HOUSE OF ASSEMBLY

Wednesday 23 August 1989

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

QUESTIONS ON NOTICE

The SPEAKER: I direct that written answers to the following questions on the Notice Paper, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 46 and 65.

VICTIMS OF CRIME

46. **Mr BECKER (Hanson),** on notice, asked the Minister of Education, representing the Attorney-General:

1. Is the Victims of Crime levy on offenders being enforced and, if not, why not?

2. How many offenders are paying the levy and how many are not?

3. What is the total amount of the levy collected to date, how much is due and outstanding, and what action is being taken to recover this money?

4. Is the levy being taken from offenders' resettlement funds leaving them with no money upon release and, if so, why?

5. Are offenders now being discharged from prison without resettlement funds due to payments of the Victims of Crime levy owing and, if so, what can be done to ensure offenders are not released penniless?

The Hon. G.J. CRAFTER: The replies are as follows:

1. Yes, it is.

2. All offenders pay the levy.

3. $2 656 000 had been collected up to the end of this financial year (30.6.89).

- Information not readily available and would require significant resources to obtain.
- As time for payment expires, normal enforcement proceedings are instituted in almost all cases. An exemption occasionally occurs where a prisoner is released from prison not having paid all of the levy due. In these situations, a file is not always raised and a warrant issued where the administrative cost of doing so exceeds the amount to be collected.

4-5. Each week $2 is deducted from a prisoner's weekly earnings and placed in the prisoner's resettlement fund. At three institutions this $2 was used to pay the Victims of Crime levy and therefore no money accrued in the prisoner's resettlement fund until the levy was expiated. The remaining institutions placed $2 per week in the prisoner's resettlement fund and a further $2 was deducted from their weekly earnings for the levy. This decision was taken to ensure that prisoners retained a reasonable level of purchasing power with their weekly earnings.

This decision has now been reviewed and in future all institutions will deduct $3 from the prisoner's weekly earnings to expiate the levy. In addition, $2 per week will be deducted form the prisoner's weekly earnings for their resettlement fund. Prisoners who serve more than seven days are able to obtain a three week social security payment upon their release from prison. Savings in the prisoner's resettlement fund augment the social security benefit available on release.

EMERGENCY SERVICES

65. **Mr BECKER (Hanson),** on notice, asked the Minister of Emergency Services:

1. Why was no provision made to relocate elderly residents of Brooklyn Park in comfortable and pleasant surroundings during the crisis caused by the LP gas leak at the Shell Service Station on Henley Beach Road in late December 1987?

2. Who coordinated the evacuation of residents from their properties and why were these elderly citizens not better treated?

The Hon. J.H.C. KLUNDER: The replies are as follows:

1. Police received the initial report of the leaking LP gas tank and, in conjunction with the Metropolitan Fire Service and Gas Company, implemented full emergency procedures. It was expected at the time that the situation would be resolved in approximately one hour. However, Gas Company representatives encountered an unexpected problem with the transferring of the LP gas into a tanker.

Because of police concern for the residents, an attempt was made to have a police unit provide refreshments. However, this unit was already in use elsewhere. Consideration was then given to seeking help from the State Emergency Service or the Salvation Army to assist with refreshments, but the situation was expected to be resolved prior to their arrival. A further unforeseen delay occurred when Gas Company representatives became concerned at the possible risk to householders when they returned to their homes to re-light their gas appliances, and additional personnel were deployed in checking all premises affected. The safety of the residents was at all times of primary concern to the authorities. If the length of the delay had been foreseen, arrangements would have been made at the outset to relocate the residents and provide them with refreshments.

2. See 1 above.

PAPER TABLED

The following paper was laid on the table:

By the Minister of State Development and Technology (Hon. Lynn Arnold)—

South Australian Council on Technological Change—Report, 1987-88.

PUBLIC WORKS COMMITTEE REPORTS

The SPEAKER laid on the table the following interim reports by the Parliamentary Standing Committee on Public Works, together with minutes of evidence:

Burton Primary School,
Salisbury Downs West Primary School,
Wynn Vale West Primary School.

Ordered that reports be printed.

QUESTION TIME

BUDGET

Mr OLSEN (Leader of the Opposition): Will the Premier confirm that the budget he announces tomorrow will include the following spending proposals—

Members interjecting:

The SPEAKER: Order! The Leader of the Opposition has the call.

Mr OLSEN: Thank you, Mr Speaker. I will repeat the question. Will the Premier confirm that the budget he announces tomorrow will include the following spending proposals:

- $859.2 million on education;
- $146 million on employment, training and technical and further education;
- an increase of $1.6 million for tourist promotion;
- and a capital works budget of $1.2 billion to include: $60.8 million in education; $74.9 million in health; and $17 million to complete the Happy Valley Water filtration plant?

The $146 million to be spent on employment, training and TAFE will include a special $4 million package for use with 300 additional places under the public sector youth recruitment scheme and 300 extra full-time, full-year vocational places in TAFE, and more apprenticeships. In the health arena, $2.8 million will be spent on special initiatives, including a breast cancer X-ray program. Children's services will see the beginning of a $10 million program for 2 400 extra child-care places by 1992 and 50 new progams for care outside school hours for 1 700 children. There is a proposal for $500 000 for a new marketing unit for agricultural export products and $775 000 to boost the State's international commercial representation, and more.

The Hon. J.C. BANNON: I cannot confirm or deny anything that is contained in the budget, because the budget will be delivered tomorrow. What the Leader outlines sounds pretty good. I suggest that the Leader wait until he hears the budget presented tomorrow.

YOUTH RADIO

Mr ROBERTSON (Bright): Will the Minister of Youth Affairs say what results can be expected to flow from a recent ABC announcement that the Triple J youth network will be extended from Sydney to other capital cities?

The Hon. M.K. MAYES: It is important that we have an opportunity to welcome this announcement, recently made by the Chairman of the ABC, with regard to the extension of the 2JJJ network to South Australia with local content. I know that there is some concern about this issue, but the proposal being considered by the ABC network will be designed for a particular market. For 5MMM or the other community radios there will be no overlap of audience.

I have had some discussions with a representative from the ABC who stated that the target market would probably be in the area of top rating FM stations. The format is expected to be predominantly rock music, interspersed with talk. One particularly important aspect is that the network is looking at a breakfast program with news bulletins directed towards young people, and that will be brought together by a team of South Australian journalists who will present local news for young people in South Australia. This program will be designed around a breakfast format. I believe that it is still the subject of discussion in relation to funding. However, it would be a very attractive proposal and an important media communication channel for young people in South Australia.

It will be aimed at youth. The progamming will be done on a network basis, and we must acknowledge that but, in essence, it is an exciting introduction. I hope it does not cut across traditional areas of the community radio that are available but will be targetted at the more commercial market where it can attract much kudos in bringing a youth orientation to the news network program based on a local network and local news back-up. I welcome it, because it will be good for South Australia and young people in the community to have news focussed on them and their activities. I hope that the ABC can sort out the funding because the breakfast program idea is a very good one.

LEAD CONTAMINATION

Mr D.S. BAKER (Victoria): Will the Minister for Environment and Planning explain why it has taken more than three years since the Government was notified of the potential problem for it to initiate any action to deal with serious lead contamination of property in the Torrens River catchment area? The property to which I refer is located at Cromer near Birdwood. In the autumn of 1986, the owner, Mr V. Mueller, first noticed dead birds on the property and he made contact with the National Parks and Wildlife Service, which passed the matter on to the Department of Environment and Planning. The owner asked for soil tests to be made for lead pollution because there is a shooting range on the property adjoining his.

The Department of Environment and Planning has identified 25 July 1986 as the date of its first approach from Mr Mueller. More than 15 months later, on 9 November 1987, the department advised Mr Mueller that there had been extensive contamination of the pasture and local dams, that there was evidence that local sheep were absorbing lead which may give rise to unacceptable lead levels in the meat, and that the water from two dams must not be used for human consumption.

The department wrote to Mr Mueller again on 13 July 1988, advising him of soil samples it had taken showing lead concentrations almost 30 times those considered to be acceptable on health grounds. This letter further advised him that:

> Following the above recommended criteria, it is considered that soils on the range at Cromer and on adjoining properties should be considered to be contaminated and by world standards would require to be decontaminated.

However, another year has elapsed and still there has been no action by the Government to deal with this situation. The latest letter Mr Mueller has received is dated 31 July this year and it is from the Engineering and Water Supply Department. It tells Mr Mueller that:

> The Department of Environment and Planning has been requested to coordinate action, involving other Government agencies, which will result in stopping further lead contamination of soil and water, and the decontamination and/or disposal of affected soil.

For all of this time lead shot from the shooting range, section 120, Hundred of Talunga, has been falling on Mr Mueller's property an another adjoining property—sections 125 and 118. Ewes and lambs graze on all three sections. They are within the Torrens River catchment area and water from these properties flows into the Millbrook and Kangaroo Creek reservoirs. I have identified in this explanation long delays by Government departments in acting on this matter which may mean that this lead contamination is already in the food chain and Adelaide's water supply.

The Hon. S.M. LENEHAN: I thank the honourable member for his question because he has raised a very serious matter. Any lead contamination of land, soil or water is very serious. I will certainly call for a full and thorough report from both the Department of Environment and Planning and the E&WS Department.

ADELAIDE ENTERTAINMENT CENTRE

Mr RANN (Briggs): Will the Minister of Public Works outline to this House what progress is being achieved in the establishment of a world-class entertainment centre at Hindmarsh, despite attempts by the Opposition to oppose and delay this important project?

Members interjecting:

The SPEAKER: Order! The Chair has not yet called on the Minister. I am waiting for a little more courtesy from the members on my left. The honourable Minister.

The Hon. T.H. HEMMINGS: I thank the member for Briggs for his question. Before providing an update on the progress of the entertainment centre, I am pleased to be able to inform the House that this morning the Public Works Standing Committee amended the report on the entertainment centre so that it now incorporates the rather minor and trivial amendment as requested by the member for Alexandra.

I was also pleased to note that the committee approached the matter in a bipartisan fashion and I hope that in the future the political point scoring that took place during deliberations about the entertainment centre will be put to one side. I have made the point to the Deputy Chairman and to the Chairman that I hope that that will be a thing of the past and that the committee now recognises the need expressed so often by the young people of South Australia—that all political Parties should support the establishment of a world-class entertainment centre in Adelaide.

Since the Premier announced the go-ahead for a new entertainment centre for South Australia in February 1989, planning has proceeded rapidly and efficiently. The six months of intensive activity commenced with the appointment of my department (SACON) as project managers and the establishment of the consultant team headed by Hassell Pty Ltd, architects. The entertainment centre, a venue accommodating up to 12 000 patrons, has been designed by Hassell to face onto a large pedestrian plaza which is approached from Port Road. This exciting building will accommodate patrons in air-conditioned comfort, with ample opportunities for purchase of refreshments and souvenirs and with attractive restaurant and tavern facilities nearby.

The 2 400 square metre arena, which is surrounded by fixed tiered seating, is versatile enough to provide for events ranging from motorcross and circus to sport, rock concerts and religious meetings—in fact, a world-class venue. After representations from concerned local residents, four properties along Port Road—a former bank, a restaurant and shops—are retained pending further investigation into their commercial viability. The 30 metres deep Port Road frontage is undeveloped under the entertainment centre plans and is earmarked for development as office or retail accommodation. Two heritage listed properties—a former tinsmith's shop in Mary Street and a Church of Christ chapel and hall in Orsmond Street—are retained and conservation work has commenced. An archaeological dig was carried out on Eliza Hyde's cottage (now demolished) to record this very important example of early colonial domestic life.

The Adelaide entertainment centre project has received the endorsement of the Corporation of the Town of Hindmarsh, the Planning Commission and the South Australian community, with the sole exception of the Liberal Party and that fascist newspaper the *Australian Standard.* This significant South Australian project is now poised to come to fruition and fulfil public expectation and a Government promise with the letting of the contract for construction of the project at an expected cost of $40.7 million on completion in mid 1991.

In relation to the allegation that one committee member received a free trip to Melbourne, I hope that the committee investigates this accusation as a matter of urgency but, in a spirit of bipartisanship, as the Minister of Public Works, I am prepared to forgive and forget when the committee does discover who that member was. I hope that we will proceed with this project, which will benefit all South Australians.

Members interjecting:

The SPEAKER: Order! The Chair's attention was occupied at that time by consultations with a member who indicated a wish to make a personal explanation. I was unable to hear the concluding remarks from the Minister, because of the uproar that was occurring from members on my left. I ask all members to behave themselves in a more seemly fashion. The honourable Deputy Leader.

WEST BEACH MARINA

The Hon. E.R. GOLDSWORTHY (Deputy Leader of the Opposition): My question is to the Premier. Has his department been considering for at least the past three months a proposal for an expanded development on the land owned by the West Beach Trust to include a marina? If so, why did the Minister of State Development and Technology say earlier this month that the trust had not received a submission for such a marina, and will the Premier now reveal precisely what this proposal is?

An article in the *Advertiser* on Monday stated that this proposal had been before the Government for three months but was now being 'shrouded in secrecy by the State Government and the West Beach Trust'. This statement is supported by answers given on 3 August by the Minister of State Development and Technology to a series of questions about development in this area. The Minister said then that the West Beach Trust had advised that it had received no submissions relating to a marina. However, on the very same day, a letter dated 3 August was sent to the Director of the Premier's Department, Mr Guerin, by Mr Joe Fayad, representing the Thebarton Environmental Committee. I have a copy of that letter. In it, Mr Fayad indicated that he had received information from the Premier's Department about proposals for a marina at West Beach. Who should the local residents believe—the Minister of State Development and Technology or the Premier's Department?

Members interjecting:

The Hon. J.C. BANNON: It is a question of where such an issue might appropriately be directed, because it is caught up with the whole question of the future of Marineland and West Beach. I think honourable members will recall that Mr Lee, the principal of Zhen Yun, was reported on 21 August as having made statements about Zhen Yun's desire to be involved in some expanded development, based, in turn, on speculation. And it is speculative in the sense that there is no decision or no project as such under way on the possibilities for redevelopment, cleaning up the Patawalonga, and various aspects that relate to the whole Glenelg-West Beach area.

I think the local media in that area have in fact had indicative drawings and diagrams showing the various proposals, one of which includes the cutting or re-channelling of the Patawalonga. Others include work being undertaken in the Glenelg area. The fact is that a whole series of ideas is circulating about this area. This has been the situation ever since the Jubilee Point proposal was considered not to be feasible, particularly for environmental considerations, by the special group which the Government established to

advise us on that matter and which reported to us some time ago.

In fact, as has been made clear, no company has registered an interest in such a redevelopment in any formal sense. There are certainly indicative plans and ideas. It is an interesting area. These ideas and plans have been in circulation since the Jubilee Point proposal was being considered. When it is appropriate or when matters have been developed to a stage where formal expressions of interest, or whatever else may be required, are involved, obviously an announcement will be made. However, that is where the matter rests at the moment. I think we would all agree that it would be very desirable to see resolved a number of those issues that were raised in the course of the Jubilee Point exercise. Matters such as the restoration of the quality of water in the Patawalonga and the provision of a reliably available access channel out to sea at whatever point are counteracting—

Mr Oswald interjecting:

The Hon. J.C. BANNON: The member for Morphett is very reckless in this area, and very equivocal. On the one hand his Party apparently was happy to support certain developments that were going on; on the other hand—

Mr Ferguson: And he supported it.

The Hon. J.C. BANNON: He was supportive of that point of view, until there was local agitation, and then he did a complete double flip and ran around saying that he did not support it and that he could not understand what his Leader was saying. I am simply saying that the problems that were identified have to be resolved.

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: The reason why the project did not go ahead was that it could not pass the environmental tests that were required. If any members opposite disagree, if that is in fact their position—and it is very hard to discern what their position is—let them say so. I would be particularly interested in the position of the member for Morphett; does he agree with the interjection from his Deputy that the project is perfectly sound?

Members interjecting:

The Hon. J.C. BANNON: No, he answers with a further interjection. I realise that this is all out of order. The problems that were identified during the course of that project still have to be addressed, and work is continuing in that direction.

HOSPICE CARE

Ms GAYLER (Newland): Will the Minister of Health advise whether the Government has any plans to provide hospice services for people in the north-eastern suburbs? Modbury Hospital's next two priorities for the development of services are improved hospice facilities and improved geriatric assessment for elderly patients. Hospice services are presently limited to two beds in Modbury Hospital.

The Hon. D.J. HOPGOOD: I refer to recommendations made by Professor Ian Maddocks. The Government will fund hospice services on the fourth floor of the Modbury Hospital. The full year cost of those services will be about $200 000. They will complement what I announced in response to a question from the honourable member's colleague, the member for Briggs, last week in respect of the Lyell McEwin Hospital, and are very much in line with ensuring that the people in the northern and north-eastern suburbs have the very best we can provide in palliative and hospice care. I take this opportunity to compliment the honourable member for her strenuous advocacy of these services which are now about to be implemented.

MARINELAND SITE

Mr BECKER (Hanson): I address my question to the Premier. What has been the outcome of a review he announced in May into the curfew at Adelaide Airport and plans to extend the main runway to allow more direct long distance flights and will these proposals affect plans for an expanded development of the Marineland site?

On 9 May the Premier announced that the current 11 p.m. to 6 a.m. curfew and plans to extend the main runway across Tapleys Hill Road would be examined by the Government's air access group. Since then, there have been further announcements about other proposals for development in this area which continue to conflict with the long range plans for the airport. The most recent, as referred to in the previous Opposition question, has been an announcement about an expanded development on the Marineland site to include a marina. I have been advised that the Federal Airports Corporation was approached in June about this proposal. In response, the corporation said that a marina would unnecessarily restrict future extension of the main runway and encourage more birdlife into the area, therefore increasing the likelihood of flying aircraft striking birds.

In addition, the corporation pointed out that the residential area associated with the marina would be subject to substantial noise pollution and lighting restrictions, with all lighting needed to be hooded to strict specifications. The corporation also advised of its plans to establish a high intensity landing system in this area. The general thrust of its response was that the corporation would not encourage development of the type proposed in this area and I understand that the corporation is now at a loss to understand how the expanded proposal that was floated this week can be put forward when the Government has previously endorsed plans for much more extensive use of the airport. The letter referred to in the Opposition's previous question also raises this issue of noise pollution, advising the head of the Premier's Department as follows:

> Therefore, in view of the airport developments, your proposal for a marina and the hotel-resort development would have a noise pollution problem to contend with. No tourist would want his holiday continually disturbed by inescapable noise. The noise pollution section of the Department of Environment and Planning should be able to brief you on noise matters.
>
> Also, the noise pollution would be further exacerbated if the marina-hotel developments become sandwiched between the parallel runway system that may be built in the future. If the marina-hotel developments do go ahead, despite the obvious noise pollution problems, then the people of the inner western suburbs will want reassurances that you and the project developers will not advocate for the Civil Aviation Authority to operate the preferred runway system over the inner western suburbs instead of over the sea, so as to minimise noise pollution affecting your project.

The Hon. J.C. BANNON: I am afraid that the question and the explanation were so long, tortuous and involved that I cannot possibly respond without notice, especially as I gather that the honourable member was reading a letter that he himself had written—or was it a letter that a constituent had written to the honourable member.

Mr Becker interjecting:

The Hon. J.C. BANNON: An environmental group. Well, in any case, the Government has established the Adelaide air access group, which is an expert and representative group, to explore all these matters and to ensure that we get maximum economic and commercial value out of our airport without unduly prejudicing the living area of those

around it. That is its role. I will request the executive officer of that group to provide me with a considered response to the honourable member's question.

PARLIAMENTARY TERM

Mr M.J. EVANS (Elizabeth): In the light of the apparent endorsement of the idea by the Opposition, will the Premier consider a bipartisan amendment to the Constitution to provide for fixed four-year terms as and from the next Parliament, with the election to be held on the same day, say early in March, each fourth year, and thereby end the absurd period of speculation which precedes every election and which diverts attention from the real issues concerning the people of South Australia? For several decades, South Australia has what amounted to a fixed term Parliament with the election being held in the first or second Saturday in March every third year. Given the Christmas period, no significant campaigning took place until after the January break.

Since the mid-1960s, this convention has broken down and the substantive business of the Parliament, Public Service and even the private sector is undermined by the endless uncertainty and speculation over election dates when the term draws near to an end. Given that the Leader of the Opposition has apparently accepted the idea of fixed terms, now would be an ideal time to put forward a bipartisan amendment to provide for this system as and from the next Parliament.

The SPEAKER: Order! The Chair has probably been unduly tolerant today, but the introduction of comment is getting completely out of hand. The honourable Premier.

The Hon. J.C. BANNON: This matter was addressed and fully debated when the four-year term Bill was introduced. That Bill received bipartisan support: the Opposition supported its provisions. However, the Opposition seems now to have changed its policy in some way. There are two aspects of this matter to be considered. The first concerns the speculation and uncertainty. That is not the Government's doing. Indeed, in our first term of office we served our full term. The current arrangements under which we hold office in this State are that it is a four-year term and that at any time under the convention (and the honourable member referred to convention), either a few months before or constitutionally a few months after that an election can be held. So, there is a span of time within which an election may appropriately be held.

The Constitution also provides a period for the election campaign and speculation is useless and wasted until an election has been called, after which there is a three-week or four-week campaigning period. In the case of what the honourable member proposes, I believe that there is a more fundamental objection, which is that one cannot graft onto a Westminster parliamentary system, whereby Parliament is responsible for a Government—in that a Government can hold office only so long as it has the confidence of Parliament—and a presidential system from which fixed terms are drawn. The two are incompatible.

A study of constitutional history and the way in which these processes have been developed would indicate that. However, if the honourable member is also saying that we could guard against those problems in some way—and I suggest that it would be an extremely complex matter indeed to guard against them—nonetheless, the benefit of having a fixed term would be good because it would eliminate this speculation or uncertainty. The point is that it would greatly extend the campaigning period.

One just has to look at the jurisdictions where there are fixed terms. In the United States, they campaign fully for a whole year leading up to the Presidential election. The primaries and everything else take place from January or February through to the end of the year; it goes on for at least a full 12 months. It is hard enough as it is under our present system for a Government to try to look long term and plan ahead and develop its policies. The four-year term has given us a little better chance of doing that but, if we are subjected essentially to sort of 12 months extended electioneering, we simply could not get on to govern the State. It would be against all our interests. The fundamental flaw in what the honourable member is proposing is that he is attempting to bring the principles operating under a particular system of Government and graft it on to the Westminster parliamentary system of Government. If we believe there are inadequacies in the Westminister system and we want to turn away from it, we could obviously look to a US style constitution or something of that kind. In the long term, that may happen but, at the moment, the Westminster system serves us very well and I would be very loath to change it.

POLICE FORCE

The Hon. D.C. WOTTON (Heysen): How does the Minister of Emergency Services reconcile Government claims that South Australia has the best resourced police force in Australia with official figures published by the Grants Commission and recent increases in police numbers in New South Wales and Victoria? The Government's crime plan published yesterday included figures comparing police numbers and spending on police in all states. However, the figures the Government used are more than two years old, ending at June 1987.

They do not take into account an increase of 400 in the authorised strength of the New South Wales Police Force last financial year, and a further similar increase this year. Nor do they take into account the announcement in this year's Victorian budget that police strength in that State is to be increased by a further 300 to 9 920. In addition, the latest figures published by the Grants Commission on comparisons between the States show that, in 1987-88, actual spending on police in South Australia was the equivalent of $97.41 per capita. These figures put South Australia not as the highest per capita spender on police, as the Government suggests, but below New South Wales, Western Australia and Tasmania.

The Hon. J.H.C. KLUNDER: The honourable member forgot to mention that Western Australia is about to increase its police force numbers by about 1 000 over the next four or five years. So, if he had been serious about his research, he would have included that as well. I received my figures as recently as only a few months ago from the Police Department, and they showed that we were ahead. It is possibly due to the fact that the honourable member is starting to count police officers from the day they start training as distinct from the day they start on the job.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order!

Mr Ingerson interjecting:

The SPEAKER: I call the member for Bragg to order for contempt of the Chair. The Chair had twice called the House to order. There should not have been any further

interjections after the first call to order, let alone after the second.

The Hon. J.H.C. KLUNDER: Clearly, the honourable member thought that the increase by 300 in Victoria was somehow relevant. I am perfectly happy to check with the police to see whether the number here, the numbers coming and the money allocated to this will keep us as number one. That is the information I have had. I cannot imagine that they would deliberately mislead me with regard to this situation.

Members interjecting:

The SPEAKER: Order! The honourable member for Albert Park.

STA TREE PLANTING

Mr HAMILTON (Albert Park): Will the Minister of Transport agree to the planting of trees and/or shrubs on the inside boundary of the western side of the Grange railway line between Port Road and Trimmer Parade, Seaton? For seven years, Albert Park and Seaton residents have requested the State Transport Authority to green this strip of land.

Members interjecting:

Mr HAMILTON: I know that members opposite are not very environmentally conscious. Nevertheless, residents have asked me, as their representative in this place, to convey to the Minister their willingness to assist him in the planting of such trees at a time and date suitable to the Minister and/or STA staff.

The Hon. FRANK BLEVINS: I thank the member for Albert Park for his question, which has been a long time coming as has his program, which has been waiting seven years. The short answer is 'Yes'. I certainly will be very happy to assist the member for Albert Park and his constituents to plant trees on this STA property, because it is very important that the STA take up its responsibilities to—

Members interjecting:

The Hon. FRANK BLEVINS: I am on my feet and I will wait until I am forced to sit down. I appreciate that the STA has a very serious responsibility in this area because, whilst the STA runs a public transport system, it also has other obligations to the public, in addition to basic transport. The STA must make, as much as is possible, the environment on and around its property as pleasant as possible. The STA has taken up its responsibilities over the years. In fact, as long as three years ago, when the environment probably was not quite as fashionable as it is today, the STA led the way in this State and, I believe, in Australia, in employing an environmental officer. That was three years ago and it was unheralded and unsung. The STA took this action out of a sense of public duty.

Members interjecting:

The Hon. FRANK BLEVINS: Well, I am very pleased that it did it out of a sense of duty. I am very pleased that the STA employs three gangs on environmental projects, which are maintained full time. I suppose the best example—

Mr Wotton interjecting:

The SPEAKER: Order! The honourable member for Heysen has already had the call for a question. The honourable Minister.

Members interjecting:

The SPEAKER: Order! The Deputy Leader should not encourage a lengthening of the reply by the honourable Minister.

The Hon. FRANK BLEVINS: I suppose the best example of the work that the STA has done to beautify our environment is the linear park. Those of us who had the great pleasure of driving down the O-Bahn last Sunday could see the benefit of all that work because, all joking aside, the linear park has enhanced the environment of Adelaide enormously. The STA is to be congratulated on the work it has done in this area.

I might also mention that the parklands have been used by the STA for many decades. We have already identified two areas on and around North Terrace which we are in the process of handing over to the Adelaide City Council so that they can be used as parklands. The STA is withdrawing from those areas. Parts of the Hackney depot site have already been handed back to the city council for car parking and eventually all of the Hackney depot that is not heritage listed will be handed back to the city council for parklands.

I thank the member for Albert Park for his question. It has taken him and his constituents quite a while to impliment the project, but it is a very good example of the cooperation between a persistent backbencher and well-meaning members of the public. Eventually I am sure we will have a great deal of pleasure assisting the honourable member's constituents in planting the trees and beautifying the area. The environment is not only a question of the responsibility of a Government department but also the public of South Australia. We must all take responsibility. I am sure we all applaud the actions of the constituents of the member for Albert Park.

GRAND PRIX

The Hon. JENNIFER CASHMORE (Coles): Will the Premier report to the House in accordance with his undertaking last Wednesday, on action he has taken in response to the proposal by the Grand Prix Board to charge residents whose properties adjoin the Grand Prix track for inviting guests into their home during the Grand Prix? In view of the statement last Friday by the board manager, Mr Mike Drewer, that despite the Premier's assertions to the contrary residents will be charged for more than 10 guests, does the Premier agree that an instruction from him as the responsible Minister is necessary so that residents can be advised in writing that the charges will not proceed?

The Hon. J.C. BANNON: I think that the honourable member is confused. The charges relate to free passes to the track and its environs. The way in which the honourable member framed her question—the confusion of two totally different approaches by the Grand Prix Board—made the issue a little more difficult to resolve in the mind of those people directly in contact with the Grand Prix Board. In relation to this, the Grand Prix Board was extending a concession to residents by providing them with an increased number of free passes that they could give to family and guests to go onto the track itself. There was the further suggestions that guests in excess of that would be charged in some way. That will not happen.

Members interjecting:

The SPEAKER: Order! I am surprised at the behaviour of the honourable member for Coles.

ORGANOCHLORIN PESTICIDES

Mr DUIGAN (Adelaide): Is the Minister of Agriculture aware of a decision by the Western Australian Government

to phase out the use of organochlorin pesticides within five years and to institute a research program on alternatives to organochlorins? If so, what action has been or will be taken by the South Australian Government to reduce or eliminate the use of aldrin, dieldrin, chlordane or heptachlore, particularly in dealing with urban pest control?

The Hon. LYNN ARNOLD: I thank the honourable member for his question, which will require information being obtained also from my colleague the Minister of Health because certainly these matters are under the aegis of his ministry. The situation with respect to my responsibility role as Minister of Agriculture is that, since the proclamation of the Agricultural Chemicals Amendment Act in December 1988, no agricultural uses of organochlorin insecticides are allowed in this State. However, organochlorins are still registered for use by licensed pest control operators for preventative treatment against subterranean termites.

Pest control operators are licensed by the South Australian Health Commission and operate under the commission's code of practice which is adopted by the Standards Association of Australia. While several alternatives are available for treatment of termite infestations, only organochlorin insecticides appear to offer adequate protection against attacks and are therefore the best chemical available to protect the investment in homes by individual South Australians. The Department of Agriculture is not involved in any research to substitute organochlorin termiticides and, as a consequence, is not prepared to withdraw registration of these chemicals until satisfactory alternative treatments are available which can offer similar protection.

I noted that the Western Australian announcement by the Premier of Western Australia indicated that a research program would be undertaken in that State. We will look closely at the outcomes of that research program and I am certain that my colleague, the Minister of Health, would concur with that course of action. We will look at the opportunities within Government research capacity generally to examine this matter. I point out that this matter is not directly within the aegis of the Department of Agriculture. In summary, the only involvement that the Department of Agriculture has in the use of organichlorin insecticides for termite control is in the registration of chemical products which can then can be used only by licensed pest control operators.

SPORTS INSTITUTE

Mr INGERSON (Bragg): Has the Minister of Recreation and Sport received a report from the Chief Executive Officer of his department following the question that was asked last Thursday about the business activities of two employees of the Sports Institute and, if so, will he now table that report? If he has not received a report, will he explain the reason for the delay?

The Hon. M.K. MAYES: I thank the honourable member for his question. I have not received a formal report about this matter. I have been advised by the Director, who is following the provisions—

Members interjecting:

The Hon. M.K. MAYES: I am answering the question asked by the member for Bragg.

The Hon. E.R. Goldsworthy interjecting:

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

An honourable member interjecting:

The SPEAKER: Order! Will the honourable Minister resume his seat. For about the tenth time since Parliament resumed, I remind members that I have no intention of allowing this House to degenerate into a rabble between now and the State election. Any member who does not cooperate with the Chair will be named. The honourable Minister.

The Hon. M.K. MAYES: Thank you, Mr Speaker. Returning to the point at which I had arrived before I was interrupted, I have asked for the matter to be investigated. I have formally instructed the Chief Executive Officer of the Department of Recreation and Sport to investigate the matter. He is following the procedures as laid down under the Government Employment Act and I understand that the matter is now proceeding. I was advised yesterday that he has proceeded with the investigation and I believe that he is taking appropriate advice from various officers as provided in the Act, for example, the Chairman of the Government Employment Board. The matter is being properly investigated.

The Hon. Jennifer Cashmore interjecting:

The Hon. M.K. MAYES: Yap, yap, yap. Just let me answer the question! When I have received the report, then of course I will deal with it in the appropriate fashion.

LEGIONNAIRE'S DISEASE

Mr De LAINE (Price): Will the Minister of Health inform the House what is being done to prevent an outbreak of legionnaire's disease? Several people in South Australia have died from this disease in recent times. It seems that, in this regard, the high risk areas are those where evaporative type air-conditioning units are used. An increasing number of these units are being installed, so it would seem important to initiate safety measures in order to prevent this deadly disease.

The Hon. D.J. HOPGOOD: Arising out of his interest in this matter, the honourable member gave me an indication several days ago that he would ask this question, so I have a comprehensive but not an unduly prolix answer. It is an important matter. Health Commission experts are in frequent contact and consultation with their counterparts overseas. In fact, South Australia is now regarded as being in the forefront of legionella control. A pamphlet has been published by the Health Commission in association with the air-conditioning industry detailing care of domestic air-conditioners. Very extensive guidelines on the cleaning and maintenance of large institutional and shopping centre systems have also been available for some time.

Since 1987 the Public and Environmental Health Division has conducted extensive seminars on the control of legionnaire's disease across the state for institutions, local governments, those involved in the air-conditioning and plumbing industries and other interested parties. Large shopping centres and the like have instituted testing and maintenance programs and local boards of health have overseen the appropriate prevention activities in their areas.

Isolated cases of legionellosis will continue to occur from time to time in South Australia, just as they do in other places, without there being any cause for concern that they are the start of an outbreak. However, routine investigation of each of these cases is carried out. Work is continuing in South Australia in an attempt to identify the common source, if it exists, of the *L. longbeachae* organism which caused an outbreak of legionellosis earlier this year. *L. pneumophila* is the organism traditionally associated with air-conditioning systems and has been responsible for outbreaks in other places. In conclusion, a circular letter has been sent to practising doctors in South Australia advising

them of the availability of specialised serological testing for legionella infections and also providing advice on appropriate treatment of suspect cases.

LIVING ARTS COMPLEX

The Hon. B.C. EASTICK (Light): I direct my question to the Premier. Following his promise prior to the 1985 election to proceed with the Living Arts Centre, why has the Government rejected plans by a major Adelaide property consultant which would facilitate the construction of a new Jam Factory and provide for the requirements of the Festival Fringe and Living Arts complex at no cost to the Government?

The Hon. J.C. BANNON: In the course of attempting to establish the Living Arts Centre, obviously there have been a number of variations and permutations on the proposal. A number of private consortia have looked at the issue—they have had terms of exclusivity to do so—and have always ended up not being able to provide the project at the cost that the Government has felt reasonable. However, work is being continued—

The Hon. E.R. Goldsworthy interjecting:

The Hon. J.C. BANNON: Exactly; there has always been this gap between what can be achieved in terms of the arts components and what commercial return can be obtained from the land holdings, which, I might say, have been appreciating in value very considerably since the Government first acquired them. So, there is always more value involved in the project at any one time. However, it still has not been possible to reach a conclusion.

The proposal to which the honourable member referred is one that would have involved the Jam Factory not being part of the Living Arts complex itself in Morphett Street, with it in fact being located below a residential office type development further up Hindley Street. There are all sorts of problems in attempting to incorporate the Jam Factory in that type of complex, bearing in mind that the Jam Factory has a glass kiln and pottery kilns, and various other activities take place there. That is one of the values, to have workshops which can not only be used by masters and apprentices but also be viewed by the public. Variations on this theme have been proposed. The proposal referred to was seen as not being feasible.

HIRE EQUIPMENT

The Hon. R.K. ABBOTT (Spence): Will the Minister of Labour tell the House whether hirers of chainsaws and other mobile machinery in South Australia can be sure of the safe working conditions of that hired equipment? Five out of nine hired chainsaws tested by *Choice* magazine were found to be unsafe to use, and nearly half of the other hire tools tested were blunt, breached electrical standards and were unsatisfactory. The consumer magazine tested 49 of the five most popular items hired by do-it-yourself home renovators and found that the tools fell down in quality control, with chainsaw standards, in particular, being dangerously low.

The Hon. R.J. GREGORY: I thank the member for Spence for his question. It raises the important question about whether hirers of equipment are sure that the equipment they are hiring is adequate and safe to use. The Department of Labour is preparing an information sheet on chainsaw safety which will be made available and which will be used particularly in the timber industry. Section 24 of the Occupational Health, Safety and Welfare Act requires that any person who supplies any plant for use at work 'shall ensure so far as is reasonably practical that that plant is designed and constructed so it is safe'. They are also required to take steps to ensure that equipment is tested and examined to make sure that it is safe, and fines apply for breaches of the Act. However, the provisions of the Act do not apply in relation to equipment that is hired by people for use in their home, and not as part of a work process, and the only redress that these people have is through the Department of Consumer Affairs.

I thank the member for Spence for raising this matter, which the department is examining with a view to ensuring that safety be extended to all hirers of equipment. We will continue looking at this matter in future.

RURAL ASSISTANCE

The Hon. P.B. ARNOLD (Chaffey): Will the Premier explain why no funds are currently available for lending under the Loans to Producers Act? This longstanding Act, which has been on the statute books since 1927, has been of enormous benefit in encouraging rural production and land settlement in South Australia. The latest available figures indicate that loans outstanding under the Act total just over $20 million. These loans are provided by SAFA and administered by the State Bank. However, the Opposition has received representation from a company in the Riverland which had received written approval from the State Bank for a loan of just under $23 000 to fund the purchase of some new equipment. By letter, the company provided the bank with a signed copy of the loan agreeement for execution, together with a $150 security fee payable on the loan. The company has since been informed, however, that the loan will not be provided because no funds are available.

The Hon. LYNN ARNOLD: I will obtain a report on this matter. Of course, ongoing financial provisions are made for rural assistance. I recently made a public announcement about the anticipated lending program for the coming year. As regards loans to producers, I understand that there has been no take up, but I will get a report on this matter and bring it back to this House.

WATER RESOURCES

Mr ROBERTSON (Bright): For some time now I have received a number of complaints from residents of Ginkgo Road, Hallett Cove, about noxious smells emanating from the sewer system. Could the Minister provide me with information on action taken by the Engineering and Water Supply Department to resolve my constituents' concerns?

The Hon. S.M. LENEHAN: I thank the honourable member for his question and appreciate his efforts in taking up this issue on behalf of his constituents. I know that he has been concerned about it for a number of years. The principal odour-causing compounds in sewage are sulphides which result in the generation of hydrogen sulphide which has an unmistakable, pungent odour, which causes offence to anyone unfortunate enough to be subjected to it. However, I am pleased to say that, in response to the honourable member's representations, remedial measures have been introduced by the Engineering and Water Supply department aimed at reducing the sulphide content of the sewage.

These measures include the continuous injection of oxygen into the sewerage system at the pumping station in Aroona Road, Sheidow Park; the installation of water-sealed

connections to a number of affected homes in Ginkgo Road to prevent the ingress of foul odour into those houses' internal plumbing system and the redesign of access points where a change in flow direction occurs to reduce turbulence, another known generator of hydrogen sulphide.

I understand that these measures have been successful but, should there be any further problems, either at that particular location or in any other area of the honourable member's electorate, I would be only too pleased to have them investigated. I would like to take this opportunity to remind all members of the existence of the E&WS Department's Thebarton Control Centre, where a 24-hour service is available seven days a week for people to contact and report instances such as that brought to my attention by the honourable member.

SOUTH AUSTRALIAN ETHNIC AFFAIRS COMMISSION ACT AMENDMENT BILL

The Hon. LYNN ARNOLD (Minister of Ethnic Affairs) obtained leave and introduced a Bill for an Act to amend the South Australian Ethnic Affairs Commission Act 1980. Read a first time.

The Hon. LYNN ARNOLD: I move:

That this Bill be now read a second time.

This Bill proposes various amendments to the South Australian Ethnic Affairs Commission Act 1980. The primary purpose of the amendments is to include an expanded role for the commission in facilitating the realisation of economic and cultural benefits from the diversity of the State's population. In the past 40 years immigration has accounted for half of Australia's population growth, so that immigrants and their children constitute 40 per cent of the present population.

Since the proclamation of the commission's Act in 1980 views on multiculturalism and ethnic affairs have developed considerably. The focus of the Act in its original form was on ethnic affairs issues relating to migrant settlement and welfare. In 1983 amendments were made to the Act giving the commission an active role in advocating the rights of ethnic groups and placing responsibilities on all Government departments for ethnic affairs policy advice and review. It is now considered that the focus should shift so that public policies give proper weight to the diversity of the population and the need to manage the consequences of that diversity. Such public policies as have already emerged have been grouped under the general term 'multiculturalism'. Accordingly, the proposed amendments to the Act include a definition of multiculturalism and alter the title of the commission and revise its functions to reflect this new emphasis on multiculturalism.

The Commission's proposed new functions have two primary thrusts: to increase community awareness and understanding of multiculturalism and its implications for the whole community, and to play an effective part in the advancement of multiculturalism and ethnic affairs through the programs of Government agencies. The Bill also proposes changes to the constitution of the commission to increase its membership and to allow for separation of the roles of Chairman and Chief Executive Officer. The maximum number of members of the commission is to be increased from 11 up to 15 to allow additional contributions from perspectives such as economic development, employment, training and migration. The functions of the Chairman may now be separated from that of the Chief Executive Officer allowing a separation of the responsibility for the commission's corporate leadership and public advocacy role and its internal administrative role. This has been achieved by the creation (under the Government Management and Employment Act) of a new administrative unit, entitled the Office of Multicultural and Ethnic Affairs, which is the operational arm of the commission. As the rest of the second reading explanation concerns the formal provisions of the Bill, I seek leave to have it inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Clause 1 is formal.

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

Clause 3 amends the long title to the principal Act so that it reflects the proposed renaming of the South Australian Ethnic Affairs Commission as the South Australian Multicultural and Ethnic Affairs Commission.

Clause 4 makes a corresponding amendment to the short title of the principal Act.

Clause 5 amends section 4 of the principal Act which sets out definitions of terms used in the Act. Of most significance is the proposed new definition of 'multiculturalism'. The term is defined as meaning policies and practices that recognise and respond to the ethnic diversity of the South Australian community and have as their primary objects the creation of conditions under which all groups and members of the community may—

(a) live and work together harmoniously;

(b) fully and effectively participate in, and employ their skills and talents for the benefit of, the economic, social and cultural life of the community;

and

(c) maintain and give expression to their distinctive cultural heritages.

Clause 6 makes a consequential amendment to the heading to Part II.

Clause 7 provides for the new name of the commission.

Clause 8 amends section 6 of the principal Act which provides for the constitution of the commission. The clause provides that the commission may consist of not more than 15 members rather than the present maximum of 11 members. The clause no longer requires that there be a full-time Chairman and a full-time Deputy Chairman although it continues to allow for such an arrangement. Under the clause, the deputy of the person appointed to chair the commission may be, but is not required to be, a member of the commission.

Clause 9 replaces the present section 7 with a new provision providing that the salary (if any) and allowances and expenses for members of the commission are to be as determined by the Governor. The present section requires the remuneration of the Chairman and Deputy Chairman (as necessarily full-time office holders) to be determined by the Remuneration Tribunal. The current arrangement could however be maintained or restored by the making of an appropriate regulation under the Remuneration Act.

Clause 10 amends section 9 of the principal Act which deals with meetings of the commission. The clause allows for greater flexibility by providing that a meeting of the commission may, in the absence of the person appointed to chair the commission, be chaired by his or her deputy if that deputy is also a member of the commission, or, if not, by a member chosen by the members present at the meeting.

Clause 11 makes a consequential amendment to the heading to Division II of Part II.

Clause 12 replaces sections 12 and 13 of the principal Act (which set out the objects and functions of the commission) with a new section setting out the primary and other functions of the commission.

The proposed new section 12 provides that the primary functions of the commission are—

(a) to increase awareness and understanding of the ethnic diversity of the South Australian community and the implications of that diversity;

and

(b) to advise the Government and public authorities on, and assist them in, all matters relating to the advancement of multiculturalism and ethnic affairs.

The functions of the commission are also to include the following:

(a) to assist in the development of strategies designed to ensure that multicultural and language policies are incorporated as an integral part of wider social and economic development policies;

(b) to work with public authorities to ensure that there is a coordinated approach to the advancement of multiculturalism and ethnic affairs;

(c) to keep under review and advise the Government and public authorities on the extent to which services and facilities are available to and meet the needs of minority ethnic groups;

(d) to assist public authorities to devise effective methods for the evaluation and reporting of policies and programs for the advancement of multiculturalism and ethnic affairs;

(e) to develop in conjunction with other public authorities immigration and settlement strategies designed to support and complement the State's economic development plans and to realise the potential and meet the needs of individual immigrants;

(f) to advise, assist and promote cooperation between ethnic groups and organisations concerned in ethnic affairs;

(g) to inform and consult with ethnic groups and other interested groups and organisations about the work of the commission and issues relating to multiculturalism and ethnic affairs;

(h) to provide or assist in the provision of interpreting, translation, information and other services and facilities for the benefit of ethnic groups and others;

and

(i) to publicise generally the work of the commission.

The principal changes to the commission's functions reflect a new emphasis on the wider concept of multiculturalism and an increased emphasis on the integration and coordination of multicultural policies as part of wider public policy making and administration. The proposed new section retains the present provision that the commission should, wherever possible, encourage participation by local government bodies and voluntary organisations.

Clause 13 makes an amendment consequential to the amendment proposed to section 16 of the principal Act.

Clause 14 replaces the present section 16 (which provides for the staff of the commission) with a new section that reflects changes in this area resulting from the enactment of the Government Management and Employment Act in place of the former Public Service Act. The proposed new section makes it clear that the commission may appoint employees, but only with the approval of the Minister and on terms and conditions approved by the Minister on the recommendation of the Commissioner for Public Employment.

Clause 15 contains transitional provisions designed to make it clear that the commission continues as the same body corporate despite changes to its name and constitution and that the present members may continue in office.

The schedule makes amendments of a statute law revision nature only with a view to the publication of a reprint of the Act in consolidated form.

The Hon. JENNIFER CASHMORE secured the adjournment of the debate.

SOIL CONSERVATION AND LAND CARE BILL

Adjourned debate on second reading.

(Continued from 9 August. Page 140.)

Mr GUNN (Eyre): South Australia (and indeed the nation as a whole) has been well served by its primary industries. The agricultural, pastoral and mining industries have laid the foundation for the standard of living that has been enjoyed by this nation throughout the whole of its existence and the only reason for that is that there have been individually operated, managed and controlled agricultural enterprises. Those enterprises have been developed and run by people with a great desire to improve their station in life by working hard and farming on country where in many parts of the world farming would not be considered.

South Australia has 22 000 farmers, people engaged in agriculture, who have laid the foundation for the future of this State. Today, rural industries are still the backbone of this State but, if we are not careful, our actions will place in jeopardy their future management techniques and their day-to-day ability to manage their farms. In recent years it has been popular for instant experts to travel around the country or appear in the media, on television and in other public information forums in order to tell the community how much those experts know about agriculture, its problems, and what should be done to solve those problems. Unfortunately, those people seem to have not only the ear of the media but also the ear of the Government and its supporters, including the various boards, committees, and departments.

They appear to overlook the need to have the control and day-to-day management of agricultural enterprises firmly in the hands of those people who own the enterprises. This legislation, which replaces the Soil Conservation Act that has been in existence for about 50 years, is an important measure. The Opposition recognises that good farming practices, proper soil management and protection is essential to the welfare of the people of this State. We not only recognise it but we will encourage people to adopt good farming practices, good management techniques and to farm their land within its capacity.

One thing that people must recognise is that economics is the most important element in protecting the soil because, unless enterprises are viable and unless those people who are engaged in them can make a living for themselves and their family, we will not have a successful agricultural base. The more restrictions, controls and impediments placed upon the agricultural sector, the less opportunity those people will have to farm them successfully. We can pass whatever legislation we like through this Parliament and Federally but, unless we clearly understand that people have the right

to be able to farm their properties, none of this will be worth anything. It all has to be done on the basis of cooperation and commonsense, not control or confrontation. If the people who have the authority vested in them to administer this new Act forget those basic principles, the whole thing will be unsuccessful. Unless the Government, and any government around this country, has the support, cooperation and goodwill of the farming community, this legislation will fail and those principles, which are contained in it and which have been contained in the various statements made by the Government over recent months, will fail.

One unfortunate aspect of this legislation is that, in recent times, it has been very popular to race around the country talking about soil conservation and the need to protect the soil. It has been done on the basis of seeking headlines to create the perception in the eyes of the public that there is a real problem, that this Government has all the answers and it will solve all the problems. If one asked the public whether they were concerned about protecting the soil, 90 per cent would say 'Yes', even though the overwhelming majority of them would know nothing about it, would not be aware of the problems, would not be aware of the difficulties in managing an agricultural enterprise and the difficult economic situations facing some people, and would have no practical understanding of agriculture and what is required. It is like motherhood: everyone thinks it is a great institution.

The administration of these Acts of Parliament must be in the hands of people with commonsense, a practical understanding of the problem and who have a genuine long-term commitment to agriculture. One problem that always surfaces when boards and committees are appointed—and I understand that there is a likelihood that 40 soil conservation boards will be established in South Australia—is that there is always the risk of the appointment of enthusiastic and perhaps well meaning people who simply like attending meetings and like to be occupied but who do not have the commitment to the industry that they ought to have. I know that they are harsh words, but they are factual. I know from information that has been supplied to me that there are already people racing around agricultural areas indicating that they want to be appointed to some of these boards, so that they can teach some of these farmers how to run their farms. I could name them but I will not—I know who they are. That is not only unwise but it is also unsettling and will certainly not lead to the sort of commitment that is required.

I have had a little experience in the wheat/sheep farming industry. This Bill is really designed to monitor the State's wheat/sheep sector and the high rainfall areas. The Pastoral Land Management and Conservation Act will basically look after the pastoral area while the Bill now before us will cover the wheat/sheep and marginal areas. South Australia has led the way, with its involvement in the introduction of medics. One interesting thing arising from the recent drought on Eyre Peninsula is that, at the height of the drought, if one flew over or drove around that part of the State, one had to be surprised at the small amount of soil that was actually drifting. The basic reason for that is that, over the years, people spent large amounts of money on fertilisers, better farming methods and establishing strong growth in medics, and as a result the soil has been bound. Therefore, the soil is in a far better condition than it was 50 years ago.

From time to time a great deal of information has been put forward that causes us to ensure that the land is farmed to its capacity to produce. It is all very well to set in place rules of that nature, but the actual financial situation facing farmers can change overnight. One has only to look at yesterday's newspaper and again at today's *Advertiser*, to see the financial affects that the ban on the export of livestock to the Middle-East can have on the income of many of these wheat/sheep farmers and on the pastoral industry.

Members interjecting:

Mr GUNN: That decision alone will have an effect on the farming practices and the number of stock that people will carry and whether they will maintain their existing numbers of stock or diversify into wheat, barley, oats or legumes. No-one could foresee when drawing up one of these so-called voluntary property plans that their whole farming practice may change within a few days. This debate really commenced on about 11 February 1986 when Mr Kerin released a press statement headed, 'Soil Conservation Council'.

Members interjecting:

Mr GUNN: I will not be provoked into answering your interjections because one of the problems about this debate is that, unfortunately, no-one on the Government benches has been directly involved in agriculture.

An honourable member interjecting:

Mr GUNN: They haven't in the past and it does not look as though they will in the future, either. That is unfortunate because a debate of this nature should be informed, constructive and based upon facts. Anyone can make cheap, snide remarks, but we are dealing with a piece of legislation which can affect the most important section of the economy in South Australia. Those people who will administer this legislation will have to accept a very heavy responsibility. Therefore, I hope that all members who participate in this debate, particularly those from the Government benches, clearly understand that the days of central planning anywhere are finished and that no section of the industry can be successfully centrally controlled or planned. Some of the proposals contained in this legislation in my opinion smack of central planning.

However, on 11 February, Mr Kerin released a press statement as follows:

> Land degradation is the most important resource problem facing Australia's agricultural productivity . . . He was addressing the inaugural meeting of the Australian Soil Conservation Council, made up of all State and Commonwealth Ministers responsible for soil conservation.
>
> 'It is particularly pleasing therefore that I note an increasing awareness among landholders and the community generally of the significance of the problem and a genuine interest in doing something about it,' Mr Kerin said. . . . the Federal Government's National Soil Conservation Program, with funds of $4.6 million in 1985-86, and the recently confirmed tax arrangements for soil conservation, had made an important contribution to increased awareness of the problem . . . In 1984-85 total expenditure by the States exceeded $60 million and 1 337 people were employed full time.
>
> Additionally, the Government recently announced its intention to maintain 100 per cent deductibility in the year of expenditure for certain spending on soil conservation.

That is good, but it is a pity that he did not maintain that deductibility for a number of other things. As I understand it, in the South Australian Department of Agriculture there are over 100 employees who are directly involved in soil management. Following that statement and the continued media hype that took place as a result of the Government's wish to extract every ounce of publicity from this situation, we had the Statewide release, with some degree of flair, of a Green Paper by the then Minister of Agriculture (the member for Unley). Along with that Green Paper, the Minister sent out a letter, which I received on 6 March 1989. The new deadline was 28 April 1989—that is a very short

period to consider a most comprehensive and detailed document. The letter stated:

Dear Sir/Madam,

Review of Soil Conservation Act 1939-1984 Green Paper

Land degradation has the potential to affect the lifestyle of all South Australians and has recently been described as one of the major conservation issues affecting Australia at this time.

Recognising the need to develop a coordinated effort on soil conservation, I requested the Department of Agriculture to prepare a major review of the Soil Conservation Act 1939-1984.

A copy of this review is attached for your information and I would appreciate any comments you may like to make, to be forwarded to:

Dr J.C. Radcliffe,
Director-General of Agriculture,
GPO Box 1571,
Adelaide, S.A. 5001
by 31 March 1989.

That date was extended to 28 April. I have no problem with the idea of putting out a Green Paper—it is a traditional Westminster technique for handling sensitive issues. However, once that Green Paper was circulated in the community it certainly provoked some heated discussion and concern. In the foreword of this document the then Minister stated:

The Soil Conservation Act 1939-1984) was first introduced 50 years ago and set up the framework for a successful community involvement program in soil conservation. It also introduced regulatory powers to cope with the major land degradation . . .

That is fine. The Green Paper sets out the areas in the Act which needed reforming. The document states:

Reform of the Act centres on clearly stating the duties of landowners/occupiers in soil and land conservation in presenting the resources for future generations.

That is fine. Every sensible person would support that, but it must be clearly understood that the most effective way to ensure that the land is not over-farmed is to make sure that the farming community, in general, is not overtaxed, overcontrolled, or interfered with by the bureaucracy or other so-called interest groups that have no understanding of agriculture.

Australia has had a successful agricultural base, because during the Menzies and Fraser Governments we had in place in this country a sensible system of taxation, which encouraged people to reinvest in their farms. The taxation concession that was made available to encourage the conservation of water was, in itself, one of the highlights of that Government's taxation program. Unfortunately, that has gone. Because of that tax program, Australian farmers were able to keep abreast of the latest technology available and, as a result, they could apply the latest farm fertilisers. They also had access to the latest equipment and technology. Unfortunately, that has all gone. In many cases, those people are now under severe economic pressure. Therefore, this point has a lot more to it than simply the need to understand soil conservation. The Green Paper continues:

strengthening and broadening the roles of the Soil Conservation Advisory Committee and the soil conservation boards;

providing for a mechanism for the community groups to become more proactive than reactive by providing a planning mechanism;.

What does that mean? In my view, it clearly smacks of Government interference or outside interest group interference in day-to-day management.

I would like the Minister and those advising him to clearly answer those questions, both in the Green Paper and in the Act, because the rural community will not accept that sort of involvement. Obviously, those people who have been involved in discussions with the Minister would know what happened at one public meeting—which I attended—where this green paper was discussed. It was one of the most aggressive meetings I have ever witnessed and, as far as I was concerned, it was quite humorous. Fortunately, I was not out in front taking the flak. When in public office, one is normally on the receiving end. However, on that occasion I was an innocent bystander in a group. Those people made it very clear to those making recommendations to the Minister that this green paper was not only unacceptable but also was not based on commonsense and, if put into effect, would have dire consequences for the farming community. The document goes on to state:

retaining and reinforcing the concept that regulation should only be used where it is necessary to intervene to protect the resource after an educative, self-help approach has not been successful.

We would all agree with that, but, unfortunately, there is a bit more to the Bill. The Bill does not use velvet gloves; it uses a 14-pound sledge hammer. When he responds, I want the Minister to explain clearly what is involved. The Green Paper goes on to state:

updating legal aspects of the Act to suit current land uses.

This Bill certainly requires some legal work, because it contains a number of clauses which have no recognition of the rights of the individual. It is quite contrary to every aspect of British justice and I am appalled that a Government that professes to look after the rights of individuals and the right of appeal, can just throw this out the window.

I am even more surprised at the Minister of Agriculture, because in his earlier days he was one of those who vigorously defended the rights of the individual and advocated that they should not be subservient to the State. I do not disagree with that action: that was his right. However, I believe that those rights should also be included in other legislation. There are no adequate rights of appeal and the legal aspects of this Bill are deplorable. During the Committee stage, I will have a lot more to say about that issue.

The Government should look at the eighty-second report of the Law Reform Committee of South Australia to see what it says about rights of appeal. That committee would be horrified at this Bill. I am looking forward to what the Law Society of South Australia has to say about this Bill. I would like to hear what the Labor lawyers have to say about it. I imagine that they would have a lot to say, because there are no proper rights of appeal in this legislation. People's rights have been taken away and have been handed over to unelected groups who have the power to impose fines of up to $10 000. There are certain courts in this land that do not have such a right. These people have no legal background. This clause leaves a lot to be desired and represents a course of action which the Opposition will vigorously oppose. If this legislation is placed on the statute book it will be repealed by an incoming Government. If this legislation passes with all its undesirable features, we will have no hesitation upon coming to government, in suspending its operation and rewriting it. The time is now right to clearly tell the people of South Australia that commonsense must prevail and that these sorts of provisions are unnecessary. It further states:

Submissions on this paper will be taken into account in deciding the future contents of the revised Act.

There is too much in this report to go into detail, but on page 3 it states:

The prime responsibility for soil and land conservation rests with the land-holder who is in the best position to implement the necessary measures. Education and cooperative action with land users rather than regulation and confrontation is most likely to achieve the objective of soil conservation and responsible land management. The involvement of community groups is seen as essential to this education/cooperation process. Soil conservation boards and their local committees are a vital component of this community process, and a comprehensive network of boards

across the State will enhance the objective of encouraging efficient use of the land.

Those comments, which clearly indicate that the land-holder is the only person responsible, are correct. Those sentiments are absolutely correct. However, I am concerned that, when the Government and the committee sat down to draft the legislation, they did not take heed of the sentiments contained in the Bill. That in itself is quite unfortunate and I fail to understand it because, unless there is cooperation, this program will fail. The document further talks about land use changes and states that the aim is:

To encourage viable agricultural production and to ensure land use changes to not adversely affect agricultural practices throughout the State. The urban expansion of Adelaide has removed from productive use large areas of agricultural land and replaced it with houses, roads etc. There is a need to evaluate the potential and existing use of all land to ensure that it is put to the most suitable use.

I entirely agree that we are building houses on the most productive land in South Australia. We are wasting an important resource. We need sensible programs of urban consolidation, redevelopment and so on. This aim has not been put into effect in this legislation, because the emphasis is placed on control, in my view. That is the Green Paper. It was circulated and we had discussions before seeing various drafts of the Bill.

The United Farmers and Stockowners of South Australia Incorporated, the advisory board on agriculture, conservation groups and one or two other sections of the community examined the document. But how many practising agriculturalists have had the opportunity to study the Bill before us today? There are 23 000 farmers in South Australia. Have 10 per cent of them read the Bill? When members of the agricultural community have the opportunity closely to examine the legislation, they will be horrified. It is not that they are against proper land management, the protection of the soil or the idea of putting into effect responsible measures to conserve it and make sure that we hand over the land to the next generation in a better state than this generation inherited.

The agricultural sector as a whole today is intent on doing that and has done so through better farming practices, better machinery and more knowledge. The farming community is better educated through having access to more information from the Department of Agriculture and other groups. Unless there is that cooperation, nothing will be achieved. When people are asked whether they support the measure, of course they say that they do, but many have not had the opportunity to study the contents, nor are they aware of what the legislation means. Unless one is fortunate enough to have a legal background, to be in this place or to be an employee of a Government department, in many cases one does not understand the full implications of legislation. That in itself is a problem.

I understand that, when the Minister introduced the legislation, he addressed a meeting at Kadina of the agricultural bureaus. His speech was reported in the *News* of 9 August 1989, and a photo of a beaming Minister appeared with the heading 'New land strategy'. The article stated:

South Australia's soil and land resources will be protected by far-reaching legislation introduced in Parliament today. The Soil Conservation and Land Care Bill is the first legislation in Australia to take up major recommendations of the National Soil Conservation Strategy. The Agriculture Minister, Mr Arnold, said it provided the framework for the Government, community and land-holders to tackle a broad range of environmental issues costing the State about $80 million a year.

The questions I pose at this stage in relation to that release are, 'Who calculated the $80 million and where is the land that has been wrongly used? Who put together the figure?' I would be interested to know whether it relates to water erosion, salinity, sand drift or loss of production. That is very important, because the Minister at page 1 of his second reading explanation cited the figure of $80 million as being forgone in production annually. The article continued:

It replaces the 50 year old Soil Conservation Act, set up to deal with water and wind erosion. The new Act takes in other problems such as dry land salinity, soil acidification and excessive vegetation clearance.

It states that vegetation clearance aspects are covered by another Act and continues:

It sets up:

- A four-tier system of developing programs to respond to land problems, with community and land-holder involvement as a central element.
- A Statewide Soil Conservation Council, community-based soil conservation boards and local committees.
- More than $1 million in State and Federal funds to pay for collection of land capability and district mapping data . . .
- Retention of soil conservator with increased powers . . .

We will be having something to say about that provision, because no public servant of whom I am aware, except the proposed officer, will have the power to inflict a fine of $10 000. That in itself is quite wrong; no public servant should have the right to impose a penalty of that nature. It is bad enough if it has to be referred to the Minister. The press statement was obviously designed to inform the general public. People are concerned about the environment and farming practices; they want to see us looking after the welfare of all South Australians.

One of the disturbing features is that we have these three principles. The farmer will represent only about one-third of the involvement. If that system is adopted, the whole program will fail. Once the draft legislation was circulated, people started to contact their local member of Parliament. They made contact with the department and with various other groups in the community. I received a response from the United Farmers and Stockowners Association about the draft Bill. But, not enough were printed, because last week when I was in the heart of the best wheat growing country in South Australia I happened to meet the chairman of one of the councils. I asked him whether he had looked at the Soil Conservation and Land Care Bill, because he was telling me what he thought about the new CFS legislation. It was not particularly complimentary. I told him to look at this Bill and to take it home. I showed him some of the clauses and I think I spoiled his day. He looked as though he had been eating lemons, he was so annoyed about the whole exercise. The problem is that the legislation has not been circulated adequately. The UF&S stated:

1. The Uf&S Natural Resources Division has studied the Green Paper and will be making the following comments to Government, among others.

2. The UF&S agrees with the Green Paper that prime responsibility for soil conservation rests with land-holders and that education and cooperative action not regulation and confrontation is most likely to achieve the objectives.

The Opposition supports that course of action. The paper continues:

3. Governments must realise that there are a number of impediments to land care reforms and these include: lack of profitability in primary production; insecure land tenure; and legislative overlap and duplication.

Those three points are very significant, because the lack of profitability is likely to affect the manner in which agricultural and pastoral land is farmed. When farmers are overburdened with Government charges, taxes or debts, they attempt at all costs to achieve the maximum level of production in order to meet those imposts. Society must understand that agriculture is a very capital intensive industry and, unless that fact is recognised, legislation in any form will not be a great deal of use.

In relation to insecure land title, anyone with any understanding of the land tenure system would know that, the longer the tenure, the more incentive there is for people to take care of the land, to improve it and to ensure that it remains in good condition. In relation to legislative overlap and duplication, I think that every group in society is concerned about bureaucratic red tape and over-control. Business people complain about the number of forms that they have to complete, the number of questionnaires that they receive or the number of inspectors who endeavour to check up on them or generally annoy them. The paper continues:

4. Notwithstanding the above, the UF&S acknowledges that an occupier of land must take reasonable precautions to prevent land degradation.

That is commonsense and it will be achieved only through cooperation and not confrontation or control. The balance of the paper sets out the views about which I have spoken over the past few minutes.

However, what the public has not been told is that across the nation a cosy little agreement has been entered into between the National Farmers' Federation and the Australian Conservation Council. Mr Phillip Toyne, who is someone well known to me and members in this Chamber, having ensured 15 per cent of the State cannot be visited by the average South Australian, is now trying to manage the agricultural sector. The Australian Conservation Council has made an arrangement with the National Farmers' Federation which obviously believes—and rightly so—that there is a perception in the community that the farming community must take proper care of the land and implement proper land care programs. There is no problem with that.

However, I am always suspicious when people with opposing views join together in what are normally termed mutual interest programs, because generally I discover that someone misses out or someone runs a bad second. I would be surprised if the farming community does not run a very bad second if this proposal is implemented because, if members look at this document (and I was fortunate enough to be given a copy of it today—and it is a fairly lengthy document that goes into great detail), they will realise the truth of my statement. The document contains a fair degree of padding to try to soften up all those who will be affected. Mr Toyne is a rather shrewd character who is well versed in presenting proposals which contain all sorts of implications that, until they hit you, are an unknown factor. This proposal discusses the Commonwealth Government's involvement and states:

Total Commonwealth contributions will be $340.6 million up to the year 2000... In the three year period to 1992, $93.6 million. In the next three year period to 1995, $112 million.

We know how State Governments enjoy receiving money. The Ministers have great fun racing around the country handing out cheques and making good fellows of themselves.

Mr S.G. Evans: I didn't get one.

Mr GUNN: No, it depends what side of the House you are on. It further states:

There are 13 elements of the following proposed plan of action, which should all be given equal emphasis.

Land Care Groups

1. Land care groups need to be established based on communities of common interest, to develop and implement district/catchment plans. It is critical to learn from past and present experience with groups to establish effective guidelines for group formation and training.

It sounds like something from Eastern Europe. The proposal continues:

(i) The States are to identify priority areas for formation of groups on a progressive basis.

(ii) Existing groups should be recognised and integrated into the network.

(iii) Plans should also be developed for public lands.

That raises a question for the Minister and his advisers: does this legislation apply to all land under Aboriginal control, such as the Maralinga Tjarutja and the Pitjantjatjara lands, because the Pastoral Act does not apply to that land. Does this legislation apply to all land held by the Aboriginal Lands Trust? The proposal continues:

(iv) the groups should represent all land users and seek representation from conservation interests.

The proposal also states:

(vi) It is estimated that 1 600 land care groups will be needed throughout Australia and that up to 400 can be formed in the first year.

(vii) The Commonwealth needs to make available $2 500 per year to assist each group if support is required. The groups should seek to become self-funding as soon as possible.

Where will they get the money from? The Minister must tell us exactly where those groups will get the money from—it is very important. Will the land-holders be levied, or will they have to fight people? The proposal continues:

The cost to the Commonwealth would be $1 million in the first year, $2 million in the second year, $3 million in the third year, and $4 million for each of the remaining years of the program. However, costs may be reduced in the latter years as each group becomes self-sufficient.

How will they become self-sufficient? Under the heading 'Property plans' the proposal states:

There is a need to develop individual plans for each agricultural property. Past and present planning activity must be reviewed in order to arrive at a suitable definition of a plan and approval criteria.

(i) Property plans have already been developed in some areas. Priority areas in this initiative should be identified by the States.

(ii) The cost of each plan will vary. New South Wales experience suggests the cost will be in the range of $1 000 to $2 000 per property.

We have not been told that. The proposal continues:

However, experience in Victoria suggests plans can be developed more cheaply through short courses for groups of farmers and other innovative approaches.

What sort of groups? Will they force people to attend TAFE colleges, or will they conduct compulsory seminars along the lines of these voluntary compulsory plans? The proposal also states:

(iii) Public and private expertise will be utilised in drawing up plans, but land-holders are to be heavily involved to develop a sense of ownership. The initial demand for plans will probably exceed available resources, so priority areas may need to be selected by the States. Planning resources can be expected to expand in response to demand and funding.

(iv) Each plan is to be consistent with catchment/district guidelines set by the States. Plans are to be approved by the States and to be consistent with the goals of the National Soil Conservation Program.

(v) There will need to be direct Commonwealth contribution of $500 towards each plan. Farmers will meet costs which exceed this amount.

That means that a farmer could be forced to pay up to $1 500 while some group, which has no responsibility for his financial viability or to his family and which does not consider the lifetime he has put into developing that property, can draw up some plan that will tell him how to go about his daily activities. It is about time that the public of South Australia and the rural community were told that this is the sort of exercise involved in this proposal. Those well-meaning people who have been involved in this exercise and who thought they were doing the right thing have been misled. They have had the wool pulled over their eyes. The proposal continues:

Estimated Commonwealth costs are $80 million over 10 years of the Decade of Soil Conservation or $8 million per year.

It then talks about technical support, and so on. As to taxation rebates, we know what has happened there. As to State support, it says here that the Government needs to provide direct funding for major district projects. It says that State support and administrative services need to be provided for the development of farm plans, district plans and technical infrastructure. It says that States will assist with development of individual farm plans, with priorities set and coordination taking place at regional level. So, this will involve not just districts, but regional groups will be involved in planning poor John Smith's or John Citizen's farm. It says that the States will approve individual farm plans, that the States will assist with the development of district plans, will approve district plans, and will assist with technical infrastructure.

If that is not enough to scare the britches off any responsible farmer, I do not know what is. What has happened here is that commonsense has gone out the window. The unfortunate thing is that as soon as groups or boards or committees are set up they become over enthusiastic. In many cases the people involved lose sight of the reason for their establishment in the first place. A little power goes to their head and they want to go on and on down the road of getting themselves more involved in things in which they should never have become involved. I am particularly concerned about this.

As to section 30, the statement indicates that education awareness programs for farmers and the general public need to be developed. It says that a regional program is necessary to inform farmers about the benefits of sustained management practice and Government initiatives to reduce land degradation. I hope that in responding to this debate the Minister will clearly refer to those areas of concern to which I have referred.

In Committee, the Opposition will move a substantial number of amendments to this legislation. We intend to see the legislation in a form which will benefit all South Australians and in a form which can work successfully and assist agriculture—and thereby assist every citizen in this State. The Opposition therefore will be moving to refer this Bill to a select committee. The Government can use its numbers if it wishes to defeat that proposal, but it will do so at its own peril. From my experience in this Parliament I have come to understand that, when legislation which is controversial or breaks new ground or involves some new ideas—some of which might be radical—is referred to a select committee, commonsense normally prevails. The debate on the legislation is taken out of the public arena and it is possible to bring before the select committee people with various expertise, representing all shades of opinon, following which it is possible to arrive at a sensible set of conclusions. The Pastoral Land and Management Conservation Bill is an example of where a considerable number of improvements (not as many as there should have been) resulted from this process. Looking back over all the legislation that has been referred to select committees, one can see that this has resulted in great improvements being made to the legislation.

One of the weaknesses of our parliamentary system is that Governments of the day believe that all wisdom flows from its Ministers and their departments. Once a proposal is drawn up Governments like to set it in concrete. It is only on rare occasions that they want to deviate from that, no matter what commonsense might dictate. If this measure is to succeed it must have the cooperation of all the people who are involved—otherwise it will be steamrolled. If the Government wants to get their support, I suggest that it refer the legislation to a select committee. Out of the 22 000 or 23 000 farmers in South Australia, 10 per cent of them would not have read this legislation, or have understood it. They will therefore be highly agitated and annoyed when they see it.

I know that the Minister will stand up and read out a few letters from the United Farmers and Stockowners. I have them all here. I will read some of them directly. However, I have spoken to these people. Some of us have had a lifetime's involvement in agriculture and we know the people concerned. One of the problems that many of the people in the various organisations face is that, as well as holding down important positions, they have to make a living. They do not have a lot of time to apply themselves to some of this legislation. The Government keeps changing it, and they cannot keep racing to Adelaide all the time to attend meetings. These people have to make a living. They are not paid like members of the Public Service, or perhaps like members of Parliament, irrespective of whether or not they perform. They are paid according to their capacity to earn. This has contributed to the success of agriculture: in this country we have the most efficient and effective farmers in the world—even though we have governments trying to knock them down all the time.

The other thing is that we will have to have the support and assistance of local government if this measure is to be successful. As with all legislation, I have circulated as many copies of the Bill as possible in the time available to me, in order to get comments back. Due to the excessive workload at present it has not been possible for the Opposition to have the amendments that we intend to move circulated at this stage. We have a problem; there is nothing that the Opposition can do about it. I am not criticising those who have the responsibility for these things. I just make the point to the Minister that the amendments will be extensive and they will take a lot of consideration. However, at present they are not on the files, because they are still being drawn up.

The following letter, of today's date, and addressed to me, is the response from the Local Government Association. Headed 'Soil Conservation and Land Care Bill', it states:

> The Local Government Association supports the establishment of a select committee to further investigate the implications of this important Act. Whilst there are numerous points that the association supports, it is strongly felt that a greater amount of flexibility needs to be introduced into the establishment of the soil conservation districts and boards. The need for better management and soil conservation issues is unquestioned. The association would support the creation of boards within local government via individual councils or a combination of councils, if local council wished to create such a body. The establishment of the boards as described in the Bill may well create a large and costly system, which is not an effective way of achieving the best result for the conservation and rehabilitation of land in South Australia.
>
> The association would not support the establishment of special local boards, such as local boards of health, which subsequently have been abandoned in favour of councils assuming the responsibility. Under the Local Government Act, sections 199 and 200, councils can establish community-based committees which can advise councils on certain issues or manage specific functions. We would want to examine in more detail and consult with member councils on the potential of utilising the provisions of the Local Government Act in dealing with soil conservation issues. I look forward to further consultations regarding this Bill.

The letter is signed by J.M. Hullick, Secretary-General. I sincerely hope that the Minister will take into consideration those points. That letter has only just arrived on my desk. The association has had ongoing discussions with its 120-odd members—or at least those members in rural councils that will be affected. It is essential to have a select committee if the legislation is to achieve those lofty aims that the Minister and the Government have been so keen to

espouse. Another letter that I received from tne United Farmers and Stockowners today states:

> Dear Graham,
> Members of my natural resources divisions have again considered the Soil Conservation and Land Care Act. I am directed to inform you that—
> *(a)* The general thrust and content of the Bill has the support of the UF&S.

I think that the thrust and general content have the support of most reasonable people. It continues:

> *(b)* We will be pleased to examine any amendments.

They will have plenty to examine, I can assure the House of that. It further states:

> *(c)* The UF&S reserves the right, as it does with all legislation, to seek further changes, either during the Parliamentary process or after it, if these are considered to be in the interests of its membership and if so directed by its membership. Divisional personnel have also asked the views as expressed above be sent to the Hon. Lynn Arnold.

I do not know whether the Minister has received that letter yet; but that is quite different from the document that was circulated on the 14th, where there was a more detailed explanation of its support. However, I believe that since the UF&S has had the opportunity to consider the final draft of the legislation it has had some more reservations. An article in the *Stock Journal* of 17 August was headed 'UF&S welcomes soil Bill'. Reference was made to the $320 million package, but they did not go into the individual problems that will affect their members.

I wish to make a few brief comments directly related to some of the clauses in the Bill so that the Minister can respond, and I will reserve the rest of my comments for the Committee stage. Clause 5 *(c)* provides:

> to involve the community as widely as possible in the administration of this Act and in programs designed to conserve or rehabilitate land.

What I want to know—and what this House is entitled to know—is whether in fact, and to what extent, the community will be involved in the day-to-day management of that land. This is a terribly important aspect of the Bill. Under Clause 8 (2) *(a)*, the fund will consist of fines imposed by and paid to boards pursuant to this Act. Will this Soil Conservation and Land Care Fund be financed by fines alone or will it receive money under the department's normal budget allocation? The provision in clause 11: ('compulsory acquisition of land') is in the existing legislation, but that does not make it right. If ever there was a bad Act of Parliament it is the Land Acquisition Act, which gives no protection to landholders.

Once the notice of acquisition has been served on them they lose all personal rights to that land. The Opposition intends to move an amendment to this clause, to give the people a right of appeal to the Soil Conservation Council. Can the Minister give an assurance that this provision will be used only in the last resort? I know that the Minister will say that this clause was used to establish a wine research fund. I know all about that, but that is history, and we are dealing with the present.

Division II refers to the 'Establishment of the Council', which will consist of 11 members, six of whom will be public servants. That is unbalanced and I want the Minister to explain clearly to this House why the most important people involved in this council—the landholders—are not in the majority. The Government talks about the need for cooperation and education, but on this very powerful governing body the landholders are not in the majority.

Interestingly, at least two members of the council must be women and two must be men. Surely commonsense dictates that people be appointed only on merit, not on the basis of this tokenism nonsense which we see going into legislation. Is Ms Tiddy involved in this now? It appears that there is no facet of society in which she does not want to get involved. I find this offensive and a nonsense. I absolutely support women being involved in these things and so does the Liberal Party, but we believe absolutely that people who have a role to play should be appointed on merit and that gender has nothing to do with it. Clause 18 (1) *(e)* provides for one of the council's functions, as follows:

> to disseminate information on and promote community awareness of issues relating to conservation and rehabilitation of land and, in particular, to promote the principles that land must be used within its capability and forward planning on that basis must become standard land management practice.

Who will determine the capacity of the land? Unless compensation is available, a person's economic base can be destroyed immediately through a reduction in his ability to farm the land in the way to which he has been accustomed. The Minister or his advisers must clearly explain this matter because, if people are prevented from the farming that they have carried out for a number of years, they should be entitled to compensation. This is a most important facet of the Bill. Indeed, this clause can be used in a number of ways. If devious people controlled the Act, they could drastically restrict agricultural production in this State. Common sense dictates that everyone should understand clearly what is involved.

Clause 18 defines the functions of the council and subclause (1) provides:

> (9) to perform the other functions (including the approval of district plans and three year board programs and the hearing of appeals) assigned to the council by or under this Act or by the Minister.

The functions provided by this clause are the very cornerstone of the legislation and, before the Bill becomes law, we must know what will be involved. So, we expect from the Minister a most extensive response.

Clause 23, which deals with membership of boards, provides in subclause (2):

> In appointing members to a board, the Minister must ensure:
> *(a)* that the membership represents, as far as practicable, the diversity of major land uses within the district;
> and
> *(b)* that at least one member is a woman . . .

I have already referred to that concept. Can the Minister assure members that the people who will be members of these boards are not only practical farmers but also successful farmers rather than people who enjoy being involved in public organisations, attending meetings and public life generally, because it is essential that members of these boards be practical people who understand what they are about. After all, people with the gift of the gab and available time may be appointed to such boards, whereas many of them are not the best people to be on such bodies. We want a clear undertaking from the Minister that members of these boards will be predominantly practising farmers.

Clause 28 (1) relating to the functions of boards provides:

> *(a)* to develop within its district a community awareness and understanding . . .

Paragraph *(a)* then goes on to talk about capability and forward planning. How detailed will such forward planning have to be? Who will draw up the forward planning? Will it be on a day-to-day, month-to-month, season-by-season, or an annual management basis? Will financial estimates or numbers of paddocks be the basis? What if the market suddenly collapses and a complete rearrangement is required? These matters are not only important but essential to the Bill.

Clause 32 deals with the powers and functions of the Conservator and subclause (2) of that clause provides:

The Conservator has, for the purposes of subsection (1) *(a)*, all the powers, duties and functions of a board under this Act.

However, the Conservator is only one person. That officer could be anyone and my remarks are not directed to any specific individual. But to give one person the ability to impose a fine of $10 000 for non-compliance with the legislation is against all principles of British justice and commonsense. Surely, no Minister or Cabinet could agree to this provision without having second thoughts or certain reservations. Just imagine the sorts of difficulties that would be created if that took place. This Bill is grossly deficient, because it has no proper mechanisms for appeal. It is really a disgrace to this Parliament that it has operated for over 100 years and still there is not in place in this State an administrative appeals tribunal to protect members of the public against the preponderance of Government boards and committees, and this legislation can be criticised in that regard. That is why I gave notice earlier today of my intention to deal with that problem.

Clause 35, which deals with district plans, provides:

(1) A board must, within five years from the commencement of this Act or the establishment of the board (whichever is the later), develop—

(a) a plan (a 'district plan') of all land within its district, identifying—

(i) the classes into which the land falls;

(ii) the capability and preferred uses of the land.

Does that mean that board members may enter a farm, examine it, and draw up a plan? It is important that we know that. Clause 36, which is headed 'Voluntary Property Plans', will be the clause that really lets the ferret out of the cage and places it amongst the chickens, because it provides:

(1) A board must, subject to its approved three-year program, encourage and assist each owner of land within the district to develop and submit to the board a plan (a 'property plan') detailing the proposed management of the land over a specified period.

(2) Subsection (1) does not apply in relation to land that is within a township except where the board is of the opinion that the extent or likelihood of degradation of any such land warrants the development and implementation of a property plan.

(3) A board to which a property plan is submitted may—

(a) approve the plan by endorsement on the plan;

(b) reject the plan;

or

(c) refer the plan back.

Will the Minister say where there is anything voluntary in that clause, because I cannot see it? The farming community will not accept a compulsory plan and, in saying that, I have some knowledge of the rural sector. I would not fill out one of these stupid forms. There is no way that I, as a practical farmer, would be in it, because there is no logic in it. That is not cooperation or education: it is compulsion.

I wonder whether, if that proposal was subjected to a legal challenge, it would stand. This is something to which the National Farmers' Federation should attend instead of getting into bed with the Australian Conservation Council and publishing certain documents. The federation should consider this clause closely, because not only is it exceptionally important but it destroys the incentive for people to plan. Let us say, as a matter of debate, that someone submits a plan. Will that plan be confidential to the board or the council or will it be subjected to public scrutiny? Can we expect that anyone investing a large sum in order to develop a new industry will submit details of such a plan to a group of people for circulation in the community with the result that someone else will pinch the ideas in it? That sort of thing is not sensible, reasonable or rational, and the Minister must clearly explain how clause 36 comes to be headed 'Voluntary Property Plans', because the wording of the clause does not say that. The people who have contacted me do not believe it is a voluntary plan.

Clause 37 headed 'Soil conservation orders' provides:

. . . the board may, by notice in writing to the owner of that land within its district, make an order (a 'soil conservation order') requiring the landowner to take such action, or to desist or refrain from taking such action, in relation to the land or any other land as may be specified in the notice.

How long will it take from the issue of the notice by the board to the end of the time in which the landowner may object? The Minister must clearly answer that question. Clause 41, entitled 'Enforcement of soil conservation orders', provides:

(1) If a board is satisfied that an owner of land has failed, without reasonable excuse, to comply with a soil conservation order, the board—

(a) may impose a fine on the landowner of an amount not exceeding $10 000.

That means that seven people, none of whom will probably have a legal background and none of whom are elected or subject to the will of any group of people but rather are appointed, may impose a fine of up to $10 000. Yet, nowhere is it provided that the landowner who is fined shall have the right of appeal with the help of counsel or that the board must take into consideration the normal protections applying to a citizen. Police officers are not even given the power, neither are judges, because they are subject to the rules of evidence and the traditions of our British legal system which have been designed over centuries to protect people's rights.

This Parliament will be absolutely derelict in its duty if it allows a clause of this nature to pass, no matter how important or how difficult a problem it may be. It gets back to the old saying: difficult cases make bad laws. There is no way that we can accept that clause. If anyone should have that power, it should rest with the Minister who can be questioned in this Parliament and subjected to a substantive motion. Parliament can question the Minister and the Government, but it cannot question those boards or the conservator, so they are placed in a privileged position. I wonder what the Law Society of South Australia would say if its officers examined this clause.

Clause 41 (2) *(b)* states:

are a charge on the land of the landowner in default, ranking in priority before all other charges and mortgages (other than a charge in favour of the Crown or a Crown instrumentality).

I know that that appeared in the previous legislation, but we are now under different circumstances and arrangements. Thousands of farmers have massive debts and mortgages. What effect will this have in respect of those mortgages? The Minister of Agriculture holds many mortgages under the Rural Assistance Board. I wonder whether this clause has been discussed with the banking industry—it would send a shiver down its spine.

There is no way that a landowner who indicated that his property may have a soil conservation problem would obtain a loan. To indicate the amount of debt currently outstanding on rural properties across Australia, I seek leave to incorporate in *Hansard* a statistical table showing the current debts in excess of $8 400 million.

The ACTING SPEAKER (Hon. G.F. Keneally): Does the honourable member give a guarantee that the table is purely statistical?

Mr GUNN: I do, Sir.

Leave granted.

FARM INDEBTEDNESS TO FINANCIAL INSTITUTIONS

At 30 June	Major trading banks a: Term and farm development loans b $m	Major trading banks a: Other c $ m	Major trading banks a: Total b $m	Pastoral finance companies bde $ m	Commonwealth Development Bank b $ m	Life insurance companies g $ m	Ex-service settlement $ m	Other government agencies (including State banks) b $ m	Primary Industry Bank of Australia b $ m	Total institutional indebtedness b $ m
1970	210	787	998	349	176	128	80	351	n.a.	2 082
1971	212	782	994	333	192	129	83	374	n.a.	2 104
1972	229	733	963	293	202	125	79	432	n.a.	2 094
1973	326	715	1 051	303	198	117	71	481	n.a.	2 221
1974	400	761	1 161	371	203	107	61	499	n.a.	2 402
1975	408	812	1 220	279	232	104	58	554	n.a.	2 447
1976	443	874	1 317	254	243	96	54	633	n.a.	2 597
1977	501	896	1 397	200	254	86	49	696	n.a.	2 682
1978	583	977	1 560	200	280	80	43	797	n.a.	2 960
1979	747	944	1 691	244	288	70	39	858	111	3 301
1980	908	1 037	1 945	321	293	67	34	893	216	3 769
1981	1 108	1 199	2 307	315	309	74	35	1 004	317	4 361
1982	1 251	1 181	2 432	366	327	77	33	1 057	429	4 721
1983	1 442	1 300	2 742	364	367	83	31	1 343	567	5 497
1984	1 468	1 329	2 797	471 r	456	82	29	1 471	694	6 000 r
1985	1 755	1 729	3 484	577 r	580	79	26	1 688	730	7 164 r
1986	1 965 r	1 944	3 909 r	717	685	74	24 s	1 867	695 r	7 971 r
1987	1 502	1 997	3 499	686	743	89	24 s	2 271	599 r	7 911 r
1988	1 296	2 385	3 681	533	717	71	23 s	2 319	670	8 014
1989 s	n.a.	n.a.	3 900	n.a.	n.a.	n.a.	n.a.	n.a.	n.a.	8 400

a Figures for the major trading banks refer to the second Wednesday in July. b PIBA commenced lending operations in November 1978. The data shown for PIBA includes both loans made directly by PIBA and loans refinanced through a network of prime lenders comprising banks and other institutions. The data for these institutions have been adjusted to exclude their loans refinanced by the PIBA. c. Includes overdraft and other advances. d In the years before 1986, data include some other loans (eg leasing etc) which amounted to $73m in 1986. From 1984 statistics refer to corporations whose assets exceed $1 million. For the period 1977 to 1983 threshold is $5 million. e Prior to 1984, the statistics include some loans other than to farmers which were not separately identified. g Includes only mortgage loans. h Excludes lease agreements and indebtedness to hire purchase companies, trade creditors, private lenders and small financial institutions. r Revised. s Estimated by ABARE. n.a. Not available.
Sources: Reserve Bank of Australia: Australian Bureau of Statistics: Primary Industry Bank of Australia; Australian Bureau of Agricultural and Resource Economics.

Mr GUNN: I will not say any more about that but look forward to a detailed response from the Minister. I will leave some questions that I have concerning clause 45 on page 18 until the Committee stage. On page 19, clause 48 provides:

> ... *(a)* by summons signed on behalf of the council by a member of the council, require the attendance of a person before the council;
> *(b)* by summons signed on behalf of the council by a member of the council, require the production before the council of any relevant books, papers or documents;
> *(c)* inspect any books, papers or documents produced before it and retain them for such reasonable period as it thinks fit and make copies of any of them or any of their contents.

That means that the council has the authority to call for a person's income tax file. I would like to know whether this clause conflicts with Federal legislation. I believe it does. There is no way—

Mr D.S. Baker: I hope they don't get yours.

Mr GUNN: They would be after me, there is no worry about that. The environmentalists do not like me—I know that; I make no apology for what I have said. I know the argument will be put forward that the clause will refer only to the documents that are relevant to this matter. What documents are relevant and what are not? If a person wants to volunteer the information, that is fine by me, but I believe it is about time we started to protect people's rights against this intrusion. We are seeing too much legislation, and this is just another example. I want a clear indication from the Minister that people's taxation records and other financial records that do not bear any relationship to this clause will not be seized or copied and, if any documents are required, they will be privileged, treated confidentially and not released to the public without the concurrence of the person affected.

Clause 50 concerns the powers of entry. I suppose that is a normal clause. However, legal advice indicates that clause 51 is unnecessary because it is already in a number of Acts in respect of Government employees. If a landholder objects, and it can be proven he was offensive, he is subject to a fine. If he hinders a person, he is subject to a Division 7 fine. However, if an inspector or a member of the council or the board hinders a farmer or is aggressive or abusive (as many of them are) or is domineering and endeavours to make life difficult for him, there is no offence.

What guarantee can the Minister give that these people will not act as others do? We will put the Minister to a test and, to protect the landholder, move amendments to put the very same provisions contained in clause 51 into clause 50. With at least 40 boards in South Australia and 1 600 across Australia, there will be lots of over-enthusiastic people racing around impeding people's rights. We ought to have them on an even playing field.

Mr S.G. Evans interjecting:

Mr GUNN: It could be as employees. Clause 51 gives the Government, by way of regulation, the power to just about do anything. That is a very brief outline of some of my concerns in respect of this Bill. A number of other things will be said in the course of the debate. The Government, and those who will administer this Act, should clearly understand those concerns if they want cooperation. This Bill covers in excess of 98 million hectares of land, with 24 000 separate leases already in operation over 25 million hectares of land that has been dedicated. Will the Government require individual property plans for those 24 000 leases? To show how complicated this matter is, I seek leave to have a statistical table from the annual report of the Director of Lands incorporated in *Hansard.*

The ACTING SPEAKER: Is the information purely statistical?

Mr GUNN: Yes.

Leave granted.

LEASEHOLD LAND AT AT 30 JUNE 1988

	Number of Leases	Area in Hectares
Perpetual Leases		
Perpetual leases (ordinary lands)	13 643	6 772 787
Perpetual leases (soldiers' ordinary lands)	13	6 502
Perpetual leases (homesteads ordinary lands)	188	1 463
Perpetual leases (homesteads closer settlement lands)	1	26
Perpetual leases (closer settlement lands)	142	23 541
Perpetual leases (acquired lands)	77	24 044
Perpetual leases (surplus lands)	273	94 385
Perpetual leases (agricultural graduates lands)	5	3 040
Perpetual leases (marginal lands)	1 220	992 149
Perpetual leases (village settlement lands)	147	1 959
Perpetual leases (town lands Whyalla)	16	2
Perpetual leases (irrigation lands)	2 918	43 356
Perpetual leases (soldiers' irrigation lands)	1 051	8 356
Perpetual leases (irrigation town lands)	989	332
Perpetual leases (war service)	612	252 380
Perpetual leases (war service irrigation)	300	3 942
Perpetual leases (developed lands)	71	36 828
Perpetual leases (town)	1	3
Miscellaneous leases:		
Agricultural, holiday accommodation etc.	2 144	205 579
Irrigation lands	84	7 286
Pastoral leases (1)	336	40 588 875
Totals	24 231	49 066 835

(1) Note: The Pastoral lease figure excludes an area of 952 000 hectares while the lessees continue in occupation of the land alienated pursuant to the Pitjantjatjara Land Rights Act 1981. Accordingly, the alienations held in fee simple includes that area.

LAND AND RESERVES TENURE AS AT 30 JUNE 1988

	Area in Hectares	Percentage of State Land Area
Total of lands sold and dedicated	25 964 895	26.38
Total of lands held under agreement to purchase	76 110	0.08
Total of lands held under lease	49 066 835	49.85
Fresh water lakes	90 973	0.09
Salt water lakes and lagoons	3 107 986	3.16
National parks	5 943 959	6.03
Flinders Chase	55 685	0.06
Aboriginal reserves	778 995	0.79
Unleased vacant lands etc.	13 352 240	13.56
Total area of South Australia	98 437 678	100.00

Mr GUNN: It should be clearly understood that the agricultural sector of the economy is one which has a great history of supporting the welfare of South Australia. The agricultural and mining industries have kept the State and, if given a fair go, will continue to guarantee a reasonable lifestyle for all South Australians. If it is managed, encouraged and assisted, the end result will benefit every South Australian and every Australian. If it continues to be subjected to over-control, over-regulation, hindrance or interference by perhaps well meaning people but, in many cases, people without any practical understanding or knowledge, everyone in this State will suffer.

As a fourth generation agriculturist, who has spent his whole life in agriculture and who wants to remain in it and who wants to see future generations of South Australians actively involved in it, I am concerned. When I leave this place, I will go back to live on my farm, because that is where I am happiest. I want to see all South Australian farmers protected. Unless Governments properly administer this sort of legislation and a preponderance of legislation which is on the State and Federal statutes, they will kill the goose that lays the golden egg. Make no mistake: people are becoming sick and tired of being interfered with. On a daily basis, people are expressing concern, because the number of people employed in agriculture is diminishing and pressure on those who are trying to farm their enterprises is increasing. They are having to work longer hours and are required to make a greater commitment because of economic pressure. If unnecessary interference takes place, it will aeffect the viability of many people.

I hope the Government will see the wisdom of referring this measure to a select committee. If the Minister does not establish a select committee in this House, he runs a great risk of one being set up in the other place. The Minister has been in this place long enough, and is astute enough, to know that it is better to have a select committee on which he is the Chairman and of which he has control and has influence, than to have a committee established elsewhere. That is normal; most Ministers like that and I can understand it.

We are approaching the silly season, there are both Federal and State elections in the wind, and Governments want to race out and say to the people of South Australia, 'This is what we have done. The pastoral Bill will deal with those pastoralists.' The average bloke in the street has probably never heard of this legislation. Then the Government will say, 'We have set out to protect the environment, to protect the soil, against mismanagement and poor farming practices.' Most people would say, 'That is a jolly good thing.' In fact, it is an attempt by the Government to raise its flagging support in the community.

At the end of the day, commonsense must prevail and the decisions made by this Parliament, which is under the stewardship of this Government, should be in the long-term interests of all concerned. Therefore, the Opposition will support the second reading and will vigorously support this legislation going to a select committee. We have an extensive number of amemdments that we will move to improve the operation of the Bill and to bring it back in line with what we believe is in the best interests of not only the agricultural industry but all South Australians.

The ACTING SPEAKER (Hon. G.F. Keneally): Before calling on the next speaker, I advise the House that, as the member for Eyre was the lead speaker for the Opposition, he was given a great deal of tolerance in relation to his reference to a select committee. There is an appropriate time to refer to a select committee—when the contingent notice of motion is moved. However, the House should be aware that that tolerance will not necessarily be given to other speakers. References can be made, but members cannot build their speeches around whether a select committee should be established by the House.

Mr D.S. BAKER (Victoria): I would like to pay tribute to the member for Eyre for his contribution. He lives in one of the drier areas of this State—one that has experienced problems with drought in the past. He has lived through that and understands the concern of the people in those

areas. It concerns me that in the last month of the last Parliament, and the first month of this one, we are dealing with two Bills—the Pastoral Land Management and Conservation Bill and the Soil Conservation and Land Care Bill. These pieces of legislation take the running of the pastoral and agricultural industries out of the hands of the farmers. During debate on the pastoral Bill we suggested that a select committee be established. The Bill finally went to a select committee in the other place. Subsequently, we saw that the Bill was amended many times as a result of people coming forward and giving evidence. It does not matter how much the Minister says that there has been wide consultation, I am afraid that wide consultation does not mean chucking a couple of copies of the Bill into the post and hoping they get to the other side of Kingoonya and that people will sit down and talk about it, and understand what it means. Consultation is about allowing people to put their views before the Parliament so that those views can be considered. I was most concerned that a lot of publicity on this Bill has come from an employee of the United Farmers and Stockowners.

The Hon. Ted Chapman: What was his name?

Mr D.S. BAKER: The consultant's name was Slee.

The Hon. Ted Chapman: Again!

Mr D.S. BAKER: My concern is that an employee of the association is putting the views of that association before the Minister and before the public when those views do not reflect that of the membership of that organisation.

The Hon. Ted Chapman: More importantly, do they reflect the views of the executive of that organisation?

Mr D.S. BAKER: That must also be taken into consideration, because I do not believe they do. Unfortunately, those views that have been put on the public record indicate that the United Farmers and Stockowners support this Soil Conservation and Land Care Bill. That is far from the truth. The concern that has been shown in what we call the 'inside' country, or the agricultural and grazing areas of this State, is equal to the concern expressed to me, and other members on this side of the House, about the pastoral Bill. There is a genuine concern because it will affect the livelihood and the incomes of those people in South Australia who produce by far the greatest amount of wealth that this State earns in a year.

However, of course, once again adequate consultation has not taken place with those people. I have explained to the Minister why there is a need for soil conservation and the member for Eyre has spoken at length about how the Opposition agrees with that. There is no question about that. In fact, every farmer in this State—in his farming practices—has his eye on his next year's income and whether the farm that he owns will be left in a state that will sustain his family so that they can carry on farming or grazing. There is no question that productivity in farming, with costs the way they are, is one of the most important factors today. The only way one can get one's productivity up, and the unit cost down, is by using sound management and good farming practices. There is no place in farming today for a farmer who lets his soil degrade and income fall. With our cost structure, such farmers cannot sustain themselves or their families.

I do not think there is any other community in South Australia, or Australia, that takes so much pride in its operations and puts so much hard work into making sure that it makes a living. The privation that many of these people put up with in some farming areas—with lack of facilities—would not be endured by any member on the other side of the House. They would never had experienced that sort of privation. They would not have experienced the tyranny of distance and the tyranny of not having a decent telephone system or decent roads. They do not understand that. They just drive to the supermarket and back to their air-conditioned homes. The people who belong to the pastoral and farming community are the hardest to get through to and to make understand why there is interference coming from a city-based Government and city people—interfering in what they have done very well for many years.

The Government's record on soil conservation and land care is very cynical. The West Coast has suffered three or four years of quite horrific drought. This Government sat back and watched that happen and watched these people, through lack of income, see their financial position gradually dwindle down to the point where some of them had to walk off the land, get other jobs and let their land fall into disrepair, before the Government stepped in and did anything about it. I think the cynicism of the Government in imposing this Bill on the farming community, after doing nothing on the West Coast for three years, and then waiting until those people got into such dire financial straits—with interest on interest—before saying, 'We will lend you a bit more capital,' shows that it has a total lack of knowledge of what goes on in farming communities.

Those people should have been helped immediately they got into financial difficulties. We put forward a policy that will help them and stop the downturn in their financial situation rather than standing by and waiting until public pressure dictates that, because there is a terrible problem on the West Coast, we should do something about it. Of course, many people forced into that financial position I am afraid have had to work their land to a situation where problems have arisen and land degradation has resulted. They are forced into that situation in order to survive. That is why Government policy should provide that those people are helped at a much earlier stage so that they have the chance, through lack of pressure from lending institutions, to get back into a viable financial situation at a much earlier stage.

This situation shows the cynicism and lack of knowledge of this Government; on the one hand it stands by and lets farmers on the West Coast be forced off their properties, and, on the other hand, it says that we have to do something about soil degradation. The two go hand in hand. It is about time the Government recognised that we should not sit down and wait but go out and talk to the farming community before doing something about it.

I noted that, in the first paragraph of the second reading explanation, the Government recognises that, although the dustbowl conditions of the 1930s have been eliminated through improved farm management practices, land degradation remains a major concern. The farming community itself realised the problems in the 1930s, and no doubt many of those problems were caused by the Depression. The farmers realised that something had to be done and set about doing it by improving their own farming practices. There was no legislation or regulation at all; they said, 'If we want to keep our farms going for the next generations, we will have to look after them.' That is what happened. Even though that has happened, we now have a Bill before this Parliament that probably has more implications for their livelihood than anything else that has ever happened in the history of farming in this State. Parallel with that is the pastoral legislation, which we debated in this place last night. The ramifications of that Bill will be felt far and wide when the financial provisions hit home on the pastoralists.

The next point covered by the member for Eyre was the $80 million loss in forgone production annually. I am staggered at these second reading explanations. I do not know

who writes them, but figures seem to be plucked out of the air. Who made this claim? Will the Minister provide documentation on the $80 million, because that figure must be substantiated?

The Hon. Ted Chapman: Do you think the Minister will be able to identify those areas of the State currently suffering from soil degradation?

Mr D.S. BAKER: I was going to add that. In his explanation the Minister must establish not only where that figure comes from but what areas are suffering from soil degradation. He cannot pluck a figure of $80 million out of the wind and say that that is what it is costing us and that we must do something about it.

The Hon. Ted Chapman: That is what the pre-empted budget figure discloses.

Mr D.S. BAKER: That is right. As the member for Alexandra said, whilst the Government is saying that $80 million worth of production is forgone, I wonder how much will be provided in the budget tomorrow to set up this measure. We will see the budget tomorrow, but a paltry $3.5 million will be allocated for soil conservation. That surely is a sham.

The Hon. Ted Chapman: That is not for the whole State, surely.

Mr D.S. BAKER: That is what is in the budget. The Premier, in announcing the budget tomorrow, will make big wind out of it. An amount of $3.5 million has been provided for the Soil Conservation and Land Care Bill to be implemented, with 40 or 50 boards around the State, 11 council members and 350 people and bureaucrats to set it up. They all must be paid. The Government has provided $3.5 million. That really is a joke.

The Hon. Ted Chapman: They might even make that fellow Dennis Slee the Conservator.

Mr D.S. BAKER: It provides that he must be a public servant, and he is not yet.

The Hon. Ted Chapman interjecting:

The ACTING SPEAKER (Hon. G.F. Keneally): Order! The honourable member should direct his comments through the Chair and not through the back bench.

The Hon. Ted Chapman: You didn't think he came down to the *Stockowners Journal* and made those statements last week for—

The ACTING SPEAKER: Order! The member for Alexandra should not continue to interrupt the member for Victoria.

Mr D.S. BAKER: I turn to the Bill itself. The member for Eyre briefly touched on the definition of 'capability' under clause 3, 'Interpretation'. Clause 3 provides:

> 'capability', in relation to land, means the ability of the land to sustain particular uses without suffering permanent damage or a reduction in future productivity.

Who will ascertain whether the farming practice carried out will sustain permanent damage or a reduction in future productivity? It would seem that there are many avenues, particularly in the high rainfall areas where, by increased use of fertilisers and better farming methods people could increase productivity. That is one thing we have going for us in the high rainfall areas. We have the ability to do that by working the land harder and by using more modern techniques, better farming methods and better fertilisers. Someone might come out to the high rainfall areas (no doubt the Conservator) and say that we cannot carry on with a practice because it will affect future productivity. It will not work and the farming communities will not wear it, because it will interfere with their ability to make decisions that affect their income.

I note that the definition of 'degradation' is similar to but slightly different from that in the pastoral legislation. Clause 3 provides:

> 'Degradation' of land means a decline in the quality of the soil, vegetation, water and other natural resources . . .

I am pleased that the Crown is bound by this legislation because, if ever anyone has caused the degradation of water in this State, it is the Crown. I will give some examples. The E&WS Department has been pouring raw sewage into the sea. It has been pouring secondary treated sewage into sewage ponds around this State for many years. That has been allowed to seep into the underground water supply in many areas of the State.

In the South-East, the Crown has allowed (and it is the Crown's responsibility) millions of gallons of water to flow into Lake Bonney from a paper mill in the area. Once that water leaves the paper mill property it is up to the Crown to do something with that water. Over the years it has allowed the mill to pollute the underground water supply and there are plenty of examples of it. It has allowed the mill to pollute land that surrounds the drainage areas, and we have plenty of evidence of that. The Crown has done nothing about it.

I would like to hear from the Minister whether, under this legislation, which is really aimed at the farming community of South Australia, the Crown will clean up its act and stop the pollution of underground water supply, which has gone on in this State for many years. It has been brought to the Government's attention on many occasions. Alternatively, will the Crown try to duck out of it and say that it is completely different when it is the Crown? I will question the Minister closely when we debate this clause. The Crown is bound to ascertain the situation. It is of importance in those areas of the State that are good underground water supplies that the water supplies are not affected in any way, especially for future generations to use when such use becomes viable. In high rainfall areas those supplies are like a bank that can be used for productivity in future generations.

The member for Eyre explained the problems relating to the council at length. I am very pleased that at least two members of the council must be men. At least we may have some say, although I cannot see the farming community having much more say. It is interesting to note that membership on that council does not include a representative from the high rainfall areas. It is a fact that the high rainfall area below Keith carries more livestock than the rest of the State. It is correct that there is a representative from the dry land cropping and grazing districts, as there should be. It is correct also that there is someone from the horticultural industry.

The Hon. Ted Chapman interjecting:

Mr D.S. BAKER: There is wide experience in horticulture, but I do not think that it includes the vineyard area, because that is in the high rainfall area. However, there are no representatives from the high rainfall areas of the State and those areas produce the most in this State.

The other important fact is that the council is a policy making body, as it should be and it is right and proper that the people who are appointed to that council should set the policy for the Minister and also set the policies for and listen to the problems of the board and the local committees. However, there is no right of appeal. The only right of appeal is to that council. Surely, any landowner who has a grievance or a problem should have a right of appeal. How can they ever obtain a fair hearing when the only place they can put their case is to that council that has made the policy in the first place? As the member for Eyre said, the legislation should provide for an independent tribunal along the lines provided under the pastoral legislation so that any landowner who has a grievance can put his case to a tribunal, which can hear his case in an impartial manner. It

is impossible for the council that has set that policy to listen to an appeal in an impartial manner.

I note that the Conservator is a public employee and that the office of Conservator was established under the Act that is to be repealed. As the member for Eyre said, if this legislation is to work, it is important to obtain total support for those land-holders. However, if bureaucrats interfere, it will not work. The member for Eyre has already stated that he will not submit a property plan and no land-holder in his right mind would voluntarily submit a property plan, because it will affect his farming practice. In any farming operation decisions have to be made virtually on the run. Who then will apply to the board to have those decisions ratified? No-one will.

Mr BLACKER (Flinders): I support the Bill, particularly because it has been suggested that it will be referred to a select committee. I think everyone understands that the intention of this Bill is to replace the original Soil Conservation Act. I believe also that every member in this Chamber would agree with the basic principle that improved soil management techniques must be encouraged. However, my problem relates to the unknown factors. The Bill does not set out clearly how the provisions will actually apply in practice, but it leaves open a number of areas where there could be abuse, either now or some time in the future. In other words, I am concerned about the unknown. Some of those unknowns have already been outlined by the member for Eyre and the member for Victoria. I commend the member for Eyre on his contribution: he discussed the Bill in a very detailed way and I support most of his comments.

The way in which the Bill has been drafted leaves the way open for possible abuse. The legislation could be used so that the Government can intervene in primary production and farming techniques, and I am very concerned about that. The legislation could jeopardise the right of the farmer to farm, so this area should be clarified. The only way we will receive total cooperation from land-holders who pay large amounts of money in order to be able to farm is by encouraging them. Compulsion does not produce the desired result; rather, it creates antagonism between the Government authorities and the land-holders. I am concerned that the legislation in its present form could create friction rather than harmony. In previous decades there has been an amicable arrangement between the Department of Agriculture and the farming community and that has been achieved basically through the agricultural bureau. I do not want to see that amicable and cooperative arrangement being affected by some of the heavy-handed approaches that this Bill might encourage. I do not suggest that this Bill will necessarily result in such a situation; rather, I am saying that the Bill is broad enough to allow such a situation to develop.

Much has been said about the fact that one of the reasons for the introduction of the Bill was the soil degradation that has occurred, and no-one would deny that. There have been frequent reports about the 1930s and the massive dust storms in Adelaide. It was suggested that that sand or dust could have travelled several hundred kilometres. That situation does cause concern, but it occurred as a result of the farming practices undertaken at that time and, more particularly, it was part of the development of the State that was then taking place. Farmers have now learned a lesson, circumstances are different and farming techniques have been improved, so that is not as great a problem as it was then.

I think it is fair to say that the drought on Eyre Peninsula last year was the result of a period of the lowest rainfall on record. It occurred after four years of below average rainfall and, therefore, one would expect that soil degradation as a result of the drifting of sands or soils would have been the worst on record. However, that was definitely not the case. In fact, the manager of the Minnipa research station (Bob Hollingworth) is on public record as saying that the soils were extremely well managed and that there was a minimum of soil disturbance. I can recall that only 20 years ago soils drifted across the main bitumen road on the Lincoln highway. However, because of soil management by farmers and an improved and better appreciation of the handling of those soils, that situation did not occur last year. I have gained the impression that this Bill could lead to heavy handedness rather than encouragement, and that worries me.

All pressures on the soil and the land almost invariably can be traced back to economic pressures. If one looks back to the mid-1950s when farming was at a peak, incomes were good, costs of production were relatively low, and money was cheap to borrow, one sees that farmers were able to look after their soils rather well. The soils had plenty of superphosphate and they were well managed. There were proper clovers and stock breaks, fire breaks, good fencing, good sheds and good improvements, which all led to well managed properties. However, as the economic circumstances deteriorated, so did the ability of the farmers to be able to manage the basic commodity, that is, the soil. When things have to be cut back, sometimes it is superphosphate, or sometimes it is those extra pasture management or cropping techniques, thus the lack of the dollar determines the farming practices for the year.

If economic circumstances result in soil degradation, some people believe it is necessary to introduce legislation like this, which could involve people from outside the farming community directing how the farmer shall plan and manage his land. I do not believe that that is appropriate. It seems to be the wrong way around altogether. I would like to know what is meant in relation to the farming plan. Does that mean a sketch plan outlining the paddocks with the appropriate contours, showing where the gullies are and where an effort will be made in, say, paddock X, Y or Z to stop gully erosion? Does that constitute a plan? How far does it go? Will the plan indicate that a farmer cannot plant a certain crop in an area because it might mean excessive tillage in that area, thus precluding him from cropping on an intensive basis? This would certainly mean an involvement by the board and by the council in farming practices. They might well say that a farmer is allowed only a certain number of stock on the top paddock to avoid denuding the paddock of vegetation that might result in soil erosion. This could be decided irrespective of soil types and things like that. I will be interested to know just what is meant by a 'farm plan'.

Also, what happens if a farm plan is in place but a farmer wishes to change his farming practices in some way or another? For argument's sake, a farmer might want to change from sheep to deer—which are a heavier animal and probably a little more harsh on the land. Does a change in farming practice mean that a farmer has to go back to the board and give notice of his intention? Does it mean that the board has the ability to say that a farmer cannot undertake a certain farming practice? Does it mean that the board and the council have the ability to tell the farmer what he can or cannot do on his soil?

Mr Lewis interjecting:

Mr BLACKER: As I have pointed out to the member for Murray-Mallee, if used to its extreme, that ability is contained in the legislation. This is not an insignificant point. Further, what if a farmer wants to change to some type of intensive practice or even a floricultural enterprise on his

farm, involving a different type of farming and a different set of circumstances, not mentioned in the original farm plan? Does the farmer have to go back and start again? Are we putting in another management tool? Does this involve a local government development plan type of approach being placed on farming? In this Bill it appears to me that that is exactly what we are doing. I am very concerned that we are virtually giving an open book to some authorities, some instrumentalities, which will be able to step in and take control of the farming community. The Minister and Government members might say that I am over reacting; however, if it is there in black and white in the Bill, a Minister now or in the future will be able to step in and take control of a farming property, ostensibly on the basis of soil conservation considerations. That being so, I believe that this is not good legislation.

I have numerous concerns about the legislation, a number of which I will refer to in Committee. At this point, I refer to the fund that will be established. One of the major methods of contributing to that fund will be by way of fines. In itself, that implies an objective that fines related to breaches of management procedure will be a means of income for the fund and the board. If that is the intent of the legislation, obviously pressure will be put on farmers to implement the procedures, and it will therefore be a question of which comes first. In order to get money we will have to go out there and police the legislation. The principle of having fines as a necessary part of financing the fund is wrong. There is an implied legislative or bureaucratic pressure that it is necessary to get money in by means of these fines. That principle is wrong.

Reference is made to grants, gifts and loans made to the Minister for payment into the fund. Where will these be from? I am not aware of many people or organisations that make grants or gifts to Governments. To this end, are we talking about sponsorship? Is it that the Government intends to institute a form of sponsorship, or is it going to get various supportive friendly pressure groups within the community to contribute? Clause 8 (2) *(b)* refers to 'grants, gifts and loans made to the Minister for payment into the Fund'. Where will this come from? Will it be from fertilizer companies as a contribution to the Government's Soil Conservation and Land Care Fund? It seems to me to be highly irregular, and the Government could be criticised for this. Paragraph *(c)* refers to 'any money provided by Parliament for the purposes of the Fund'. How does the Government propose to fund this in the longer term? Does it expect that with an increase in fines it will be able to become a self-funding or a regenerative fund? What is the Government's intention in this regard? If the Government is genuine about soil management, surely a long-term financial commitment should be built into the budgeting structure.

One or two other members have referred to the compulsory acquisition of land. I am somewhat concerned about what is meant or implied in this regard. I appreciate that compulsory acquisition is mentioned in many Acts. However, does this mean that the Minister may acquire a piece of land if it is considered that the land is not being managed correctly? Does it mean that, if property has not been managed properly and soil erosion is very bad due to poor farming techniques, the Government can use provisions under the Land Acquisition Act to step in and acquire that land? I hope that this never happens but, theoretically, provisions in the Soil Conservation and Land Care Act could be used as a means of acquisition of land.

Mr Lewis interjecting:

Mr BLACKER: The member for Murray-Mallee refers to householders, but I notice that some of the townships are exempt from the provisions, unless certain circumstances prevail.

Mr Lewis: Where does it say that?

Mr BLACKER: I will refer to that later. As to clause 31, which deals with the Soil Conservator, I note that that position is a continuation of what applied under the original Soil Conservation Act. However, I have difficulty correlating the positions set out in clauses 31 and 32. Clause 32 (2) provides:

> The Conservator has, for the purposes of subsection (1) *(a)*, all the powers duties and functions of a board under this Act.

So, all the previously mentioned duties—including the provisions relating to fines—can be attributed to this one person. I do not know whether that is the intent. It seems totally wrong to have all the board's powers made available to the Conservator, who has effectively become involved in this Bill because of a transfer from a previous Act of Parliament which will be repealed when this measure passes. I tend to think it was an oversight or a mistake that it has happened in that way. There may be a perfectly legitimate reason for the provision and, if there is, I hope the Minister will be able to explain it.

Clause 41 refers to the board's ability to impose a $10 000 fine. Why not use a division fine? The reason is that in this case the board is imposing the fine, unlike the normal statutes of law that would apply where division fines are provided. That raises many queries and concerns, in that individual members of the board are given that policing power and the ability to impose a fine not exceeding $10 000. The Conservator also has the power to impose a fine of $10 000 without reference to any other body. For that reason, I believe that the clause is wrongly drafted. Furthermore, if the fine is not paid, it can be recovered as a debt from the landholder. More particularly, clause 41 (2) *(b)* provides for:

> a charge on the landowner in default, ranking in priority before all other charges and mortgages (other than a charge in favour of the Crown or a Crown instrumentality).

Therefore, this clause gives priority over any bank or financial institution. Effectively, this board could require extensive revegetation or work to make good any soil degradation, thereby creating a debt which would have priority over any other debt or loan on the property. It would take priority over any first mortgage or other mortgage that might apply. On the indication that a select committee may be established, I support the Bill.

Mr LEWIS (Murray-Mallee): Unquestionably this measure should be referred to a select committee and I trust that the remarks I make about the impact of this Bill, should it pass in its present form without the wider consideration it deserves, will convince all members of the House—and particularly the Minister—of the good sense of this course of action. Naturally, it would be better if the select committee comprised members of this Chamber, rather than members of the other place, with the Minister himself as a member. He would be precluded were the committee comprised of members of the other place, and that would be unfortunate. I have a profound respect for the Minister's intellectual capacity and his willingness to apply it to the analysis of a wide range of problems and to the situations of the people whom they affect. I do not have the same respect for many, if any, of his colleagues in another place and for that reason, if for no other, I should like the select committee to be appointed from members of this Chamber rather than from those of another place.

The DEPUTY SPEAKER: Order! At this stage I remind the honourable member of a ruling that was given by the Acting Speaker: that there is already a proposition for debate

on a select committee on the subject with which we are dealing. I therefore ask the honourable member to come back to the subject matter before the Chair. I have allowed him a passing reference to the appointment of a select committee and he has gone a little way down that track. I remind him of the Acting Speaker's ruling. The honourable member for Murray-Mallee.

Mr LEWIS: I had finished on that point and I thank you for your advice, Mr Deputy Speaker. The matters in the Bill with which I am concerned and which I believe should be referred to a select committee relate in some part to the inadequacies of the measure and in other parts to the excessive over-control it contains. It is a clear overkill. I do not know that the people who drafted the proposals, not in terms of the words used but rather of the concepts contained in the Bill, have been able to come to terms with that aspect. First, some terms used in the Bill have subjective and emotive meanings which vary according to the context in which the words are used. They are not defined in any scientific literature anywhere as having a common meaning in the way that it is intended they should have for that scientific purpose.

By way of illustration, the word 'condition' can mean, as it were, the weight of an animal or human being. For instance, someone in good condition is said to have been in a pretty good paddock for a while. Also, 'condition' in wool refers to foreign matter in the wool other than in the fibre itself. Again, 'condition' in the atmosphere, in most people's minds, refers to a technological apparatus called an air-conditioner that makes the atmosphere acceptable in its ambient temperature and humidity. So, condition of soil, not being defined anywhere scientifically as a term can mean anything to anyone depending on how the person wishes to use it. Because it forms part of the legislation, it is hardly fair to expect someone to know what the word means when it is used in legislation without having its meaning defined.

I have tried to help in that regard by foreshadowing amendments to be moved in Committee. For instance, in this regard it should be clearly delineated to mean relative soil structure and fertility and where the word 'condition' appears, as under the definition of 'rehabilitation' or, say, in clause 5 *(d)* (i), if one were to read that into it, it would give it some meaning. However, I am not sure that that is exactly what the Government means by including the word 'condition' in that context.

The word 'conserve' is another such word. I believe that it should be defined as meaning 'to maintain condition', but I guess that in general terms it means 'to save'. However, some people would have a different understanding as to what that entails. For instance, it could mean 'saving' the soil or 'saving' the land. The words 'soil' and 'land' are used interchangeably and that needs to be defined. Therefore, 'land' should be defined as meaning 'dry and submerged land'; and 'water' should include whether it is in watercourses or in storage. That is to say, there is land underneath water, and things can be done which degrade that and which are detrimental to the interests of society at large and its capacity to survive in a civilised state in perpetuity, without actually appearing on the surface of it to be doing anything at all. The seepage of substances heavier than water, not like oil which is lighter and floats on the surface, will degrade the land beneath the water. Other soluble substances get into that water and ruin not only the land beneath it but also the land onto which that water might ultimately travail, whether pumped or by gravitational means of movement. That is why I have chosen to give land the definition of a type that will ensure that all such eventualities are countenanced by the legislation.

It is not appropriate for us to take in isolation our view that something has not been done in the past by people who should have been doing it, and those people are land managers. The narrow focus given to this measure which, unfortunately, the media and irresponsible elements in the Government have aided and abetted, is that it is to stop farmers, all of whom are said to be quarrying the soil, raping the land and destroying our heritage and acting irresponsibly in their role, which should be preserved by us as effective Christian stewards of the land, for generations yet to be born. Accordingly, people have the mistaken belief that we are on the brink of disaster and that our farm practices and rural produce, whether it be wheat and sheep from broadacre farming or, for that matter, our capacity to grow the vegetables upon which we depend and those other high value added industries such as the production of cut flowers and seedlings in nurseries or intensive animal industries, are also at risk and should also be covered by the measure. At present, I wonder about that.

I do not see any indication in the Bill that they are explicitly included, although its provisions will no doubt impact upon them, as the member for Flinders alluded in the course of his remarks. It is important in my judgment that we should recognise that responsible management of the land, which is the dry land mass and the water upon it, either in storage or streams passing over it, are as much a part of our concern as the soil, and that is as much a part of our concern whether it is used for grazing animals and other broadacre farming practices or in intensive industries. To consider one in isolation from another is to be narrow, blinkered and irresponsible. I make the point, as has been made by some of my colleagues that, by and large, the vast majority of farmers and other agricultural and rural producers have been very responsible in this State. We have used the driest State on the driest arable continent on earth and turned it into a veritable larder by developing technologies that are far more efficient, effective and enduring in their relevance to their processes of production than any other society on earth at this time and any other society that has ever been on earth in the recorded history of man. That is our record in this State.

When we first removed native vegetation from the majority of lands now used for agricultural production, they were infertile in terms of the amount of phosphorous they contained and the amount of nitrogen, which was fixed by the very poor, if any, legumes and so on. The only nitrogen getting into many soils came from either the very limited source of azotebacter bacteria fixing or from thunderstorms, through the natural process we have duplicated in the industrial arena to make nitrogenous fertiliser. Now we have introduced legumes which have depended upon the presence of the available phosphorous being enhanced—that is, using phosphatic fertilisers to make and sustain their presence in pastures—and by that means we have lifted the level of nitrogen as well as phosphorous in its organic forms in the soil. That brings me to the next point.

Our soils, subsequent to vegetation clearance, now have much higher levels of organic matter in them than was ever the case, either during the period they were under native vegetation in this State or after they were initially cleared. They are much higher in organic matter and this organic matter has a much better capacity to bind those soils into sound, healthy structures, regardless of their texture, and therefore withstand the effects of grazing animals, cultivation and cropping. The effects of grazing animals need to be seen in two parts: the impact of the cloven hooves of

the animals on the soil structure as well as the consequences of grazing the organic matter, the pasture, which grows on the soil. With sheep and cattle, about 80 per cent of the organic nitrogen, although not all of the organic matter in bulk terms, is returned to the soil as droppings. That is not a bad thing.

That is a technology that we have developed in less than a century in this State and it is something of which we ought to be proud. By and large, it has meant that our soils are in much better condition, whether used in broadacre farming or intensive agricultural production, than they were before European settlement or compared with other States of this nation and other nations on earth. I have visited a number of countries in my time and I have worked in aid programs of one kind or another and I can speak with some relevance, accuracy and qualification on that point.

It is true that there are places in which salination is occurring, although that is nowhere near as devastating in its prospective consequence, nor is it anywhere near as large an area as some reporters in the media would have us believe. What is more, much of the salination to which they refer as being latently likely to cause a problem at some time in the future—and I suggest that that is millenia away—comes to the soil every time it rains. CSIRO research on that point validates my reasoning in that regard. It is true that salinity can be shifted as a consequence of the removal of vegetation from the soil on higher slopes allowing leeching of the soil from the B horizon to be shifted in a ground water mound down the slope to rise to the surface and cause salination of the lower lying areas. It is true that this can happen. There is no telling that that process can and does occur, but it is not occurring to any great extent in South Australia. It is a greater problem in other States, in higher rainfall areas, where the intensity of rainfall is greater per shower, the frequency of such intense showers is greater per annum and the total volume of rain is greater.

The rate of change of the ground water position is much greater by a degree in logarithms—not in number or percentage, but in order. Members need to understand that that is the difference between what is happening in South Australia or is likely to happen as compared with other States or other places on this planet. It is not fair or reasonable for us to simply say that we are in a shocking state, our farmers have ruined our soils and have not put back what they have taken out and we need this legislation to make them do the right thing. That would be a gross misrepresentation of the truth. I am not saying that all farmers are good; I am just saying that the vast majority are good. I am not denying that this measure now makes it possible for the Minister and the Government of the day to achieve certain goals more expeditiously, but in some respects the proposed measures are far too draconian in their impact.

Given that I have some concern about the wider implications of this legislation to industries that are not even countenanced, if I assume what was meant by the people who suggested that it should be drafted in this form, I now propose that we look closely at the composition of the council that is to be set up. It needs to be bigger, and it needs to include members from the intensive animal industries. There will be an impact on the capacity of those industries to shift to appropriate locations.

These days, an efficient, modern piggery has sow numbers of between 10 000 and 50 000. That means it has an effluent disposal problem akin to a city the size of Whyalla or Albury-Wodonga. That has serious implications for the way in which the effluent is disposed of by the people who own the piggery on the land adjacent to it. Pigs are omnivors, as are human beings, so the waste disposal problem is just as serious as it is in those cities. Moreover, there should be a representative on the board from the intensive farming industries. The large areas that we now have under intensive horticulture, whether for purposes of producing glasshouse crops like vegetables of various sorts, flowers, seedlings and so on, clearly indicate that there is an implication for the land beneath and adjacent to those temporary structures which are not regarded as buildings under the terms of the building legislation. I trust that the Minister will consider my pleas in that regard. What is more, the people who are appointed as deputies to those who sit on the board should be selected from the same groups as those from which the Minister selects the representatives and not, as at present proposed, left purely to the discretion of the Minister to recommend to the Governor in Council.

I do not believe that voluntary property plans are necessary. The first three years of the five years countenanced under the legislation should be a process wherein the district plan is developed in conjunction and in consultation with all land-holders in the district. Therefore, I do not see that it is necessary to include clause 36. All that is required is a small amendment to the preceding clause. I have made the point that all water, reservoirs and evaporation ponds and all recreational activity, whether trail bike riding or sandhill skidding and so on, must be taken into the ambit of this legislation by the bodies which are to be set up under the legislation. I do not see that that will necessarily be a focus of attention, but it should be considered by the people appointed to the boards and those who answer to them, that is, the council and the boards.

It is not fair for the Minister to produce legislation that places the Crown in a position of priority. Under clause 41 a property in default can be sold, with a charge in favour of the Crown or a Crown instrumentality taking precedence ahead of all other charges on the land. In the process, an unfair and untenable situation arises. In addition, I do not believe that it is necessary to have a clause in the legislation to provide that offensive language and assault is explicitly separated from the summary offences legislation. I believe that it should be the same. If we assault or offend a bus driver with our foul language, we are subjected to the summary offences legislation. I believe that everyone should be subject to that Act, including the people who abuse the inspectors under the terms of this Act. It is no different.

Mr S.G. EVANS (Davenport): I support this Bill only as far as the second reading so that when in Committee we can consider amendments. I will not refer to soil degradation or damage to our environment to the extent that my colleagues addressed those matters, but I will refer to what has occurred or can occur in the high rainfall areas of the Adelaide Hills. It is true that in some cases, as a result of bad management, our environment has been damaged. At times, the land has been damaged as a result of bad practices, either knowingly or unknowingly where individuals do not appreciate the effect of their actions. I was born early enough to see men and women digging the soil by hand. All the oldtimers dug the soil and threw it uphill.

Mr Lewis interjecting:

Mr S.G. EVANS: Yes, I am like the member for Murray-Mallee; I had to do it also. The oldtimers knew they had to keep on pushing the soil uphill. They always ploughed uphill. It was as a result of this activity that the turn furrow plough was developed. The machinery did not go back empty; they could plough from both ends. However, that was not the only goal: at times people had to scoop the soil from the bottom of the hill up to the top, because the soil was continuously moving down the hill. That is a simple

process today in the vegetable growing areas because of modern machinery. It is not quite as easy with fruit. Therefore, there is no real loss in this area except if there is a flash flood at the wrong time.

There is a problem with landslides. The first landslide in our local area occurred before any white man touched the land. It occurred on the western tributary of the Sturt Creek, above Coromandel Valley. It was a huge slide that blocked the valley and formed a natural dam until continual erosion washed the soil away and turned it back into a continuous stream. Nature did that and nature has taken such action in many places long before white man came here.

There is not one species of native flora in the Hills that cannot withstand fire in its rejuvenating process. Long before white man came here either lightning or the the Aborigines burnt the land. The Aborigines did this to ensure that there was food near the waterholes. If a fire started at Brownhill Creek on a bad fire day, there were no CFS officers or firefighters to stop it. There was no cultivated or cleared land and, as long as the soil would grow vegetation, fires burnt it. It ended up somewhere in Victoria, perhaps right on the east coast, if the prevailing winds maintained it. That has been occurring ever since the hills and plains were formed. That is why it is estimated that a reservoir like the Mount Bold Reservoir, which was built in 1936, contains hundreds of thousands of tonnes of silt. That silt was not all washed down from cultivated land further along the Onkaparinga Valley; much of the silt was washed from the fire breaks that have been ploughed around the Mount Bold reservoir, some being ploughed strips about 100 metres wide—up and down all sorts of terrain, and from native bushland. Anyone with any knowledge at all of the bush knows there is virtually no topsoil of any of our hills country in the high rainfall area. We can dig through it with our fingers. There is virtually nothing there. It has been eroding over the centuries and most of it is out in the sea or on the flats, which in some places are cultivated, in other places, are grazed and in others are in a native state.

The old railway dam in Belair Park, which was used for filling fire engines, has lost half of its capacity as a result of silting. However, above that dam, there has been no worked land other than the Melville property and land a bit higher. The Melville property has not been worked for about 35 or 40 years. The property belonged to my great grandfather and is now part of the Belair Recreation Park. The soil in that dam has come primarily from native bushland that is still in its original state. Our eucalypt does not build up a dense massive undercovering of mulch material, except in some flatter areas and a few areas towards the Fleurieu Peninsula where the soil is a bit better.

In the main the leaves do not build up a great amount of material that can act as a bonding material to hold back the water and thereby also hold back and slow down the run-off. We should all recognise that. We have seen actions by Government departments. I refer now to a landslide that happened in Clarendon approximate three years ago. Officers of the Department of Mines and Energy and the Department of Agriculture went out and inspected Mr Hollitt's property. Some years earlier Telecom had put a big ripper, slightly more than a metre deep, at an angle across the hill from the bottom to the top to run a cable. At that depth, and for a substantial part of the distance—about two thirds of a kilometre—it was sitting on a rock bed. It was on the southern side of the hill and most of the rock stratas dip from the north to the south. After heavy rainfall the water got into the channel and, even though it was covered, followed the cable down to a strata of rock and moved the hillside down onto one poor gentleman's front verandah. He was lucky that it did not go further as he would not have had a home. It took some work to clean it up and it has not shifted since. Trees were planted at the bottom by the owners but it must be planted in total.

I have 15 acres of land and I cleared a section of blackberries and brome from it on the instruction of the local council when I first bought it about six years ago. About two years later there was a landslide and about 1 000 tonnes of soil moved from one metre to seven metres down the hill. That is not easy to fix, but it requires a tree planting program and prayer that there be no heavy rainfall for four or five years until the roots grow down. It is not always the fault of an individual; sometimes nature plays a part also.

I refer now to horse riders. Under the Bill the Minister has power to issue orders that stock cannot be driven on certain roads, tracks or stock routes at certain times because of the condition of those routes or because of the weather. I do not see anything wrong with that, but one group that will have difficulty are those in the area where I live. I have a lot of time for horse riding as a recreational sport indulged in by many people. It does not matter whether a group of human beings, goats, pigs, horses, cows, sheep, or chooks continually use the same path, eventually they wear away the soil and water will follow that path. Once it begins, it will wash out until there is a small creek in the wet season, although it will be dry in the dry season. In the dry season the banks tend to crumble on the edges and, therefore, water is washed away more easily the next winter. That sort of problem is not easy to handle in the total environment. The powers for people to enter property and to be protected from abuse and the powers of inspectors must be included, but there must be reciprocal rights.

Members know that I had some interest in working in quarries before I came to this place. An inspector regularly came to the quarry. He came on a monthly basis, although not on a set day. He said that we were all clear, as he had said on previous occasions. But, the next time he came back he said, 'You have to do something on the western slope. It is dangerous'. He ended up becoming the chief inspector and came into this place one day as an adviser in the Department of Mines and Energy. I said, 'Jack, hold on; you were here last month and you said that it was all right. What has happened?' He said, 'Stan, I have been told that I am putting in too many clean sheets for you. I am not finding faults'.

That is the problem with the system. If people conform, somebody thinks up a new regulation or a reason why pressure should be applied. It goes on and on until in the end people become absolutely fearful of the inspector calling. And it has happened with truck inspections and all sorts of other areas in this State. The civility is missing. Some wonderful inspectors worked with me in the early days.

The Bill contains a lot of power. If misused, it will be dangerous. It should be amended to some degree. I will support the second reading as I believe that damage has been done to the environment through bad practices, bad luck and lack of knowledge in the past. We must be conscious of trying to correct that so that it does not happen in future. We cannot turn back all things that have happened. But I hope that the Government uses commonsense in considering the proposal for a select committee.

The Hon. JENNIFER CASHMORE (Coles): I support the Bill, which addresses a problem fundamental to the lives and livelihoods of many South Australians. It addresses our responsibility as custodians and stewards of the land. However, I have reservations about some components of

the Bill, and that is why it should be referred to a select committee. There is scarcely a piece of legislation of this nature which has not been improved after consideration in a bipartisan fashion by a committee of the House and by consultation with the wider community. The fact that the Bill is the outcome of a Green Paper does not necessarily mean that it has accommodated all matters that must be considered. One reason for my approval of most of the fundamental principles of the Bill is the fact that the Act will bind the Crown. It is critically important that the role of government as conservationist is recognised, acted upon and held to by successive Governments.

However, I wonder whether the Government is aware of the enormous cost involved in binding itself to this statute and the enormous amount of work to be done if that obligation is to be fulfilled properly. My colleagues have referred principally and eloquently to the impact of this Bill upon rural production and land in country areas. I will address a specific aspect of the Bill as it relates to the urban environment and to the Adelaide metropolitan area.

Clause 3, 'Interpretation', defines degradation of land as meaning decline in the quality of the soil, vegetation, water and other natural resources of the land resulting from human activities on the land, and 'degraded' has a corresponding meaning. I wonder how many South Australians realise that the Torrens River, the principal and once pure and beautiful waterway of Adelaide, is now being used as nothing more than a sewer and stormwater drain.

This fact is confirmed by the Central Board of Health's 1985 decision to prohibit all swimming and water contact sports in the Torrens Lake. It is also confirmed by E&WS reports which indicate high degrees of pollution and high levels of *E.coli* in the Torrens River. No fewer than 28 main stormwater outlets drain directly into the river, together with the five creeks of the Torrens River that are effectively used as drainage systems. Into those stormwater drains goes everything from powerful chlorine based roof-cleaning detergents to scouring solutions used by trucking companies and car wash detergents from all the residences, caravan parks and garages in the catchment area of the river. I see, Mr Acting Speaker, as one whose electorate is at the dead end, one might say, of the Torrens River, that you are very familiar with this problem and, as one whose electorate for many years adjoined the Torrens River and is still in the Torrens Valley, I also am familiar with the problem.

The accumulation of street debris entering the drains (and from the drains into the river) has to be seen to be believed. There are plastic bottles, all sorts of rubbish, animal excreta, and road surface pollution; and some illegal industrial waste finds its way into this once clean and beautiful waterway. The Sturt Creek and the Onkaparinga River are used in the same way, that is, nothing more than sewers and drains.

In addition, there is considerable silt content. The member for Davenport referred to the silting up of dams in the Adelaide Hills as a result of erosion and water runoff. Silt content and vegetable matter problems arise in the Torrens River mainly because of poor and inefficient road maintenance and cleaning. Apparently the State Government has insisted on passing the responsibility for the cleanliness of the river to local government. I corresponded with the Minister for Environment and Planning and with various local instrumentalities about the fouling of the river by detergents from car washing in the caravan parks situated immediately east of the city at Hackney. The letter I received from the Minister indicated that it was really a local government responsibility.

At least three Acts broadly cover the management of the river, but none clearly defines the responsibility for the river system, and none defines a coordinated approach to combat the Torrens River pollution problem or to ensure that its creeks are not used as sewers. The Liberal Government originally addressed the need for flood mitigation of the Torrens River because of the appalling 1982 floods which caused severe damage in the Torrens Valley. It was through the original engineering solution to flood mitigation that the Torrens linear park was established by the Liberal Government of 1979-82. We tackled that flood mitigation problem and, in the process, set in train the beautification of the banks of the Torrens from the gorge to the mouth. I give an assurance to the House that in Government we will tackle the appalling problems of the pollution of the river itself and of the creeks that run into the river.

However, in relation to the Bill specifically, the value to this State of agriculture, forestry and fisheries is paramount. Agriculture is still the principal money earner for South Australia, and it is hard to believe that that will not always be the case. The area sown to principal crops in South Australia in 1986-87 amounted to 1.6 million hectares and that was sown to wheat, barley, oats and rye, together with crops for hay, green forage, vegetables and fruit. I believe that the area sown to crops is relevant to this Bill, as is the land utilisation of rural establishments in South Australia. I have tables extracted from the *South Australian Year Book* that set out land utilisation figures and areas sown to principal crops, and I seek leave to have those tables inserted in *Hansard*.

Leave granted.

Land Utilisation of Rural Establishments, South Australia ('000 hectares)

Particulars	1983-84	1984-85	1985-86	1985-86(a)	1986-87(b)
Area used for:					
Crops *(c)*	3 108	2 902	3 039	3 000	3 066
Sown pastures:					
Lucerne	51	76	98	94	103
Other	3 477	3 515	3 399	3 301	3 483
Total area of holdings	62 063	62 741	60 662	57 854	59 471

(a) 1985-86 Census figures adjusted to $20 000 EVAO cut-off.
(b) Includes all establishments with an expected EVAO of greater than $20 000.
(c) Excludes pastures harvested for hay and seed which have been included in 'Area used for sown pastures'.

Area Sown to Principal Crops, South Australia ('000 hectares)

Crop	1983-84	1984-85	1985-86	1985-86(a)	1986-87
Cereals for grain:					
Wheat	1 564.0	1 377.6	1 442.5	1 432.3	1 616.3
Barley	1 103.8	1 121.9	1 169.1	1 153.3	955.4
Oats	153.4	127.8	108.5	106.7	112.6
Rye	35.0	20.3	32.1	32.0	41.2
Crops for hay:					
Oaten	51.2	37.2	35.4	33.2	46.1
Crops for green forage	40.2	50.0	49.4	47.9	50.5
Vegetables:					
Potatoes	4.2	3.6	3.7	3.7	3.4
Tomatoes	0.3	0.3	0.3	0.2	0.2
Fruit:					
Orchards	15.8	16.3	16.6	15.2	15.7
Vineyards	27.9	27.0	26.9	24.5	23.1
Total area of principal crops	*2 995.8*	*2 782.0*	*2 884.5*	*2 849.0*	*2 864.5*

(a) 1985-86 Census figures adjusted to $20 000 EVAO cut-off.

The Hon. JENNIFER CASHMORE: The first table indicates that the principal cereal crops—wheat, barley and oats—account for about 91 per cent of the total area cropped in this State. The farmers who sow those crops will be heavily involved in the land care plans that are to be established under this legislation, and so will those who carry livestock. The member for Davenport and the member for Murray-Mallee (in his customary virtuoso performance and demonstration of his knowledge of agricultural matters) among other things outlined the impact of cloven footed animals on the very fragile land. Our land has been described in human terms, as being like the skin of a very old person.

It is an ancient land and the skin of it, or its soil depth, is very thin and fragile. In many cases it is wrinkled and close to the bone, the bone being the structure of the earth. Therefore, it needs extraordinary care in its handling and use. Like anything aged, it needs rest and nourishment.

I support the components of the Bill that are designed to achieve that goal and they include the functions of the council, which are outlined in clause 18 and which include advice to the Minister 'on the priorities to be accorded to land degradation research programs, land care programs and other projects or programs for the conservation or rehabilitation of land'.

Further functions of the council include the development of strategies for the conservation and rehabilitation of land and, most importantly, the dissemination of information on and promotion of community awareness of issues relating to the conservation and rehabilitation of land. The climate in which the council will be fulfilling those functions is a much improved climate in 1989 from that which might have existed in the earlier years of this decade. In fact, if ever there were—if I can coin the phrase—fertile soil for this council to be working in, that fertile soil exists right now.

Along with my support for the functions of the council and of the board goes my support for the district plans. The functions of the board are outlined in clause 28, and clause 35 deals with the district plans. Clause 34 provides for the Minister to cause land to be assessed for the purposes of determining the classes into which the land falls, the capability and preferred uses of the land. Indeed, that is one of the principal goals of the Liberal Party's policy approach to total land use in South Australia. It is one of the principal reasons why we intend to establish a commission. In effect, it will have the powers of a royal commission and it will report to Parliament, within two years of our taking office. It will assess the current land use and preferred land use in South Australia. In effect, it will be a review of the State Development Plan; it has not been reviewed for decades and it is certainly time for such a review.

However, I have concerns, as have my colleagues about clause 36 of the Bill, which provides for voluntary property plans. The notion that a property plan should be voluntary is laudable. However, as to the powers of the board to encourage and assist each owner of land within the district to develop and submit to the board a property plan detailing proposed management, one notes that the board has extensive powers over these plans. It has power to approve the plan by endorsement, to reject it, or to refer the plan back to the land owner for modification.

The fact that these property plans are voluntary and, accordingly, there can be no sanction if the plan is rejected but then proceeded with, to my way of thinking really makes a nonsense of this clause. I see this as an inherent weakness in the Bill. I believe it is a weakness that can be overcome by the amendments proposed by my colleague the member for Eyre. However, it is pointless to establish a proposal which seeks a voluntary agreement and which then gives a board the power to reject that agreement but no power whatsoever by way of sanction to ensure that a plan which is in accordance with a district plan is even put forward, let alone approved. Another strong reservation that I have about the Bill relates to functions of the council. Clause 18 (1) *(g)* provides that one of the functions of the council is:

> . . . to perform the other functions (including the approval of district plans and three year board programs and the hearing of appeals) assigned to the council by or under this Act or by the Minister.

It is demonstrably unjust, and has always been recognised as being such under our system of government, law and justice, for those who make policies and decisions to hear appeals against those policies or decisions. It is completely inconsistent with the basic notion of justice that there shall be an appeal by Caesar unto Caesar. It just cannot work and should not even be allowed to be contemplated. The Opposition believes that the establishment of a tribunal separate from the board, with a quasi-judicial function—which is of course what the hearings of appeals amount to—should be established. If that is done, then justice will not only be done, but be seen to be done.

To summarise, I believe that the general provisions of the Bill are laudable. It has come at a time when there is a high degree of receptivity, not only in the agricultural and rural community but also in the total community, to ensure that we all work together to preserve and, where possible, improve the land upon which we ultimately depend for our living and our survival. Therefore, I wish this Government—and the next—well in administering the measure. This Government will scarcely have time to proclaim the Act let alone administer it. I repeat: this legislation, like all Acts, will depend a great deal on the quality of its administration, and it is essential that that be appropriate.

[*Sitting suspended from 5.59 to 7.30 p.m.*]

The Hon. TED CHAPMAN (Alexandra): This Bill is designed to establish, according to its short title, the Soil Conservation and Land Care Act 1989. However, the short title is a misnomer to a large Bill which really has not as its primary aim the soil conservation and land care of South Australia. More especially, it seeks to enter into the management of that land in a way that is not acceptable to those who hold titles to that land and who in many cases have occupied the land for a long time.

It is untrue and inappropriate for the Government or for anyone else to accompany a Bill of this kind with the sort of claims made that South Australia is subjected to soil degradation and needs such bureaucratic interference as is proposed in the Bill. It is irregular and indeed inconsistent on the one hand for the Government of the current flavour to introduce into this Parliament, as it has done since I became a member, legislation that prevents interference with the performances and activities of individuals (and I cite the Government's support for consenting males to indulge in homosexual acts in private), while on the other hand providing or seeking to provide legislation that allows others, in this case public servants, access not only into the paddock, the sheds and yards of primary producers but also into their homes and offices and even into the drawers of their desks for the purpose of extracting information that has always been the private information of those property owners. For such a Bill to be introduced by the Labor Party above all people is hypocritical following the Labor Government's efforts to close off the practices of someone and open up the practices of others to the extremes as has been done in my time here.

However, it is clear that the Labor Government's objective is to enter into this field of land management to such a degree, as has been stated several times by my colleagues, that it will destroy the incentive of farmers to function at their own discretion and will destroy the incentive of primary producers, including pastoralists, to seek advice when they need it. As has already been demonstrated, it will cause them to reject being dictated to in the fashion that this Bill provides.

As I have said previously, those people, especially those in the pastoral regions of this State, are part of the land

that they occupy. They know what they are doing in that country and they do not have to be told how to provide appropriate water supplies and care for their livestock or how to fence their holdings properly. They live off that land from the returns coming from their livestock and, as they depend on those returns, accordingly they are sensitive to the need to care properly for those several factors.

One clause of the Bill indicates that the Crown is to be bound by this legislation. Ordinarily, when such terms are inserted in an Act of Parliament the Crown's lands and the Crown's vested interests in the area referred to in the legislation are bound by the same requirements as apply to other lands privately held or held in the corporate sense. In this instance, I ask whether, under the clause that binds the Crown, the Crown will share the risks that occur. Will the Crown share the ups and downs, and more especially any losses, that may occur following the input of direction or advice to the land/stock management?

If the Crown is to share in that way, it makes the whole Bill a little fairer than on first sight. If the Crown through its councillors, advisers or administrators directs a course of action to be taken on a property, albeit with the intention of helping in the ultimate conservation of the land, and something goes wrong and the property depreciates accordingly (for example, a loss may result from advice taken on how to avoid erosion by contour banking or some such mechanical or on-the-land activity and in fact the erosion intensifies) who pays for the recovery? Is that an expenditure that the property owner will be expected to pick up even though the decision to take that action was the result of a council determination or the Conservator's direction?

These questions need to be addressed by the Minister when he responds at the end of this second reading debate. Before the Bill goes into Committee, it is important that members know precisely to what extent the Crown is bound not only on its own land but also on all those lands that are intended to be subject to the direction, interference, intervention or involvement by nominees of the Minister.

The other reason why I am concerned about the extent of public service involvement in broad acre property management, as is proposed in the Bill, is that I recall vividly the somewhat disastrous results and the expensive administration and ultimately the enormous cost of development and preparation of land that occurred under the war service land settlement scheme in Australia. That scheme is one with which I have had a close association. Indeed, within the boundaries of my electorate was established after the Second World War the largest war service land settlement scheme in Australia—156 soldier settlers on properties of about 1 400 or 1 500 acres, collectively representing a substantial area in the plateau region of Kangaroo Island.

It was a good scheme and the concept was good. In many cases, certainly not all, the selectees were capable, hard working people, and dedicated to the practice of primary production. However, in a whole host of areas right from day one, throughout the development of that scheme, and even after the War Service Land Settlement Scheme wound up and the administration of the area came directly under the canopy of the South Australian Lands Department, enormously expensive mistakes were made by those responsible for the scheme. I do not want to reflect on any person now, because it is history, and it is history that reminds me that when public servants are involved in primary production we ought to be very cautious about the authority that is vested in them. I notice that the composition of the council and the general framework of administration proposed in this instance is heavily loaded with public sector appointments, if not directly with public sector employees.

It worries me that primary producers who know their business in the paddock and in the broad acre areas of this State must be subjected to further book work and further planning, for God's sake, when we in this State are already suffocating with planners. At every level one could poke a stick at there is a planner or some professional requirement by way of reproach about whatever needs to be done in the developmental sense. The public at large has had a bellyful of that sort of bureaucratic oversight and I know damned well that, in the rural sector, people just cannot tolerate any more of it. When those people out in the big paddock need advice, whether it be about equipment, plant, technical, chemical or any other sophisticated advice that is not readily accessible to them in their own region, that advice ought to be available in the State centres, as is already available in public departments.

If the advice is thrust upon them and they are expected to wear yet another burden of oversight in situations where they have lived and operated almost entirely successfully across the State without it, I share the concerns that primary producers at large have expressed. As for those of the United Farmers and Stockowners who purport to represent these people (if one can accept the report in the *Stockowners Journal* the other day), if they really want to re-establish their credibility in this State they will think twice about their position on this Government proposal. I recognise that it is not appropriate to be repetitive in this place and that it is not appropriate to get too deeply involved in discussion on personalities. I had a bit of a crack at the UF&S during a previous debate in this place earlier this week and I do not propose to extend on that, although I have noted in the meantime that a number of my colleagues have cited Mr Denys Slee and others of that august organisation as needing to have another think about their position. I subscribe to that view as it has been expressed.

I want to put on the record my appreciation of the efforts and consideration of the member for Eyre, not just in relation to this Bill, but generally in his application to the job of studying and contributing when legislation associated with the rural sector comes before this House. More especially do I want to recognise his efforts in recent times during debate on the Pastoral Land Management and Conservation Bill. Superimposed on all of those was his marathon effort this afternoon when addressing the subject of the Soil Conservation and Land Care Bill as the lead speaker on behalf of the Opposition. Graham Gunn lives out there: he is part of this wide expanse of pastoral region within South Australia and he understands the difficulties that those people who reside in that country have to experience. He understands the frustration involved in having too much interference from the bureaucracy of this State. He has been only too close to it since becoming a member of this place about 20 years ago and it not only legitimises his stand on the subject but it demonstrates that, given his experience, he is capable of putting forward a case on behalf of those pastoralists that few in this place are capable of doing.

I join him with the efforts that he has extended and with those of our rural spokesman, the member for Victoria, in expressing our concern about the Government's move. I join all of those members who have spoken on the Bill and have indicated their support for the proposal to have this Bill referred to a select committee. I know of no Bill that has come before this House with as many thorns and as many unanswered and unexplained areas of content. I know of no Bill that is worded in such a way as to indicate its substantial interference in the way of life of a section of our community without being referred to a select commit-

tee. It is appropriate in these circumstances that this Bill takes that course.

Mr MEIER (Goyder): The Government has suggested that this is a very important Bill. Whilst there are many things with which I disagree, I acknowledge that it is a very important Bill. To date we have had seven speakers from the Opposition but not one from the Government other than the Minister in introducing the Bill. So, obviously the Government does not think it is important. If it does, it has a very strange way of showing it, with none of its members prepared to comment. Perhaps it shows the truth, that Government members realise an election is imminent and they want to get their particular program, if they have one, into place. The Government is determined to pass this Bill before the election, so members opposite have been told not to speak to it because they would only delay its possible passage through the House. If that is the case, it is very disappointing for the whole of the rural area of South Australia.

We have certainly heard a wide variety of topics mentioned by members of the Opposition. I, too, compliment the member for Eyre for his overview of the total situation and with his reference to specifics. The member for Victoria certainly detailed additional problems, both within the Bill and generally; and the member for Murray-Mallee looked at some of the scientific aspects. So, speaker after speaker has added to the debate. I do not intend to delay the House unnecessarily, so I will not repeat things mentioned by other speakers.

I draw the attention of members to the contributions of members of the Opposition, and I certainly hope that some members of the Government will have enough courage to at least express an opinion. There is no question that soil conservation is very important and it is very much needed in this State. That has been mentioned by all speakers. The community is well aware of the importance of soil conservation and land care. I fully endorse all efforts to help improve soil conservation and land care in this State. It is absolutely essential, not only in this State but throughout the country and the world. In his second reading explanation, the Minister states:

> The Bill seeks to strengthen community involvement in soil conservation and land care and to introduce a forward planning concept based on the need for land to be used within its capability.

Those words sound very good, but we find problems when we look further into the Bill. However, before detailing some of my concerns, I want to make it quite clear that I believe that the Government has put the cart before the horse. This was mentioned in the earlier debate on the pastoral Bill, when the Opposition made it very clear that the Soil Conservation and Land Care Bill should have been brought before this House in the first instance. We should have seen what was in the Bill, been able to discuss it fully and have it ratified if we felt that that was appropriate. Then the pastoral Bill should have been introduced. However, in its obstinacy, the Government has refused to listen to what we have had to say.

Members will be aware that only last night the amendments of another place in respect of the pastoral Bill came before this House. I was hopeful, with its being referred to a select committee, that the Government would allow us, at the eleventh hour, to discuss the Soil Conservation and Land Care Bill first of all. It could have redeemed itself somewhat, but it did not. It is interesting to note in the second reading explanation how the Government has gone out of its way to try to argue how the pastoral Bill will not interfere with this Bill, and that the property plans in that Bill will not be duplicated in the property plans of this Bill. However, I think it has overdone the wording. Part of that second reading explanation states:

> The Bill now before you allows for the Pastoral Board to provide advice and for that advice to be considered in the preparation and approval of either a district plan or a property plan. Similarly, the Pastoral Board or a pastoral lessee is required to consult with the relevant soil conservation authority in the preparation of a property plan.

So, we see in that statement that there will definitely be an area of potential conflict, and it will occur on more than one occasion. We will find that we are not sure who really is responsible for the particular land care area. There will have to be consultation and we will have duplication of resources at a time when I thought the Government would have been trying to save money rather than spending extra money on bureaucracy.

This Bill supports my argument fully that it should have come before us before the pastoral Bill so that we could have at least worked out for the Government an appropriate mechanism to overcome the duplication. It is very disappointing indeed. The Minister also indicates that this Bill has had many years of prior discussion; in fact, he states:

> It is on the basis of six years of consultation that the Bill was developed.

That may well be the case. Undoubtedly, discussion occurred during that period. We are also aware that the Green Paper was introduced in February this year. Initially, we had a month to report, but that was extended to 28 April. We had two months in which to voice our concerns about the Green Paper. A few people approached me and I told them to forward their comments to the appropriate person, the Director-General of Agriculture. Quite a few things in that Green Paper caused concern to people in my area. It worries me that we now have a Bill before us—not a draft Bill but the actual Bill—that certainly has taken some factors into consideration, but there are still many areas of concern.

It is very surprising that the Government has chosen this method to spring legislation on us. The Government actually put out a draft pastoral Bill. Maybe that was a cover-up because it had not got around to releasing the Green Paper. I do not know. However, one would think that, given the huge outcry over the draft pastoral Bill, the Government would have recognised that, even though many of the recommendations in the Green Paper that were unpalatable might have been modified or even corrected, there would be every justification to put out a draft Bill so that the Government got it right in the first place. In this place we saw the Minister bending over backwards trying to justify aspects of the pastoral Bill. We then saw the Bill go to another place and to a select committee; it came back here and, only last night, the Minister was espousing the highlights of the amendments that originally she had opposed outright.

From that point of view, the Minister was making some hypocritical statements about issues to which she had previously been diametrically opposed. And many other aspects should be amended, because they will cause undue harm in the pastoral area. Nevertheless, the Government does not seem to learn from its errors. We are seeing exactly the same thing in this case as we saw in relation to the pastoral Bill. We have foreshadowed a motion for the Bill to be referred to a select committee: that will be a debate in itself.

I was interested to read the Minister's second reading explanation, in which he stated:

> Education rather than regulation has been identified as the most effective approach in having land-holders recognise their responsibility for the care of the land.

I applaud that statement. The Minister is quite right; education is the method that should be followed. In fact, only

this very week on the Yorke Peninsula, in the electorate of Goyder, we set up two tree propagating and land care groups. I hope that by the beginning of next week a third group will be set up on the peninsula. These groups were formed as a result of a public meeting attended by about 100 people. That shows the degree of interest within the rural population in that region for tree propagating and land care; it also shows that the farming population—the majority of people at the meeting were farmers—is concerned about the land.

It was interesting to me, as one of the people who organised that meeting, to learn from the farmers whom I contacted by phone, of the number of trees that have been planted. Areas that were affected by salt have been changed radically and dramatically because of the number of trees that the farmers have planted—and they are still planting. One farmer I invited to the meeting indicated, even before that meeting, that he wanted to order kits that would enable him to propagate 4 000 trees. That farmer has four members in his family. I cautioned him and asked him whether he knew just how much work that would entail, but he said he had already planted hundreds of trees and he is determined to continue to plant.

It is through public meetings like the one held earlier this week that people can be educated. However, I believe that the majority of rural dwellers are already well educated in this area. In fact, they could teach the Government. But should the Minister leave it at education? No. The critical statement of the Minister in his second explanation was as follows:

> Despite this finding, it is recognised that ultimately the Government, on behalf of the wider community, has a role to ensure the land is managed within its capability.

That is the knife being held over the rural population. The Government is saying that education can achieve the objectives but, if nothing is done, the knife will be used. We have heard from many other members about how this knife will be used. It is tragic that the Government is not prepared to allow the education process to take place over two or three years. Rather, it is intent on throwing property plans at the rural population; it is intent on imposing massive fines if the rural population does not do the right thing.

The Government also makes statements about involving the whole community. I have nothing against involving the whole community, but let us see what the Minister had to say in his second reading explanation. He stated:

> The concept of district plans has been introduced to allow the whole community to examine and have an input into the establishment of district management standards.

Therefore, the issue is not only that the community should help with soil conservation and land management but that it is able to examine the process as well. I advocate extreme caution, because we have seen the horrendous problems that have occurred with respect to the current regulations relating to property development and general development where the third party appeal has caused many projects to simply whither away and dry up. I hope that the same thing will not creep in in the rural sector, because that is something that those in the rural sector do not want.

Most importantly, the farmers are in charge of their land. They need to be encouraged and to have incentives. I do not see any encouragement or incentives in this Bill. This reminds me of the story of a person in a business who was approached by his manager, who said 'Joe Blow, one of our employees, is not doing the right thing. I want you to tell him that, if he does not lift his game, he will be fired.' So, the second-in-charge was given the task of telling Joe Blow. A couple of weeks later the manager spoke to the second-in-charge and said, 'I do not know what you said to Joe Blow, but he has lifted his game out of all proportion. He is really showing what he is capable of doing.' The second-in-charge replied, 'I did not reprimand him; I told him he was doing a very good job, that management was very pleased with what he was doing and that, if he kept it up, things looked bright for him.' The Government should learn that it is holding a stick over rural producers when it should be taking the stick away and giving encouragement and incentives.

Certainly, the education program should go ahead, but the Government is saying, 'Yes, we believe in education, but we do not believe it will work, so we will force the rural producers and rural dwellers to have management plans to see that they do the right thing. We will be big brother, overseeing it by hook or by crook.' Other points have been made by respective speakers and I endorse those points. I am disappointed that the Minister did not see fit to bring in a draft Bill in the first instance and to at least clear up many of the anomalies that exist.

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

Returned from the Legislative Council with the following amendments:

No. 1. Page 1, lines 32 and 33 (clause 3)—Leave out 'and its precursor (section 302 of Criminal Law Consolidation Act 1936)'.

No. 2. Page 2, line 3 (clause 3)—After 'section 302' insert 'of the Criminal Law Consolidation Act 1936'.

No. 3. Page 2, lines 6 to 26 (clause 3)—Leave out subsections (3), (4), (5), (6) and (7) and substitute:

> '(3) This section, as amended by the Criminal Law (Sentencing) Act Amendment Act 1989, applies only in relation to offences committed after the commencement of that amending Act.'

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

That the Legislative Council's amendments be disagreed to.

The arguments have been canvassed extensively in both Houses—by the Minister of Education and the member for Mitcham here and in the other place by the Attorney-General and the Hon. Trevor Griffin. It is pointless to go through all the arguments again. Suffice to say that the Government is firmly committed, and I hope that the Committee will be firmly committed, to the very clear principle that the decisions of the High Court we accept. The correction to the legislation that we request is justified. We do not accept the argument that retrospective legislation in this case is inappropriate. We feel that it is totally appropriate.

One can cite numerous examples where retrospective legislation has been passed through this Parliament, and quite properly so. I can recall querying retrospective legislation about 14 years ago. The very erudite and wise legislative councillor, the Hon. Ren DeGaris, pointed out why retrospective legislation was at times necessary and perfectly proper. As a young member of Parliament I looked to this wise old man and paid heed to what he had to say. I was persuaded that on occasions retrospective legislation was perfectly justified. I am surprised that the other place has suddenly come to the conclusion that retrospective legislation is no longer appropriate when for all those years I sat there listening to these wise gentlemen telling me how necessary it was on occasion. There we are—times change!

Nevertheless, the Bill as introduced in this place embodied an important principle—that the wishes of this Parliament be paramount. It is something we have to uphold, something that is very necessary and for those reasons I urge the Committee to agree to the motion.

Mr S.J. BAKER: I promised the Minister that I would speak for only 30 seconds, but he broke his undertaking as

he said that he would not debate the issue. I will be very brief. It has been rather interesting that the Attorney-General has involved himself in histrionics in this case and talked about dire consequences when indeed there was no social conscience or regard for the people of South Australia when all the criminals were let out of the gaols in 1983 because of legislative amendments. This measure has flowed from mistakes made then.

The second point is of whether prisoners will get a shorter sentence. That is yet to be tested in the courts. Thirdly, the Minister suggested that the High Court had made a decision. It made a decision on clause 12, which remains in the legislation. Indeed, we have gone against the will of the High Court but the Minister does not mention that. Even the amendments, which have been cobbled together in a great hurry to avoid the problem that the Government has set upon itself, contain unclear principles of sentencing. The two cases mentioned in the Bill as being the principles on which sentencing will take place do not embody clear principles of sentencing. It could well be that this measure will be treated in the same way as the previous one. The Minister has mentioned retrospectivity and we previously expressed our dislike and abhorrence of retrospectivity. While we understand that the Government will be holding firm on this matter, it will not be determined in this place.

Motion carried.

The following reason for disagreement was adopted:

Because the amendments do not provide for the proper administration of criminal justice in South Australia.

SOIL CONSERVATION AND LAND CARE BILL

Adjourned debate on second reading (resumed on motion).

(Continued from page 568.)

The Hon. LYNN ARNOLD (Minister of Agriculture): I thank all members for their contribution in the debate so far. In saying that I do not necessarily accept all propositions put by members. I look forward to a vigorous debate in Committee. At the outset, without going into debate, I point out that the broad proposition raised by a number of members opposite in respect to the select committee is one that I will not be supporting. Points have been made by a number of members concerning the nature and history of land management in South Australia, particularly the role of farmers. I certainly would not want to disagree with the basic points made by most members about the important role that farmers have played in South Australia and the fact that their care and management of the land has been a very important and positive aspect which should not be taken out of context as something that is overwhelmingly negative. It has not been.

I will refer later to the figure of $80 million a year in relation to land degradation that was queried by a number of members. That stands against a background that overwhelmingly most farmers in South Australia have followed land management practices and have cared for the resource. They have done so consciously and, where in some cases their practices might not have been in the best interests of land management, on occasion that has not been through any malintent but rather through ignorance about the consequences of certain land management practices. Indeed the points made by a number of members, including the member for Murray-Mallee, in terms of the context of South Australia and rural agriculture were very pointed indeed.

The fact we live in the driest State in the driest continent in the world but have been able to convert this State to 'a veritable larder' was mentioned by the honourable member. We have been able to do so through the sensitive application of farming practices to the landscape in which the farmers have operated. They have adopted techniques that have not seen the devastation of land seen in other parts of the world. From personal experience I have been aware of significant land degradation problems in other countries in which I have lived, in particular in South Africa where serious land degradation problems resulted through overstocking in many parts of the countryside.

New Zealand also suffers from serious land degradation, particularly on the east coast where again bad farm management practices have resulted in very serious degradation. However, it must also be noted that aspects of nature have also contributed to land degradation in parts of the east coast of New Zealand. That picks up a point made by the member for Davenport, who identified that nature itself can also be a cause of land degradation; we do not have to treat it entirely as a human impacted consequence.

I respect the role of farmers in South Australia, and I believe that the legislation before the House respects that role because, in its first premise, it works upon a cooperative arrangement with the farming community, and only in the ultimate consequence does it stress anything pertaining to the sanctionary powers to address problems of land degradation that may be fomented by farmers who, in the very small minority that they are, are not following practices that are in the best interests of the rural environment.

In relation to the question about where the $80 million comes from, I will quote from the submission from the South Australian Government to the House of Representatives Standing Committee on Environment, Recreation and the Arts on the subject of land degradation. Under the section 'Land degradation in South Australia', the report states:

> The types of land degradation that can be classified according to their physical causes (water, wind), and changes to the land (salinity, acidification, structural decline).
>
> There are approximately 12.5 million hectares of arable farming land and 48 million hectares of pastoral land in South Australia. The annual estimated losses from degradation is estimated in a draft study by CSIRO/NSCP. It indicates that the losses in potential production through degradation from the following causes during each year are: water $0.82 million, wind $1.17 million, salinity $4.86 million, acidity $9.4 million, water repellance $1.74 million and decline in soil structure $60.9 million.
>
> These figures are cumulative over time but the scale of the whole problem is not clear and is the subject of a proposal in section 4.2.1. In addition to land degradation in the strict sense there are a number of issues associated with, or resulting from, or exacerbating land degradation which are also discussed in this paper.

The report then canvasses in more detail each one of those aspects to which I have just attributed a monetary amount, so that is the basis of the information upon which we have operated and quoted in the press release that I issued a couple of weeks ago.

While I accept a number of the points raised by members opposite, I must say that I take strong exception to a number of other points. The implication was made by a number of members that the Government is involved, first, in a cynical exercise; and, secondly, in an exercise that is targeted against the farming community. I refute both implications. I want to deal with those implications now, but I will also deal with them during the Committee stage. I noted, for example, that the member for Eyre made a number of statements to which I take exception. He said that a number of clauses have no respect for the rights of individuals. I believe that the very spirit of this legislation does respect the rights of individuals. Its first premise, as I stated a few moments ago, is upon the farming community being integral and

active participants in land management and giving them the opportunity to be a part of that.

I believe that the question relating to the rights of appeal will be dealt with in the Committee stage and I will return to that aspect at that time. However, I am very concerned to hear the member for Eyre say, 'If the South Australian community felt that they were able to put the Opposition into Government,' which will not happen, 'it would have no alternative but to suspend the operations of the Act and to rewrite it.' I believe that that is a very serious proposition to put to the community, because the degradation of the land will not stop while the rewriting of this legislation takes place. I have quoted the monetary figures relating to land degradation, and I believe that any delays would result in justifiable criticism of the legislature.

Mr D.S. Baker: What a joke!

The Hon. LYNN ARNOLD: The member for Victoria says, 'What a joke,' but I believe that the Opposition's attempts to try to delay this activity are the real joke at hand. The member for Eyre raised another question about how many practising farmers discussed this matter. The implication was that we have somehow tried to exclude practising farmers from discussing this legislation.

Members have already acknowledged that the green paper was issued and, in an attempt to devalue any response I might make here, they said, 'Of course, this doesn't mean anything, because it doesn't go to any practising farmers.' I reject that statement. In fact, 1 200 copies of the green paper were circulated to the community, including local government, soil conservation boards already in existence and many other areas. Public meetings were also held over recent months. Indeed, the member for Eyre acknowledged that by virtue of his reference to the meeting at Melrose, but he did not mention the fact that other meetings have also taken place—two on Eyre Peninsula and at least one in the South-East.

Those meetings canvassed the broad issues of land degradation and soil conservation, but apparently those meetings did not involve any practising farmers. I reject that imputation—practising farmers were involved in those meetings. It is true that the Melrose meeting was a somewhat electric meeting. It is also true that the other meetings were not so electric and the attitude of people at those meetings was much more positive towards the issues at hand. I have acknowledged the problem with the Melrose meeting. However, I believe it would be acknowledged by others that the other meetings were much more constructive in relation to these propositions.

Over a number of months we have consulted actively with the UF&S. Indeed, what the House now sees before it in the Bill is different from the original proposal—and it is significantly different—because of a number of contributions from the UF&S. I take this opportunity to thank the UF&S for its constructive approach to this legislation. It presented very constructive comments to which we have listened. I believe that we have gone a significant way towards picking up a number of the points made by that organisation.

The member for Eyre said, 'Undoubtedly, you will want to quote from letters from the UF&S' and, undoubtedly, he is quite right: I want to quote from those letters. He was somewhat more coy about this matter but it is important that the House know where the peak organisation of South Australian farmers stands on this matter. A letter, addressed to me and dated 23 August (today's date), from the Secretary of the Natural Resources Division of the UF&S states:

> Members of my Natural Resources Division have again considered the Soil Conservation and Land Care Act. I am directed to inform you that—
>
> *(a)* The general thrust and content of the Bill has the support of the UFS.
>
> *(b)* We will be pleased to examine any amendments.
>
> *(c)* The UFS reserves the right, as it does with all legislation to seek further changes, either during the parliamentary process, or after it, if these are considered to be in the interests of its membership and if so directed by its membership.

The letter also states that those same views were communicated to the member for Eyre. We have letters also from the Conservation Foundation and the Nature Conservation Society. At an appropriate time I can read those letters into *Hansard* if members so desire. The point I make is that the UF&S is very strong in its support of this legislation. It appreciates the urgency of the matter. This organisation, which can legitimately claim to be the peak body representing farmers in South Australia, has put this view to the Government. We are now invited by the Opposition not to take this issue as seriously as the peak organisation of farmers in the State has requested us to take it.

Among many of the other important points that were made during the second reading debate, there were some that I would have to say were trivial in the extreme. I really was concerned to hear statements such as 'What the public hasn't been told.' The honourable member who said that went on to talk about a cosy agreement between the National Farmers Federation and the Australian Conservation Foundation. This is the sort of rhetoric that one might have expected of Joe McCarthy in the 1950s, in a different kind of political context.

The honourable member then went on to say that the farming community runs a really bad second. I suggest that that is a totally inadequate analysis of this legislation. Just because two organisations at the national level may be talking to each other should be no excuse for this Parliament to want to shy away from the important issues of land management and prevention of land degradation. We are not helped in such a debate by references to provisions in the Bill being something like those found in Eastern Europe. That is hyperbole in the extreme, and I do not believe that relevant intelligent debate goes very much further if it focuses on that type of approach.

A number of other points have been made about the Local Government Association, and also its comments in relation to a select committee. We will deal with that in the debate about whether or not there ought to be a select committee. Questions were also raised about how widely the community will be involved and how it will derogate from day-to-day farming operations. Again, an important part of this legislation is the pivotal role that it gives to the farming community in the management of its resource, so that that resource then becomes protected for the wider community benefit. But that is not to say that other members of the community do not also legitimately have a role to play.

That is recognised by the UF&S. It queried what it believed was the under-representation of farming representatives on the Conservation Council, proposed in the legislation. But it did not propose that the membership of that council should be made up entirely of farming community representatives. The UF&S accepted that there should be other community viewpoints on there as well. What we have done, as a result of the points that it has made to us, is expand the farming representation on that council, while preserving the wider community input as well.

Various references—and snide references, I might say—were made to the question of gender balance. I do not

intend to debate that point too much further. The member for Victoria yet again sniggers at that particular issue. I do not see what is wrong with expecting that there should be, as far as possible, a gender balance, while still recognising the need for the capacities of all individual members. Clearly, that is the important issue, but no-one would suggest that it can be achieved by the appointment of only members of one gender to committees. The facts are that mind-set difficulties often exist, where people will have a mind-set and where they simply will not entertain the fact that a person of another gender may be able to contribute anything to a particular issue at hand.

Mr Gunn interjecting:

The Hon. LYNN ARNOLD: The member for Eyre says that that does not apply in this situation. The only thing I would counter to that is that, from my observation of the membership of soil conservation boards of the past, it does seem that they have been rather gender imbalanced. My guess is that research may identify that there might have been a woman on one of them at some time, but I cannot immediately draw to mind that point in history.

Another point made was that it will be important to have practical and successful farmers on the committees, not those who enjoy committees or public life. I do not want to disagree with that: we want practitioners on these sorts of bodies; we want these to be successful working bodies. In the final analysis, we do not want to be overwhelming local communities in terms of whom they wish to nominate to these committees, but obviously we want those people who will be the most positive contributors to the work of the boards and the council.

The provisions in clause 36 will obviously be debated at some length in Committee. I note that the member for Eyre said that clause 36 is like the ferret getting in at the chickens: again, I just regard that as being somewhat extreme language and I want to assure the member for Eyre that his somewhat biased approach to that matter will not be sustained by further analysis.

The member for Victoria said that, if land degradation took place and if there were bad management and bad farming practices, the people involved should not be farming. By making that very statement, to my mind he was in fact acknowledging that there is a minority—and a very small minority—of the farming community who do not have their act together with respect to farm management and farming practices. That point is accepted. There is a small minority of people who fall into that category, whose practices do lead to land degradation in various circumstances. What is it that the community is supposed to do? Is the community supposed to say that there is some inalienable right that those people should carry on and then degrade the environment in which they live, or should there be some mechanism for addressing that issue? The Government believes that this legislation is a means of addressing that issue.

The member for Flinders raised the point about what happens to a farm plan if a farmer wishes to change farming practices. We believe that that is well and truly taken into account by the legislation, that farm management practices can indeed be changed to take account of changing practices or changing objectives by a farmer.

The member for Murray-Mallee raised a number of very interesting points, and indeed broadened out the debate to look at the questions of definition—which I found personally very interesting. Indeed, he also took into account a wider ambit of hydrological concerns, which I believe are important issues within the purview not only of this legislation but also indeed of general environmental management practices—which I think the community will have to get right.

The member for Davenport made the point that I mentioned before, namely, that it was not always the fault of individuals, that sometimes nature plays a part. I have acknowledged that point already. The members for Coles and Alexandra both made reference to the liability of the Crown. Certainly, the Act is binding on the Crown with respect to Crown lands, but with respect to the question raised by the member for Alexandra, namely, whether officers of the Crown bear culpability for advice that they may give which may actually lead to land degradation rather than prevent it, all I can say there is that the advice I have is that the situation as determined in the legal process in the Johnson case really continues to apply. The precedent of that case still has coverage in this area so that, indeed, yes, there would be culpability by agents of the Crown where advice has been deemed by a court to have contributed to the degradation rather than to have prevented it.

As I have said, we will address the matter of the select committee in a few moments. A small number of specific matters were raised under various clauses, and I will further deal with those in a moment. Briefly, in relation to the question of voluntary property plans, of course, they are not compulsory plans. If a person develops a property plan they are encouraged—but do not necessarily have to—to seek the endorsement of a plan by the board. Where people are seeking a soil conservation loan, or if the review of a taxation provision by the Commonwealth follows the proposals of an ACF/NFF submission titled 'A national management program', an approved property plan is required, as the financial decisions are based upon such a plan.

The mechanism of approving a plan, therefore, has to be put in place. Standards have to be set by the Soil Conservation Board against such a plan as assessed for approval. The board also needs the power to revoke or alter the approval if the plans do not suit, if the plan does not suit changing land uses on a property, or if over the passage of time it is recognised that the plan has become deficient.

As to the power of the Soil Conservator: the Conservator has the power to override a board where it is considered that the board has not acted. This may occur in rare circumstances where the board, in the opinion of the Conservator, is reluctant to take the necessary action. This section is subject to appeal by the landowner and so the Conservator would have to be very clear of his or her grounds. It also provides a mechanism for taking action where a board, being a community group, is having difficulty in coping with the thought of taking action and would like to defer to the Conservator. Clause 39 (1) *(b)* was added as an emergency procedure because, as occurred in one area of South Australia—and this was after a normal season earlier this year—roads were being drifted in and no action was being taken by the landowner. Each day's delay meant that tonnes of sand was drifting onto the roadway. Quick and inexpensive action by the relevant land-holder was needed. A rapid procedure to force the land-holder to do this was required in that instance.

Mr D.S. Baker: Was it effective?

The Hon. LYNN ARNOLD: My advice is that it was. Regarding the enforcement of Soil Conservation orders, this is a procedure of the previous Soil Conservation Act and is common practice in all actions of Government. It is important that, in applying an order, all mortgagees be notified. On the issue of registration of approved property plans, this section was added to allow people to register a property plan on a title. They may be induced to do this because they want the new owners to be aware of the plan and to

be encouraged to retain it or implement it. The new owners can request its removal. Where a property plan is no longer approved by a board because the land use has changed, it is appropriate that it also be removed or modified.

Regarding appeal proceedings, the appeal will concentrate on the placing of a soil conservation order on a property. Where it involves a property plan, the order will require an assessment of the physical resources of the property, soil type, slope, water distribution, geology, vegetation and climate, the development of a management plan, the best arrangement of the property, such as fence lines, access, water distribution, shelter belts, etc., and the management options available for each assessed land class. In this respect, I believe that the land mapping exercise for the extension of which resources are being made available represents an exciting advance in agricultural management in this State.

Regarding power of entry, this power is provided in the current Soil Conservation Act and is useful where a catchment is being surveyed. The land occupier on production of an authorisation card can be assured that the person conducting it is legitimately authorised to do so. The ability to inspect a property without first notifying the owner has rarely occurred. There are occasions such as a bad sand drift when an immediate inspection is needed, but this is the exception rather than the rule.

They are just some of the responses to concerns that have been raised in this matter. However, it is important that this House maintain the focus on the importance of the issue. The issue at hand is not a subtle or cynical attempt by the Government to take control of sections of the community, but rather an attempt to manage in the best possible way a vitally important resource which we all acknowledge contributes economically and socially to South Australia. This Bill should therefore be treated on its positive merits. The Government has been listening carefully to the various concerns and criticisms that have been raised, and we can deal with them during the Committee stage. However, it is in respect of those positive merits that the UF&S has indicated its support for the legislation and we appreciate that support.

The Hon. B.C. Eastick: To whom did you talk from the UF&S?

The Hon. LYNN ARNOLD: I met with the executive of the UF&S. I have also quoted a letter from Denys Slee (Secretary of the Natural Resources Division). I have also met executive officers of the UF&S with whom I have been in communication on this matter for some months since I became Minister of Agriculture. There has also been discussion between departmental officers and representatives of the UF&S at various functions where my officers and I have been present, and there the UF&S representatives have communicated their views.

I hope that members will treat this legislation in the positive way that it requires. Just because we are in a climate leading to an election scenario does not mean that this State would be served well by treating the Bill cynically. We need to treat it as the important Bill that it is. Any delaying tactics will cost literally millions of dollars in soil degradation to this State. For those reasons, the honourable member's proposal for referral to a select committee will not be supported, but we will debate that matter further at the appropriate time.

Bill read a second time.

Mr GUNN (Eyre): I move:

That the Bill be referred to a select committee.

We have listened with great interest to the Minister's response to the second reading debate and it is clear from his response that he recognises that the Opposition has raised some important issues. Indeed, a number of issues are to be contested strongly in Committee and, if the Government intends to see legislation placed on the statute book that will serve the State well without needing further amendment, it should seriously consider the Opposition's motion to have the Bill referred to a select committee.

My motion will not stop the setting up of soil conservation boards across the State. Indeed, that is already taking place, and anyone with a knowledge of this matter knows that. It is all very well for this Minister to give assurances, but such assurances will not mean anything once Parliament passes the Bill and it becomes law. Indeed, we do not know what may be introduced by way of regulations and inflicted on the community.

The Minister will recognise that we have raised a number of legitimate issues about which there is real concern. Parliament should be cautious about handing over responsibilities or clothing any groups with draconian powers. In this regard, we on this side have previously cited many examples of difficulties that have been created. I do not want to delay unduly the passage of the Bill, but I have a reasonably practicable understanding of this subject, as have certain other members on this side who have been involved in it all their lives, and we take this matter seriously.

Therefore, the attempt by the Minister to pass it off by saying that the Opposition is unduly delaying the Bill does not stand proper analysis, because the proposals about which the Minister is concerned (for example, the creation of boards) are already being put into effect. Further, the provisions of the existing Act are already in place and we are not trying to toss them out with the bath water. Therefore, there is no logic in the Minister's stand, except that he and the Government obviously want to be able to say to a gullible public, 'Look what we have done to protect South Australia.'

That is all very well and good, but in pandering to the desirable whims that many people have about protecting the land of South Australia, it must also be recognised that the industry using that land is the most significant industry in the State—the agricultural sector which built South Australia and will continue to keep it sound. So, if one wants to proceed or take action that will cause concern and unduly interfere in the name of soil conservation, then proceed, but this Opposition would be failing in its responsibilities and I, as spokesman in this Parliament for the Opposition, would be failing if I did not go through the Bill in detail and point out the areas with which we are concerned and believe should be improved. Indeed, I should be failing in my duty and would not be fit to be a member of this Parliament.

The Minister may criticise Opposition members on their attempt to have the Bill referred to a select committee. I made certain comments in relation to the Bill in my second reading speech because I thought those comments were appropriate. I chose my words cautiously. I could have said other things because I had additional evidence why this Bill should go to a select committee. I shall quote just one example, and in doing so I am being pushed to say this. One of my constituents, who had a great involvement in drawing up the legislation, said to me, 'We used to get on very well. We got some sensible conclusions put together and then the public servants went back to Adelaide and rewrote the thing and put the control back with the public servants.'

I shall not name the person concerned, but I shall tell the Minister if he wishes me to do so. It is for these reasons that members on this side are concerned. I was at the recent

meeting in Melrose where these concerns were expressed. We do not want the Country Fire Services revisited: we do not want that exercise because commonsense dictates that reasoned debate should take place and that our concerns should be put to rest once and for all.

Last night I spoke at length to the Chairman of the UF&S committee which is involved in this and I went through every amendment and every concern that I had and he wished me well in my endeavours. We have been in contact and I would say that he will win the day when the vote is taken. Surely the Minister would want to see put on the statute books a piece of legislation which will be supported because, no matter what laws are passed in this Parliament, if they do not have the support of the country people in the farming community, one may as well forget them, because it would be just a nonsense. In America they passed a law to say the birds could not fly over the airport. We know what sort of nonsense that is.

Parliament can pass whatever law it likes but, at the end of the day, commonsense must prevail; it has to be workable. Those of us involved in the industry know how people will ignore laws if they are provoked or if they do not feel happy and free about a course of action. I therefore commend the proposition that a select committee be established, because it is common sense. During my time of over 19 years in this Parliament, a Bill has never been referred to a select committee that has not been improved, or has not resulted in a course of action which was not in the long-term interests and to the benefit of the people of this State.

That is my concern; nothing else. My concern is the welfare of the people of this State who are involved in agriculture. Let commonsense prevail. That is my desire and the desire of this Opposition, as a responsible group: the alternative Government of this State. Our concern is the welfare of all South Australians. That is why the matter should be referred to a select committee, but the responsibility will rest with this Minister and the Government. Surely when people look back at this Minister in future, he will want them to say that he did the right thing and put a piece of legislation on the statute book that will stand the test of time.

Mr LEWIS (Murray-Mallee): My amendments are being prepared. I believe the proposition to be so important, notwithstanding time constraints and my own position, that it requires a further statement in its support. The member for Eyre is correct when he says that, when legislation of this kind has gone to a select committee, it has come back better for the experience. In this case, the rural community clearly does not understand some of the clauses included in the Bill. From discussions I have had throughout the electorate of Murray-Mallee, ranging from Loxton to Keith, with people involved in the process of reviewing the Green Paper and so on, it is clear that they have not understood that certain of the provisions would be included in the legislation. They wish to rethink their attitude and would appreciate the opportunity to give the Government the benefit of their opinion; indeed, to give the Parliament the benefit of their opinion on these provisions.

As I mentioned earlier in the second reading debate, certain parts of the Bill, such as the kind of representation to be included on the council, are out of kilter—out of balance—in that there are people who will be seriously affected by the legislation but do not understand it. Some of these provisions are not in the Green Paper. If we do not refer this matter to a select committee, we will clearly be flying by the seat of our pants. Whilst I recognise the political constraints placed on the Government with respect to the prospect of an early election and the necessity (in my opinion) to get this legislation through Parliament, the previous Ministers of Agriculture—not this Minister, but the previous Ministers in this Government—ought to have got their act together. If they wanted this sort of legislation they ought not to have left it until the eleventh hour before an election to ram it through Parliament. This is no way to behave in a democracy. It is landmark legislation of a kind that we have never had before.

I do not believe that it is legitimate to simply tell people what they will cop without their first having had the chance to consider its implications and to give of the collective wisdom to the Parliament from the community the benefits that accrue from the consultative process that is involved in a select committee. It need take only six to eight weeks, if that, to engage in the process. It worries me that there is some hidden agenda behind the Government's attitude.

I do not know that the Minister is altogether comfortable with what he is compelled to do, and I do not know either whether elements in another place have compelled that decision to be taken in haste at this time. Because it is in haste, it is not productive; it will cause division and acrimony; and it will result in the same kind of distress that was caused to large numbers of families throughout South Australia by the introduction of the native vegetation clearance control regulations in the first instance and then the mechanism contained in the legislation which followed those regulations when they were declared *ultra vires*. The select committee of the other place which finally examined that measure discovered the extent of that distress. I can see as much distress emerging for a good many families under this legislation as has been caused by that other legislation, and I just cannot understand why the Government has decided to take this pre-emptive and rash attitude of urgency.

If it does nothing else, it provides people with the opportunity to feel that they have had the consequences for them considered by a committee of the Parliament. I refer not only to land-holders in that respect but to those many thousands of people who are nonetheless sincerely interested in and committed to ensuring that the land we use to produce the goods we get from it is still there not just in 10 years or 100 years but for generations, for centuries, indeed, for a millenium, so long as the climate, as it may change from time to time, permits that land to be so used in a fashion that is appropriate to the climatic circumstances prevailing at the time.

Hundreds of thousands of people in this State have that concern; they want to see that the land survives in the form in which a vast majority of farmers want to see it survive, and I am sure that they, too, would like the opportunity to hear the way in which this legislation will achieve those goals and to comment in the process of consultation that a select committee implies, on the mechanism it contains. It is a great pity that, if the Government crunches its numbers, none of those people to whom I have referred, whether they be rural or urban, farmers, workers or self-employed, whatever their vocation, whatever their position in society and whatever their commitment as responsible citizens, will be granted the opportunity to do that.

In the final analysis, this institution—the Parliament—will again stand some degradation in the minds of the public as a consequence of the undue haste with which the legislation so prepared and presented to the Parliament has been pushed through. That is the final point I want to make. We do ourselves no service whatever as the elected representatives of the people when, in circumstances like this, we not only ignore their wish to be involved but deny them the opportunity to be involved, when they would otherwise

have wanted to be involved and to make a studied and careful contribution, and to engage in the debate in the public arena as civilised people exchanging contending opinions until they come to a clearer understanding of what they are seeking and what they can ultimately expect the legislation to provide. I am sure that you, Mr Acting Speaker, would agree with that. If nothing else is important, at least the reputation of this institution, which has suffered so much in recent years, is important. Why, therefore, cannot the Government be generous enough in its attitude, in spite of the lateness of the hour in regard to the election, to allow the matter to go to a select committee? It would not really matter if an election was called when the measure was before the select committee. There is no question that the issue will not go away—it is an issue high in the consciousness of the majority of South Australians. Immediately after the election, regardless of the outcome (and I will not attempt cheap speculation about that) the measure can be restored to the Notice Paper with the report of the select committee on motion of the House and be considered with such expedition as the House and the other place considers appropriate to the point where it becomes law. In seconding the proposition of the member for Eyre, I urge further consideration of the points that he and I have made in the course of our remarks.

The Hon. LYNN ARNOLD (Minister of Agriculture): As I have already indicated, I will not support this proposition for two reasons, first, because of the problems that will arise from further delay, an unnecessary delay for no net prospect of achievement and, secondly, there has already been significant discussion on this matter. Indeed, some members have said tonight that we are shoving through this Bill with great haste, yet the member for Eyre said that this debate started back in 1986. We must determine what is the case: are we shoving it through with great haste or have we been having lengthy discussion in this country about soil conservation for years? The reality is that the Green Paper that was issued contained a number of propositions that, all members would acknowledge, have been modified significantly as a result of submissions received. A total of 1200 copies of that paper were issued.

Public meetings were referred to, but we have heard only one of those meetings identified from members on the other side. A number of meetings brought in practising farmers to give evidence. There were 85 written responses to the Green Paper. It has been suggested that a select committee, somehow or other, would bring in a wellspring of advice and opinion that we have not tapped to date. The example of the pastoral legislation has been cited. I understand that the select committee on the pastoral legislation received 35 submissions. I have just identified that the Green Paper on soil conservation prompted 85 submissions in addition to receiving feedback from the meetings held in various parts of the State.

The point I want to make is that already there has been more feedback in relation to the soil conservation legislation than to the pastoral legislation in terms of the number of submissions to the select committee. I want to make a number of other points about the soil conservation legislation and the implications if the Bill is delayed. It is not for us to speculate as to the timing of an election and the delaying process of a select committee, but certainly it is acknowledged that there is the certainty of an election at some time, possibly some time later this year.

The member for Murray-Mallee indicates that one should not pay too much heed to that. Nevertheless, all of these things mean structural delays to the final report of the select committee. If the Bill is delayed the implication, as I see it, is that the State will lose its position in the national scene; the Commonwealth, through the National Soil Conservation Program, is strongly supporting the activities of South Australia, as the concepts of the Bill and the programs of land capability planning, district planning and farm planning, which are required to underpin it, are receiving favourable financial support. We have sought an escalation of that program this financial year and it is imperative that we, as a State, continue to show a commitment to the concepts of soil conservation and land care. We are doing that as a Government. I cannot pre-empt the budget, but I believe that it is important for the legislature also to indicate its commitment to treating this issue with the importance it deserves.

South Australia has submitted more than $800 000 worth of land care projects which have been developed by the community and soil conservation boards. One of the proposals in the Bill is to incorporate the boards so that they can manage the finances. It is essential that they be given that power by November so that they can take on this responsibility, otherwise, the Department of Agriculture would be forced to manage each project. One of the points the Government keeps making about this legislation is that it is handing more right of say back to communities, not less. Here is a situation where there would be a loss of community approach, a loss of one of the things that we regard as essential to the spirit of the legislation. The other issue is that, again, this is affected by the timing that might take place—is that 1990 is the Year of Land Care; it is the start of the Decade of Land Care. It is very important that we, as a Parliament, determine that we wish to make a commitment to soil conservation and to have it developed by the beginning of the Decade of Land Care. A number of issues can be debated in Committee and it will be interesting to hear the various points of view put forward. However, I do not believe that the basic thrust of this legislation will be advanced any further by the establishment of a select committee. Accordingly, I oppose the motion.

The House divided on the motion:

Ayes (15)—Messrs Allison, P.B. Arnold, D.S. Baker, S.J. Baker and Blacker, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy, Gunn (teller), Ingerson, Lewis, Meier, Oswald and Wotton.

Noes (24)—Mr Abbott, Mrs Appleby, Messrs Lynn Arnold (teller), Bannon, Blevins, De Laine, Duigan and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings, Keneally and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Peterson, Rann, Robertson, Slater and Tyler.

Pairs—Ayes—Messrs Chapman and Olsen. Noes—Messrs Ferguson and Plunkett.

Majority of 9 for the Noes.

Motion thus negatived.

The Hon. LYNN ARNOLD (Minister of Agriculture): I move:

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

Motion carried.

In Committee.

Clause 1—'Short title.'

Mr LEWIS: On a point of order, Mr Acting Chairman, when did the House decide to resolve itself into a Committee?

The ACTING CHAIRMAN (Hon. G.F. Keneally): After the second reading was carried, prior to the motion moved

by the honourable member for Eyre. Once the motion in relation to the second reading is agreed to, the House automatically resolves itself into a Committee. I hope that satisfies the honourable member. Does the honourable member wish to speak to clause 1?

Mr LEWIS: It is imperative that I speak to this clause. This Bill will replace a Bill of a similar name, but the title includes additional words, namely, 'land care'. I question the wisdom of the use of such terminology. It presupposes that the term 'soil conservation' was an inadequate expression to embrace the concepts to be contained in the measure. Why that should have been considered to be a deficiency in the title is quite beyond me, since to have conserved the soil (without pre-empting the contents of any other clause), thereby ensuring that things of which the soil is comprised, namely, the micro-flora (that is the bacteria) and the many soil fungi (both desirable and undesirable, both harmful and harmless)—

The ACTING CHAIRMAN: Order! Whilst I appreciate the honourable member's concern, the matters he is now addressing are not pertinent to clause 1, 'short title'. I ask him to address that clause and not to stray from it.

Mr LEWIS: I was trying to do that because I believe that the short title, as it was, more than adequately embraced the intentions of the legislation. To add the words 'land care' is to my mind to engage in tautology. It is like saying, 'I am sick and I am ill,' or 'I am well and healthy.' I will conclude my remarks on that point.

Clause passed.

Clause 2 passed.

Clause 3—'Interpretation.'

Mr LEWIS: Given the constraints under which I am operating, I have not had an opportunity to consult your wisdom and guidance, Sir, as to the best way to deal with these propositions. At the outset I make general remarks about the definitions. I have personally analysed very carefully the range of terms defined here. It is a large number, even for a Bill of this kind. However, they are new terms and will pass into the statute books if this Bill passes, as I believe it should and will. They are nonetheless deficient in that within the legislation other words are used which are not herein defined nor elsewhere defined but which are intended to have an explicit meaning in law. They are not words with any common meaning in the scientific language or in law elsewhere. For that reason I have sought to include additional words in some instances and give them definitions and to clarify the definitions of other words in other instances. Will I be compelled, as a matter of course in dealing with my proposed amendments, to have them moved together or can they be taken in consequence?

The ACTING CHAIRMAN: The honourable member can move each of his amendments separately seeking to amend clause 3. He can more widely canvass the clause and his amendments. I point out that in moving his amendments in the more specific manner there will be an expectation that he will not again canvass the issues in the same detail.

Mr LEWIS: The terms that I intend to include, not presently included, are there listed. The first is 'condition' as it appears elsewhere in the legislation. On page 2 it appears in at least two important places in the definition of other terms such as 'rehabilitation', and in clause 5 it appears again where it is intended to convey the meaning 'to establish a system ensuring the regular and effective monitoring and evaluation of the condition of the land'. We are saying that that is what this Act sets out to do. What does 'condition' mean? It is not defined in any other legislation.

The next word that needs definition is 'conservation' and the derivative of it, 'conserve'. Those two words are very important. Without going right through the provisions, I draw members' attention to one place where it is very important in the object, namely, later in clause 5 (*e*) which states:

> to involve the community as widely as possible in the administration of this Act in programs designed to conserve or rehabilitate land.

How does one conserve land? Clearly some people would want to replant it with native vegetation indigenous to the locality in which the land is situated. Other people would have an opinion that to conserve the land would be to no longer cultivate it in any way, shape or form. Clearly, neither of those two concepts is acceptable, so a definition in my judgment is an important consideration. Moreover, there are the wider implications of the word 'degradation', as taken in the definition presently given, which I seek to amend because it is not appropriate. It uses further emotive terminology which I have tried to avoid in my alternative.

Likewise, nowhere is 'fertility' described, yet members would know that that word has other meaning when applied in the colloquial context of the language and even where applied to the soil. Some people believe that fertile soil is soil with no weeds in it. That is stupid! An infertile soil can be weed ridden, as can fertile soil. 'Fertility' should have an explicit definition about the capacity of the soil to support growth—in other words its nutrient regime appropriate to plant growth; likewise with 'land'. After having made those general remarks, without detaining the Committee further, I move:

> Page 1, after line 2—Insert new definition as follows: 'condition' of land means its relative soil structure and fertility.

The Hon. LYNN ARNOLD: I have just received the amendments to be moved by the member from Murray-Mallee. I understand the difficulties. I will oppose some outright and I am still working my way through them. I might be in a position to consider some of them. I will oppose others tonight because, to make a decision tonight may be precipitative and may not give the opportunity to consider all factors involved. I give an undertaking that we will consider them further over the coming days so that, if we believe there is more merit in the amendment than in the substantive Bill, when the matter goes before another place we will make the appropriate adjustments. I will treat all definitions under clause 3 in that category. I am not in a position to make a sound judgment at the moment.

I will oppose all amendments proposed by the member for Murray-Mallee in relation to clause 3. I might indicate that the general reference we used in the drafting of the legislation is a document called 'Glossary of terms used in soil conservation.' I acknowledge the member for Murray-Mallee's point that some of these terms are not embodied in the Bill but, where they are, they generally follow the guidelines set out in this document. The document, which is published by the Soil Conservation Service of New South Wales, has become something of the *lingua franca* of soil conservation definitions in this country. The definition of 'conservation' is as follows:

> The management of human use of the biosphere so that it may yield the greatest sustainable benefit to present generations while maintaining its potential to meet the needs and aspirations of future generations. Thus conservation is positive, embracing preservation, maintenance, sustainable utilisation, restoration, and enhancement of the natural environment. Living resource conservation is specifically concerned with plants, animals and micro-organisms, and with those non-living elements of the environment on which they depend. Living resources have two important properties the combination of which distinguishes them from non-living resources: they are renewable if conserved; and they are destructible if not.

This definition is taken from the National Conservation Strategy for Australia (1983) and is consistent with that of the World Conservation Strategy (1980).

This document does not contain a definition of 'condition' but 'degradation' is defined as follows:

Decline in the quality of natural resources commonly caused by human activities.

'Fertility' is defined under 'soil fertility' as follows:

The capacity of the soil to provide adequate supplies of nutrients in proper balance for the growth of specified plants, when other growth factors, such as light, moisture and temperature are favourable. The more general concept of soil fertility can be divided into three components:

- Chemical fertility refers specifically to the supply of plant nutrients in the soil.
- Physical fertility refers specifically to soil structure conditions which provide for aeration, water supply and root penetration.
- Biological fertility refers specifically to the population of micro-organisms in the soil, and its activity in recycling organic matter.

The definition of 'land' is as follows—

The Hon. E.R. Goldsworthy: The farming community will really understand this; they'll be right into land degradation.

The Hon. LYNN ARNOLD: This matter has been raised by means of an amendment. Members want me either to treat it seriously, or I can ignore the whole thing right from point one. I would like to know what members opposite require. The definition of 'land' is as follows:

The surface of the earth's outer crust not covered by bodies of water. The term land is also used in a comprehensive, integrating sense to encompass the physical environment within a profile from the atmosphere above the earth's surface down to some metres below the surface. Land therefore includes climate, landform, soils, hydrology and vegetation, to the extent that these influence potential for land use.

The purpose of identifying that is to indicate that this document has basically been the framework within which soil conservation debate in this country in recent years has tied things down to definitions. As is obvious, there are some differences between the definitions there and the definitions proposed by the member for Murray-Mallee. That is not to say that those definitions as proposed in the amendments should not be followed ultimately, or that they should be included in the Bill where they are not included now. Nevertheless, I make the point that I do not feel it would be appropriate for me to make a precipitate decision about that tonight and I propose to defer consideration of that question. If amendments are deemed to be advisable later, I give a guarantee that we will consider them in another place.

The Committee divided on the amendment:

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

Noes (22)—Mr Abbott, Mrs Appleby, Messrs L.M.F. Arnold (teller), Bannon, Blevins, De Laine, Duigan and M.J. Evans, Ms Gayler, Messrs Gregory, Groom, Hamilton, Hemmings and Klunder, Ms Lenehan, Messrs McRae, Mayes, Payne, Rann, Robertson, Trainer and Tyler.

Pairs—Ayes—Messrs Eastick and Olsen. Noes—Messrs Ferguson and Plunkett.

Majority of 6 for the Noes.

Amendment thus negatived.

Mr LEWIS: I will not call for a division on my remaining amendments of this clause but, rather, I will simply move them *en bloc* and test the proposition on the voices. To save time, and with the Committee's indulgence, I will simply explain what the definitions mean in each case and my reason for including them. The word 'condition' appears in the definition of 'conservation'. I believe that the word 'conservation' should be included in the definitions. To do otherwise is to leave real scientists in doubt.

Whilst I acknowledge that in all sincerity the Minister quoted the definition from the glossary of terms published by a Johnny-come-lately outfit in New South Wales, those definitions do not have their origins in scientific research. Further, the terminology has not been built on the outcome of that research over the years during which people who are interested in and committed to the scholarly analysis of that part of our biosphere called soil have undertaken research in relation to soil science.

Those terms are a mixture of mumbo jumbo journalese and other populist impressions of what a word could or should mean. They are not accepted by the scientific community outside this country or by the soil scientists—not necessarily so, anyway. I have seen no scholarly papers presented by any of the members that the Minister mentioned—the New South Wales body and other bodies—in which the definitions of terms as contained in that glossary were considered to be more appropriate than the other words, which over the 60 to 80 years during which research has been undertaken into the soils on this earth in a detailed fashion have been documented. If I am mistaken, I will stand corrected. However, I have not seen one—and I have looked to abstracts to come to that conclusion.

'Conservation' therefore needs a definition: it is a global term, and I believe that it should refer to the maintenance of the condition of the land. I believe that as a subset of the idea, conservation condition itself also has further subsets of factors. The Minister's definitions of that word and another one occurring further down in my proposed amendments—'fertility'—had overlapping connotations. For years whenever the scientific community has used those terms it has not given attributes to the meaning of fertility which are inherently included in the concept of soil texture and structure.

'Fertility' elsewhere defined has always meant the simple first part of what the Minister read out, and this is the way I have included it here: 'Fertility of soil means the level of essential nutrients in the soil necessary for plant growth'. There are other terms to describe the other things which the glossary of terms went on at length to suggest were a part of fertility. Sure, plants will not grow if those other factors are not there, but that is like saying that food is also oxygen to the human being. It is not. Fertility means the capacity to provide nutrients.

I believe that 'degradation' is inappropriately defined, because the definition contains these emotive terms. At present, it is defined in the Bill as follows:

'degradation' of land means a decline in the quality of the soil, vegetation, water and other natural resources of the land resulting from human activities on the land.

What does 'quality of the soil' mean? The 'quality of the soil, vegetation, water' is a fairly emotive term. I believe that 'degradation' ought to be defined to mean 'permanent damage to the structure of the soil'. That relates to the propensity of the individual particles of which the soil is made up to aggregate together. That is what structure is. That is a word that is well defined in scientific literature. 'Degradation' also means 'destruction of essential minimum vegetation cover' and it also means 'a decline in the quality of run-off or seepage of water'.

If one has pounded the hell out of the structure either by excessive applications of water in the course of irrigation or with livestock—and the hooves of a single horse in an inappropriate space will destroy the structure, beating the aggregates into individual particles—the particles in the structure will simply seal whenever water hits them, and

water will start to run off fairly quickly. It will not be able to permeate the surface of the soil very easily, and in running off it will begin to cause erosion, because the capacity of fluids to carry a volume of suspended material (fluids are gases or liquids) is directly proportionate to the cube of the velocity, among other factors, one of the most important of which is the degree of turbulence, whether it is laminar or turbulent flow. So, that is an important consideration. I say again: degradation certainly involves a decline in the quality of run-off or seepage water, resulting from the kind of phenomena that I have described.

The water itself may contain greater quantities of salts which have come to it as a consequence of its contact with the soil or, more particularly, I intend that degradation should also include land which has been degraded by adding unacceptable chemical loads, coincidentally, on the outskirts of a town. Let us take a scenario: someone engaged in the business of accumulating junk, like old motor cars or motor car batteries, simply dumps them on an elevated site and leaves them there in storage to deteriorate. The batteries spill their acid. That acid not only has consequences for the soil immediately beneath where the motor cars are dumped, where the acid and oil are spreading, but it also has serious implications downstream from that point. I think it is therefore appropriate to include this concept in the definition of degradation. Also, the definition should include 'a decline in the fertility of the soil'. A reduction in the level of nutrients in the soil diminishes its capacity to support vegetation and the other life that depends on it, which is why I have sought to define it in this way rather than in the fashion included in the Bill.

I now refer to the definition of land itself. I think the definition of 'land' ought to include not only dry land, above sea level, or anywhere else, but also submerged lands, either temporarily or permanently submerged and the water on that land. In the case of my own property at Tailem Bend, more than half of it is submerged, as is a lot of the freehold land along the edge of the Murray River. One can do things to submerged land inadvertently, maybe, or otherwise deliberately, which will cause it to be degraded and incapable of supporting aquatic life. Moreover, one can do things to land that can be temporarily submerged—that is, in watercourses or in storages around dams.

I do not think it is appropriate to use certain types of weedicide in a situation, say, where temporary storage is undertaken, simply to keep that storage clean and free of what are otherwise known as weeds—plants growing out of place. So, I think that where certain kinds of activities have resulted in wider than expected damage, or where they are likely to result in wider than expected damage to the capacity of the soil to produce and support plants, it should be regarded as having been degraded. The legislation should have a definition which countenances that. So, I desire to include in the definition of 'land' the situation in which the land has been so affected, whether it is above or below the surface of water temporarily or permanently. For the foregoing reasons, I move:

Page 1—After line 22—

Insert new definitions as follows:

fertility:.

'conservation' of land means maintenance of the condition of the land:.

Lines 26 to 28—

Leave out definition of 'degradation' and insert definition as follows:

'degradation' of land means—

(a) permanent damage to the structure of the soil;

(b) destruction of essential minimum vegetation cover,

(c) a decline in the quality of run-off or seepage water;

or

(d) a decline in the fertility of the soil,

resulting from human activities on the land, and 'degraded' has a corresponding meaning:.

After line 29—Insert new definition as follows:

'fertility' of soil means the level of essential nutrients in the soil necessary for plant growth:.

'land' means both dry land and submerged land and water on that land, whether in water courses or storage on that land.

The Hon. LYNN ARNOLD: I indicated previously that I would oppose these amendments. In clarification of my previous statement, these definitions are not merely from New South Wales: they are from a national glossary, which states:

Soil Conservation Service is now pleased to publish this glossary on behalf of the Standing Committee on Soil Conservation, which is a national body.

There are clearly many advantages in the rationalisation of terminology between States. I commend this most useful glossary to all those interested in the protection of the nation's soil resources. We can arrange for a copy of this document to be supplied to any members wishing to have one. I note the points made by the member for Murray-Mallee. Regarding the run-off problem, there is a rubbish tip on the island of Taipa in Macau. This is one of the few examples where a rubbish tip has been put not in a hole but rather on top of a hill, so the rain leaches all the rubbish out and it degrades the land down the side of the hill. That is a prime example of what I guess the member for Murray-Mallee was talking about.

Amendment negatived.

Clause passed.

Clause 4—'Act binds Crown.'

The Hon. E.R. GOLDSWORTHY: I am pleased with clause 4 as it stands, because it provides that the Act will bind the Crown. These boards could usefully apply themselves for the first several years on paying attention to Crown lands which in my district are the most weed-infested, neglected and degraded of any land that I know. So, I am pleased that the Bill binds the Crown and these boards can work overtime on Crown land in the Gumeracha District Council area.

Members interjecting:

The Hon. E.R. GOLDSWORTHY: True, the bushfire went through some of the forest land and it still looks as though an atom bomb hit it, but the land is now weed infested and degraded. Indeed, no-one would want to buy it, although I believe that the Government will quit some of it. The South Australian Government is guilty of poor land management practices and these boards should get busy on Crown lands before they deal with farming land generally, because most farmers have increased their productivity dramatically since the Second World War as a result of improved farming practices. This Bill talks about enormous areas of degradation; I point out that certain Crown lands should be the first target of these boards when the Bill comes into operation.

Clause passed.

New clause 4a—'Act does not derogate from Mining Act or Petroleum Act.'

The Hon. E.R. GOLDSWORTHY: I move:

After clause 4 insert new clause as follows:

Act does not derogate from Mining Act or Petroleum Act

4a. Nothing in this Act derogates from the operation of the Mining Act 1971, or the Petroleum Act 1940, or of a tenement granted under either of those Act.

In moving to insert this clause, I remind members that the Government previously accepted, without a debate, a sim-

ilar amendment to the pastoral Act. I am simply moving a similar amendment, at the request of the mining industry, to exempt mineral lands from the operations of the Bill. The mining industry is concerned about this Bill. The farming industry will do a complete backflip when it becomes aware of what the Bill is all about.

Mr LEWIS: The Committee should recognise that the insertion of the new clause does nothing to weaken the Bill if no other amendment is made to it. It simply ensures that there is no conflict of interest or responsibility in action between this legislation and the Mining Act, which has its own stringent provisions to protect not only the land but the ecosystem around the mine, whether natural or interfered with acceptably. People with claims have enough problems without having to put up with two kinds of bureaucrats exercising two sets of legislation. The Mining Act, which is as tough as hell, strongly protects the land on which the activity is being undertaken and ensures the rehabilitation of that land once the mining has been completed. We are not letting the mining industry off the hook: we are simply clarifying the law under which it operates.

The Hon. LYNN ARNOLD: The Government accepts the new clause.

New clause inserted.

Clause 5—'Objects of this Act'.

Mr LEWIS: The objects of the Bill are important, as this is landmark legislation. However, I am worried about paragraph *(b)*, because it reinforces the myth being put abroad by ill-informed and ignorant mischief makers that significant degradation is occurring at a rate identical to what used to occur. Those words are in subclause *(b)* and I seek to clarify the position by my amendment. I therefore move:

Page 2, line 24—After 'and' insert 'that some degradation'.

This is an affront to the agricultural scientific community and its ancillary scientific communities. It is also an affront to existing agricultural extension officers and more especially to the rural community at large in this State.

We are world famous for the way in which we have set about understanding the soil on which we have developed such an outstanding range of agricultural and horticultural activities in this State. It is appropriate to recognise that a significant degradation of our land occurred, and easily the biggest part of that degradation has been caused by rabbits. The collective consequence of all other facts in the whole of this State including our pastoral land, as one assesses them now, do not amount to anything like the consequence of the degradation that has resulted from the impact of rabbits.

That statement comes from my having completed a project on rabbits when I was at primary school. In the course of doing that project, I trapped the ruddy things to make money and I studied how they got into the country. I did it when myxomatosis was being released. It involved how rabbits came to adapt so rapidly to the ecosystem in which they were released and of which they had never been part; how they ravaged that ecosystem, not just in one area but over the whole range of the southern continent; and how they degraded huge tracts of otherwise pristine natural environment to the extent that there is now no longer any part of the southern section of this continent (south of the line that describes the northern boundary of this State and probably the Tropic of Capricorn) involving the Northern Territory, Queensland, New South Wales and Victoria, that has not been subjected to the horrendous impact of that rodent.

In trying to describe our environment, for any of us to use the word 'pristine' at this time is to be quite mistaken. The Nullabor Plain is no longer what it used to be. About 40 species of cockroaches have become extinct as a direct consequence of the competition they suffered from the rabbit plagues of the 1940s and 1950s. I could go on at length and give details of instances and examples of other species of plants that no longer exist in abundance. Whenever there is a good season in the pastoral lands, no sooner has the seed stock germinated in the dry soil than an explosion of rabbits just gobbles it all up to the point where there is no regeneration of new plants as there was before the introduction of rabbits. That, more than anything else, has been responsible for the degradation of vegetation and its capacity to recover and sustain the level of grazing that would have been possible before the devastating consequences of rabbits.

I therefore believe that it is appropriate for us to include in the Bill statements of this kind, but to put a full stop after the word 'extent' and to begin another sentence. It would then read nowhere near as offensively to those communities to which I referred at the outset—the farmers and scientists who have been working on and studying the soil and the things that grow in it. Clause 5 *(b)* would then read:

Some degradation of the land is still occurring . . .

This degradation is nowhere near as much as that caused by farming activity in the past when we did not understand that rain does not follow the plough, when we did not understand what rabbits would do and did until myxamatosis cut down their numbers, and when we did not understand the consequences of excessive clearance of sandhills or of over stocking, over cultivation and over cropping of those sandhills in the mallee lands throughout the State. We understand that now. Whilst some degradation still occurs, it is nowhere near as extensive as it has been previously, and for that reason it is not nearly as significant as it was previously. Clause 5 *(b)* would conclude:

. . . industry and the community at large must work together to prevent or minimise further degradation and rehabilitate degraded land.

If one uses my definition, one understands what I am talking about but, if one uses another definition, people will stand up and say what a wicked lot of people farmers are, what irresponsible folk are those in our rural communities who have thoughtlessly and ignorantly quarried the reserves of nutrients and abused the structure of the soil, and so on. That has not been occurring for 25 or 30 years. As I said in the second reading stage in connection with this matter, South Australian soils now contain, by a large measure, much higher levels of soil organic matter, the essential ingredient needed to bind them together, than they contained in the mid 1950s, when we began to make information available to farmers who were settled on blocks that were too small to support them and their families and who had therefore been compelled, in an effort to find sufficient income, to extend the land beyond its capacity.

We have done very well in understanding that and restructuring our rural industries across the State to be more in keeping with the capacity of the land to support the families and to provide a reasonable quality of life. I move this amendment so that we do not so offensively and provocatively affront that sector of our community, as this subclause otherwise does.

The Hon. LYNN ARNOLD: We will accept the amendment. I appreciate the enormous amount of work that officers of the Department of Agriculture have put in to provide me with very extensive briefing information on this legislation. It is excellently presented and a tribute to the officers involved. However, I must say that I have been caught short; my briefing notes do not enable me to make any response to comments about the 40 extinct species of cockroaches of the Nullarbor. My briefing notes are silent on

that issue. But I do have figures to present to the Committee on degradation, and they will further answer the questions asked by a number of members during the second reading stage. These figures detail the breakdown of the $80 million as follows:

Water erosion—800 000 ha in South Australian agricultural regions is at risk; 260 000 ha have been contour banked since 1941.

Wind erosion—susceptible areas of sandy soils in South Australia is 4.5 million ha.

Water repellent sand—susceptible area is 150 000 ha.

Dryland salinity—costs $25 million annually in lost production.

South Australian areas affected

1980—50 000 ha

1988—210 000 ha

Distributed throughout the State—

Eyre Peninsula—60 000 ha

Yorke Peninsula—400+ ha

Kangaroo Island—4 000+ ha

Murray-Mallee and Murray Plains—16 000 ha

South-East—120 000 ha

Mt Lofty Ranges—2 500 ha

Soil acidification—large areas have the potential to be affected

Kangaroo Island—312 000 ha

South-East—435 000 ha

Mt Lofty Ranges—200 000 ha

Soil structure decline—A problem in duplex soils of the northern agricultural region.

Overstocking—40% of the arid pastoral areas is degraded. Current pressure comes from grazing by sheep, goats, cattle, kangaroos and rabbits. Rabbits remain the most difficult to control. Concern over rabbits is currently high due to several good seasons which has allowed them to breed prolifically. The critical period will be at the onset of the next dry spell.

Rabbits are estimated to cause reduced production of $6.2 million. Goats are estimated to reduce sheep production by $1.6 million.

That information further amplifies the figures I quoted from the South Australian Government submission to the House of Representatives committee on land degradation, which I indicated was based upon CSIRO National Soil Conservation Program findings.

Mr LEWIS: I would like to make a couple of comments in relation to those figures. At the outset, the Minister quoted instances where lands were at risk. That does not mean they are degraded; they are at risk. I am at risk of dying, and so is the Minister, but that does not mean we will die in the next 10 seconds. The Minister quoted further figures, arguing that land was susceptible to this or that kind of specific degradation. Sure, I am susceptible to catching multiple sclerosis or poliomyelitis or whatever—any number of diseases and horrible plagues—and so are you, Mr Acting Chairman, and so is the Minister, but that does not mean we will catch a disease. It is just not good enough to throw around that stuff as though farmers have been irresponsible and have caused these things.

The Hon. Lynn Arnold: I didn't say that.

Mr LEWIS: No, the Minister did not say that, but that is the way it is written up. I have seen articles in the press and reports on television and I have heard comments on the radio, and a general summary of what is implied would be: what a bunch of wackers the South Australian farmers are in particular and Australian farmers are in general: they have not done their job; they have been irresponsible. People quote these 'at risk' and 'susceptible' aspects and so on, and some of the qualification given to some of the other consequences is also a bit suspect.

I have not been given the privilege of a briefing by departmental officers or been shown Landsat photographs which illustrate the kinds of problems to which the Minister has drawn our attention, and I look forward to the opportunity of being able to do that some day if he would be kind enough to permit it. In the meantime, I do not want the general public of South Australia to get the impression that the current generation of farmers is in any way irresponsible. Some are, but very few.

The Hon. LYNN ARNOLD: That is precisely the point I have made a number of times this evening. It is a very small minority.

Mr Lewis interjecting:

The Hon. LYNN ARNOLD: I want it understood quite clearly where I stand on this matter. I was asked about the $80 million figure, and I quoted the CSIRO NSCP studies. I added in these other figures and, admittedly, many of them refer to susceptibility rather than actuality, but they help to amplify the information I gave earlier. As to the Landsat maps, one of the points I made was that we have not finished the land mapping exercise, and that is a very important and exciting part of the program that is now ahead. To the extent that areas are already covered by Landsat analysis, I am certainly happy for any member who would like to see that information to have it made available to him or her. There are land degradation issues. I am not about to start being generalist in apportioning blame; however, I am prepared to be generalist in apportioning praise. The overwhelming majority of farmers in this State in the past have been and at present are good managers of the land. The fact remains that there are still land degradation issues that we all acknowledge have to be addressed.

Amendment carried; clause as amended passed.

Clauses 6 and 7 passed.

Clause 8—'The Soil Conservation and Land Care Fund.'

Mr LEWIS: I move:

Page 3, line 18—Leave out 'Minister' and insert 'Council'.

I am not sure where the money will come from. I hope it will not come principally from fines. This clause outlines the source of revenue for the fund, and I believe that paragraph *(c)* refers to the most appropriate source of revenue, that is, money provided by Parliament. I am sure that the Minister agrees with that.

Under this clause, the money in the fund may be invested in such manner as the Minister thinks fit. That would allow me to engage in speculation as to where that might go. I simply restrict my remarks to what it does. In fact, it allows the Minister at whim to place those funds where the Minister likes.

To my mind, it is a traversty of justice that funds of the Rural Assistance Branch have been ripped out of that branch and fed through SAFA into other interest bearing loans in the money market at the expense of the people of this State—the farmers who really need that money. That is where it went, and that is crook. That is why I do not trust any Minister, particularly the previous Minister, in exercising of this kind of prerogative. I do not think that this Minister, or any other reasonable Minister, would mind taking advice from the council to be established under this Bill. I move this amendment because, to my mind, the council will be a more responsible body to dispose of the funds, not a Minister such as the Minister we have had in recent times.

The Hon. LYNN ARNOLD: I oppose the amendment. It is proposed that a special deposit account be created to enable donations and sponsorship funds to be used for special projects and programs related to the conservation and rehabilitation of land. This fund will not be used for the day-to-day operation of the department. The fund is to be established recognising that corporate sponsorship is potentially available; for example, I understand that in Western Australia Alcoa has become a major sponsor of the program and, in New South Wales, Elders is involved. It also allows for fines imposed by boards on landholders to be utilised for the conservation and rehabilitation of land

resources, rather than being channelled into consolidated revenue, and I am sure members would support this.

The underlying assumption is that the board members may not be as hesitant to apply a fine if they believe that the funds will be used for conservation and rehabilitation of land. I have heard what the honourable member has said about where funds should be invested, and what he has said is not a fair representation of events that have taken place. The honourable member suggested that surely any reasonable Minister would consider the advice of the council. Of course, that is entirely correct, but it is not what the honourable member has moved in his amendment.

The honourable member's amendment would read: 'Maybe invested in such manner as the council thinks fit.' It might have been a different situation if the honourable member had said, 'if the Minister thinks fit, subject to advice from the council', that might have been a reasonable propositon to consider. However, that amendment is not before us. I cannot accept the amendment that is proposed and, accordingly, I reject it.

Mr LEWIS: I am a reasonable man and I would accept that form of words. I will let the amendment pass in the negative in this instance in the hope that the other place will be able to assist us in this regard.

Amendment negatived; clause passed.

Clauses 9 to 12 passed.

Clause 13—'Establishment of the council.'

Mr LEWIS: This clause defines the composition and establishment of the Soil Conservation Council. For the life of me I do not know why in analogous situations we do not have people from the broader community who have an interest in industrial affairs but no membership of a trade union or an employer organisation on bodies such as IRAC, but we do not and this Government will not allow any such other person to be included in that kind of body. The Government says that it is the exclusive province of the big union, big industry and big Government club, and to hell with the consequences for the rest of the community.

In this instance, the little farmers and horticulturalists—the families trying to get on with the job of making a living—are included, but a lot of other people are also involved whose opinions must be considered, even though they may be ill informed and antagonistic. I do not mind that: it is part of democracy, but it would be as well for the Government to be reminded that such inclusions should be made on other bodies if it is good enough to involve these people, who are outside the industry, in this body. I do not believe that the people to be included on this board are sufficiently representative of the broad range of differences involved. There are 11 categories of people involved. Under subclause (2)*(a)* the council will include: a person with a 'wide knowledge and experience of soil conservation ... nominated by the Minister'. I hope that the Minister sticks to that and does not do the kind of thing that some of his predecessors have done and make this a job for the girls. I do not mean to be derogatory of well qualified women: I do mean to be derogatory of the kinds of people who occasionally have been appointed to such bodies and in such roles.

Paragraph *(b)* refers to someone from the pastoral field; the Minister can select from a panel. That is the general tenor right throughout and I commend that. Paragraph *(c)* refers to a horticulturalist, whose industry is very big and diverse. It is about as relevant to say that it is as representative of the people who grow broadacre pumpkins and operate nut plantations of over 1 000 hectares, for instance, as it is of those who are engaged in the glasshouse production of nursery plants, tissue culture of other kinds and flowers, tomatoes, and so on, in intensive production circumstances. It is about as relevant to say that one person can represent these interests across the board as it is to say that someone who runs a few sheep and other crops over 1 000 acres of land can represent people who are pastoralists: they cannot; they are two distinctly different industries.

Moreover, in paragraph *(d)*, we have the grain and grazing representative; in paragraph *(e)*, someone from the training or education field, relating to land management or soil sciences; paragraph *(f)* someone from the group of people who are genuinely concerned and interested in what is going on but who have no particular vested interest in this measure; paragraph *(g)* an active member of a soil conservation board; para *(h)* a member of the Pastoral Board who is to be an adminstrator of the kind of activity involved in this region; paragraph *(i)* a member of the Department o Agriculture; and paragraph *(j)* a public service employee who also, I presume, has expertise in environmental matters. (In addition, to the person referred to in paragraph *(f)*). I do not know that we really need both those people. However, I am not strongly committed to either view on that point. Paragraph *(k)* refers to a person from the Public Service who knows as bit about water. Of course, that is why I included the necessity to consider the degradation of water as well as the land beneath it.

It is an important part of the good sound management of the land as a resource. We need therefore, as my amendments indicate, a person with wide experience in the intensive animal industries—the pig and chook farmers. Another one will represent the people engaged in the intensive plant industries—the nurserymen—and the intensive horticultural crop producers—glasshouse and controlled environment croppers. It is in my judgment an essential expansion of that group.

The ACTING CHAIRMAN (Hon. G.F. Keneally): I point out that we are dealing with all of the clause 13 amendment moved by the honourable member.

The Hon. LYNN ARNOLD: Is the Committee in a position to take the amendment in two parts? I would be prepared to accept the second part relating to page 5, line 21 onwards. However, what appears before that I am not prepared to accept. If it is dealt with as one, I am not happy to accept any of it.

Mr LEWIS: I seek leave to amend my amendment by moving only that part which relates to page 4, line 25.

Leave granted; amendment amended.

Amendment to page 4, line 25 negatived.

The ACTING CHAIRMAN: As we have defeated the first part of the honourable member's original amendment, the other amendments relate to page 5, line 21, etc. In the meantime, we have to deal with the member for Eyre's amendments to the clause.

The Hon. LYNN ARNOLD: When we reach lines 21 and 22 on page 5, I propose to accept those amendments to be moved by the member for Murray-Mallee which essentially refer to the matter of appointing persons as deputies to members of the council. I will accept that part. I will comment in a moment on the member for Eyre's amendments, and indicate the position that I will support, although I cannot give full support to the proposition.

Mr GUNN: I move:

Page 4—lines 26 to 28—Leave out 'has, in the opinion of the Minister, wide knowledge of and experience in soil conservation and land management' and insert 'is an agriculturalist or pastoralist'.

Lines 37 to 40—Leave out paragraph *(d)* and insert paragraph as follows:

(d) two will be persons who have, in the opinion of the Minister—

(i) as to one of them—wide experience in dryland cropping and grazing of livestock;
and
(ii) as to the other—wide experience in intensive agriculture in high rainfall country,
selected by the Minister from a panel of three made up of names submitted at the invitation of the Minister by one or more organizations representative of farmers;.

Page 5, lines 13 to 15—Leave out paragraph *(j)*.

The latter amendment attempts to provide for membership of two farmers, in particular one person who has wide experience in intensive agriculture in high rainfall areas. It is very important that someone with those skills be on the council as it is fairly obvious that there will be extensive investment in the high rainfall areas of this State in those agricultural pursuits. Because of the importance of this sector of the economy, one such person should be on the council.

Further, this council has on it six members of the public service, and that is wrong in principle. There should be six practising farmers and five other people, so that it can be guaranteed that the people who really have something to lose, namely, the ability and right to farm and operate their businesses, are in the majority. If there is a difficulty with the decisions they make, the Minister can address those problems, but as a matter of principle this amendment is very important. If the Minister accepts this, it will be a test of good faith. If the Government is not prepared to accept this amendment it will be a clear indication to the rural community that it does not have confidence in the farming community to make the appropriate and right decisions.

This clause is fundamental to future decisions the Opposition will take. The Minister got annoyed with me when I said what we would do in Government. If the Minister wants to guarantee that this Act will operate properly and effectively and if he wants to ensure that an incoming Government does not have to act within days, he should accept the amendment. If the Minister outvotes the rural community, we cannot support it because it is wrong in principle. It has no logic about it, it is wrong in practice and an indication that the Government does not support the rural community.

The Government wants to put public servants, whose livelihoods are not affected and who will be paid whether or not they perform, onto the board. I make clear that it is a matter of principle and we will act decisively. I say to the Government and all those who will have an involvement in this matter that the first time the council or any board is unreasonable or unfair or these officers interfere unduly with a rural producer, we will use the forums of this Parliament to resolve the issue. The Minister knows what that means. We can take this matter as one of the most serious that has come before the Committee so far.

The Hon. LYNN ARNOLD: I will not accept the amendment to clause 13 (2) *(a)*. As the Bill is presently worded, it will clearly work in favour of somebody who in all probability is or has been a farmer, agriculturalist or pastoralist because of the wording 'wide knowledge of and experience in soil conservation and land management'. This gives us the flexibility needed for finding the best possible person for that position. The amendment as moved by the member for Eyre precludes appointing a retired farmer or pastoralist because it is quite clearly a reference to a current state of occupation. I support the amendment to 13 (2) *(d)*, but we have a difficulty because I do not support the amendment proposed to clause 13 (2) *(j)*.

Because the amendment on file does not also alter the size of the council to 12, which is what I am virtually accepting in subclause (2) *(d)*, I cannot accept the amendment in this Committee, and I will have to give an undertaking that I will accept it in the other place so that we can get the right wording. I am saying that I will not accept the amendment for subclause (2) *(a)*; I will accept the amendment for subclause (2) *(d)*; and I will not accept the amendment for subclause (2) *(j)*. The reason for not accepting the amendment to paragraph *(j)* is that the member for Eyre refers to six public servants on the council. In fact, only four are proposed. We have paragraphs *(k)*, *(j)*, *(i)*, and I suppose paragraph *(h)* is a possibility, but there is no guarantee that that would be a public servant. Paragraph *(e)* does not really involve a public servant, because it is somebody from a tertiary education institution that is independent of Government, so I cannot ascertain where he has concluded that six public servants will be involved on the council.

I believe it is important that paragraph *(j)* be included, because a representative of the Minister for Environment and Planning should be a member of the board. If one works it out, fewer public servants are members of this council than, after I accept amendments to paragraph *(d)*, representatives with actual experience of farming situations.

The ACTING CHAIRMAN: As a point of clarification, is the Minister indicating that he will accept in another place the council's being increased from 11 to 12?

The Hon. LYNN ARNOLD: I am not sure that we can do it here without a proper form, so it must be done in the other place.

The ACTING CHAIRMAN: In my view then it would be inappropriate for this Committee to accept the amendment to paragraph *(d)* as moved by the honourable member and that means that we will send a recommendation to the other place that the council consist of 11 members, but will that add up to 12?

The Hon. LYNN ARNOLD: The point I make is that, if it were possible now for a written form to be prepared that could also have us now accept that the council consists of 12 members, I am in a position to say I can accept the amendment to paragraph *(d)*, because that would then add up to 12 members. If it is not possible, because I cannot accept it in this place, I would have to say that we will give an undertaking.

Mr GUNN: Obviously, we will not finish the debate of this legislation tonight, so perhaps at the conclusion we could recommit this clause and the appropriate arrangements can be made by the officers to resolve the problem.

The ACTING CHAIRMAN: The honourable member is not proceeding with his amendment at this stage?

Mr GUNN: No.

The ACTING CHAIRMAN: To be absolutely clear, the Minister opposes the amendment to lines 26 to 28, but he is prepared to consider the amendment to lines 37 to 40?

The Hon. LYNN ARNOLD: Yes.

Mr GUNN: I will not proceed with my amendment to lines 26 to 28, but I will proceed with my amendment to lines 37 to 40; and I will not proceed with my amendment to page 5, lines 13 to 15.

The ACTING CHAIRMAN: I intend to proceed now with the amendment to lines 26 to 28 but not to proceed with the amendment to lines 37 to 40 or the amendment relating to paragraph *(j)*, so the question is that the amendment of the member for Eyre relating to page 4, lines 26 to 28, be agreed to.

Amendment carried.

The ACTING CHAIRMAN: For the benefit of the member for Murray-Mallee, he still has part of his amendment to this clause on file and I refer to that amendment relating to page 5, after line 4, insert new paragraphs. I point out to

the honourable member that, as his amendment to leave out '11' and insert '13' was defeated, it would not seem appropriate to move those amendments, because the matter has been dealt with.

Mr LEWIS: I understand what is being said, and I do not wish to proceed with the other amendments. I move:

Page 5, line 21—leave out 'suitable'.

I am sure that this Minister would not do it, but we cannot be very sure about future Ministers who, under the present clause, could go right outside that group and appoint a deputy. That situation could be totally unacceptable to the group and it could be intentional or unintentional. The Minister has indicated that he believes this is a sensible and acceptable amendment.

The Hon. LYNN ARNOLD: As I indicated before, I accept this amendment.

Amendment carried.

Mr LEWIS: I move:

Page 5, after line 22—Insert new subclause as follows:

(5a) A person who is to be the deputy of a particular member must be appointed in the same manner as the member was appointed to the council.

The Hon. LYNN ARNOLD: This amendment is acceptable.

Amendment carried; clause as amended passed.

Clauses 14 to 16 passed.

Clause 17—'Conflict of interest.'

Mr LEWIS: This clause could compel the very person who has been appointed to the council to withdraw their seat from the council when matters relating to their expertise are presented for discussion in council proceedings. This situation is very disturbing. I believe that it is an upside down, convoluted and inappropriate provision because, if a member has expertise in land management in the pastoral area or in the horticultural production area and the council considers matters relevant to the pastoral area that will result in a benefit or a detriment to the person, he has to withdraw his seat. That makes a mockery of the procedure.

I am asking the Minister to clarify this point for me. For the life of me, I cannot see why it should be necessary to define that pecuniary interest and elsewhere say that one must not get involved in the action if one has an interest. In fact, I would have thought that this was the reason why those people were included on the council in the first place.

The Hon. LYNN ARNOLD: My advice is that the wording for this is consistent with the wording in other relevant areas—such as in the Local Government Act, where it can I suppose be argued that a person living within a local government confine and being a member of that local government might, by some extensions of definition, be implied to have an indirect pecuniary interest in decisions that he or she might make on council. However, I am advised that that is not what the definition of indirect pecuniary interest means. So, I think that the honourable member's fears will not be borne out in relation to this legislation as is the case with other legislation already in place.

The honourable member referred to the possibility of an indirect pecuniary interest in terms of improved productivity from the land that a person might achieve as a result of decisions made by the board. Again, I am advised that, clearly, that is not within the purview of this Bill. A point that might be worth noting is that, if there is an area where the council determines that there is potential for a conflict of interest, there is still the possibility that the council may say that it does not wish the person involved to vote on a matter but indicate that if the person has expertise in the area that person should still contribute to the debate leading to a resolution of the matter. This is picked up in clause 17 (5) *(c)*, which stipulates that a person in this position:

. . . must, unless the council permits otherwise, be absent from the meeting room when any such discussion or vote is taking place.

The advice I have is that this wording already exists in other legislation and it has not been interpreted out of course.

Clause passed.

Clause 18—'Functions of the Council.'

Mr GUNN: I move:

Page 7, line 32—Leave out 'and the hearing of appeals'.

This is a consequential amendment relating to a later amendment concerning setting up a tribunal. This tribunal would be identical to that which is provided for in the pastoral Act—and I understand in a number of other Acts of Parliament—and which clearly gives people an effective appeals mechanism. I am sure all members would agree with the rights of an individual in this regard.

The ACTING CHAIRMAN (Hon. G.F. Keneally): I am prepared to allow the honourable member to canvass this amendment as well as his next and prime amendment, so long as a vote is taken on the next amendment without lengthy debate.

Mr GUNN: I think the Committee clearly understands what I have in mind. We believe that the same mechanism for appeals which applies in the pastoral Act should apply here. It is an established legislative framework which will work. In dealing with very important matters that are subject to appeal, we cannot have people involved in making decisions who do not have at least some experience in the law. I am on record in this Parliament as not having been all that charitable at times to members of the legal profession; however, I do recognise that there are certain areas—

Mr D.S. Baker: They have their place.

Mr GUNN: Yes. I believe that this amendment is substantial and that it will greatly enhance the operation of the legislation. It will indicate without any doubt that the people who are called into question will get a fair hearing. I commend the amendment to the Committee.

The Hon. LYNN ARNOLD: I will accept the amendment.

Amendment carried.

Mr LEWIS: When considering the functions of the council provided for in this clause, in conjunction with the reporting obligations of the council, I cannot help but come to the conclusion that shortly some of my fears may be realised. From comments I have heard outside this place and in other forums, I know that there is a move afoot which confirms those fears. My fear is that, in fairly short order, land-holders will have to apply for and obtain general permits to cultivate or conduct other cultural husbandry operations on their properties. They will have to obtain a general permit, with a particular note being made of that in the relevant bureaucrat's office, and then when the day comes eventually they will have to ring up and obtain explicit approval—as is the case with burning off—to go out and cultivate on that day.

Whilst some people think that I am being far-fetched in raising my concern about this at this time, from the construction of the provisions of the two clauses that relate to this matter, and from conversations that I have overheard outside this place (and this is not in the Department of Agriculture or in any other Government department or agency), I consider that the mechanism exists to easily introduce the concept to which I have referred. To me, this is bureaucracy gone mad. It is ridiculous. The clause clearly stipulates that one of the functions of the council is:

. . . to disseminate information on and promote awareness of issues relating to conservation and rehabilitation of land and, in particular, to promote the principles that land must be used within

its capability and forward planning on that basis must become standard management practice.

The reference to land being used within its capability and forward planning is the thing at which I cavilled, having regard to the conversation about permits being an obvious and necessary eventuality to ensure that those farmers who are really out to exploit the land as long as they have occupancy of it for their personal gain and profit, to the exclusion of the interests of subsequent generations and years. This is a great worry to me.

Clause as amended passed.

Clause 19—'Delegation by the Council.'

Mr GUNN: I move:

Page 8, lines 1 and 2—Leave out subclause (2).

This amendment is also consequential.

The Hon. LYNN ARNOLD: I accept the amendment.

Amendment carried; clause as amended passed.

Clause 20—'Reporting obligations of Council.'

Mr LEWIS: The provisions in this clause are tied up with the remarks I have just made. Clause 20 (2) *(c)* relates to reporting to the Minister on:

... the shortcomings (if any) that have been identified by the Council in the provisions of the Act or in the administration of the Act, and the measures that should be taken to overcome those problems.

The last part is the bit that really worries me. However, I am pleased that the Minister has accepted the amendments relating to the appeals tribunal, in that at least some measure of justice may be afforded those people who could ultimately be otherwise done grave injustice, the way the Bill was written.

The Hon. LYNN ARNOLD: Clause 20 (2) *(c)* to which the honourable member alluded refers to a review of the legislation within six months of the end of the year 1995; a report containing advice is to be provided to the Minister of the day. This is not part of the annual reporting mechanism referred to under clause 20 (1). It is quite natural that a review of the Act would contain advice to the Minister on what measures should be taken. It is up to the Minister to take that further and, ultimately, up to the Parliament (since a review of the Act would be involved), to decide whether those measures that were deemed necessary are ultimately incorporated in legislation.

Clause passed.

Clause 21—'Establishment of soil conservation districts and boards.'

Mr D.S. BAKER: How many boards will be instituted under this legislation and what will the boundaries be? It may be better, instead of splitting local government areas, to establish local government boundaries as boundaries for those boards. In terms of efficiency and to cut down costs, especially in the higher rainfall areas, that might be the best method.

The Hon. LYNN ARNOLD: My advice is that the boundaries will be based around local government boundaries, and it is estimated that there will be about 26 boards.

Clause passed.

Clause 22 passed.

Clause 23—'Membership of boards.'

Mr LEWIS: I move:

Page 9, line 19—After 'appointed by the' insert 'local government'.

Nowhere in this legislation or elsewhere is the world 'council' with a small 'c' defined, although this Bill establishes a 'Council'. I know of councils that are not defined as local government but which might be determined by a future Minister as being the sort of council to which this provision refers. It is the word that I cavil at, not the meaning. Not only is it important for clarity, but also some corporations and cities which are not referred to as councils ought to be covered by the purview of this measure. Hereafter there will be no doubt about whether 'council' means corporation or district council. It is the local government body that we are referring to. It straightens up that ambiguity.

The Hon. LYNN ARNOLD: I do not believe that any major point of principle is involved here. The existing wording is clear enough, but the amendment is just as clear, so, I have no problem in accepting the amendment.

Amendment carried.

Mr GUNN: I move:

Page 9 after line 31—Insert new paragraph as follows:
(ab) that at least three members are persons who are farmers;.

This will clarify that at least three members of the board are practising farmers. I hope there would be more farmers with direct involvement. However, I want to make sure there is effective representation from those people who will be directly affected.

The Hon. LYNN ARNOLD: This is one amendment that we will oppose tonight but will support in the Legislative Council once an appropriate form of words has been found. We are having some difficulty with the word 'farmer'. The concept of 'land manager' has been discussed, but I would rather defer consideration and I give an undertaking that we will introduce the appropriate amendment in the other place.

Mr GUNN: In view of the undertaking given by the Minister, I seek leave to withdraw the amendment.

Leave granted; amendment withdrawn.

Clause as amended passed.

Clauses 24 to 30 passed.

Clause 31—'Soil Conservator.'

Mr GUNN: I move:

Page 12, after line 41—Insert new subclause as follows:
(3) It is an essential requirement for appointment to the position of Soil Conservator that the appointee hold appropriate tertiary qualifications in the field of soil conservation or land management.

This will ensure that any appointee to the position of Soil Conservator, which will be a most significant appointment, given this legislation as it stands, has the necessary tertiary qualifications. We believe it is essential that this office be filled by a person who will have an involvement and give the guidance and advice that is required, and therefore, that person has the must have the necessary tertiary qualifications.

The Hon. LYNN ARNOLD: I agree with the spirit of what is proposed in the amendment but, again, I have difficulty with the wording. I again propose that this be referred to the Upper House. We would not want to confine it to 'appropriate tertiary qualifications'. We prefer something like 'experienced in the field of soil conservation or land management'. It may be that someone is experienced but does not have the tertiary qualifications. We have no problem with the concept of defining further the nature of the Soil Conservator. I undertake that we will introduce appropriate wording.

Mr GUNN: I am happy with that undertaking. I seek leave to withdraw the amendment.

Leave granted; amendment withdrawn.

Clause passed.

Clause 32—'Powers and functions of Conservator.'

Mr D.S. BAKER: As the Minister would understand from our comments, we believe that the Soil Conservator can make or break this proposition. The functions are clearly set out in subclause 1 *(a)* as follows:

To implement this Act in those parts of the State that fall outside of districts.

From the second reading explanation it is quite clear that the Soil Conservator can override the boards in districts, so he will have dual duties. If his role is to interfere with the decisions of the boards, we will lose the goodwill of the farming community. Will the Minister tell us how he sees the Soil Conservator interfering with decisions of the boards? Will that occur only in emergencies? We will get the farming community offside if the Conservator, a public employee, unduly interferes or uses his powers in a questionable manner.

Clause 32 (1) *(a)* quite clearly provides that he acts from outside the districts whereas subclause (1) *(b)* gives him the power to override all the decisions made by boards. Will the Minister clearly define the powers and tell us in what circumstances he may override?

The Hon. LYNN ARNOLD: The Conservator would have the power to override a board where it is considered that the board has not acted. This may occur in rare circumstances where the board, in the opinion of the Conservator, is reluctant to take the neccessary action. This action is subject to appeal by the landowner so the Conservator would have to be very clear of his or her grounds. It also provides a mechanism for taking action where a board, being a community group, was having difficulty in coping with the thought of taking action and would like to defer to the Conservator.

Section 39 (1) *(b)* was added as an emergency procedure, as I mentioned before, because of the situation that occurred in one area of South Australia in which, after a normal season earlier this year, roads were being drifted in and no action was being taken by the relevant land-holder. Each day's delay meant that tonnes of sand were drifting onto the roadway. Quick and inexpensive action by the reluctant land-holder was needed and a rapid procedure to force the land-holder to do this was required. The other point in relation to this matter is that, under clause 32 (1) *(b)*, the Minister can appoint the Conservator to run a district in the absence of a board, if a board does not exist or if a board has been dissolved.

Clause passed.

Clauses 33 and 34 passed.

Clause 35—'District plans.'

Mr GUNN: I move:

Page 14, line 10—Leave out 'reasonable opportunity' and insert 'a period of at least 90 days within which'.

The Hon. LYNN ARNOLD: This amendment is acceptable to the Government.

Amendment carried.

Mr GUNN: I move:

Page 14, after line 23—Insert new subclause as follows:

(6a) if at least 10 per cent of the land-holders within a district request the Minister, in writing, to cancel an approved district plan that they believe is not appropriate for the district, the Minister must, by notice in the *Gazette*, cancel that plan and direct the board for the district to develop a fresh district plan in accordance with this section and, where necessary, modify its current three year program accordingly.

The Hon. LYNN ARNOLD: I oppose this amendment. It will not work towards the best efficiency of the legislation and in fact provides for opportunities for almost vexatious procedures. I have difficulty with that and cannot accept it.

Amendment negatived; clause as amended passed.

Clause 36—'Voluntary property plans.'

Mr GUNN: This clause has caused considerable debate and controversy. At this stage the best course is to seek an assurance from the Minister that the title of this clause, 'Voluntary property plans', represents the real intention of this clause. The way I and others have read it is that the heading says 'voluntary' but, if one reads the clause, one will note that it provides that:

a board must, subject to its approved three year program, encourage and assist each owner of land in the district to develop and submit to the board a plan [a property plan] detailing the proposed management of the land over a specified period.

That is fairly restrictive. Will the Minister give an assurance that that is not the intention, and will not be the interpretation, of the clause?

The Hon. LYNN ARNOLD: Yes, I can give that assurance. The voluntary plans are not compulsory. If a person develops a property plan they are encouraged, but do not necessarily have to seek the endorsement of the plan by the board. Where people are seeking a soil conservation loan, or if the review of taxation provision by the Commonwealth follows the proposals of the ACF/NFF submission entitled, 'A National Land Management Program', an approved property plan is required, as the financial decisions are based upon such a plan. There have to be standards set by the Soil Conservation Board against which a plan is assessed for approval. The board also needs the power to revoke or alter the approval if the plan does not suit changing land uses on a property or, over the passage of time, it is recognised that the plan has become deficient.

The Hon. E.R. GOLDSWORTHY: This clause really is gobbledygook. Either the Minister wants a plan or he does not want a plan. This clause provides that the board 'must'—it is mandatory—'subject to its approved three year program, encourage and assist each owner [everybody] of land within the district to develop and submit to the board a plan'. The Minister cannot have it both ways. He wants every landholder in the district to submit a plan and he will encourage them to do it. The Minister wants the land owners to do it and will assist them to do it—everyone of them—and the board must institute this program. He cannot have it both ways: either it is voluntary or it is not. There is an element of compulsion in this legislation as far as the board is concerned. That flows over to each owner of land within a district. The last thing I would want to do is work out a proposed management plan to send to any darn board. The annual agricultural returns give me a pain in the neck.

The Hon. LYNN ARNOLD: The way to handle this is to take out a clause within clause 36 for the purpose of argument and then read what it says. If one takes out the clause 'subject to its approved three year program' one has remaining the words 'a board must encourage and assist'. That is the 'mustness' of it. It is a 'mustness' upon the board to the extent that it is compulsory for the board to encourage and assist in what the clause goes on to provide. The compulsion is to be helpful—that is precisely what it is implying.

The Hon. E.R. Goldsworthy interjecting:

The Hon. LYNN ARNOLD: That is the point I have made when I talked about the extent to which the plans are voluntary from the landholders' point of view.

Mr D.S. BAKER: I do not believe that this is in the best interests of getting the primary producers of South Australia on side. Whichever way one reads it, they will read the 'must' in clause 36(1) as a compulsion. I agree with the Minister when he says that, if one is applying for funds, one must put in a voluntary property plan. However, if one does want funds and help from the Government, that is fine, I agree with that. However, one would be a fool, even if encouraged, to put in a property plan because it will, or may, restrict the way that one operates one's your property. As I said in the second reading debate, decisions must be made virtually on the run and one's farming practices, cropping practices or the way one manages one's operation, depend very greatly on the weather, the markets, and what is happening throughout Australia and the opportunities

available. Therefore, as in any business, one makes snap decisions.

I believe that the Minister, in the best interests of getting the farming community on side, should change the word 'must' to 'may'. The Opposition thanks the Minister for his cooperation with the amendment. We appreciate that cooperation, because we recognise that this is important legislation. However, it must be sold to the farming community outside and we must get them on side.

I would have thought that if we provide that the board 'may', all of a sudden it softens the clause and makes it much easier to sell. I can assure the Minister that neither the member for Eyre, the member for Alexandra nor I would ever put in a voluntary property plan because it might interfere with the way we operate our normal farming practices. If we see it that way, I can assure the Minister that 99.9 per cent of the farming industry will also see it that way. In the spirit of trying to sell what we are attempting in this Bill, I believe we should try to soften the language to make it easier to sell to the rural community. That may not be achieved tonight, but I would appreciate it if the Minister can assure us that he will look at that, because at the end of the day, whether we agree or disagree, we must still make the legislation effective. If the farming community do not buy it, it will not work.

The Hon. LYNN ARNOLD: I suggest that the spirit of this legislation must be taken into account. The two premises that I referred to are the premise of encouragement of cooperative action and the other is that then there are finally sanctionary powers, but see that as a secondary issue, not the primary thrust of the legislation. Clause 36 is part of that encouragement of cooperative action premise and clause 37 is part of the sanctionary premise. The danger of saying the board 'may' encourage etc., may be to water down the impetus of the board in that encouragement and cooperative premise that is at the very core of this legislation, and to lead too easily to the sanctionary areas that exist in current legislation. Again, it is the board we are talking about. This will be tested by experience, but I would be loath to provide a situation where the board did not see it as important for it—as a duty upon it—to act in the role that has been discussed, amongst other things, in clause 36(1). However, I have noted the comments made by members and guess that we will see what happens.

Clause passed.

Progress reported; committee to sit again.

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

The Legislative Council intimated that it insisted on its amendments to which the House of Assembly had disagreed.

Consideration in Committee.

The Hon. FRANK BLEVINS: I move:

That the House of Assembly insist on its disagreement to the Legislative Council's amendments.

Motion carried.

A message was sent to the Legislative Council requesting a conference at which the House of Assembly would be represented by Messrs S.J. Baker, Blevins, Crafter, Duigan and Lewis.

SOIL CONSERVATION AND LAND CARE BILL

Adjourned debate in Committee (resumed on motion).

(Continued from this page.)

Clause 37—'Soil conservation orders'.

Mr LEWIS: I know that you, Sir, might be hard of hearing and hard of seeing, but I was trying to attract your attention before when you simply heard the Minister and pushed clause 36 through without giving me an opportunity to make any contribution.

The Hon. R.G. Payne: I was here all the time and I saw exactly what happened.

Mr LEWIS: I was standing in my place trying to attract the attention of the Chair. I do not want to be pedantic, but I did want to make some comment on that clause.

The ACTING CHAIRMAN (Mr Duigan): Each of the clauses has been dealt with, not in a rushed manner. I regret that the member was unable to make the contribution that he wished on clause 36. However, it was under discussion by the Committee for 15 minutes or so and it has now passed. A point could have been taken earlier: it was not. I am afraid that we have now moved on to clause 37.

Mr Lewis: That's is a bit bloody rude, frankly.

The ACTING CHAIRMAN: Order!

Mr Lewis: The Clerk tried to get your attention, but you ignored him. That is hardly fair.

Mr GUNN: I move:

Page 15, lines 32 to 34—leave out paragraph *(g)*.

The Hon. LYNN ARNOLD: I cannot accept that amendment.

Amendment negatived.

Mr D.S. BAKER: My question relates to paragraphs 2 *(a)*, *(b)* and perhaps *(d)*. These paragraphs may contravene the Native Vegetation Authority under soil conservation orders. Will the Minister tell us exactly what relation the Bill has to the Native Vegetation Act and which Act has precedence?

The Hon. LYNN ARNOLD: First, to plant specified vegetation is to bring about a situation of preventing land degradation; or rehabilitating land degradation; and, secondly, refraining from destroying specified vegetation is vegetation specially planted for the purpose of rejuvenating, rehabilitating degradation or preventing further land degradation. I am advised that it is not inconsistent with the Native Vegetation Act. I am not sure in the circumstances whether there is precedence. The two complement each other and there is not a requirement for one to take precedence over the other.

Mr LEWIS: Under this clause, given that the Bill binds the Crown, it should, if it does not, embrace circumstances where not only farming but other activities are brought to book. I refer to the kinds of things engaged in by the Crown in some part and other irresponsible people in another part. To deal with the Crown first, I give a specific example of the continued existence of the common effluent disposal evaporation pond at Murray Bridge. If the argument is valid that clearing native vegetation out in the mallee 150 km from the river is likely to contribute to degradation of that soil and soil near the river as the groundwater mound pushes saline water towards the river, it is more valid that the retention of the common effluent disposal evaporation pond 20ft from the edge of the river downstream from Murray Bridge, smack in the middle of the flood plain, is also contributing to the degradation of soil adjacent to the river, as well as the water in it.

I draw this matter to the attention of the Minister because there are other examples, if not as serious almost as serious as that, where the Crown is guilty of gross negligence of its responsibilities to the people of South Australia. It is in more than one way grossly negligent. Not only is it degrading the soil and the water in the river but also, as a consequence of degrading that water in the river, it is putting the

good health of the people of South Australia at risk because it is a long reservoir—behind the barrages across the lakes, all along the river to the lock at Blanchetown, from which Adelaide at times draws 80 per cent of its water. Right next to that reservoir we have water that is not tested coming out of the septic tanks in Murray Bridge straight into the common effluent drainage system and into the evaporation pond. Sooner or later it is a formula for disaster.

The second matter to which I refer is other persons who are not landholders necessarily but whose activities ought to become the subject of soil conservation orders, just like the Crown ought to be in the case I mentioned before, but for different reasons. I am now talking about the sort of recreational activity to which I alluded in my second reading contribution—trail bike riders who persistently use or abuse land in the pursuit of their recreational activity. In my experience they have been in the hills face zone national park, the Black Hill native flora park or in some fragile or semi-arid environment on sandhills, and somehow or other they have to be stopped.

However, under the terms of this legislation, a soil conservation order cannot be issued against those individuals. The Government does not seem to have provided means by which to prosecute people who continue to abuse those sensitive ecosystems in which those inappropriate activities are undertaken.

I believe that that sort of activity must be addressed and, if that cannot be done by way of soil conservation orders, we must find other ways of doing it. I am genuinely concerned. I am not a spoilsport. I believe that, if the trailbike riders or horseriders want to use the sandhills, it is up to them if they want to buy a block of land, build a sandhill, knock it down, rebuild it again, only to knock it down again. It should be feasible for them to do that in conjunction with one another, the same as people who want to play golf can go and buy a golf course.

The Hon. E.R. Goldsworthy interjecting.

Mr LEWIS: I believe that such people should not be allowed indiscriminately to knock down existing sandhills, and somehow or other they must be stopped. Sandhills are only an example. Other fragile landforms and soil types on sloping land should not be used in an indiscriminate fashion for such activity. If that practice is allowed, the damage is done and no further action is taken to rectify that damage. Those two concerns do not appear to be covered by this clause or any other clause in the legislation. The Crown or irresponsible people are not compelled to cease abusing what we have.

Things always start in a small way. I do not want to see further activity of this kind that results in the formation of a gutter where the trailbike riders went up and down some landform which they should not have used. That gutter then leads to a gully, which then leads to an expansion of the erosion. If they tear back and forth across a section of the land which happens to include a slope, sheet erosion will result after a heavy rainfall.

The Hon. LYNN ARNOLD: I have noted all the points made by the honourable member and they will be further considered. I am not sure what that means in terms of any future needs, but the first point I want to make about the Crown is that we have already identified that the Crown is bound by the legislation. In respect of the extent to which the issues referred to by the honourable member are within the purview of the Act, then the Crown is bound by the Act for those activities. It probably is more relevant in the case of the examples cited by the honourable member to consider other areas of legislation as much as this one. Notwithstanding the points made by the honourable member in the second reading debate about the broader ambit of this legislation, that does incorporate hydrological issues also, and I accept that.

In relation to the second point about trailbike riders, if they are riding on national parklands, they can be controlled under the legislation covering the national parks. The Crown has an obligation to monitor and to do something about it. If they are on private property, then they are either committing trespass, in which case there is redress against the individual trailbike rider, or they might be there with the concurrence of the land-holder and, if the land-holder allows massive degradation to occur, that situation can be addressed by this legislation. However, if he or she has not allowed those people to be present on the land, there are trespass rights to control such activities.

Amendment negatived; clause passed.

Clause 38—'Provisions relating to compulsory property plans.'

Mr GUNN: The Opposition is concerned that the Conservator is given the right to make very extensive orders that can have a considerable effect upon land-holders. The land-holder can now appeal to a tribunal and that does reduce our concerns. However, I make the point that we are concerned that these powers would be used only in the most exceptional circumstances, or in areas where no boards operate.

The Hon. LYNN ARNOLD: It is certainly the case that they would be used only in the most exceptional circumstances.

Mr LEWIS: Notwithstanding the Minister's assurance, in my view this is really additional bureaucracy and these property plans are not necessary. They could easily have been incorporated as part of the district plan developed in consultation with land-holders when a district plan is drawn up by the board. If that procedure had been adopted, it would not have involved so much expense and imposition for each individual land-holder. The land-holders would have known what was in the district plan and the ways in which they could have used their land. They would have still been involved in the process of examining how they could and should use the lands which they owned if they were not using it responsibly prior to that time.

The imposition of this additional paper work simplifies the matter for those other madcap nuts who want to insist on general cultivation permits with specific approvals being given in each case when cultivation is desired to be undertaken by the land-holder. However, it has made the general process more difficult, because I think it is totally unnecessary and unacceptable. We do not need to travel down that track. If we had done things differently, we would have served the purpose without causing additional expense and offence. The powers of the board and the Minister would not have been diminished if this clause had not been included.

The Hon. LYNN ARNOLD: With respect to the district and property plans, there is a difference. The property plan is clearly focused on the indivual property of the land-holder quite specific to the questions involved there. A district plan is a general overview of a district area and it is much like a macro and micro look at a situation where you get a greater degree of specificity in the property plan. It addresses issues that are not specifically addressed in the broad district plan. The district plan would not cover particular land usage for particular land allotments. It would give a broad interpretation as to what should happen in different parts of the district in question rather than actually doing a field by field breakdown as would happen with a property plan.

Mr BLACKER: In what circumstances would the board reject the plan? How detailed would a property plan have to be, bearing in mind that most farms with which I am familiar would have a wide variation of soil types within the same paddock, let alone within the same farm.

It is a matter of degree as to how far down the track we are looking in relation to when the board would step in. In relation to aerial photographs that the native vegetation management group use, lines are drawn to specifiy certain farming activities for the area.. If that was done maybe it would not be so bad, but certainly in some of the farming properties with which I have had involvement soil types vary considerably, even in a paddock as small as 10 hectares. If this is to involve soil conservation and the requirements of the various soil types, it could be that a very detailed plan is required. If it is not sufficiently detailed, it might be rejected by the board.

The Hon. LYNN ARNOLD: Soil type can vary dramatically within just one paddock. Indeed, I have seen detail from Landsat information that quite clearly shows that. This relates to the point I was making earlier, that property plans need to be much more specific, because there can be a variation within one particular paddock area. I come back to the point made earlier about the tense of the verb used in relation to the provision that the board 'must encourage and assist'. One of the things that the board will be required to do will be to assist the property owner in the development of these property plans. If the property plans in the first instance are no more than thumbnail sketches which do not really pick up the issues involved, it will be an obligation on the board to help work with the landholder through that situation and to come up with a plan that reasonably meets the requirements for land rehabilitation.

Mr BLACKER: Could we be looking at the possibility of a property owner being required to change fencing in order to suit soil type requirements rather than retaining the normal rectangular type paddocks originally set up on most properties? Soil types often run in a sweeping type pattern, depending on all sorts of criteria. If it was required that a certain soil type be handled in a certain way, obviously fencing requirements would have to meet those needs, more so than geographical conditions.

The Hon. LYNN ARNOLD: The short answer is that, yes, it could be required. The more complex answer is that that could well be required over time and that the timing of it would be subject, first, to an analysis of what is feasible in terms of the capacity of the landholder to make the change and, secondly, the capacity of the land to sustain, not an immediate change but a slower rate of change. In other words, if a determination was made that a fence needed to be shifted because of a difference in soil types, and the application required for two different areas, it may be that the land would already be suffering severe stress from present usage with the fence in its present location and that every year would count badly, or it may be that the land could sustain a program where two years would be required. It would then be a case of saying that there might be a requirement for the shifting of a fence, although the actual undertaking of that would be subject to discussion between the property holder and the board.

Mr BLACKER: I guess my comments related more to the wetter part of Eyre Peninsula, but moving a little further north, having regard to the explanation given by the Minister, it could well be that every sandhill in the northern part of the area, where the sandhills run in a similar pattern, may well have to be fenced. Both sides of the sandhill may have to be fenced so that the flats can be farmed, and the sandhills control grazed. I can see a very severe implication if this is carried through that far.

The Hon. LYNN ARNOLD: Taking this to an enormously illogical extension, yes, perhaps that could be the case, but I do not see that as being the practical answer to the situation. The member for Eyre might be in a better position to advise on this, but I believe that over many years the sandhills in the middle of cropping country have been managed in different ways by farmers in the region by allowing different types of vegetation to grow over them, and they simply do not plough those areas.

Mr Gunn: They were not even supposed to clear them.

The Hon. LYNN ARNOLD: Yes. The farmers have done this not through fencing mechanisms but by farm management practices, tillage practices, for example. That is the effective answer to the question raised by the member for Flinders—rather than a sort of arbitrary requirement that the only solution relates to fencing. A fencing requirement may not be the only solution. This could involve other sorts of answers.

Mr LEWIS: A concern that I have relating to clause 38 involves circumstances where, as a consequence of new knowledge about irrigation technology, and so on, and the availability of water, the feasibility of a change of land use could emerge in relation to land which at present and for the past few decades has been used, say, for dry land grain and grazing production. In relation to this we find no provision for such a changeover of land use from grazing and cropping to intensive horticulture—or a combination of the three, where only two were involved previously.

I am talking about, say, horticulture on broadacres, such that the property plan may not allow for the deep sand to be cultivated. Yet, if one is involved in intensive horticulture, it is stupid not to plant on deep well-drained sands and, *apropos* the intensive nature of cropping practice, using cover crops when the soil is being spelled, to be incorporated back into the soil and also thus preventing it from being subject to erosion. Doing that is a highly desirable way to develop the land and yet it will be not be permitted once the property plan is put in place.

This is pretty disturbing to me, because there are thousands of hectares of land in the Murray-Mallee which can now be developed for irrigation purposes, if we do two important things; namely, put the crops that are to be irrigated on the deep well-drained sands, where they will produce more per litre of water applied to them and, secondly, not waste the water on the shallower soils between the sandhills, where a rapid buildup of the watertable into the root zone (the groundwater mound) will occur. It has already happened in one or two instances and has ruined the crop that has been planted. It is quite inappropriate land use to try to irrigate a crop on those heavy type B horizon shallow A horizon soils, which have heavy clay in them. I wonder then how on earth we can incorporate in these property plans the provision whereby a complete change of land use is not stultified.

The Hon. LYNN ARNOLD: I think the operative provisions in clause 38 are found in subclauses (3) and (4). Subclause (3) provides:

> An approved property plan may, with the approval of the board, be varied by the landowner.

In other words, the circumstances envisaged by the member for Murray-Mallee could well be picked up by that provision. Further, subclause (4) provides:

> A board may, by notice in writing to the landowner, revoke an approved property plan if of the opinion that the plan is no longer appropriate for the land.

It may no longer be appropriate either because of changed land use proposals by the landholder—which are still con-

sistent with good land management—or because of other circumstances that may well have changed in some intervening period. So, this is not creating a straitjacket approach, that come what may the property plan would be holy writ and become more important than the practical application of good land management practices. Those practices may change because circumstances change; therefore, a variation to the property plan might be required or perhaps even its revocation.

Clause passed.

Progress reported; Committee to sit again.

CRIMINAL LAW (SENTENCING) ACT AMENDMENT BILL

A message was received from the Legislative Council agreeing to a conference, to be held in the Legislative Council conference room at 11.30 a.m. on Thursday 24 August.

Mrs APPLEBY: Mr Acting Speaker, I draw your attention to the state of the House.

A quorum having been formed:

The Hon. FRANK BLEVINS (Minister of Transport): I move:

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

Motion carried.

WAREHOUSE LIENS BILL

Received from the Legislative Council and read a first time.

SITTINGS AND BUSINESS

The Hon. LYNN ARNOLD (Minister of State Development and Technology): I move:

That Standing Orders be so far suspended to enable the House to sit beyond 12 midnight.

Motion carried.

SOIL CONSERVATION AND LAND CARE BILL

Adjourned debate in Committee (resumed on motion).

(Continued from this page.)

Clause 39—'Power of Conservator to make soil conservation orders.'

Mr LEWIS: I move:

Page 16, line 22—After 'the Conservator may' insert 'with the approval of the Minister'.

This clause provides with the Conservator draconian powers. In effect, the other consultative processes written into the legislation in other places might as well be forgotten because, in the end, as the Bill presently stands, the Conservator will say what will be done and it shall be done. He can override the board, which the legislation establishes, and he can override the council and do what he ruddy well pleases. I would like to provide the Committee with a description of the consequences of the exercise of that power where it was irresponsible but, because of the constraints of time, I cannot. I am directed that I should simply move this amendment to determine whether Government members are willing to allow that the Minister should exercise this power and that the Minister should be accountable to the Parliament for his actions in the way that the amendment envisages.

I believe that the Conservator, as the Bill presently stands, is too far distant from the members of this Chamber. Equally, the Conservator, simply as a matter of decorum and procedure, like other public servants, is not able to defend himself in this place or publicly if attacked. A weak Minister could hide behind the skirts of a Conservator or, alternatively, in the worst scenario, as happens from time to time, a senior public servant in this position may be totally inflexible, totally unreasonable and quite unjust in the way in which directions are given. Ultimately, that attitude may cause great expense and anguish to families or ordinary, individual citizens. I beg the Minister and Government members to support my proposition. It will not make the legislation unworkable but it will help.

The Hon. LYNN ARNOLD: I cannot accept the amendment. It provides a mechanism that will be far too bureaucratic to address the issue to which the honourable member refers. What we ought to consider—and this can be done by amendment in another place—is a requirement for annual reporting by the Minister to Parliament, that is, the laying on of a parliamentary paper where this situation has arisen in the previous 12 months, or something of that order. That would be a more realistic monitoring mechanism. To do that within the confines of the amendment would be far too restrictive for all concerned. I do not accept the amendment.

Mr LEWIS: I am disappointed. I simply say that, because of the way in which Parliament now works in this Chamber, members like me on this side are unable to draw the attention of the Chamber to the problems our constituents face as a consequence of the decisions made by bureaucrats that impact very adversely on their lives because of the political constraints. No-one gives a damn, and that is just tragic.

Amendment negatived.

Mr LEWIS: I will not proceed with my next amendment.

Clause passed.

Clause 40 passed.

Clause 41—'Enforcement of soil conservation orders.'

Mr GUNN: I move:

Page 17, line 4—After 'may' insert ', with the consent of the Minister,'.

The purpose of this amendment is to provide a right of appeal against a provision that is very draconian. In my experience, no other board or individual unelected group without legal training would have the authority to impose a fine of up to $10 000. It is therefore appropriate that this matter should be referred to the Minister, who would obviously get some person with a legal background to examine the proposition before approving it.

The Hon. LYNN ARNOLD: I accept that amendment.

Amendment carried.

Mr GUNN: I move:

Page 17, lines 12 to 14—Leave out 'in priority before all other charges and mortgages (other than a charge in favour of the Crown or a Crown instrumentality)' and insert 'after all other charges and mortgages'.

The Hon. LYNN ARNOLD: I will not accept that amendment. The proposal in the substantive Bill is consistent with all other such charges that take priority in situations like this. This is merely consistent with what applies in other situations.

Amendment negatived.

Mr BLACKER: Why is the $10 000 fine mentioned and not listed as a division fine? Is it a technicality as to who is imposing the fine?

The Hon. LYNN ARNOLD: First, this is consistent with the Pastoral Act which also sets a monetary sum. Secondly,

and perhaps more pertinently, this is not a fine imposed by a court, to which the division ranking system refers.

Amendment carried; clause as amended passed.

Clauses 42 and 43 passed.

Clause 44—'Registration of approved property plans.'

Mr GUNN: I move:

Page 17, lines 39 and 40—Leave out '(whether voluntary or compulsory)'.

The Opposition believes this amendment will improve the legislation.

The Hon. LYNN ARNOLD: I will accept this amendment. I do not see that it makes any difference because 'whether or not voluntary' covers every situation.

Amendment carried; clause as amended passed.

Clause 45—'Control of driving of stock.'

Mr LEWIS: I move:

Page 18, line 17—After 'subsection (1)' delete 'If of opinion' and insert as follows:

'Acting only on advice from a Board . . .'

After line 20—Insert as follows:

or

(b) in relation to any other land, except upon the recommendation of the board, or boards, the districts of which may be affected by the proposal.

In this instance I seek to ensure that this is a decision made on the advice of the board, rather than at the prerogative of the Minister. It ensures that there is local knowledge involved in making the decision and gazetting the notice. Equally, it is identical to the provision which prevails in the case where the pastoral areas are involved: it is the board that makes the decision and I therefore ask the Committee to accept that proposition.

The Hon. LYNN ARNOLD: As I understand it, this would now read, if accepted, as follows:

Acting only on advice from a board that it is necessary or desirable to do so for the prevention of soil erosion, the Minister may, by notice . . .

If that is the case, I am prepared to accept the amendment.

Mr LEWIS: We are simply leaving the resonsibility with the board—or boards, where travelling stock passes through more than one board area. There is nothing sinister about it. It leaves the prerogative with the boards or boards which may be involved with it.

The Hon. LYNN ARNOLD: The only difficulty I have is with line 20, where the amendment inserts a paragraph *(b)*, which implies that subclause 2 should have a paragraph *(a)*. Is that correct?

Mr LEWIS: I am not sure what the Minister is getting at. My amendment simply means that the board, or boards, along the stock route make the recommendation to the Minister. Paragraph *(b)* ensure that that will happen.

The Hon. LYNN ARNOLD: If that is the case, and I am not yet convinced that it is, I am sure we are missing paragraph *(a)*. I will accept the amendment.

Amendment carried; clause as amended passed.

New clauses 45a. to 45d. 'Division I—The Tribunal.'

Mr GUNN: I move to insert the following new clauses:

Page 18, after line 25. Insert new Division and heading as follows:

DIVISION I—THE TRIBUNAL

Establishment of the Tribunal

45a. (1) The *Soil Conservation Appeal Tribunal* is established.

(2) The Tribunal will be constituted of—

(a) a District Court Judge nominated by the Senior Judge as a Judge of the Tribunal; and

(b) two other members appointed by the Governor on the nomination of the Minister, of whom—

(i) one will be a person who is a farmer; and

(ii) one will be an employee in the Department of Agriculture.

(3) There will be a Registrar of the Tribunal.

Determination of questions

45b. Any questions of law or procedure arising before the Tribunal will be determined by the Judge and any other questions by unanimous or majority decision of the members.

Powers and procedures of the Tribunal

45c. (1) The tribunal may, for the purposes of proceedings before the tribunal—

(a) by summons signed on behalf of the tribunal by a member of the tribunal or the Registrar, require the attendance of a person before the tribunal;

(b) by summons signed on behalf of the tribunal by a member of the tribunal or the Registrar, require the production before the tribunal of any relevant books, papers or documents (not being income tax returns, bank statements or banking records);

(c) inspect any books, paper or documents produced before it and retain them for such reasonable period as it thinks fit and make copies of any of them or any of their contents;

(d) require any person to make an oath or affirmation to answer truly all questions put by a member of the tribunal, or a person appearing before the tribunal, relating to a matter before the tribunal;

(e) require any person appearing before the tribunal to answer any relevant questions put by a member of the tribunal or a person appearing before the tribunal.

(2) Subject to subsection (3), a person who—

(a) has been served with a summons to appear before the Tribunal fails, without reasonable excuse, to attend in obedience to the summons;

(b) has been served with a summons to produce books, papers or documents and fails, without reasonable excuse, to comply with the summons;

(c) misbehaves before the Tribunal, wilfully insults the Tribunal or any member of the Tribunal or interrupts the proceedings of the Tribunal; or

(d) refuses to be sworn or to affirm, or to answer any relevant question when required to do so by the Tribunal,

is guilty of an offence.

Penalty: Division 5 fine.

(3) If the appellant in proceedings before the Tribunal so requests, the Tribunal must direct that no person other than—

(a) the parties and their counsel or representatives;

(b) witnesses;

and

(c) officers of the Tribunal or assisting the Tribunal, be present in the room while the proceedings are being heard.

(4) The Tribunal is not obliged to entertain proceedings that area, in its opinion, frivolous or vexatious.

(5) A person who appears as a witness before the Tribunal has the same protection as a witness in proceedings before a District Court.

(6) The Tribunal cannot allow non-party intervention in proceedings before the Tribunal.

(7) The Registrar must give the parties to proceedings reasonable notice of the time and place of the proceedings.

(8) A party is entitled to appear personally or by counsel or other representative.

(9) A party must be allowed a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses and to make submissions to the Tribunal.

(10) A witness will, unless the Tribunal otherwise determines, be allowed witness fees in accordance with a prescribed scale or, if a scale has not been prescribed, with the scale applicable to civil proceedings in the District Court.

(11) The Tribunal may make a determination in any proceedings in the absence of a party to the proceedings if satisfied that the party was given reasonable opportunity to appear but failed to do so.

(12) The Tribunal may make orders for costs in accordance with a prescribed scale against—

(a) the Minister, a board or the Conservator;

or

(b) any other party to proceedings,

but an order cannot be made under paragraph *(b)* unless the Tribunal is satisfied that the party's conduct in relation to the proceedings was frivolous, vexatious or calculated to cause delay.

(13) At the conclusion of proceedings, the Tribunal must furnish the parties with a written statement of the reasons for its decision.

Principles governing appeal proceedings

45d. In determining any proceedings before the Tribunal, the Tribunal—

(a) must act according to equity, good conscience and the substantial merits of the case;

(b) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit; and

(c) must have regard to the objects of this Act.

New clauses inserted.

Clause 46—'Right of appeal'.

Mr GUNN: I move:

Page 18, line 27—After 'who is dissatisfied' insert—

(a) with a decision of the Minister to acquire land compulsorily;

or

(b)

The Hon. LYNN ARNOLD: I am not prepared to accept this amendment because I believe that the situation is already covered in the Land Acquisition Act.

Amendment negatived.

Mr GUNN: I move:

Page 18.

Line 33—Leave out 'council' and insert 'tribunal'.

Line 36—Leave out 'council' and insert 'tribunal'.

Amendments carried; clause as amended passed.

Clause 47—'Operation of decisions pending appeal.'

Mr GUNN: I move:

Page 18, line 46—leave out 'council' and insert 'tribunal'.

The Hon. LYNN ARNOLD: I accept that amendment.

Amendment carried; clause as amended passed.

Progress reported; Committee to sit again.

PAY-ROLL TAX ACT AMENDMENT BILL

Returned from the Legislative Council without amendment.

ADJOURNMENT

At 12.6 a.m. the House adjourned until Thursday 24 August at 11 a.m.