in Committee, to answer some of the matters which the Minister has brought to the attention of members. I make no bones about the fact that it is a disgrace that, for some 12 years, we have been looking at the need for legislation to protect Aboriginal sites and have failed to come to grips with that legislation.

I recall, when I came into Parliament in 1975, having detailed discussions with the first Minister for Environment (Mr Glen Broomhill) who, as a result of receiving representations, recognised the need to introduce such legislation. I recall having detailed discussions with Des Corcoran, when he was Minister for Environment, and he organised for officers of his department to have discussions with me in regard to the preparation of such legislation. I also recall similar discussions with the present Minister of Health (Hon. John Cornwall) when he was Minister for Environment.

As I have said, I have no bones in saying that as far as I was concerned as Minister it was one of the most difficult tasks that I faced in trying to come to grips with this piece of legislation. It is an extremely complex measure and I recognise the difficulties associated with it. Over the last few days I have had contact from people who contacted me in 1982 and earlier with regard to their concerns about the 1979 legislation, which has been referred to in this debate, and the legislation that I introduced for the Tonkin Government in 1982. They are equally concerned about this piece of legislation. Most of their concern stems from a lack of consultation. When I was Minister, I thought that we

had consulted effectively, and I still believe that we did. I have been through some of the notes of the consultation that took place in 1982.

The Hon. Jennifer Cashmore interjecting:

The Hon. D.C. WOTTON: No, we did not have a select committee, but at that time there was a lot of wide, ongoing discussion with interested parties. The Aboriginal legal rights movement was chosen as an appropriate body with a representative Aboriginal view, and numerous discussions were held with that group.

They submitted written comments, both to me and to officers of my department, which were considered in the formulation of the Bill. The Bill was circulated on at least two occasions in editions of the Aboriginal heritage newsletter inviting comment, and the circulation list for that publication includes Aboriginal communities and a large number of interested professional bodies and individuals. In response to numerous requests from organisations and individuals for further consultation, that opportunity was provided on various occasions.

As I said earlier, the people who contacted me at that stage and who have contacted me over the past couple of days are still expressing concern that they have not had the opportunity to have an input. The most appropriate way to provide that opportunity is to have a select committee. Any person, organisation, or representative group would have the opportunity to come forward and present their views on the legislation. That is not too much to expect.

As the member for Coles said, if the Minister is genuine, as I hope all members of this House are, in recognising the need for such legislation, it is not too much to expect that a little more time could be provided to enable him to chair a select committee. I know that many people would be keen to be involved in it and to present their views. Although the legislation is important, not one member of the Government, either backbencher or Minister, has taken the opportunity to speak on this legislation. I would have thought that there would be a number of people—

The Hon. D.J. Hopgood interjecting:

The Hon. D.C. WOTTON: As I understand, we are dealing with this Bill tomorrow, so I would have thought that there was plenty of opportunity for members on the other side to have a say in this piece of legislation. It will be interesting to see how many of them have questions to ask during the Committee stage because it is important legislation. I can only stress again the need that I see, because of the complexity of the legislation, for a select committee. I cannot support the way in which the legislation has been drawn up. I do not believe that it is possible to amend it and, with the time that has been taken over these many years to come to grips with it, it is necessary that we take a little more time to provide the opportunity for people to come in and have their say through a select committee. I strongly support the views of the member for Coles.

Mr GUNN (Eyre): It has taken 10 or 12 years to reach this stage, yet it appears that the Minister does not want to take another four to six weeks to resolve the matter once and for all. The unfortunate scenario is that if the Minister does not agree, the parliamentary process being what it is, the legislation will fail. The Minister would be far wiser to sleep on this matter, discuss it tomorrow and come back, having got out of bed on the right side, and hope that wise counsel prevails.

A great deal has been said about the attitude of certain people on this side and about the opportunity to consult. Some aspersions were cast upon the people who came and spoke to the Hon. Peter Arnold, the Hon. Mr Cameron and me at Port Augusta. They represented a very wide section of the community: from Coober Pedy, Nepabunna, Hawker, and Port Augusta. Next week the Hon. Peter Arnold and I, in company with the Minister of Aboriginal Affairs and two of the Minister's colleagues, will go to Maralinga. It was suggested to me that we should talk to certain people out there. I have sat on both sides of this Chamber, yet I always find it difficult to understand why Ministers want to fight a rearguard action against select committees. Having reached that stage, I suppose they believe and are egged on by their officers that they have achieved wonders, and that the wisdom that they have incorporated into legislation is the answer to a maiden's prayer.

One of the reasons that the 1982 legislation did not proceed was that certain people were not satisfied with the answers they received from the department. I know that a number of people do not regard my views highly and I have heard from my constituents what is said about me. That is all right. The Parliament will have its will and they must accept, as I told a public servant a few weeks ago, that the will of Parliament will prevail.

It will in this case. With a little bit of give and take on all sides we can resolve this matter in the fashion that will be beneficial to the community at large and will stand the test of time. It is important, in dealing with any of these proposals, for legislation to stand the test of time. We ought at least to try to arrive at a bipartisan approach, and the course of action properly suggested by the member for Coles will allow that to take place. I appeal to the Minister's better judgment to accede to the request made by the member for Coles so that we can resolve this matter in a sensible manner for a long time into the future.

Mr LEWIS (Murray-Mallee): I support the proposition put by the member for Coles. I am still concerned that the Minister has not understood the matters that I drew to his attention. Clearly, the legislation provides that vast areas of land can be simply set aside as sites of significance or sacred sites and the owners of those lands do not get any compensation whatsoever. They are not allowed to graze stock on them, crop them or use them for any other purpose such as horse riding trials or, for that matter, the development of a marina along the edge of the River Murray. It would effectively confiscate as much land as any Minister wished to set aside as a site of significance, a sacred site or a combination of both. The land holder or holders to be affected would have no opportunity—in fact, they are explicitly excluded in law—to make formal submissions to the Minister during the course of his making a decision about it.

They are also given no rights of appeal whatever. That is contained in the legislation. For the Minister's benefit, I have discussed the matter with the person with whom he discussed the legislation and with a senior honours law student and they find exactly the same provisions. The person with whom he discussed the legislation when drawing it up was somewhat embarrassed when I drew it to her attention. Therefore, I beg the Minister to allow the legislation to go to a select committee to eliminate that anomaly at least. As it stands presently, surely it would not be the intention of the Government or this Parliament (so help me, while I am a member of it I will make my opposition to it plain) to give any Minister the power to say for one reason or another, 'Now, the land that you, Joan or John Citizen, own is no longer accessible to you, you must maintain it in terms specified in other legislation, such as the Vertebrate Pests Act or Pests Plants Act, clean and free of those beasties, and you will obtain no compensation for it whatever.'

Certainly the only circumstances in which the Minister could provide compensation is if he or she (if at some future time it is a female Minister) decided to acquire the land, and accordingly excise from it so much of it as is considered to be a sacred site or site of significance and resell the land if there is any of it left. At least, as far as that provision is concerned, the Minister must recognise the desirability of taking the legislation to a select committee because the drafting process in itself has made a gross oversight in at least that area and certainly in my judgment, in all conscience, in other areas which I can identify, but will not take the time of the House to do so now.

The Hon. D.J. HOPGOOD (Minister for Environment and Planning): I will start by making a remark as Leader of the House. As members would know, yesterday I moved a motion pursuant to the Standing Order that allows for the management of the affairs of the House. It was carried unanimously on the voices. We now do this with monotonous regularity, week after week, and it is regarded now as unremarkable because I meet with the Deputy Leader of the Opposition on Monday and we organise what we believe to be a reasonable slate of legislation for the House to consider for that week. I have been conscious, because the earlier Bill today took rather longer than I anticipated, that we could run into problems with the proper consideration of the Committee stage of this Bill should we indeed move into Committee, which is certainly my intention—we shall see. On two occasions today I have consulted with members opposite to get some sort of indication of what they saw as a reasonable allocation of time for the Committee stages of the debate.

The member for Coles would back me up in saying that at one stage I was actively canvassing that we may have to sit until 11 p.m. this evening to ensure that there would be adequate time in the rest of the week for consideration of the Committee stage of the debate. In fact, the second reading of the debate moved a little more quickly than I had anticipated, and therefore perhaps the suggestions I made to one or two people on this side of the House, that if they were to speak they keep their remarks to about 10 minutes, need not have been made and a fuller contribution could have been given by Government members. So, I make absolutely clear to members opposite that it was because of our concern to ensure that the Committee stage was given reasonable examination and did not run up against the 6 p.m. guillotine tomorrow that there has not been a fuller contribution from members sitting behind me.

I turn now to matters that have been placed before us. I welcome the involvement of the member for Heysen in this debate. It appears that he received at third hand some sort of report on what I was saying in this Chamber half an hour or so ago. I was certainly not criticising the honourable member for not being in the Chamber at that time—heaven alone knows, I am out of the Chamber often enough—nor was I criticising in any detail the legislation that he placed before us in 1981 and 1982. Rather, I was indicating that that legislation was not all that far distant from the legislation before us now, and therefore I found extremely ironic the remarks that the honourable member's colleagues were making in the second reading debate. To make the point further, as I recall—

Mr S.J. Baker interjecting:

The Hon. D.J. HOPGOOD: I wonder what has changed in that period of time to induce a complete about face on the part of members of the Liberal Party. I do not believe that it is the result of a great deal of deep and mature reflection on this legislation or on what sort of legislation we should have.

Members interjecting:

The Hon. D.J. HOPGOOD: 'Come in, spinner', as they say. It is not necessary for the Liberal Party of South Australia to be spoon fed by Government, to have a Bill in front of it to make up its mind on the basic features of a scheme of Aboriginal heritage. Members opposite have been in opposition long enough—and are likely to remain there long enough—to write 12 or 15 Bills. If they have done that, there has been no indication to the House tonight of the fruits of that deep and mature thought. I would be very much more sypmathetic to the call for a select committee if there had been an indication to this Chamber this evening that the Liberal Party knew where it was going in this matter. We have had pleas in relation to the interests of Aboriginal communities. We have had pleas in relation to land owners, mining companies, and people who want to build marinas on the River Murray, would you believe! We have had all of that.

We have had reflections of particular pressures operating outside. Despite having been in Government for three years and, despite having introduced two Bills to amend legislation, the Liberal Party has not indicated that it has any sort of concept of what the salient features of legislation such as this should be. Where are the fruits of those years? What did the member for Heysen learn as a result of his three years as Minister for Environment and Planning—years which by no means were unproductive so far as the environment was concerned? What did the member for Chaffey learn as Minister of Aboriginal Affairs? He certainly was not a disaster in that portfolio. Why is it that the members' colleagues do not now have the benefit of what was learned at the time, of the knowledge and the philosophy that went into the development of that legislation? If I thought that there was any indication of a really constructive approach on the part of the Opposition, I would feel far more sympathetic towards this matter.

Mr S.J. Baker interjecting:

The Hon. D.J. HOPGOOD: What can be more constructive than the select committee is some indication from members that they know where they are going, that they have some sort of attitude or philosophy, that they are prepared to wear their hearts on their sleeves and to commit themselves to something.

Members interjecting:

The DEPUTY SPEAKER: Order! I ask the honourable Minister to take his seat. While members of the Opposition were speaking in this debate, I was particularly severe on the Minister for interjecting and I asked him for silence. The member for Mitcham has just entered the Chamber once more and the interjections are increasing. The member for Mitcham will not rise while I am on my feet and I refer to the Standing Orders. I ask that this debate be conducted in the way that all debates in this Chamber should be conducted. I merely ask those people on my left to accept the same rules that I imposed on the people on my right. I ask the Minister to continue.

Mr S.J. BAKER: On a point of order, Mr Deputy Speaker, you did it last night and tonight again you have reflected on my presence in this Chamber. I have been in this Chamber longer than almost anybody here. I was here for the whole of tonight, for the whole of last night—

The DEPUTY SPEAKER: Order!

Mr S.J. BAKER: —and, indeed—

The DEPUTY SPEAKER: Order! I ask the honourable member to resume his seat. There is no point of order. I particularly referred to the member for Mitcham because, when I called for order a few minutes ago, the member for Mitcham continued to talk loudly over the top of my request

to the House and this is the second night in a row that he has done that. While I am in the Chair it is my intention to make sure that there is law and order in this House and, if I call for order, I expect that to be obeyed. I asked the Minister to remain silent while members of the Opposition spoke in this debate and I now ask members of the Opposition to extend the same courtesy to the Minister.

The Hon. D.J. HOPGOOD: I am keeping my eye on the clock. I know that members want to participate in an adjournment debate this evening. At the risk of being boring, let me repeat what I said in the second reading explanation about the specific consultation that took place. When the member for Coles spoke to her motion, as I recall she suggested that the only consultation that took place was in the form of a letter or something that was sent to various communities. I make it perfectly clear that at least twice in 1983 over 25 Aboriginal communities were visited by members of the Aboriginal Heritage Branch of my department. Information sheets outlining possible areas for discussion were mailed to the various communities prior to the visit, so those people were invited to have a direct input into the preparation of the first draft. It was not a matter of throwing a Bill to them and saying, 'Tell us whether or not you like it.' They were invited to have a real input into the initial draft of the legislation. In January 1987 the draft Bill was circulated for comment.

I have indicated also how on at least one occasion (and I refer to the Pitjantjatjara Council) information contained on a Pitjantjatjara language tape was made available. I believe that there has been a considerable amount of consultation and in this area the tragedy is that one could consult until the cows come home and still not please everybody. I ask the House to reject the motion.

The House divided on the motion:

Ayes (14)—Messrs Allison, D.S. Baker, S.J. Baker, and Blacker, Ms Cashmore (teller), Messrs S.G. Evans, Goldsworthy, Gunn, Ingerson, Lewis, Meier, Olsen, Oswald, and Wotton.

Noes (21)—Mr Abbott, Mrs Appleby, Messrs Bannon, Crafter, De Laine, Duigan, M.J. Evans, Ferguson, Gregory, Groom, Hamilton, Hemmings, Hopgood (teller), and Klunder, Ms Lenehan, Messrs McRae, Payne, Rann, Robertson, Slater, and Tyler.

Pairs—Ayes—Messrs P.B. Arnold, Becker, Chapman, and Eastick. Noes—Messrs L.M.F. Arnold, Blevins, Keneally, and Peterson.

Majority of 7 for the Noes.

Motion thus negatived.

In Committee.

Clause 1 passed.

Progress reported; Committee to sit again.

ADJOURNMENT

The Hon. D.J. HOPGOOD (Deputy Premier): I move:

That the House do now adjourn.

Mr ROBERTSON (Bright): Recently a pamphlet was brought to my attention by a member of the South Australian Sea Rescue Squadron. The pamphlet is put out by a group known as the Coastal Patrol (South Australian Division), and among the claims made in the pamphlet is the claim to offer a so-called safety umbrella of licensed marine coast radio stations monitoring the MF, HF, VHF and UHF marine distress frequencies. The pamphlet also offers 'free advice' on boat ramp location, fuel points, position and condition of sandbars, navigational hazards, beauty spots and picnic areas.

I also note that the pamphlet advertises a number of educational courses, which the Coastal Patrol purports to run, and those are in the areas of safe power boating, marine radio operation, seamanship, trailer boats and run-abouts, meteorology, coastal navigation, astronavigation, first-aid and radio direction finding, radar and satellite navigation. The pamphlet claims that each of those courses contains a minimum of four hours practical experience at sea. Interestingly enough, the pamphlet also promises a so-called neighbourhood watch scheme which is run in conjunction with the State police. It states:

> The Coastal Patrol provides moorings, surveillance and prime intelligence reporting to prevent vandalism and theft of boats and property.

It also claims that:

> Along the coast of New South Wales, Victoria, Tasmania and South Australia you can seek assistance from a trained rescue/lifeboat service.

I do not object to the group putting out this pamphlet, except that it appears that most of that information is completely inaccurate and untrue in relation to South Australia. I am told that the Coastal Patrol group originated in New South Wales as a professional rescue group in about 1926. In 1962, apparently, it became a volunteer group in New South Wales, where I am told that it provides a good educational and publicity role, similar to the role played by the Volunteer Coastguard in South Australia.

I understand that the group later expanded to Victoria, and I am led to believe that at this time some six rescue craft operate in Victoria, each with its own small radio network and that, in fact, the Coastal Patrol in Victoria is a member of the Marine Rescue Division, which is the Victorian equivalent of the Water Search and Rescue Liaison Committee in South Australia. I have been told that in Tasmania the Coastal Patrol probably has no craft whatever. I believe that the Coastal Patrol in South Australia has two craft, one of which is based at Eden Hills and the other one apparently at Maitland or Port Victoria on Yorke Peninsula.

As far as I can establish, to date the activities of the South Australian division of the Coastal Patrol have been as follows. The group appears to have discovered that a group of citizens was collecting money for the establishment of a rescue service based at the Aldinga boat ramp a number of years ago, and the Coastal Patrol moved in and took over the collection of moneys, presumably with the aim of setting up a rescue service. Since that time the group has tried to establish exclusive launching rights at North Haven, which is very much the territory of the Volunteer Coastguard, as well as at the O'Sullivan Beach boat ramp and the Glenelg boat ramp, both of which are patrolled by the South Australian Sea Rescue Squadron.

I have also been told that the group has approached the Royal Australian Navy in South Australia, seeking a donation of $6 000 for a marine radio service, and the group was told in no uncertain terms that that was not on. Members of that group then took the request to Navy in Canberra, and upped the ante and apparently doubled the request, but again they were told that it was not on.

However, it did not stop the group from circulating some 3 000 pamphlets in South Australia earlier this year, and I believe that those pamphlets were sponsored by insurance brokers Mercantile Mutual and Anchorage Marine. It is my understanding that neither of those firms checked out the activities of the Coastal Patrol in South Australia and, possibly quite unwittingly, allowed themselves to sponsor the activities of the group which, in fact, do not measure up to the activities promised in the pamphlet. I have been

told that, in the course of seeking sponsorship from those organisations, the patrol claimed to have six craft and 68 operating personnel in South Australia although, apparently, the reality is that the patrol has only two craft and that the number of personnel operating them is unknown. The group also sought and obtained from the State Bank of South Australia a $4 000 community grant for the purchase of fuel and the maintenance of their boats. That occurred earlier this year and, again, it occurred without the State Bank checking out the *bona fides* of the group.

The activities of the group have been of fairly dubious value as a water rescue service and, in fact, an incident occurred last year during the royal visit. One of the craft was part of the escort group which escorted the royal yacht *Britannia* from Glenelg to Outer Harbor—under fairly trying conditions at the time. The escort operation was under the control of the police and, in fact, the police informed all the small craft to bear off, to break off, and go back to base. The response of the Coastal Patrol craft was to switch off its radio and to go off the air for some 20 minutes or so. That led the police to believe that that craft itself was in difficulty, and apparently at one stage the police were thinking of launching a rescue operation to try to rescue the members of the Coastal Patrol.

The patrol's activities, so far as I can see (and as they have been described to me by the other rescue services), turned out to be rather more of a nuisance to the other rescue services. In fact, it could be argued that the activities of the Coastal Patrol have been more of a threat than a nuisance in South Australia to this point. It has been put to me by members of the other groups that the activities of the patrol threaten the funding and sponsorship base of the established rescue services, which is to say, the South Australian Sea Rescue Squadron, the Surf Lifesaving Association and the Volunteer Coastguard.

I am also informed that the activities of the patrol pose a great danger to any boat owner who might happen to be in difficulties in Gulf St Vincent and who is sufficiently unfortunate or so ill advised as to call the Coastal Patrol and ignore the established rescue network. Incidentally, that established rescue network consists, of course, of the primary resources, which are the Water Police and the South Australian Sea Rescue Squadron, as well as a range of secondary resources, ranging from the RAAF through the Volunteer Coastguard and the surf lifesaving clubs to the sailing clubs. They are coordinated admirably and effectively by the police.

If, however, a boat owner was unfortunate enough to be in difficulties in the gulf, and if that boat owner's family was unfortunate enough to call the Coastal Patrol, I can imagine the difficulties involved in waiting for a rescue craft to be towed from Eden Hills or, heaven help us, from Maitland on Yorke Peninsula, and launched as a single, solitary effort to try to find a boat at sea. Quite clearly, being outside the rescue network, the Coastal Patrol cannot operate effectively. It has been put to me also that the Coastal Patrol is rather a group of adults who enjoy playing dress-ups, that, in fact, they are more of a nautical Dad's Army than a *bona fide* rescue service. I am told that one member in particular still patrols Gulf St Vincent looking for abandoned mines and Japanese submarines intent on attacking Adelaide! It is my intention tonight to point out to prospective sponsors in private enterprise the activities of the Coastal Patrol and the limitations of its ability to deliver the services promised. I would sincerely advise any private sponsor to look very closely at the activities of the patrol before providing the group with any money or, indeed, credibility.

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): I want to put the record straight in relation to some of the misinformation (in fact I have been searching around for a word which means 'lie', which word I am not allowed to use) and the complete lack of truth in the comments made by the Minister of Housing and Construction in the House today, when he sought to justify the Government's parsimony in providing staff for the Opposition and its absolute munificence in supplying its own needs, and more. The Minister sought to tell the House that there are four secretaries servicing the Opposition in the Upper House, and two for the Labor members.

Let us put that straight to start with. The fact is that nine backbench Liberal members in the Upper House are served by two secretaries. The Leader of the Opposition has one staff member, so that works out at one secretary per 4½ members in the Upper House. The two Democrats have one permanent staff officer and, when the House sits, one extra, so there are four staff available, including two to the Democrats who do nothing whatsoever for the nine Liberal backbenchers. So, there are three staff for the Liberals and Democrats—two for the Liberals, one per 4½ members and one for the Leader.

In relation to the Labor Party, the President has her staff and the three Ministers have their staff. There are six Labor backbenchers and they are provided with two secretaries, so the Labor Party backbench members have one secretary to serve three members plus all the resources no doubt that the Ministers make available to them, whereas Liberal members in the Upper House have one secretary per 4½ members. So, for the Minister to come in here today and suggest that the Liberal members have twice as many staff available as the Labor members is plainly and completely untrue.

An honourable member: A bunch of blueys.

The Hon. E.R. GOLDSWORTHY: There were some blueys. I am not allowed to call them 'lies'—that is unparliamentary. All I can say is that they are complete and absolute untruths. It would be reasonable if the Government was prepared to deal in facts, but it is not. The facts are that Liberal Party members in the Upper House are starved for staff. Some even spend their own electorate allowances in hiring staff. I would be interested to know how many Labor members in the Upper House spend their money in hiring staff—or in the Lower House, for that matter.

The Minister of Housing and Construction comes into this place and thinks what a wonderful job he has done. He sits down and grins to himself for the next half hour. Every few moments he reminds himself about what he has said and you can see him overjoyed. He has impressed his colleagues! It has been a wonderful performance! The fact is he came in here today and told us a pack of complete untruths.

Now, in relation to the staffing of electorate offices, the facts speak for themselves. Let us look at the Minister's own response to a question from the member for Hanson which the *News* reporter seized upon—and I gather he did seize upon it because it is a most interesting answer. All one needs to do is read that answer and certain inescapable conclusions leap out at any objective observer.

An honourable member: What are they?

The Hon. E.R. GOLDSWORTHY: The fact is there are 12, no less, Labor officers who have extra staff. There are three Liberal officers with probably 2 000 times the size of any of those Labor electorates, who have extra staff and have had them from day one because of the absolute impossibility of servicing those enormous electorates because of their size. But what has happened with the advent of this

Labor Government? The Ministers have got themselves extra staff, and they are listed in here. This is the information that the Minister supplied to Parliament himself. In Government, I very rarely got to my electorate office, but Ministers have got resources of their own, and they have an army of ministerial hangers-on now to assist them. Nonetheless, there are ministerial officers, and this is a new innovation, this idea that suddenly the ministerial officers have to have extra staff—

Mr Lewis: Out in their electorates.

The Hon. E.R. GOLDSWORTHY: Yes, doing all sorts of political work for them, no doubt, like doorknocking and the rest. The other fact which is abundantly clear from this answer is that five secretaries, all in Labor offices, have suffered from RSI, and have now returned to duty and are assisted by extra help. Those facts were given to the House by the Minister who now gets up and misrepresents completely the position, not only in relation to the situation with secretaries in this House, but tells a pack of complete untruths about a situation in the Upper House, with that great Cheshire cat grin of self-satisfaction as he churns it out. Let us deal in the facts. I repeat: the facts are here from the Minister's own mouth.

Mr Tyler interjecting:

The Hon. E.R. GOLDSWORTHY: The boy soprano opposite would not know—the member opposite ought to take up singing lessons because he would do a damn sight better than he would in interjecting when I am making some valid comments about the disinformation—I think that is the favourite word of Prime Minister Hawke as he struts the world stage—from the Minister of Housing and Construction as he gets up and regales us with a great tirade of disinformation about electorate secretaries and about the assistance available to the Opposition.

The Leader has applied for extra staff, but he has been turned down. The Premier today said he has exactly the same staff that I had. So it might be, but the fact is that the Labor Party has a damn sight more staff working for it now as ministerial officers working out of the ministerial offices than the Liberal Government had when in office. Let us get that equation correct. The Labor Party has built up its own resources dramatically since it came to Government, and it has done absolutely zilch. It has turned down every legitimate request from the Leader and other members for extra help. I saw a letter written to the member for Murray-Mallee a year or two ago—

Mr Hamilton interjecting:

The Hon. E.R. GOLDSWORTHY: I like the member for Albert Park, who gets up here with this great self-adulation about the torrent of work that floods into his office. He would not get around the member for Murray-Mallee's electorate in a month at the pace he goes if he had to service that district. Let him try his luck out in Eyre, Victoria, Murray-Mallee or even Mount Gambier. Let Hollywood try his luck down in Mount Gambier! He would be dead in a week.

Legitimate requests for assistance from members of the Opposition have been turned down flat. The Government has bloated ministerial offices. Ministerial staff numbers have gone up to about 143, twice the size of Treasury. We have a staff of about 60 or 70 running the whole of Treasury in this State, but we have 143 minders to keep the ministry out of trouble. So do not let us have this garbage about the Government being even-handed when 12 electorate offices of Labor Party members have extra staff. That fact is in *Hansard*. Whether they have RSI or whether they are ministerial staff, they are back on the job and it is costing the taxpayer dearly for that extra help.

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

Members interjecting:

The SPEAKER: Order! There is so much interjection that I do not think the member for Price heard himself receive the call.

Mr De LAINE (Price): I want to talk about something a little different from what the Deputy Leader of the Opposition has spoken about. I would like to raise a matter this evening of some concern in our society—

An honourable member: RSI?

Mr De LAINE: No, something other than that. There is a real need for a type of recuperation house or half-way house for some people in the community to have access to health care in between hospitalisation and the nursing home stage and going back to their own homes. A leading community-minded person in my electorate, Mrs Colleanne Bennetts, has put to me a proposal to establish, as a pilot program in the Parks community area, a community-based recuperation house. I think the proposal is an excellent one and highlights a real problem in the community for some people.

The objective of this recuperation house would be to provide a live-in facility for people who, in normal circumstances, live on their own and do not have family support at hand to provide after care on leaving hospital prior to being independently mobile within their own home. It is also for individuals who, by doctor's direction, have been confined to bed for short-term health reasons but not needing hospitalisation. I think we are all familiar with the situation where, for instance, a mother of a young family is under severe stress and the doctor recommends that she go to bed and take things easy for a week, but that is certainly out of the question under normal circumstances. If this live-in facility is available, then that person could go into a place such as this and rest for a week or so. Many of the people in this position are elderly men and women who have had surgery or treatment of various types and who are sufficiently recovered as far as hospitals and nursing homes are concerned, but they are not really ready to go back and fend for themselves in their own homes.

I realise that there are excellent facilities within the community, such as Meals on Wheels, Domiciliary Care, Royal District Nursing Society, local government services, aged services etc., but these, while being excellent services, all cease at 5 or 5.30 p.m. and there is nothing after that hour until the next morning. The main emphasis in this proposal is aimed at care for these people during the night time or, in other words, between 5 p.m. and 7 a.m.

The census shows that a growing number of individuals in our community live alone, and most of these are women over 55 years of age. Some live alone because they wish to do so while many others have no real choice. For one reason or another, many of these people do not have the support of family or friends and they are extremely vulnerable when shaky on their feet, especially at night. It is very easy to say that some elderly people have sons and daughters, but if they are not prepared to accept the responsibility of taking care or keeping an eye on their elderly parents, nothing can be done about it and the parents are the ones who suffer.

Most elderly people need to use toilet facilities during the night and that is where the potential for serious falls is very high. It is not uncommon for an elderly person to fall and break a leg or a hip and lie in agony for many hours before being discovered the next morning. We often hear of such occurrences. Some semi-invalid people suffer from night isolation and are reluctant to call neighbours for assistance

if any sort of problems arise. These people would recuperate more effectively and quickly if the pressure and stress of self-care was removed from them and a pleasant home environment provided for them to adjust back to their normal living mode.

Another crucial factor of need would also be addressed with this concept, and that is that the person is living in his or her own particular local area, which is familiar to them, and it also allows them to be very conveniently visited by friends, neighbours and local support personnel. The suggested facility for this proposed recuperation house within the Parks area would be to obtain from the Minister of Housing and Construction a four bedroom double Housing Trust unit which could be economically converted to provide five individual bedrooms, a live-in facility for a health care worker, kitchen, laundry, dining room, community room and a bath/shower/toilet facility with special emphasis for disabled or temporarily disabled people who may be in a wheelchair.

Other details would need to be sorted out such as being able to obtain the Housing Trust unit in the first place, getting the necessary planning approval from local government—in this case the Enfield council—obtaining the necessary funding, and working out paid and volunteer staffing criteria. As far as the administration is concerned, one suggestion is to investigate the possibility of the health branch of the Parks Community Centre operating such a facility as an outreach community health program by administering and overseeing the project, by organising staffing and client applications and ongoing evaluation of the facility.

An interim committee, of which I am a member, has been set up to look at the aspects of these proposals and sort out the details and come up with the costs that would be involved. Once that information is available, I will place an official submission before the Ministers concerned in the hope that this very worthwhile pilot program can be set up for the benefit of the Parks community. If we are successful in getting this proposal off the ground, and it is evaluated, it would be the first in South Australia and possibly the first in Australia. If this worked out to the benefit of the people in the community, I can see great potential for it to be expanded into other parts of the metropolitan area and perhaps other areas of the State and Australia.

Motion carried.

At 10.26 p.m. the House adjourned until Thursday 22 October at 11 a.m.