HOUSE OF ASSEMBLY

Thursday 25 October 1990

The SPEAKER (Hon. N.T. Peterson) took the Chair at 11 a.m. and read prayers.

CITRUS PRICES

The Hon. P.B. ARNOLD (Chaffey): I move:

That this House unanimously supports the Federal Minister for Primary Industries and Energy (Hon. John Kerin) in his endeavour to implement options to reduce the price volatility faced by Australian citrus growers.

In moving this motion, I express the appreciation of the citrus industry to all members of this House for allowing this motion to proceed at very short notice. Approximately two weeks ago, the United States Department of Agriculture released Florida's citrus crop forecast for the current season, which is up by 27 per cent on the preliminary forecast. As a result of the increased estimates, the world price of frozen concentrated orange juice has dropped from $US1 800 per tonne to $US1 400 per tonne with the forecast, as I understand, that within the next two months the price could reduce to $US1 100 per tonne for concentrate. The fresh fruit equivalent price in Australia, using the figures I have quoted and assuming that the dollar will remain at around US 80c, equates to the following: $US1 800 for concentrate is equivalent to $A132 per fresh tonne. The figure has now reduced to $US1 400, which equates to $A86 per tonne fresh. In the event of the frozen concentrate price dropping to $US1 100 within the next two months, that would equate to $A54 for fresh fruit per tonne.

It is recognised in Australia that the cost of production per tonne of fresh oranges is between $140 and $160 per tonne. So, the shortfall is enormous. Unfortunately, in this country an unofficial nexus exists between the fresh citrus juice and fresh fruit on the market. The effect of that is that a dramatic reduction in the world juice price brings down the fresh fruit market as well. Last Friday the Federal Minister for Primary Industries and Energy at very short notice, as I understand, met with members of the citrus industry in South Australia.

He said that as a matter of urgency he would examine options to reduce the price volatility faced by Australian citrus growers with the intention of taking a submission to Cabinet as soon as possible. Without trying to put words in the Minister's mouth, I believe that he said to the industry representatives that the Government does want a stable citrus industry in Australia. He acknowledged that all the horticultural industries in this country are in deep trouble and that the world price had fallen from US$2 350 per tonne some time ago to the current US$1 400.

I understand that the Minister is considering short-term options of a floor price, a sliding price quota, an emergency quota or a mix of the three. One has to recognise that in Australia the citrus producer, along with other fruit producers, is afforded an 8 per cent tariff protection, as compared with the United States, which affords its citrus growers a 35 per cent tariff protection.

I support the concept, for want of a better term, of a level playing field approach but, unfortunately, the field in Australia has been built on the side of a hill. Not only is the citrus industry kicking uphill, but it is also kicking into the wind, so any concept of a level playing field in this country just does not exist. Unless appropriate short-term action is taken, the citrus industry in Australia will be critically injured, not for the lack of world-class players in this country, but by virtue of being forced to play by a different set of rules from those applying to the rest of the world. Brazil is by far the largest citrus producer in the world. It is financed largely by the United States of America and Germany and, at the same time, the US affords protection to its own growers of 35 per cent to make sure that its offshore production in no way financially disadvantages its producers at home. So, there is no way on earth that that can be considered a level playing field.

It is also true to say that State Governments can do little other than to encourage the Federal Government to take the necessary short-term action. In the event of this motion being supported unanimously, I would ask that this House convey the sentiments of this debate today to the Prime Minister and members of the Federal Cabinet. I would like to see this motion supported unanimously, and I commend it to the House.

The Hon. LYNN ARNOLD (Minister of Agriculture): I indicate that the Government will support the member for Chaffey's motion. Certainly, I would hope that it is conveyed at the earliest opportunity by the House to the Prime Minister. In any event, I will be meeting with the Federal Minister for Primary Industries and Energy, John Kerin, next Wednesday, and I will take that opportunity to convey to him the content of this motion.

As the member quite rightly identifies, a major problem is facing the citrus industry. World prices for processing citrus have dropped from about $180 per tonne in August this year to $85 per tonne now, with the futures price of 15 October equating to a local South Australian price of $26 per tonne. The cost of production is in the range of $90 to $140 per tonne, with the cost of picking alone at about $40 per tonne. This severe drop in futures prices of frozen orange juice concentrate is believed to be the result of the release of crop estimates for Florida, which are higher than expected, following the freeze in Florida early this year, or late last year.

In the past three weeks futures prices have dropped from an equivalent of $US1 244 per tonne on 5 October to $US1 122 on 12 October, to $US886 on 15 October, with a price last Friday of $US818. Citrus growers are faced with a decision of what to do with the crop on the trees, which is now ready for harvest, and processors are already indicating that they cannot afford to continue buying citrus and face further write-downs on the value of stock if prices continue to fall in line with futures prices. Indeed, one processor has cast the opinion that the industry in the Riverland does not have a future, even at a return level of $85 per tonne. Such an average price means that some growers will receive perhaps half this price because pricing is linked to the quality of fruit for processing.

The concern of the industry at this time is the volatility of prices as well as the effect on growers of pricing which is below the cost of production. The issue of pricing of fruit for processing is a vexed one which I am currently addressing with the industry in the context of the review of regulations for the industry, of which the citrus white paper is a part. It is extremely difficult for the citrus industry to quickly adjust to such wild fluctuations in pricing considering that it is marketing a product of long lived trees which take five to six years to achieve economic production. I support Mr Kerin's intention to look at options to reduce price volatility so that the industry can continue to recognise and adjust to longer term trends without disruptive situations developing, such as are currently being experienced.

The Australian Citrus Growers Federation, the Citrus Board of South Australia and the Murray Citrus Growers

Association met with Mr Kerin last Friday. The concerns were put by them to the Minister, who in turn indicated that he was concerned about several small industries—and in terms of the world market we use the word 'small'—such as pineapples, peanuts, apricots and canned fruit which are highly exposed to the volatile world market. The industry put a case for urgent consideration of this issue since the juice price tends to set the fresh market price and the patterns will be set in the next three to four weeks. Processors are looking for an immediate drop in the fixed prices and any delay may result in very much lower prices than the $85 per tonne figure being set.

In his response Mr Kerin indicated that he is sympathetic and would 'examine as a matter of urgency options to reduce the price volatility faced by Australian citrus growers with the intention of taking forward a submission to Cabinet as soon as possible'. He would be immediately establishing a working party with the industry and Department of Primary Industry and Energy officers to look at the options. South Australian grower reaction to the downturn will depend on the prices set by the Citrus Board of South Australia. That board, of course, is in a difficult situation, but its stabilising influence is needed and it appears to have the support of processors to move now and to set a new price which the processors are prepared to support before the world price drops further in the next few weeks.

It would take about four weeks for imported concentrate to be available in Australia at the $85 per tonne level and, following that, there will be no incentive for converters of concentrate to the retail product to use a higher priced Australian product if current prices are maintained. The current situation clearly vindicates the Government's stand on promoting the further development of the fresh fruit export side of the industry, and I am considering further actions which the Department of Agriculture and the Department of Industry, Trade and Technology may take to assist in development in this area.

I believe the present situation we are facing highlights yet again the need for a re-examination of dumping procedures with respect to commodities such as citrus, and we have already taken up that matter with the Federal Government and would propose continuing to pursue that. Indeed, it will be one of the items that I discuss with Mr Kerin next week. As to the effect on the white paper that has been released and the draft Bill that will come before the House, I have received many submissions from the citrus industry about the issue of minimum pricing and terms of payment.

It needs to be understood that it should still be the clear intention that we give market signals to all sections of the industry and we try to avoid any means of masking market signals that enable the industry to get false messages and make false investment decisions. Therefore, I believe that a goal of trying to resolve this issue by June 1992 for processed fruit should still be very much worked towards. However, I am prepared for there to be further discussions with industry on this matter, particularly with a view to determining whether or not there could be opportunities in the legislation to enable the board to have reserve powers for the setting of prices under special circumstances. In other words, where particular effects suddenly come into play much quicker than the industry could reasonably be expected to have reacted to.

That is a compromise position for the State Government. In addition, I also indicate that I am willing to have built into the legislation a maintenance of powers for terms of payment. Some convincing arguments were put to me by the industry that, putting aside the minimum pricing issue, the terms of payment could result (given the structure of the processing industry versus the structure of the grower industry) in some disadvantage to growers.

I am willing to have that matter further looked at in the draft Bill that I present to Parliament. Finally, the Government supports the concept of fair trading—a level playing field. The member for Chaffey said that it is no good playing on a field where one is kicking up hill. Fair trading means that we encourage the removal of international trade barriers but that we do it right across the board in other areas in other countries and that this country should be pursuing aggressively a successful outcome to the Uruguay round, and I certainly hope to maintain contact with Neal Blewett on this matter. John Kerin has indicated that some of these issues will need to be further pursued post the Uruguay round, and certainly I would agree with him on that. We look forward to supporting what we can in developing a fair trading condition for the citrus industry in this State.

Motion carried.

HALLETT COVE SCHOOL

Mr MATTHEW (Bright): I move:

That this House calls on the Government, as a matter of priority, to make provision for education to year 12 at the Hallett Cove school.

For the benefit of members who are not familiar with the Hallett Cove school, I advise that it presently provides education from reception to year 10. In fact, the school opened in 1987 as a result of an election eve promise by the Government prior to the 1985 State election. The history behind that site goes back almost 20 years. I have in my possession today extracts from the *News* of 23 March 1971, and the front page of that paper provoked considerable interest at that time. Headed 'Boat haven, homes, schools. Huge new centre on south coast', the article heralded an announcement by the then Works Minister (Hon. D. Corcoran) that a housing and marina development would be built.

The Hon. B.C. Eastick: What was that date again?

Mr MATTHEW: It was 23 March 1971. That development was approved and was going to include many marvellous things such as a 3,000 foot breakwater, a boat haven with independent moorings for about 1 000 boats, a luxury motel overlooking the haven and a football bowl with seating for 50 000 people (and I know that that proposal still interests South Adelaide today). It was to include a major highway through to Christies Beach, a 20 acre shopping centre and, of course, schools. With that article the Government also released a plan of the area to be subdivided for residential purposes. The plan also indicates clearly a Hallett Cove high school.

History tells us that the marina never went ahead because the site proposed for the marina was none other than the site that is now the Hallet Cove Conservation Park. At that time many people grouped together to fight the marina development approved by the then Government. It was later in that year that the then Premier, Don Dunstan, announced the quashing of that project. However, the residential development did go ahead, and largely unchanged. Indeed, the Education Department gained ownership of that very site, the high school site that was proposed way back on 23 March 1971, that same site that was announced by the Government as a site for a high school.

Much occurred in ensuing years. Some fairly good planning was put into place in relation to school sites to serve that southern part of our city. In fact, the area was to include five primary schools feeding into a central high school. Some of those primary schools have been built, one being

the St Martin de Porres Catholic School at Sheidow Park and another being the Hallett Cove South Primary School. There was also to be a school in the Karrara area and that school finally, once again as a result of lobbying on the eve of an election and following an announcement by former Liberal Leader, John Olsen, in conjunction with me, is now being built and will open in 1992.

Unfortunately, two sites were not used as planned; a primary school site was rather foolishly and short-sightedly disposed of at a period when the Education Department felt a need to rationalise its resources and sell land in order to get a quick buck. When the Government realised the mistake it had made—and it was a costly one in a marginal seat—it had to cobble something together that would solve the predicament that it had created. That something came to fruition via a report to the Minister of Education dated 23 July 1984 and entitled 'The Educational and Children's Services Needs of the Hallett Cove and Karrara Areas'. It is interesting to note that the report was submitted to the then Minister of Education by the member for Mawson, who is now a Minister in this Government. That report recommended the establishment of an R-10 school to open in 1987, but it was buried until the eve of the 1985 election, being used to push forward the promise of a school so that the Government would have some chance of winning a marginal seat. It was interesting to note one part of the report, which stated:

> There is much dissatisfaction in the community with the concept of bussing students out of the area to secondary schools . . .

That dissatisfaction is no less today than it was then. Parents are now required to send students wishing to undertake year 11 and 12 studies to schools outside the area. In fact, in an attempt to at least provide students with continuity, some forewarning of the curriculum they are likely to be able to study in the next year and some guarantee of a school to go to years 11 and 12, the Hallett Cove School has been zoned with Seaview High School. I am pleased to say that Seaview High School, which is in my electorate, has an impeccable reputation, a reputation for delivering excellence in education. I am sure that the students who attend that school next year (in fact, 50 year 10 students from Hallett Cove school will be attending that school next year) will gain a good education. However, parents are concerned that there has been a need to put special bus services in place to ferry those students from Hallett Cove to that school and also that those students will be travelling nine kilometres to get to school each day in order to study year 11 or year 12.

Much has been made of figures and statistics surrounding the need and desire for a school in that area. However, I was interested to note that on 15 January 1986, when the Minister of Education announced the construction of the Hallett Cove R-10 school, he also said:

> While senior secondary school students in years 11 and 12 would continue to attend nearby high schools, planning for the new schools would enable the introduction of those years in the future, if numbers warranted it.

So, way back in 1986 there is a public acknowledgment by the then, and still current, Minister of Education that, if numbers warranted it, that school should, indeed, have education to years 11 and 12. It is interesting to note the sorts of statistics used at that point in time to determine whether year 11 and 12 education should be offered. I refer to the final report of the Parliamentary Standing Committee on Public Works on the Hallett Cove school construction dated 1986. Included in that document is an interesting table which I seek leave to have inserted in *Hansard.*

Leave granted.

Combined projected enrolments for the R-10 school are as follows:

Projected Enrolments at the Hallett Cove R-10 School

Year	Primary	Secondary	Total
1987	130		130
1988	200	110	310
1989	300	235	535
1990	380	390	770
1991	450	450	900
1992	500	505	1 005

Mr MATTHEW: For the benefit of members, that table gives projected primary and secondary school enrolments at the R-10 school. It is interesting to note that for 1992 the projected number of primary school enrolments for that school was 500. I have in my possession figures collected by that school as at 19 October 1990—two years before that projected 1992 figure of 500 students—that show that 816 students (that is the primary school component) attend the school, which is only three years old. Further, there are 242 secondary students in years 8, 9 and 10. Thus a total of 1 058 students attend that school, which, according to projected Education Department figures used by the Public Works Standing Committee, was supposed to have nowhere near that number of enrolments.

It is also a matter of public record that residents in the area have consistently fought the figures that were put forward in that report by Education Department demographers. Projected data available from reputable sources such as the City of Marion showed quite clearly at that time that the number of enrolments would be very similar to the number today. It is interesting to note that the figures put forward for secondary enrolments have not been realised. For 1990, the projected number of enrolments of secondary students was 390, whereas as at 19 October there were only 242 students. The reason for this is quite easily explained when one looks at enrolment figures for secondary students at other high schools in the area. I seek leave to have inserted in *Hansard* a table of enrolment figures as at 16 June 1989 for high schools within the southern area of this catchment area for Hallett Cove.

The SPEAKER: Is this table purely statistical?

Mr MATTHEW: Yes.

Leave granted.

High School	8	9	10	11	12	Total

HALLETT COVE-KARRARA ESTATE
DEMOGRAPHIC STUDY
Update of Information System—Table 11
Current Enrolments 16.6.89
High School students coming from Hallett Cove, Sheidow Park and Trott Park.

High School	8	9	10	11	12	Total
Brighton High School						
Hallett Cove	19	21	27	28	26	121
Sheidow Park	4	7	0	2	3	16
Trott Park	2	5	2	0	2	11
Total	25	33	29	30	31	148
Mawson High School						
Hallett Cove	11	7	22	24	22	86
Sheidow Park	3	1	3	4	3	14
Trott Park	0	1	1	1	0	3
Total	14	9	26	29	25	103
Mitchell Park High School						
Hallett Cove	0	0	2	1	0	3
Sheidow Park	0	1	0	0	2	3
Trott Park	0	0	1	0	0	1
Total	0	1	3	1	2	7
Marion High School						
Hallett Cove	4	1	0	1	4	10
Sheidow Park	0	0	1	0	0	1
Trott Park	0	0	0	0	1	1
Total	4	1	1	1	5	12
Daws Road High School						
Hallett Cove	0	0	1	0	0	1
Total	0	0	1	0	0	1
Glengowrie High School						
Hallett Cove	0	1	0	0	0	1
Total	0	1	0	0	0	1
Seaview High School						
Hallett Cove	10	4	22	22	18	76
Sheidow Park	2	5	11	8	3	29
Trott Park	1	11	8	3	4	27
Total	13	20	41	33	25	132
Grand Total	56	65	101	94	88	404

Mr MATTHEW: This table shows that as at June 1989—and, regrettably, these are the most recent figures that the southern education office could provide—404 students from the suburbs of Hallet Cove, Sheidow Park and Trott Park attended secondary schools other than the Hallett Cove school. This means that at this point an absolute minimum of 646 secondary school students are attending the Hallett Cove school or other schools.

I suggest that those figures, in themselves, demonstrate a need for a secondary school in Hallett Cove. Parents who are sending their children to those schools claim that they do not wish to subject their children to the problems that can arise in their being uprooted from a school in year 10 to complete their secondary education at another school. I seek leave to have inserted in *Hansard* a table of the enrolment figures by year at the Hallett Cove school as at 19 October 1990.

The SPEAKER: Is that a purely statistical table?

Mr MATTHEW: Yes.

Leave granted.

Enrolments at Hallett Cove (R10) School
as at 19.10.90.

Year Group	Student numbers
Reception	157
1	133
2	127
3	114
4	74
5	73
6	69
7	69
(Sub-total)	(816)

Enrolments at Hallett Cove (R10) School as at 19.10.90.

Year Group	Student numbers
8	99
9	86
10	57
(Sub-total)	(242)
Total	1 058 students

Mr MATTHEW: There is one further document to which I should like to refer briefly. It is a document that I find particularly heartening, because it was put forward by students of that school to the school council. I shall read into the record a brief letter that was written by one student at that school, Maggii Bogacki, to the Chairman of the Hallett Cove School Council. She says:

Dear Mr Holst,

I would really like the school council to pressure the Education Department into making Hallett Cove R10 school go to Year 12. I believe the change the students must make isn't really fair. We also have to leave most of our friends and make new ones, which isn't always easy because they've all known each other since Year 8.

I've started up a survey in one of my classes which I'd like you to look at. Everyone has put down an opinion and a reason of if and why they think Hallett Cove R10 should go to Year 12. If you have already considered this idea, please consider it again. I'm sure the students and parents of Hallett Cove R10 would greatly appreciate it.

Attached to that letter were a number of students' comments that were very pertinent, and I should like to read two of them. One states:

I wouldn't want to change school and it would interrupt our education and we would have to settle in again like in Year 8.

Another student says:

No, I don't want to change schools, because it's too much of a hassle to go by train, then miss it and wait for half an hour for the next one.

Those statement accurately reflect the concerns of the students, and I think that they are quite justified concerns. I find it refreshing to see young people putting forward their opinions and seeking something in their area which is a justifiable facility that affects their future. I commend the motion to the House.

Mr FERGUSON secured the adjournment of the debate.

SMOKING BAN

Mr M.J. EVANS (Elizabeth): I move:

That this House—

(1) endorses the decision of the Joint Parliamentary Service Committee to prohibit smoking in certain areas under its jurisdiction and calls on all members to abide by the terms and spirit of the decision;

(2) declares its support for the long-term introduction of a smoke-free environment throughout Parliament House; and

(3) prohibits smoking in and about the lobbies, corridors and other common areas of Parliament House under its jurisdiction,

and that the foregoing resolution be transmitted to the Legislative Council seeking its concurrence to paragraphs (1) and (2) and the adoption of paragraph (3) in relation to the respective areas under the jurisdiction of the Legislative Council.

Members may well inquire into the basis on which this motion is being moved. First, it is to support the decision of the Joint Parliamentary Service Committee, which represents all members in the administration of the joint facilities of this place, and they are principally associated with the service of food and the provision of common lounge areas for members. It is also to bring this Parliament into line with accepted customs in the workplace, and in particular with the requirements of the Government Management and Employment Act and the Occupational, Health, Safety and Welfare Act. While this House is the master of its own destiny in this place, it is essential that we set a reasonable example to others in the workplace and in the Public Service.

I should like to quote from the Commissioner for Public Employment circular entitled 'Smoking in the Workplace', issued on 1 May 1989, as follows:

This circular directs that administrative units establish policies committed to provide all public sector employees with a tobacco smoke-free environment within the workplace.

It draws attention to the substantial medical evidence that links tobacco smoking with various diseases and ill-health, including lung cancer, bronchitis, emphysema and cardiovascular diseases.

There is now quite substantial evidence that passive smoking is a real health risk. This motion is not about controlling the individual behaviour of members in respect of what they themselves choose to do. That is not the function of this House, and I would not seek to impose on individual members the choice to smoke or not to smoke. What I am concerned about, and what I think the House may be legitimately concerned about, is the provision of a working environment for all members and staff that is safe for them.

Since the release of the US Surgeon-General's 1986 report on passive smoking, stating that passive smoking was the cause of lung cancer in healthy non-smokers, evidence has continued to accumulate confirming this statement and demonstrating a strong, probably causal, association of passive smoking with cardiovascular disease.

The United States Environmental Protection Agency, in its 1990 draft review of environmental tobacco smoke (ETS) in the workplace, has concluded that environmental tobacco smoke is a group A carcinogen; that is, an agent known to cause cancer in humans. Professor Stan Glatz of the University of California, speaking at the 7th World Conference on Tobacco and Health in Perth this year, stated that environmental tobacco smoke causes cancer and heart disease and is responsible for 46 000 deaths annually in the United States, making it the third leading cause of death in the United States, behind active smoking and alcohol. Protecting people from environmental tobacco smoke is scientifically justified.

In Australian terms this would be equivalent to 3 000 to 4 000 deaths per year, and in South Australian terms it is the equivalent of 300 deaths per year that might well be attributable to passive smoking. That is a serious concern in anyone's terms.

Cigarette smoke in a closed place, such as an office, hotel or restaurant, consists of two major components. We have already understood from the US Surgeon General's report that it is the mainstream smoke exhaled by smokers and the sidestream smoke which is directly given off from the burning end of a cigarette that are the major cause for discussion here today. Of course, a burning cigarette is a prolific chemical factory, producing in excess of 3 800 chemical compounds. Many of these substances are highly toxic and would, if found in any other consumer product, be sufficient for that product to be banned immediately. I seek leave to incorporate in *Hansard* a statistical table detailing some of the major noxious compounds found in tobacco smoke and the ratio of sidestream to mainstream smoke.

The SPEAKER: Is that a purely statistical table?

Mr M.J. EVANS: Yes.

Leave granted.

Compound	Alson Found in	SS/MS Ratio
Carbon Monoxide	Car exhausts	1.3-3.0
Nicotine	Insecticides	2.5
Tar	Bitumen	1.7
Ammonia	Cleaners, explosives	98.0
Naphthalene	Moth balls	16.0
Phenol	Paints, cleaners	2.1

Mr M.J. EVANS: This table demonstrates that there is 98 times more ammonia in sidestream smoke than in that inhaled directly by the smoker. This continuing evidence, which is now mounting against environmental tobacco smoke, is something that I believe we can no longer ignore. It has clearly been recognised in the private workplace, and this morning's editorial in the *Advertiser* demonstrates the rationale of that. It has clearly been recognised in the public sector workplace, and the circular of the Commissioner for Public Employment recognises that fact. The matter has been taken up in this place already by the Joint Parliamentary Services Committee and I believe it is more than appropriate that in 1990 this House should also place on record its concern about this matter and commence a long-term process of making Parliament House a smoke-free workplace.

This motion commences that process by supporting the Joint Parliamentary Service Committee in prohibiting smoking in the public areas and the common areas that are within the jurisdiction of this House, but still making ample provision for those who are still addicted to one of society's less pleasant but, unfortunately, common drugs. In conclusion, I draw the attention of the House to a quote from King James I of England in 1604, in which he described smoking as 'a custom loathsome to the eye, hateful to the nose, harmful to the brain and dangerous to the lung'.

Dr ARMITAGE (Adelaide): I am delighted to second this motion and, in doing so, I must to say that I am not quite as generous as was the previous speaker to the people in this House who do smoke.

An honourable member interjecting:

Dr ARMITAGE: I intend to. I will read to the House—and I hope that those who are smokers will take clear note of this—a letter I received today from the Associate Professor of Medicine and the Senior Director of the Respiratory Unit at the Flinders Medical Centre. I will not detail the well-known association of cigarette smoking to emphysema, lung cancer, coronary artery disease, and so on, but I will read out some other diseases caused by smoking. I quote:

There is a study in the New York State Medical Journal which shows that smokers have 50 per cent more traffic accidents and 46 per cent more [traffic] violations than non-smokers.

Recent analysis shows a clear association of cigarette smoking and stroke.

There is a higher incidence of carcinoma of the cervix associated with smoking women.

Smokers with melanona have reduced survival.

There is [evidence of decreased] fertility in females and . . . impotence in males.

Bladder cancer is twice as great in cigarette smokers than non-smokers.

Smoking reduces high density lipoproteins and is a clear risk factor for atherosclerosis.

There is also a clear association with peripheral vascular disease. In Australia there are almost 800 limbs amputated each year.

There is a strong association of cigarette smoke in a variety of respiratory problems in childhood including asthma, middle ear disease and respiratory infections.

Nicotine is probably more addictive than heroin.

Duodenal ulcer relapse is also much more common in smokers versus non-smokers.

There is [evidence] from the US Surgeon General that there is a much higher incidence of suicide and homicide in smokers versus non-smokers.

We all know that smoking is nothing more than a slow form of suicide, but I was disturbed to read that there is a greater incidence of homicide. If that homily of associated illnesses does not scare and demand action from the smokers in this House, I do not know what would. However, having been vehemently speaking to those people who do smoke, I wish now to make an impassioned plea in support of this motion on behalf of those people who do not smoke—those who have to accept passively the byproduct of this habit.

I draw to the attention of the House a recent Environment Protection Authority report from the United States which recommended that tobacco smoke be classified as a class A carcinogen, which is the Environment Protection Authority's highest category for cancer-causing substances. I do not particularly wish to have any of that stuff from someone else, thank you very much. A similar United States study claimed that heart disease caused by cigarette smoke kills 10 times as many non-smokers as lung cancer, which makes 'passive smoking' the nation's fourth leading preventable cause of death. In a House where we are continually seeking to decrease hospital and medical bills, I will emphasise that: 'passive smoking' is the fourth leading preventable cause of death after smoking, alcohol abuse and the road toll.

The Occupational Health and Safety Commission, also known as Worksafe Australia, has recommended that all Australian workplaces ban smoking, and one of the reasons for that is the fear of litigation. I will not detail the large numbers of undisclosed damages, as well as the disclosed damages of $65 000, $35 000, $20 000 and so on, all for 'passive smoking'. It is imperative that this motion be passed on behalf of both the smokers and the non-smokers.

Mr De LAINE (Price): The decision of the Joint Parliamentary Service Committee to prohibit smoking in certain precincts was passed in August, but some members are not adhering to the rules. The health aspects have been adequately covered by the two previous speakers, so I will not enlarge on those. Suffice to say that, irrespective of whether one agrees or disagrees with rules, they should be observed. There is a mechanism to change any rules if members are not happy with them but, until that time, and while the rules are in place, they should be abided by.

It is even more important for us, as members of Parliament, to abide by rules which are set up here pertaining to this place because, as members of Parliament, we make the rules for the community at large. In closing, by trying to enforce these rules, we are doing the smokers of this place a favour. If we can encourage them to give up smoking altogether, we are improving their health and perhaps even saving their life. Those members who smoke should be very grateful to us for supporting this motion and should also wholeheartedly support it.

The Hon. JENNIFER CASHMORE (Coles): The member for Price made the points that I believe are important. The case against smoking is so well documented that members hardly need reminding of it. It seems to me that the critical phrase in the motion is that this House calls on all members to abide by the terms and spirit of the decision of the Joint Parliamentary Service Committee. As the member for Price said, there is no point in making rules unless those rules are respected and adhered to by all members. This House is a very special place. From time to time, because of the nature of our work, it contains a great deal of tension. When members fail to respect their responsibil-

ities under Standing Orders or the Joint House rules, those tensions are exacerbated.

Not only do we have a responsibility to each other and to live together in the greatest harmony that can possibly be achieved outside the Chamber, we have a key responsibility to the staff. I find it deeply offensive and very irresponsible for any member to put at risk the health of any member of the staff of this House by flouting rules which are designed for the health and welfare of us all. I can only appeal to members' sense of courtesy, fair play and responsibility in urging them to support the motion and to adhere to the spirit and the reality of the rules that we have established.

The Hon. T.H. HEMMINGS (Napier): I have a mixed view on this subject. I have no problem with the motion moved by the member for Elizabeth or with the comments by the member for Adelaide, the member for Price and the member for Coles. In fact, as the member for Coles said, there is enough documented evidence to show that the practice of smoking is harmful, not only to the participant but to those people around the person who smokes.

Caucus has dealt with paragraph (1) of the motion—the decision of the Joint Parliamentary Service Committee—and I understand that the Liberal Party has done likewise. I also understand that there have been a few transgressors who still enjoy smoking, and I use that word loosely because some people enjoy and some people cannot kick the habit. I have some sympathy with people who cannot kick the habit.

It is well known to most members that, 18 months ago, in line with a Government decision to abolish smoking in the office area I occupied when I was a Minister, I abided by that decision. I felt that what was good for the workers was good for the Minister, and I had no problems with that. However, I still crave a cigarette, and I make no apology for that. Perhaps it is a sign of weakness, but most members know that I am a man of strength—

The Hon. M.D. Rann: Guts.

The Hon. T.H. HEMMINGS: —guts and commitment to the causes that I pursue. This motion binds members of this House. The member for Elizabeth said that the motion makes provision for those members of this House who still wish to partake in smoking, and I appreciate that let-out. I cannot see anywhere in the motion where people working in this building, as opposed to members, can indulge in the habit of smoking. I have no problem with all of the—

Members interjecting:

The Hon. T.H. HEMMINGS: I am at a bit of a loss. I know how hard you are, Sir, especially during private members' time—

Mr M.J. Evans interjecting:

The Hon. T.H. HEMMINGS: I have since been informed by the mover of the motion that there is access to areas in Parliament House for people to smoke. I would like to place before the House the plea of the smoker. I think I can adopt my usual liberal stance of having a bob each way in this regard, and I am putting the case that, whilst I have, in effect reformed, I still find it difficult after 18 months. Whilst I can align myself with the comments of previous speakers, I think it behoves me to speak on behalf of those people who may be rather reticent to stand up and admit that they are still a slave to nicotine, and that we should have a little more compassion for those people who are trying to give it up; some people may find, after spending 10 or 15 minutes in this House, that they want to go outside and shoot themselves. They do not really want to shoot themselves; they get the cigarette packet out instead and have a cigarette. I would urge—

Members interjecting:

The Hon. T.H. HEMMINGS: I declare that I will vote for the motion but, in doing so, I acknowledge other members who may wish to vote against it and I hope that there is some degree of understanding by those members who vote for the motion that some people in this Parliament are finding it very hard to give up the practice of cigarette smoking.

Mr BECKER (Hanson): I cannot support the motion. I think that this is just a continuation of all of the old furphies that are brought up from time to time about tobacco cigarette smoking and related disability. I am disappointed at some of the comments that have been made during this debate because there is not sufficient, clear, technical or scientific evidence to prove that smoking is harmful to one's health—

Members interjecting:

Mr BECKER: No, there is not, and you can come up with all of the statistics and all the scientific evidence in the world, but that is not true—

Members interjecting:

Mr BECKER: It is not true that it is harmful, because I have never ceased to be amazed that people who do not smoke also get the same diseases as people who do smoke. No-one can seem to explain to me why that happens.

Members interjecting:

Mr BECKER: It is not a matter of not wanting to listen. I am not thick: I am certainly realistic, and I have said this time and time again. I happened to be in New South Wales when the move to ban cigarette smoking started. It all started back in the early 1950s when Rothmans Australia came onto the market with a filtered cigarette. There was a group of anti-South Africans who used any excuse at that time to try to sabotage the operation of that company, and it has got right out of hand. It has now grown into this great myth of all these medical experts in the world telling us that you cannot do this and you cannot do that; you cannot eat this and you must eat pure food.

Why does not the medical profession admit that it is becoming a little more efficient in making diagnoses and that it is finding all sorts of things wrong with people. People are not allowed to breath the air; they are not allowed to have this; they must have that, they cannot drink this—they are being made to become so damned paranoid that they are frightened to live. It is a lot of rubbish. I agree with the member for Napier that people have certain rights and we should not restrict those people who smoke.

Members interjecting:

Mr BECKER: Rubbish!

The SPEAKER: Order!

Mr BECKER: It is nothing but a publicity stunt by the member for Elizabeth, who wants to reform the whole of Parliament and all its systems. He has not been here long enough to realise what goes on in the place, but he wants to change everything. Some changes are good, but this cannot be for the better. All it will do is make cigarette smokers far more aggressive, and there is enough aggression in the place now. The poor cigarette smokers have their rights.

Dr Armitage interjecting:

Mr BECKER: Suicide? What a lot of nonsense!

The SPEAKER: Order!

Mr BECKER: The honourable member absolutely amazes me, he really does—and he is on my side! We are on the same side, but I cannot support this: I think that it is just the usual nonsense we hear from time to time. It is about

time that we got on with the real business of the State and helped the poor and underprivileged people.

Mr HAMILTON (Albert Park): I support the motion. One thing I have learned about the member for Hanson is that he is a bit controversial. I find it rather amazing that the member for self-promotion is prepared to talk about the motion of the member for Elizabeth being a publicity stunt. That is really a little beyond the pale. Everyone knows of the issues in which the member for Hanson has involved himself over the years.

Mr BECKER: On a point of order, is it permissible for members to chew chewing gum in the House?

Members interjecting:

The SPEAKER: Order! No, it is not. Standing Orders are very clear on that. I did notice that the honourable member disposed of the gum, so he is not contravening Standing Orders at the moment.

Members interjecting:

The SPEAKER: Might I draw members' attention to the fact that this is a very significant motion. The attitude of members is very frivolous.

Members interjecting:

The SPEAKER: Order! The member for Napier is out of order. A softer attitude in the House is good, but the subject matter of this motion is very serious. The impositions to be put on people in this House if this motion is passed are significant. It is a real break-through in the Standing Orders and practice of this House, and in the rights of members and of visitors. I ask all members to give this due consideration when they contribute to the debate.

Mr HAMILTON: As you correctly point out, Sir, I was chewing, but it was a substitute for those filthy cigarettes, and I make no apology for that. Quite seriously, I am one who smoked for many years, from when I was 15 until two years ago. I smoked up to three packets a day and ended up with bronchitis three times in a year. I attributed that to the disgusting, filthy habit of cigarette smoking. I am not a hypocrite—even when I was smoking, when the question was raised in our Party room about banning smoking in the Caucus room I supported that proposition, although I was hooked on nicotine, as were many other people, and it is very difficult to give up cigarette smoking.

Having made the conscious decision to give away the smoking of cigarettes, I must say that I was pleasantly surprised by the very quick manner in which the lungs can repair themselves. Not only have I been able to get rid of that filthy, disgusting habit but I feel a lot better in myself. I believe that every member of this House has a clear responsibility as a member of Parliament to set an example to the community. What better way than as a member of Parliament to campaign against cigarette smoking? Smoking is an enormous cost to the community.

Let us look at the cost of cigarette smoking to the community. People lose their limbs, for example. Anyone who has been to a hospital and spoken to surgeons about the impact of smoking would have to be a fool not to be convinced by what the surgeons put forward. There is no doubt that the cost to the community is enormous, in many ways. We hear from members on both sides of the Parliament who want additional resources for their electorates. I suspect that, over a period of many years, the more people we convince to give away cigarette smoking, the less money we will need for equipment in hospitals and, hopefully, this will contribute to a reduction in the health budget and these funds can be utilised in many areas. I leave members with a parting thought: to see someone with emphysema carrying around an oxygen bottle to keep themselves alive and a mask over their face, and then, because they are so hooked on nicotine, having to take off the mask and turn off the bottle of oxygen to suck on a filthy cigarette, should be enough to turn anyone off cigarette smoking. I support the motion.

Mr S.G. EVANS (Davenport): I support the motion. First, though, I refer to what appears to be an abuse of the normal practices followed in private members' time. Usually there is one speaker from each side, unless there is an agreement that a matter be taken to a vote quickly. There are other matters on the notice paper today, and one can seek leave to continue later and have a matter adjourned. What is happening is unfair to those who gave way, to allow this to occur. I believe the view that members from both sides have expressed is quite clear. Unless the mover agrees that the matter be adjourned to a later date a practice that has normally prevailed in the House will be broken for all time.

Mr McKEE (Gilles): I move:

To amend the motion by adding the words 'except within the members' refreshment room' at the end of paragraphs 1, 2 and 3.

I seek leave to continue my remarks later.

Leave granted; debate adjourned.

TEA TREE GULLY POLICE

Mrs KOTZ (Newland): I move:

That the House urge the Government to immediately review the current establishment for police personnel in the police subdivision of Tea Tree Gully with a view to updating what is effectively outdated establishment numbers for the purpose of improving police protection of the community within the district of the City of Tea Tree Gully.

Before addressing my remarks to the specific issues of this motion, I would like to include in the record of this House that the City of Tea Tree Gully Council wholeheartedly supports this motion, as recorded in its own record of minutes tabled on 25 September 1990. The council resolved at that meeting:

That council request the Commissioner of Police to improve the level of police protection within the City of Tea Tree Gully and further that the local members of Parliament be asked for their assistance.

The current establishment numbers pertinent to the Tea Tree Gully local police station were enacted in 1986. Personnel numbers considered appropriate in 1986 were based on 1984 population statistics, which means that the protective measures in place throughout our area of Tea Tree Gully, by means of deployment of personnel, which was below operational strength in 1987, is now—in 1990—in a state of crisis.

At the outset I should inform the Government and the appropriate Minister that the Tea Tree Gully district takes the honour of being the fastest growing municipality in South Australia. I doubt that this information is secret or in fact unknown to the Government. It should also be noted that the housing development at Golden Grove was responsible for almost all of Tea Tree Gully's population growth. I feel sure that the members for Florey and Briggs, whose electorates cover the majority of that development, would have advised Cabinet and the Minister of these excessive growth rates, which must justify extending, increasing and updating services relative to that growth.

Tea Tree Gully's population increased by 2 883 in 1988-89, which is a 3.6 per cent growth rate in one year. The Tea Tree Gully subdivision facility and utilisation of those

services has increased relative to the growth rate experienced in our district, and this is indicated by the number of constituent contacts received by the police station. Establishment staffing numbers have not increased since 1986. The situation is now untenable and it should be recognised without doubt that the subdivision cannot effectively service our population, which has increased by a massive 20 000 people since 1986.

I urge this Government, in the strongest terms, to recognise that the present staffing establishment cannot and will not cope beyond 1990. During the 1989-90 period, the police subdivision was subject to the administratively unacceptable position of decreased staffing levels, which came about through members being on sick leave, being transferred or retiring. These matters reflect not on individual members of the Police Force but on a Government which would not replace staff members to maintain the staff numbers required to meet what is an already out-of-date establishment figure.

I have continually found the men and women at the Tea Tree Gully police subdivision to be dedicated, hardworking and professional individuals, and no doubt the majority of the members of our Police Force would fit into that category. Therefore, it must be debilitating and frustrating to experience certain difficulties in attempting, as promptly as possible, to attend to the demands of members of the public for service and protection, to which they rightly have reasonable expectations—service and protection that has been denied them because this Government refuses to acknowledge the most obvious and basic requirements that any primary school student with a random knowledge of mathematics and ratios could present quite rationally.

It is also apparent, from reviewing the crime statistics, that growth in population has caused a substantial escalation in crimes committed in the area. It is most disheartening for the populace at large, who, on the whole, are law-abiding citizens, to find that more and more younger members of society are becoming progressively more violent and apparently more intent on breaking the laws of our society.

To illustrate the behaviour patterns of those who break the law within the area of Tea Tree Gully, I refer to the recent statistics which cover the 1989-90 year, and use the percentage comparison from the previous year of 1988-89: serious assault increased by 135 per cent; indecent assault increased by 50 per cent; and robbery increased by 60 per cent. There was a decrease of 34 per cent in the break and enter of dwellings figure. This may be an indication of the success of Neighbourhood Watch and the support shown to our Police Force by members of the community, although it would be remiss to become complacent in this area as 871 dwellings were entered during 1989-90 in Tea Tree Gully. But, in defusing one area another becomes rampant. I refer to increased crime statistics as follows:

	Per Cent
Break/enter of shops increased by	118
Break/enter of other premises increased by	36
Illegal use of motor vehicle increased by	31
Shop theft increased by	3
Other theft increased by	4
Arson/property damage by fire increased by	14
Property damages overall increased by	18
Loiter/refuse to obey increased by	383
Language offences increased by	68
Disorderly behaviour and other disorderly behaviour offences increased by	101
Drug offences increased by	20
Drink driving and related offences increased by	4
Under-age drinking/liquor licensing offences increased by	170

This presents an appalling picture of this Government's inability to address this very serious question of law and order and the inability to provide a level of protection commensurate with population growth and the resultant increase in crime rates.

I would like to note at this time that, although offences increased across the board, members of our Police Force did in fact apprehend a high percentage of offenders. Again, a commendable effort by such an under-resourced facility. During the 1989-90 year drink related offences accounted for over 3 000 visits by Tea Tree Gully patrols, and the majority of serious assaults took place in the vicinity of hotels.

Mr Groom interjecting:

Mrs KOTZ: I am sure the member for Hartley will agree that it is of extreme concern that under-age drinking was assessed to be extremely high, particularly at disco functions. It is of great concern to me, and I would presume to those present in this House, that the police with their limited numbers cannot effect any real controls in the area of under-age drinking. Police patrols sent to premises holding disco functions in most instances are initiated by a report of disorderly conduct, etc., which inevitably leads to arrests and which then means offenders are transported to the holding cells at Holden Hill. This effectively removes police presence from the area as well as diminishing drastically any opportunity to pursue the matter of under-age drinking.

This brings to mind a further matter of importance as it concerns the health and welfare of the individual members of our Police Force. When incidents such as those involving drink related offences occur, a patrol car carrying two members of the force will arrive at hotel premises very often to be met by a large number of offenders. Professional as our police personnel may be, they are after all the husbands and wives and the sons and daughters of our community and in performing this duty of law enforcement, in which they were engaged on our behalf, do they not deserve to have the advantage of back-up patrols when thrust into violent incidents?

It would appear that this Government does not agree, as it continually denies what is an undeniable fact that the number of patrol staff is inadequate to service this region with safety, especially when back-up patrols cannot be provided promptly as they are just not there. Most people today would agree with the effective results obtained from random breath testing. For the purpose of this debate I will not canvass the areas of preventive and deterrent benefits.

Instead, I will deal with the issue of an undermanned Police Force attempting to pursue the strategy of random breath testing which records positive results only to have proceedings halted abruptly when arrests are made and again offenders have to be transported to the Holden Hill police station, once again effectively discontinuing, in this case random breath testing, and removing police again from the area. On occasions when violent arrests are made and the cage vehicle is required to contain the offender, the only person available to drive the cage vehicle to the scene is the peron allocated to office duty at the Tea Tree Gully police station. This action necessitates the closure of the local police station for a considerable period. These are all areas of operational programming necessary to provide correct police procedures to enact protective measures for the safety of our community.

The men and women of our Police Force are fighting an uphill battle with less and less support. It is imperative that deficiencies in established strength should be rectified to enable the police to do their job effectively and for the protection of our community. In my initial statements I spoke about the substantial increased population growth rate. I believe it is important to also allude to another major factor which has undoubtedly added to the rising crime rate

within our council area. The completion of the O-Bahn extension to the Modbury interchange, coupled with this Government's decision to allow free travel on public transport to all children up to 16 years and up to 18 years with student identification, has led to an immense increase in the numbers of young people congregating at the Westfield Shopping Centre and its surrounds on Thursday evenings which, of course, is late night shopping in the suburbs.

Access to this centre has further increased due to the recent opening of a major road from Salisbury, the Groveway, and the opening a year ago of McIntyre Road. Many of these young people attending the shopping complex are from the Elizabeth and Para Hills area. I am informed by police and my constituents that these young people display pronounced anti-social traits, and the range of offences in which they become involved includes brawls, thefts, drug offences, criminal damage, vehicle theft, graffiti attacks and general harassment of the public. It is considered that this range of offences occurs in epidemic proportions.

That choice of words to describe this existing situation was not made lightly, and I assure the House it was made without exaggeration. There is no personal satisfaction derived from the presentation of these horrendous occurrences created predominantly by young people. The Tree Tree Gully area is proud of its regional development and the facilities provided therein. It is expected that in the coming year another facility will be added to the region intended to create entertainment facilities for community enjoyment—that is, a 1 200 seat cinema complex. But from a law and order point of view this will probably exacerbate an already precarious public order situation with which the existing establishment numbers of our Police Force will not be able to cope.

This is an immensely sobering and serious situation which must be dealt with without any connivance or duplicity of political one-upmanship. I believe there are many issues which have evolved from this debate which I will continue to pursue in the months to come. The issue of police protection for our community by realistically assessing the now unrealistic establishment strength of police staffing numbers within Tea Tree Gully is my predominant concern and that of the Tea Tree Gully council and the members of that community, and is the object of this motion. I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MOUNT LOFTY RANGES SUPPLEMENTARY DEVELOPMENT PLAN

The SPEAKER: Before calling on the member for Davenport. I indicate that I have taken advice on the proposed motion and am of the view that it is out of order, because it is beyond the power of the House to disallow a supplementary development plan in this way. If the honourable member attempts to move it in the form in which he has given notice, I will rule accordingly. Therefore, I invite him to seek leave to amend his motion so that it expresses an opinion of the House.

Mr S.G. EVANS: On a point of order, Mr Speaker, did you seek an opinion from Crown Law or was it made available to you by others? I am concerned to know whether the Crown Law opinion was sought on the basis that the motion was out of order, or whether it was sought on the basis of whether or not the motion could be in order. Were both sides considered?

The SPEAKER: There was some dispute. Originally I considered the motion to be in order, but I was advised that it was not. Subsequently, a Crown Law opinion was provided which stated that the motion was out of order. It stated:

> Section 41 of the Planning Act 1982 sets out the procedures for disallowing a supplementary development plan and, amongst other things, that either House may only disallow a plan after it has been considered by the Joint Committee on Subordinate Legislation and that committee has not approved it. The plan has not reached that stage in its preparation and therefore it is not competent for the House to deal with the matter. The provision in section 43 (3) *(b)*, which I presume the member has relied on in drafting his motion, can only apply if read in conjunction with section 41.

Section 43 is not clearly written and the right of this House to disallow a supplementary development plan is not easy to interpret.

Mr S.G. EVANS: Will that Crown Law opinion be tabled and made available to members?

The SPEAKER: I am prepared to make it available to the honourable member.

Mr S.G. EVANS: I seek leave to amend my proposed motion as follows:

> Leave out all words after 'That' and insert 'in the opinion of this House the Mount Lofty Ranges Supplementary Development Plan, gazetted for interim operation on 14 September 1990, should be withdrawn.'

Leave granted; proposed motion amended.

Mr S.G. EVANS: I move:

> That in the opinion of this House the Mount Lofty Ranges Supplementary Development Plan, gazetted for interim operation on 14 September 1990, should be withdrawn.

I refer to the word 'interim' and the advice received from Crown Law. The Planning Act, which was passed by this Parliament, provides that a supplementary development plan be put before the public for consultation, be considered by the Subordinate Legislation Committee, and then be tabled in the House so that, for a period of six sitting days, members may have the opportunity to express their views. Yet, the interpretation by Crown Law—and I was aware that you had received it, Mr Speaker—is that, in the case of an interim plan, the House does not have the right to move for disallowance as the plan does not have to go before the Subordinate Legislation Committee. Therefore, it cannot come before the Parliament for disallowance.

This means that any Government—and I do not say that this Government would do this—could have an interim supplementary development plan brought in for the maximum period allowed under the law, that is, 12 months at a time, *ad infinitum*. Parliament would never have the opportunity to disallow it. I think that the Parliament should consider this matter for the future. I believe that this plan should be withdrawn, and I am aware through backdoor methods and through the press that the Minister will attempt to bring down another interim plan within the next few weeks.

Mr Atkinson interjecting:

Mr S.G. EVANS: I missed the interjection.

Mr Atkinson: Will you declare your personal interest?

Mr S.G. EVANS: Yes—

The SPEAKER: Order! Interjections are out of order.

Mr S.G. EVANS: —there is no doubt about that. I will do so publicly and I will do it here on a later occasion for the interest of the honourable member. It is on the register of members' interest and, as the honourable member is a lawyer, he would know that; however, if he wants to have a nasty dig, the answer is 'Yes.' The position is that the Minister will bring down another plan which will last until some other group changes it in future. That will be the long-term plan or what might be called the final plan that will operate.

I have lived in the Hills all my life. It is true that I own a house on one block of land, that I own a fifth share of my parents' property, for which there are three separate titles outside the water catchment area, and that I own a third share in three other four-acre allotments. One of those allotments has a quarry on it, in which the member for Playford has an interest with his sport. He knows about it and has spoken to me about it. The other two blocks are scrub allotments also outside the water catchment area. The honourable member could have got that information by making a search of the register here or through the Lands Title Office. If he wants to talk about my extended family—if that is his dig—I would point out that they have lived in the area since 1853. There is a substantial number of them. In my own family there are about 22 members from my wife down. A substantial number own land there, but not in the catchment area.

I have taken time to say that, because anybody who has lived in the one spot all his life and whose history can be traced back for 150 years is likely to have roots in that place, whereas those who come from nowhere and whose backgrounds we do not know just want to have the dirty digs. I do not have any ambitions as far as my family property is concerned. My mother is still alive and I do not wish to think about anything happening to her in the future. There is a home of some type, even though little old cottages were built in the depression years on two of those titles.

I come back to the concerns of people both inside and outside the water catchment area. There is a great deal of human feeling over this issue and there will be suffering and trauma in the future. Indeed, the departmental officer who was to take the complaints on this issue is now on three months stress leave; the second officer who was to take the complaints has now taken three months leave; and the officer who is now taking the queries is in some cases giving different advice from the others. I do not blame that officer for that, because there are no clear guidelines. My colleague the member for Kavel will talk briefly about that.

This matter has caused a lot of concern and the officers taking the queries are worried. I can understand why they are worried. It is because people are phoning in and saying, 'My whole life savings will go if what was originally announced is to take place, that is, the ban on development.' Subsequently, different rules were applied.

The Minister has said that anybody who has an individual block, an allotment, and a title for it and who owns a house at the same time may build on that allotment, subject to certain conditions. The member for Kavel will speak about those conditions. However, the Minister said that she expected 90 per cent of them to be approved. That means that those with multiple titles, or those with land that has titles with several sections that retain the opportunity to apply for multiple titles, will be disadvantaged. Their assets will, in effect, be confiscated. Then the advice that came from the department was that, if someone owned 10 allotments and none had common boundaries with another, that person could build on the 10 of them, subject to meeting the guidelines. Again, that was a different interpretation.

Then it was said that it would be all right, as long as they were not at the same location. It was then asked what would be the case if a road went between the two allotments. The response was that that would be all right; one could build on both allotments. However, if there were a common boundary one could not build on both, and that was a concern to many people.

One 60-year-old lady at Kersbrook, whose husband passed away very recently, had land with five titles, but with only one home. She and her husband had planned that the land would be their superannuation. However, this lady cannot work that land—certainly not in the way that one would normally operate a farm without employing a share farmer or paying wages. It would not be a proposition, and she should not be forced into that situation. The superannuation is gone because she can use only one of the five titles. The land has been devalued substantially overnight. If that woman stays on the land and, perhaps, does not worry much about it, perhaps just grazing it a little, or does not worry about it at all and just lives in the house, she cannot get a pension because the value of the asset is too high. Someone with a strong socialist mind would say, 'Well, she is rich. She should sell it for what she can get and go on the pension if she does not get enough to live on.'

When we have a socialist Federal Government saying that it believes people should start caring for themselves and planning for the future, and when people have taken a precaution by providing a reserve fund for the future, and that same Government comes along and says that it will confiscate the asset—that which they have saved or put away—then those people are concerned.

Mr Brindal: Do they reduce the water rates and council rates?

Mr S.G. EVANS: In this case there would be no water rates but, in relation to the valuation; it would be soul-destroying if they were told that that would be the case next June; that would be it. What happens now where a family perhaps owns three allotments in a partnership name and has three separate homes with a family living in each, but where the allotments have common boundaries, and each of the three families puts in a plan to build on each allotment as individuals—and it just so happens that they owned the land as at 14 September in partnership? Would they be allowed to build?

I wish to talk briefly about another area in relation to this issue; that is, the terms and conditions of agreement which state that the plan requires that houses be built as far back as possible on the allotment. That in itself creates erosion because driveways are longer and, even if the driveways are sealed, water in the gutters runs much faster and causes erosion. The plan states that houses must be screened with native trees. I agree with the screening of houses, but not necessarily with native trees; people should be able to plant whatever trees they wish to plant, as long as they have a low volatility to fire.

I now wish to refer briefly to water quality. At the moment each year we are pumping Murray River water from below Hahndorf straight into Mount Bold Reservoir. Anyone who says there is no development along the Murray River and that the water is pure is a fool. An independent report by Manning and another by Stokes showed that there is very little increase in pollution as a result of housing development. In fact, in the Stirling council area, in 15 years there has been a 100 per cent increase in development and only a 1 per cent increase in water pollution. That is the figure, but I realise that there may be a problem with agriculture, with fertilisers and, in particular, with horticultural sprays.

In many parts of the Hills, including Scotts Creek, Sturt Valley, Cherry Gardens, Bradbury, Longwood, Mylor and places like that, there is less intensive cultivation now than there has ever been in my lifetime, because people have moved out and the land has been returned to scrubland. Where the land has been subdivided into allotments of two or three acres, the owners of those properties have planted trees and shrubs. They have done the necessary things to improve the quality, and commonsense can prevail.

I am not saying that there should be any more subdivision in terms of housing estates and that style of thing outside

township areas. I agree that we do not need that. There is no argument from me about that, and the people in the community do not disagree either. I understand that this is a difficult problem to tackle, but ultimately we may find that the Mount Lofty Ranges is not the place for us to collect our water. In fact, it may be that it is inappropriate. We may have to bring the water from another source where it is of a better quality; I say this because of the problems associated with the Murray River and the development of the Mount Lofty Ranges as a tourist attraction. I hope that the next plan introduced by the Minister has more compassion for those who will be affected. In the final analysis, if there has to be compensation, so be it. However, we should not be confiscating people's assets. We have caused much human suffering already. The departmental officers should not have to endure the sort of stress to which they have been subjected recently. I ask members to support the motion.

The Hon. E.R. GOLDSWORTHY (Kavel): I second the motion. This whole area has been a disaster for the people affected by it and, in my judgment, for the Government. The previous Minister set up the Mount Lofty Ranges Review to consider all aspects of what should happen in the Adelaide Hills, and the Government has spent nearly $2.5 million of taxpayers' funds. That review has not been concluded but, out of the blue, with minimal notice, comes a whole raft of regulations which have caused enormous consternation and hardship to people in the Adelaide Hills and in other areas. I will confine my remarks to the Adelaide Hills.

At the outset, let me state my interest. I have lived in the Hills for certainly the whole of my married life, which is well over half my life. I have an interest and my family has an interest also. These regulations will not affect me personally but they will affect some members of my family. Having that interest simply increases my knowledge of the area. I certainly have the interests of the vast majority of my constituents at heart and, in this case, the vast majority are adversely affected. I therefore have no hesitation in declaring my interest.

The fact is that the Minister made a statement in this place and set out some guidelines which do not accurately sum up the position. The Minister is seeking to suggest that councils requested this action. That is plainly not true. She refers to coming to grips with unscrupulous speculation. That was a nonsense statement. She has referred to the consultation with councils, and the councils loudly proclaim that that was a farce. The Minister has also stated that she will bring in a supplementary plan if appropriate. There was some doubt in her statement whether she would do that, but I believe she will. We will view that plan and judge it on its merits.

As my colleague pointed out, these guidelines effectively confiscate people's assets. Take the case of a young couple who, in good faith, have bought a block of land in the Hills, on which they have a mortgage, and they are now confronted with the fact that they cannot build a house. If what the Minister stated publicly is the case, those young people will not be able to go through the normal procedures because the development will be classed as prohibited. They will have to go through the Planning Department.

That will involve added expense, and some have suggested that it may be up to $1 000 or even $1 500 because it requires advertisement. It may even involve reports from consultants, and so on. Nonetheless, it will increase their expense and their time because the department will have a mountain of applications. The guidelines on which these applications will be judged are a nonsense. They will give the department the right to knock out any application that it takes into its head to knock out.

The Mount Lofty Ranges Review people, on whom the Government has spent more than $2 million to tell it what to do, are upset that this has appeared out of the blue. The Government might as well have kept the $2 million. I do not know who advised the Minister to do this or whether she has done it off her own bat. All I can say is that they should re-think their position because the two departments involved in this area, the E&WS and, to an increasing extent, the Department of Environment and Planning, which has become more politically significant, do not know where they are going. The Minister can either take their advice or decide herself, but they really need to come to grips with what is going on up there.

The conventional wisdom in the E&WS changes about every three years. In the 1970s, before I came into this place, there was discussion about what was causing pollution, and I do not believe that it knows now. We were told that, if everyone was herded into towns, pollution would be minimised. I went to a presentation by the E&WS at Uraidla to convince the locals about this. We were told that there was considerable pollution in Mount Bold reservoir because of effluent from the townships and that broad acre farming was to be all the go.

At midnight, it was announced by a former Minister that the town of Chain of Ponds would be wiped out. That created a great deal of turmoil and hardship for the people who were to be displaced, some of whom had lived there all their life. Their properties were revalued and there were court cases. The Government bobbed up with a proposal to use the reservoirs for water sports, for recreation purposes, with toilets on the bank. On the one hand the Government decided to close down one township, a very small township, near the Millbrook reservoir, and, on the other hand, decided to let the people of Adelaide use the reservoirs for water sports; yet it claimed to be worried about pollution. How on earth can one take seriously the judgments of Governments or the advisers who come up with these schemes?

Anyone who has lived in the Hills knows that native vegetation is the most highly flammable material in bushfires. We cannot have a slow burn because the environmentalists and the Government say that the hills face zone is sacrosanct, that it must not be touched. In the case of a wild fire, the whole park is destroyed. According to these guidelines, if people are successful in getting through the the bureaucracy and are able to build, they have to leave native vegetation near the house and screen it with native vegetation. I would like to know what Mr Macarthur, the Director of the CFS, thinks about that guideline, because he tells people not to plant native vegetation near their house because it is a sure recipe for having it burnt down. The guidelines state that, if the site is a sloping one, there must be minimal levelling. That rules out most of them. I think these guidelines came from the Department of Environment and Planning.

Mr S.G. Evans: No, hills face zone guidelines.

The Hon. E.R. GOLDSWORTHY: Well, whatever they are, they are a nonsense. If you are going to let somebody build a house and you tell them to screen it with native vegetation, you are virtually telling them that their property will be burnt down in due course and their lives put at risk.

The major point is that the guidelines give the department the right to knock out any development and all classes are prohibited. My major complaint is that there has been, effectively, a confiscation of assets. We had a similar situ-

ation with the vegetation clearance regulations where, out of the blue, came 'no more scrub clearance.' The Government, at the stroke of a pen, said that vegetation could not be cleared. This applied mainly to rural producers who bought properties with a view to clearing them and the whole viability of the farm depended on their being able to clear the scrub. It would have sent them broke. After two years of hard bargaining the Government finally agreed to some sort of a compensation scheme where it could declare heritage areas. There was an adequate compensation scheme. The Government would not countenance that initially. That original proposal was, in effect, confiscation of assets but this is even more dramatic; it affects far more people.

While I am in this place I will never be a party to Governments, at the stroke of a pen, confiscating people's assets, wiping out their life's savings whether the savings are in the bank, in land, in a house or in development rights or whatever. As far as I am concerned, this is exactly the same as confiscating their savings from a bank. Today these assets are worth, for example, $100 000. By the stroke of the Minister's pen, those assets are absolutely unsaleable. You cannot sell a piece of land in the Hills if you cannot put a house on it. It is useless.

If the Government decides that controls are necessary, the Government will have to work out a scheme for equitably compensating these people, and I will go along with that. A lot of the controls are plain nonsense, as I know, having lived there. However, if the Government is going to persist in this proposal, I, for one, will scream from the rooftops in terms of those people getting justice. They will not get justice if, at the stroke of a pen, this Minister confiscates what amounts to, in many cases, their life's savings. This has been a disaster area for the people that have telephoned me and I have had more approaches on this matter than on anything else. Of course, there are the selfish people who say, 'I'm all right Jack. To hell with them.' They do not care about other people's rights, and there are a few of them, but very few, fortunately. I was very disappointed in the initial reaction by some areas of the media. In view of time constraints, I seek leave to continue my remarks later.

Leave granted; debate adjourned.

MOUNT LOFTY RANGES WATERSHED

Mr S.G. EVANS (Davenport): I move:

That this House notes the regulation under the Waterworks Act 1932 relating to the Mount Lofty Ranges watershed and expresses the view that the reversal of the earlier provisions relating to the Baker Gully catchment area was long overdue.

There is quite a bit that I want to say on this matter but, in fairness to others, I will be brief. In about the latter part of the 1960s, the Government began putting restrictions on land below Clarendon and took in areas such as Kangarilla and south of the Piggotts Range Road area for a dam that was proposed to be built in Bakers Gully just below the Velocette Motor Cycle Club. The purpose of that reservoir was for metropolitan catchment. The eight tunnels were tested and it was found that the rock was unsuitable for water holding qualities. Following concern that there may not be enough water flow from the Mount Bold reservoir and the weir in an average year, the proposition was dropped.

This is an example of how, over 20-odd years, people have had restrictions on their land. Governments took away some people's assets because some of the people had their rights removed and had to fight the Government to buy the land. Others had to change their type of occupation on the land, and it affected them: some of those people have died in the meantime. This is an opportunity to say that Governments need to be more cautious. They should carry out tests and see whether land is suitable for reservoirs before going ahead with the regulations.

I congratulate the Minister for bringing in the change and doing away with the controls in that area, even though they are covered by the overall freeze that prevails at the moment. Only the future will see what that holds. At the moment, the Happy Valley council is considering what to do with its area in relation to the supplementary development plan, and it is working with the Government. Taking away those controls was a good move. I support the regulation and thank the Minister for the action that has been taken.

The Hon. M.D. RANN secured the adjournment of the debate.

ECONOMY

Adjourned debate on motion of Mr Meier:

That this House congratulates Senator Walsh for his remarks in stating that the Prime Minister 'needs a spine transplant' and congratulates Senator Button for predicting the inevitability of hard times ahead for Australia and no improvement in living standards and condemns both the Federal and State Governments for the way they have handled the economy during the past eight years and in particular for the way they have treated the agricultural and rural industry in general.

(Continued from 11 October. Page 956.)

Mr MEIER (Goyder): Members will recall that two weeks ago I was addressing the topic of Senator Walsh referring to the Minister as 'needing a spine transplant' and Senator Button for predicting the inevitability of hard times ahead for Australia. How true both those things have come to be. I will not go over the ground I covered on the previous occasion, but it is interesting to find since then that Senator Button has continued to point out the irregularities, inconsistencies and incorrectness of the Federal Government's handling of the economy.

In fact, on 10 October it was reported that he had again broken ranks by saying that high interest rates threatened to wipe out good manufacturing industry, and warning that important resource projects were being held up because of governmental and environmental policy. Senator Button needs congratulating for being one of the few members of the Hawke Government to realise the plight that this country is facing. He realises that our manufacturing industry is going downhill at a rapid rate. However, he is not the only one. It was reported that two key Labor politicians from this State, Mr John Scott and Mr Peter Duncan, both had words to say about their Federal colleagues. The *Advertiser* of 17 October reported as follows:

Mr Keating was called a 'provocative bastard' and told to shut up after he interjected while one of the MPs was asking a question of the Prime Minister, Mr Hawke.

It seems that Mr John Scott and Mr Peter Duncan for once were trying to get some sort of sense out of the Labor Party Caucus—obviously, without much hope. Members of this House need to recognise the contributions of Mr Duncan and Mr Scott. Those in this House would remember Mr Duncan as a member of this House. I must admit that on occasions I did not have any time for him. Obviously, however, he has grown and developed since then, and recognises that the Government is making a complete sham of Australia's economy. It was interesting to see just what happened in this area and I quote the following part of the article:

But before he [Mr Scott] could finish the question Mr Keating said: 'You're at it again, are you?' Mr Scott [replied]: 'You provocative bastard, I'll sort you out later.' Mr Duncan joined in. 'Why don't you shut up, you're the problem, not the solution,' he said to Mr Keating, who replied: 'Your mouth is my problem.' 'Your policies are our problem,' Mr Duncan retorted . . .

It is good to see that Mr Duncan is recognising some of the real problems; Mr Keating is certainly at the head of them and has been at the head of them for so long. But it is not only Federal members who are criticising. We see comments of the New South Wales Opposition Leader, Mr Carr, referred to in the *Australian* of 12 October 1990, as follows:

The nation was in the midst of its most serious post-war recession and the Federal Government must realise ordinary people were being savaged.

Good on Mr Carr! It is a pity that when we debated this matter in the House a week or two ago the Premier and the Minister of Housing and Construction, Mr Mayes, had not also acknowledged the problems that exist in this country. They are too afraid to stand up to their Federal counterparts, and they realise that they have no idea what is happening here or how to try to fix it. So, Mr Carr, as have many other Labor MPs, has broken ranks with his Federal Leader by saying that Australia's living standards are being squeezed as never before. As Mr Carr said:

That's the message I'm getting when I look at closed shops, lay-offs and manufacturing businesses struggling to survive.

I congratulate Mr Carr on his comments—well said—and, hopefully, some Labor members will start to appreciate that the Labor Government has caused all these problems.

Then we saw the Prime Minister come out and indicate that we are now over the worst of the bad times, that enough has been done and that we will certainly be looking forward to better times ahead. Unfortunately, it is too little too late, as so many editorials have already identified.

I could refer to many other articles in relation to this, but I want in the last minute or two left to me to highlight particularly what is occurring in this State. Today I received a copy of the letter, dated 22 October, sent to the Premier, John Bannon, from the District Council of Naracoorte, concerning stock disposal in that district. In its letter to the Premier, the council details the amount of stock that it has had to kill. As the council indicates, it has had two kills so far, with 8 400 head of sheep destroyed, and actual costs met have totalled $7 285, with creditors' accounts in excess of $3 000. So, that involves over $10 000 in total.

Further in the letter, the council indicates that it would appear that, if the total stock to be disposed of within the district reached 20 000 to 30 000 head, its community of approximately 2 000 would incur a debt of $40 000 to $60 000, which means that its ratepayers would have to meet that cost. Obviously, the council and the community are looking for help from the State Government and, as the letter states, 'What does this council expect? The logical answer is, of course, compensation.'

An honourable member: What is your policy?

Mr MEIER: What is our policy? We released our policy on this weeks ago, and the Government took another two weeks to come out with a statement that was no statement, so do not come back to us with that. I will be interested to see what reply the Prime Minister makes. At least it was something on which the Premier went a step further than the Minister of Agriculture, in acknowledging that a crisis existed. However, he still did not go nearly as far as his counterpart in New South Wales, Bob Carr, has gone, who said that it is probably the worst crisis we have faced.

Debate adjourned.

[*Sitting suspended from 1 to 2 p.m.*]

PAPERS TABLED

The following papers were laid on the table:

By the Minister of Health (Hon. D.J. Hopgood)—

Dental Board of South Australia—Report, 1989-90.
Food Act 1985—Report, 1989-90.

By the Minister of Agriculture (Hon. Lynn Arnold)—

Department of Agriculture—Report, 1989-90.

By the Minister of Housing and Construction (Hon. M.K. Mayes)—

State Supply Board—Report, 1989-90.

By the Minister of Water Resources (Hon. S.M. Lenehan)—

Engineering and Water Supply Department—Report, 1989-90.

By the Minister of Forests (Hon. J.H.C. Klunder)—

Forestry Act 1950—Variation of Proclamation—
Section 55, hundred of Talunga.
Section 259, hundred of Talunga.

By the Minister of Employment and Further Education (Hon. M.D. Rann)—

West Beach Trust—Report, 1989-90.

By the Minister of Education (Hon. G.J. Crafter)—

Education Act 1972—Regulations—Senior positions.

QUESTION TIME

HEALTH COMMISSION EMPLOYEE

Mr INGERSON (Bragg): Will the Minister of Health immediately order the Health Commission to place an employee who is a hostage in Baghdad back on special leave, rather than require him to take unused annual and long service leave while he is a prisoner of the Hussein regime and, if not, how does the Minister justify the thoughtless and insensitive decision the commission has made in this matter?

I have received representations from a constituent whose brother has been a hostage in Iraq and who has become so frustrated with the Health Commission's handling of this matter that she believes the only option now is to have it raised publicly in the House in the hope the Minister will take immediate action.

The circumstances are these. Her brother, Mr Andrew Peake, has been an employee of the Health Commission for 14 years. He is currently on the staff of the Guardianship Board. Mr Peake left Australia in April on long service leave. He happened to be returning on the British Airways flight which landed in Kuwait on 1 August in the midst of bombing and shellfire from the Iraqi invaders. This flight was impounded, thus resulting in his becoming a hostage. He was due to return to work on 20 August. From that date, the commission granted him special leave with pay, initially of a month, which was subsequently extended by a further week. But from 28 September the commission required him to utilise his accrued leave entitlement of 20 days annual leave and 33 days long service leave.

In a letter dated 28 September to the Guardianship Board, the Chairman of the Commission, Dr McCoy, advised that he would raise Mr Peake's circumstances with the Commissioner for Public Employment for further advice. A month has gone by and it appears the Health Commission has done nothing further to clarify Mr Peake's situation. Dr McCoy wrote to Mr Peake on Tuesday saying:

I have undertaken to raise the issue of your particular circumstances with Mr Andrew Strickland, Commissioner for Public Employment, for further advice.

This was exactly the same situation applying at the time Mr Peake was forced to begin taking his leave entitlements if he still wanted to be paid while a prisoner of the Iraq Government. Mr Peake's family had hoped that much higher priority would have been given to the treatment of these unique circumstances. Dr McCoy's closing message in his letter to Mr Peake stated:

I wish to take this opportunity to extend my best wishes to you, and trust that you will be able to return to Adelaide and resume employment with the South Australian Health Commission in the very near future.

This has hardly consoled these people. There are provisions and regulations in the Government Management and Employment Act dealing with the granting of special leave which, if necessary, could be immediately reviewed to deal with these circumstances. The commission's treatment of this matter also stands in stark contrast to the message sent by Mr Hawke on 4 October to Australians detained in Iraq when he assured them:

We will be doing our best to protect your interests.

The Hon. D.J. HOPGOOD: Of course, I know nothing of this. The only way in which Mr Peake's name is in any way familiar to me is that, when the list of South Australian hostages was first published, my attention was drawn to the name because I think Mr Peake may have been a former student of mine, but I am not sure about that. Obviously, the Government's instructions to the commission would be to ensure that no person placed in this unfortunate situation would be under any financial disadvantage. If there is any feeling on the part of any servant of the Government that that is not the case, I will very quickly rectify it.

CRIME RATE

Mrs HUTCHISON (Stuart): Will the Minister of Emergency Services inform the House of any differentiation between the break-in rate in private homes and the rate for commercial permises? I ask this question given the comments made by a top criminologist that South Australia's rate of break-ins is the highest in Australia, and the increasing concerns of people in the community about safety in their homes.

The Hon. J.H.C. KLUNDER: I thank the honourable member for her question. Certainly, when the Premier answered a question on a related matter yesterday he indicated that one needed to be careful about comparing statistics. This is one more example of the need to be careful of that. For example, in terms of domestic dwellings the police have provided me with information which indicates that in 1987-88 there were 22 495 break-ins into domestic dwellings and in 1988-89 that figure dropped slightly to 22 349. In 1989-90 it rose slightly to 22 869.

In fact, it may well be an indication that Neighbourhood Watch is putting a cap on what has, up to that point, been a rising trend. The increase in the number of breaking and entering offences occurred in the commercial area, and we know that Business Watch is still very much in its infancy and, as a consequence, may not have had any major effect on that.

It is interesting to note that, when one compares statistics across States, one can run into some major traps. Unfortunately, the various media that ran that story were not aware of the difficulties that exist. I have an opinion by Mr Frank Morgan, the Acting Director of the Office of Crime Statistics, who says:

When Victoria reports on offenders it reports an individual only once for an incident involving many offences. South Australia reports an individual as many times as there are offences cleared . . . In the case of break and enter offences this introduces a multiplier of about two for South Australian offenders so the statistics are in no way comparable.

Before members start saying that our rates are therefore considerably less than those in Victoria, I think it is important to recognise that Mr Morgan goes on to say:

South Australia can find neither comfort nor reason for complacency in these statistics since they are not comparable and are recognised in this light by the relevant authorities such as the Police Commissioners Australian Crime Statistics Subcommittee and the National Uniform Crime Statistics Committee.

I urge all those who seek to use information of that kind to be aware of the fact that it has been stated that such figures can, at best, be compared with a great deal of caution.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT

Mr D.S. BAKER (Leader of the Opposition): My question is directed to the Minister of Labour. Is it still the intention of the Government to introduce and have this House consider, before the Christmas recess, amendments to the Industrial Conciliation and Arbitration Act to establish preference for unionists under State awards in matters such as promotion, transfer, the taking of annual leave, overtime and vocational training?

The Hon. R.J. GREGORY: I thank the member for Victoria for his question.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: The Government will make up its mind as to when it will introduce amendments to the Industrial Conciliation and Arbitration Act this session. I cannot say when that will happen, but I point out to the House that amendments that are being considered by the Government are to ensure that the Industrial Conciliation and Arbitration Act of South Australia mirrors as closely as possible the Commonwealth Industrial Relations Act. The reason for that is that, when we move to joint sittings of the State commission and the Federal commission and when we have dual appointments, there will be no confusion between the commissioners and the deputy presidents when they are considering matters before them.

It is important that we as a State have industrial regulation powers similar to Commonwealth powers. I point out that a number of the fears and allegations made by the member for Victoria are unfounded, because those things just do not happen in the Federal area, even though those provisions have been there for a long time.

NEWSPAPER ARTICLE

The Hon. T.H. HEMMINGS (Napier): Will the Minister of Emergency Services request the Commissioner of Police to carry out an investigation into allegations that a file on my private and public life exists? In the 'Stop Press' column of the first edition of today's *News*, under the heading 'Ex-Minister in Liberal File Claim', it is stated:

A former Government Minister says he wants to examine a Liberal Party file on him to check for any inaccuracies. Former Housing Minister, Mr Hemmings, has written to Opposition Leader, Mr Dale Baker, seeking permission to examine the file, the existence of which he said became known after a debate last week. In his letter to Mr Baker, Mr Hemmings says that after the debate 'both your Deputy Leader (Mr Stephen Baker) and the

member for Morphett (Mr Oswald) made threats along the lines that a file on me was in their possession and they would use it against me. Personally I have no problems with these kinds of threats, as I have nothing whatsoever to hide in my private or public life,' he says. The Opposition Leader, Mr Dale Baker, today denied there was any file kept on Mr Hemmings.

That statement attributed to the Leader of the Opposition is in direct conflict with what was said to me and others on this side of the House last Thursday, and the matter needs to be cleared up once and for all.

The Hon. J.H.C. KLUNDER: I do not think that it is appropriate for me to refer this matter to the Commissioner of Police—

Members interjecting:

The SPEAKER: Order!

The Hon. J.H.C. KLUNDER: —nor will I refer it to my colleague in another place the Attorney-General for referral to the NCA. I see no reason why the Opposition should not keep a file on the member for Napier. I assume that the member for Napier would be flattered that his spotless record of service would be kept on file by the Opposition, presumably as an encouragement to their up-and-coming young Liberals, if any, to behave in the same way as the honourable member. The matter of the threats said to have been uttered by members by way of interjection across the floor is purely an indication of the injudiciousness of the use of interjections, which seems to be an Opposition hallmark.

UNIONISM

Mr S.J. BAKER (Deputy Leader of the Opposition): Is the Minister of Labour aware that the employer of a floor covering company was forced to join the Furnishing Trades Union so that he could go on site and supervise the work being done by his own employees at the casino, and that the same union held the same employer personally accountable for the advance payment of all union dues by his employees under threat of being black banned from all sites in this State? If the Minister is not aware of these facts, will he have them fully investigated if I give him the name of the company on a confidential basis to protect the company from union reprisals?

The Hon. R.J. GREGORY: I am not aware of the matter referred to by the Deputy Leader but, if he cares to provide that information, as he claims he will, I will have it investigated by the appropriate authorities for any breaches, if any.

CUT-PRICE SALES

Mr HAMILTON (Albert Park): Will the Minister representing the Minister of Consumer Affairs request his colleague to carry out investigations into cut-price sales from November this year to January of next year to determine the extent of rip-offs by some sections of the retail industry? A recent national television program highlighted rip-offs in the jewellery industry interstate through alleged cut-price sales. This has led a Hendon resident to approach my office on this issue. My constituent provided me with an interstate newspaper editorial which states, in part:

If any evidence was needed that pre-Christmas shoppers are regular victims of a huge rip-off, the predictable rash of cut-price sales immediately afterwards surely provides it.

The article goes on to state:

If retailers can afford to knock 50 per cent off this and 40 per cent off that, it suggests that the original mark-ups were exorbitant. Even some so-called post-Christmas bargain prices become suspect. What mark-up is built into those prices?

The Hon. G.J. CRAFTER: I know that all consumers would appreciate the investigation sought by the honourable member. It is always of concern to prudent consumers to see such high mark-ups associated with so-called sales in retail outlets. This inquiry may well assist consumers as we move towards the pre-Christmas and post-Christmas trading periods.

UNIONISM

Mr SUCH (Fisher): Is the Minister of Labour aware that the Government's policy of preference to unionists in employment is being interpreted to include contracts for the supply of goods to businesses and development projects? Will he say whether such action is consistent with the Government's policy and, if it is not, will he use his influence to remove this obstruction in the case of major city development and give an assurance that such impediments to free trade and agreements are not repeated to the detriment of South Australian companies?

As a result of union interpretation of this preference policy, the supply of almost $100 000 worth of furnishings by a South Australian small business to the multi-million dollar Hindley Apartments project has been threatened by the Federated Furnishings Trades Union. The union has taken this action on the grounds that the small business supplier is a non-unionised manufacturer. As a result, there is the possibility that these furnishings will be supplied instead by a Victorian company, which has a unionised work force.

The Hon. R.J. GREGORY: I lost the thread of that: preference to whom and who was running the job (I am not sure)? The honourable member wants to know about Government policy. The Government has a policy with respect to its own work, but I am not sure about the Government's involvement in the Hindley Apartments project. It has nothing to do with the Government what happens down there in relation to employment.

Mr S.J. Baker interjecting:

The Hon. R.J. GREGORY: Now I have the drift of it. The member for Mitcham has opened his big mouth again.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: The Opposition is trying to confuse two different matters. The Government certainly has a policy in relation to the employment of unionists on Government projects. It has been explained repeatedly in this House why the Government does that: when contractors come onto such a job they are under Government contract. The reason the Government, as an employer, does that—like an enormous number of other employers in this State—is that it is very simple to ensure that when there are industrial problems you know who you are talking to. Perhaps the member for Fisher will appreciate that if there are a lot of non-unionists on the site you have to speak to everyone of them if there is a problem, but if they are unionists you speak to the union official or the authorised representative.

Members interjecting:

The SPEAKER: Order!

The Hon. R.J. GREGORY: That is the Government's policy, but I have no idea what is the policy of the people running the Hindley Apartments project, and I am not aware that it is a Government job. If it is a matter of seeking preference in the Industrial Relations Commission, that matter is dealt with by the commissioners. If any

employers have a problem on those sites, they should take it up in the appropriate place. We pay out an enormous amount of money from State funds each year for the operation of the Industrial Relations Commission and the Industrial Court in this State and, similarly, the Commonwealth pays enormous sums for the operation of the Industrial Relations Commission. They are the appropriate places to take these disputes.

BUILDING ACTIVITY

Mr QUIRKE (Playford): Can the Premier advise the House on the state of the construction industry in South Australia and on what level of building activity is anticipated during the current financial year?

Members interjecting:

The Hon. J.C. BANNON: The Opposition gleefully interjects, 'Not too much.' I know that it would be delighted if that were the position, because it would love to be able to exploit that. However, the fact is that we have been going through a period of very high level non-housing construction in this State. Inevitably, there are peaks and troughs in this activity, but we have had a sustained high level of such activity, going right through most of the second part of the 1980s. It is interesting to note that when we came to office in 1982 there was not one building in prospect in this city. The Hilton Hotel—

Dr Armitage interjecting:

The Hon. J.C. BANNON: The member for Adelaide, as the local member, recalls this. The Hilton Hotel had just been completed and opened immediately before the election; the finishing touches were being put on the Commonwealth Bank building, and that was it; absolutely nothing else—a blank!

It was a disastrous situation. Thank goodness there has since been great activity, in the public and private sectors, which has transformed the face of the city, in many respects for the better. In consequence, because of the ebb and flow of economic activity, there is a reasonably high vacancy rate in city office space. Therefore, there is no immediate prospect of major projects being undertaken in the city area except in some specialised instances. One of those is the Australian Taxation Office project, for which tenders have been called on two occasions. The Taxation Office has made clear that it is not interested in taking up existing vacant office space but wants purpose-built accommodation because of its particular requirements, and I hope that we will soon see some activity on that front.

Approval has been given for the East End project, and action in terms of demolition has already been undertaken. Just the other day an announcement was made in relation to the marketing of the development on the old West End Brewery site for a large residential component, and I hope that will work because we want more people living in the CBD of Adelaide. There are a number of other projects of that kind, but it is true that the current office space must work its way through the system before major buildings come on stream.

Although the honourable member's question did not directly involve this subject, I must say that it has been pleasing to see the housing market remain at a reasonable level during this time. While that is no substitute for big building projects, nonetheless, that market has been very important. In contrast to the rest of Australia, by reason of the fact that we have had more prudent financing and schemes such as HomeStart, we have been able to maintain a reasonable level of activity in the current economic climate. However, there is no doubt that the outlook is difficult. The signs of interest rate reductions are overdue and they are extremely welcome because, without that, we will not see any kind of revival in the building industry. A number of projects are in the pipeline and, as soon as the climate is right, they will come forward.

UNIONISM

The Hon. D.C. WOTTON (Heysen): Is the Minister of Labour aware that, during the recent refurbishment of the Hotel Victor, a piano being delivered from Adelaide by local transport was prevented from being taken to the site because the carrier was a non-unionised family business and the piano had to be unloaded and transferred to another truck with a union driver to be transported the last few hundred metres to the hotel site? Is the Minister aware that the piano tuner engaged was also required to join the Musicians Union? Will the Minister investigate these events to determine whether such union action directed against small business is appropriate in the present circumstances of rising unemployment and small business bankruptcies?

The Hon. R.J. GREGORY: I am not aware of the circumstances to which the honourable member refers because I do not know everything that happens in industry in South Australia. I would have thought that prudent managers, knowing the attitude of building workers towards non-unionists, would ensure that people coming on site were unionists.

Members interjecting:

The SPEAKER: Order! The Deputy Leader is out of order. The Minister of Labour.

The Hon. R.J. GREGORY: Some members opposite seem to have difficulty in coping with the fact that a group of people on a work site have collectively got together and determined that they do not want to work with non-unionists. In other words, they have exercised their democratic right of not wanting to do that and, as I outlined earlier—

Members interjecting:

The SPEAKER: Order! The question was asked in silence. There is no hope of the Minister's answer being heard with the background noise that is in this Chamber.

The Hon. R.J. GREGORY: As I said, there is nothing wrong with a group of workers getting together and deciding that they do not want to work with non-unionists—

Mr S.J. Baker: What about democracy?

The Hon. R.J. GREGORY: The member for Mitcham asks 'What about democracy?' They exercised their democratic right. As I said, we spend a considerable amount of money each year in this State to provide an industrial dispute settling facility which works very well. I would think that employers who are skilled enough to get contracts which, obviously, must be as large as the Victor Harbor contract (which I am not familiar with) would understand industrial reality and would have ensured that they did not run into these problems. However, if they have these sorts of problems, they should approach the Industrial Commission for assistance in settling the dispute; and I assure honourable members it does that very well in this State.

RIVER TORRENS LINEAR PARK

Mr FERGUSON (Henley Beach): Will the Minister for Environment and Planning advise of the progress to date on the construction of the Torrens River Linear Park and Flood Mitigation Scheme? The Torrens River Linear Park

and Flood Mitigation Scheme is a far-sighted scheme which was designed to overcome the serious problem of flooding along the Torrens River. At the same time, it will provide the residents of Adelaide with a magnificent tree-lined scenic park. I understand that the western section of the scheme has been completed and that work is due to commence on the next stage in the eastern suburbs.

The Hon. S.M. LENEHAN: In answering this question, I am very pleased to acknowledge the initiative and the work of the former Minister of Water Resources, the member for Chaffey, and I think it is an indication—

The Hon. Frank Blevins: I thought you were going to say Don Hopgood.

The Hon. S.M. LENEHAN: Yes, of course, and my colleague the Deputy Premier. I think it is important, when people initiate such far-sighted schemes, to acknowledge their contribution. I am delighted, in answering the honourable member's question, to do that. Indeed, yesterday I had the honour of opening the western section of the Torrens River Linear Park and Flood Mitigation Scheme. I must say that it is quite a unique conservation and recreation program and it is quite remarkable in a number of ways. Not only does it provide flood mitigation for the entire section of the western suburbs along the Torrens River but local residents and visitors to this State can now walk, ride or jog in that area. In fact, I met some of the local residents who were thrilled that they now have this beautiful park across from their residence; and they were absolutely amazed and totally supportive of what this Government and previous Governments have done.

To date, some $24 million has been spent and some 200 000 native Australian riverine trees and shrubs have been planted. Not only do these trees and shrubs add significantly to the greening of the city of Adelaide but, together with the reeds in the river, they provide a remarkable and valuable habitat for a host of birds and other native animals. When the scheme is completed, the path will stretch for about 30 kilometres from the Adelaide foothills to the sea.

I am told that this will be longest urban river linear park of any city in this country, so we can be justifiably proud of what we are doing. The next task ahead of us (and I am sure that the member for Hartley and others will be pleased with this information) is to complete the next stage between OG Road, Klemzig and Greenglade Drive, Paradise in the eastern suburbs. I understand from my department that this work will commence in January next year.

UNIONISM

The Hon. TED CHAPMAN (Alexandra): Will the Minister of Labour advise whether he is aware of, and does he condone, trade union practices such as occurred at a Victor Harbor hotel recently in which a self-employed man was forced to join a union and then to join the trade union superannuation fund even though he already has adequate superannuation?

The Hon. R.J. GREGORY: I am not aware of the matter to which the member for Alexandra refers.

GEMELLAGGIO AGREEMENT

Mr GROOM (Hartley): Will the Minister of Ethnic Affairs report to the House on the future strengthening of our relationship with Italy in view of the historic signing of the *gemellaggio* agreement between the Premier and the President of the Campania region on 1 October 1990? As honourable members know (particularly the member for Bragg), the Premier recently signed what is an historic agreement between South Australia and the regional Government of Campania to promote future exchanges in cultural, artistic, economic, social and tourism areas. The historic agreement is expected to herald a new era in our relationship with Italy.

The Hon. LYNN ARNOLD: I thank the honourable member for his question and concur with his comments about the arrangement that was signed between the Premier and the President of the Campania region, Dr Fernando Clemente di San Luca, as heralding a new era in relations between South Australia and the Campania region. It is worth noting that South Australia has the highest number of Italians of Campanian descent of any State in Australia and they represent a significant proportion of the total Italian community in this State. As a result of that, Chris Sumner (the then Minister of Ethnic Affairs) proposed to Cabinet that there be a *gemellaggio* between the two areas. Cabinet accepted that, as did the Campanian regional authorities.

It has taken time to bring this matter to fruition as we have sought to discuss the best areas that we should be examining. It was pleasing to see the agreement that was signed in Campania on the Premier's recent visit. At this end of the arrangement there will be a committee jointly chaired by Cav. Paolo Nocella, the head of the Italian Chamber of Commerce and Industry in South Australia and also head of an organisation known as CoEmit, and Trevor Barr, the Chief Executive Officer of the Office of Multicultural and Ethnic Affairs. That body will have a number of other members on it representing the *gemellaggio* agreement in South Austraila, including Giovanni de Fede, the President of the Federation of Campanian Associations in South Australia; Mr Giuseppe Cavuoto, the Deputy President of that same organisation; and Mario Feleppa in another place who is Campanian by birth. That body will be asked to examine ways in which we can extend the cultural, social and commercial links between Campania and South Australia.

A trade and investment seminar was held in Salerno recently on the occasion of the Premier's visit. There are a number of areas of business activity where complementary trade and investment opportunities exist. At the Campania end a similar committee will be established and, under Italian law, legislation is required through the regional Parliament to enact this arrangement, and we are pleased that that has now been achieved. With respect to the other activities of the *gemellaggio*, the *gemellaggio* committee in South Australia will be asked to report on an annual basis as to progress made in advancing the relationship between Campania and South Australia.

I might say that the other night, when there was a meeting of a number of heads of the Campanian organisations in Australia, which I addressed, I was pleased to hear the strong support that they gave to the *gemellaggio* agreement. I also note that the shadow Minister of Ethnic Affairs himself indicated that the Opposition fully supports the *gemellaggio* agreement, which we are very pleased to hear.

UNIONISM

Mr S.G. EVANS (Davenport): Is the Minister of Labour aware that a self-employed stained glass craftsman was forced by the Federated Furnishing Trades Union to join the union in order to install his own stained glass panels at the entrance of the Hotel Victor? Does he agree with such actions by unions?

The Hon. R.J. GREGORY: I am not aware of the circumstances that the member for Davenport refers to.

HEALTH SCIENCES

Mr HERON (Peake): Will the Minister of Employment and Further Education advise the House what action he is taking on the current proposal to establish a higher education centre for health sciences in Adelaide?

The Hon. M.D. RANN: Each of South Australia's tertiary institutions conducts courses in some aspect of health sciences, such as nursing (in which the South Australian College of Advanced Education has set a very high national standard), speech pathology, pharmacy and preventive health or medicine. And, of course, we have two very good faculties of medicine at Adelaide University and Flinders University. The member for Peake is a member of the Flinders University Council. There are a number of people who are concerned that these areas should not duplicate each other's areas of expertise or, more importantly, compete against each other in any way.

Of course, this is an important issue and I welcome any move to work together to strengthen our State's health sciences. One proposal gaining a degree of publicity in recent times, and I believe this is the one to which the honourable member is referring, is the University of Adelaide's desire to establish its own centre for health sciences. This would include the school of pharmacy, currently part of the South Australian Institute of Technology, the University of Adelaide's Faculty of Medicine, the Faculty of Dentistry, the Royal Adelaide Hospital, the Adelaide Medical Centre for Women and Children and the Anti-Cancer Foundation to form within the city a centre of health sciences in higher education.

The honourable member asks what action I am taking on these proposals as the responsible Minister in this area. I want to make clear that, before any action is taken in the sphere of higher education, I am most mindful of previous advice given to me about university autonomy. I certainly expect to adhere to the principles which are so generally accepted in the academic community. These principles keep Government interference to a minimum. When examining issues such as the creation of a centre for health sciences, one would expect the issues to be worked out by the relevant interested parties in the first instance and not by the Minister.

I am sure that any institution would regard it as a gross breach of these principles if the Minister were to somehow instruct or decree that certain components of one university were to be taken out and transfered to another without consultation. Apart from these issues of principle, the committee of further education chief executives (SAGE) earlier this year agreed that it would be counterproductive to pursue inter-university rearrangements before the major structural rearrangements had taken place.

Given the complexity of the amalgamation processes, it is logistically not possible to create a centre for health sciences until considerable negotiations with other institutions have taken place. In my view, a view consistent with these principles of university autonomy that have been held dear for hundreds of years, I see the creation of a centre for health sciences as a matter for the universities themselves to determine and negotiate.

Members interjecting:

The Hon. M.D. RANN: I am mindful of the future Leader of the Opposition's interjections on this matter, as I know that he has a strong interest in pharmacies; in fact, I have even used some of his pharmacies. It is quite bizarre to receive letters urging me to interfere with the affairs of another university by a university that prides itself on celebrating university autonomy.

UNIONISM

The Hon. P.B. ARNOLD (Chaffey): Is the Minister of Labour prepared to condemn publicly the practice of trade unions threatening secondary boycotts against developers engaged in the building and construction industry? During the refurbishment of the Hotel Victor, the developer was threatened with a walk-out and black ban by the Federated Furnishing Union if the curtains, bedding and furniture from three non-union factories and family businesses were delivered to the hotel site.

The Hon. R.J. GREGORY: I am not aware of the matters that the members of the Opposition have been referring to all afternoon. I have made quite clear that we have in the South Australian industrial relations system an Industrial Court and Industrial Commission that are well equipped and empowered to deal with all these matters—and they are matters that are best dealt with there. If the problem comes under a Federal award, the Industrial Relations Commission will deal with it. That is the best place to go to. If any employer is having problems on a building site, in a workplace or in a factory, that is the best place for them to go instead of having raised in this House issues that are best settled quickly and efficiently by people who are highly skilled in handling those matters.

HAPPY VALLEY WATER FILTRATION PLANT

Mr HAMILTON (Albert Park): Will the Minister of Water Resources advise of the progress to date of the commissioning of stage 2 to the Happy Valley water filtration plant and indicate whether the target to service the area from Belair to Flagstaff Hill with filtered water will be met?

The Hon. S.M. LENEHAN: I think it is appropriate that this question should be asked at this time of the year because it has been traditionally at this time of the year that some areas of Adelaide that are not already connected to the filtered water system experience problems. Therefore, I am pleased to announce that stage 2 of the plant is on schedule and is, in fact, the final stage of what will be the largest water filtration plant in the southern hemisphere. This plant will be expanded to its full design capacity of about 850 megalitres per day. It will provide filtered water not only to the plains areas of Adelaide, to the southern area in particular, but also to the higher level suburbs including Blackwood, Belair, Coromandel Valley, Flagstaff Hill and Aberfoyle Park. It will then bring the total population served by this plant to about 440 000 people, or about 40 per cent of metropolitan Adelaide.

I am delighted to say that the construction work for stage 2 is on schedule and that in August of this year a contract was awarded for a large pumping plant to be constructed at the filtration plant to lift filtered water to these higher suburbs. The pump for this contract will be constructed in Australia, although there are some other large specialist engineering items which are included in the contract but which will have to be brought in from overseas because it is not possible for them to be manufactured here. The largest of these is a 1.25 megawatt piece of equipment which, by world standards, is quite large. While I believe there is no reason why the supply of this large contract will

run late, because equipment is coming from overseas, we cannot be 100 per cent certain of that.

So, given the rider that something just might happen in terms of equipment coming from overseas (and I do not believe that that will be the case), I am happy to inform the House that it is expected that stage 2 will be commissioned in late November 1991—just over 12 months from now. This will ensure that those suburbs such as Blackwood, Belair, Coromandel Valley, Aberfoyle Park and Flagstaff Hill, which are situated above the level of the Happy Valley water filtration plant, will then enjoy a filtered water supply.

LOCAL GOVERNMENT

The Hon. B.C. EASTICK (Light): Does the Premier intend to announce on Friday major changes to the administration of local government in South Australia and, in particular the dismantling of the Department of Local Government?

The Hon. J.C. BANNON: Discussions have been going on for some time with the Local Government Association. I foreshadowed these discussions in my budget speech, particularly when I referred to the establishment of a local government assistance fund to be administered along guidelines and in a manner which is now at the point of agreement with the LGA. As part of our review of all Government functions and departmental organisations associated with the Government agencies review group, some work has been done in the local government area. The annual meeting of the Local Government Association will be held tomorrow; I have been invited to address that gathering and I will certainly have some major things to say about these issues.

DIPHENYL

Mr HOLLOWAY (Mitchell): My question is directed to the Minister of Agriculture. Are exports of fruit from this State to the growing Asian market at risk because of the use of the toxic fungicide diphenyl? An article in the *New Scientist* magazine of 6 October refers to high levels of diphenyl found in fruit imported to Malaysia from Australia, New Zealand and the United States. The levels reported were up to 90.5 parts per million (ppm) in fruit. The article reports that the maximum residue limit for diphenyl in Malaysia is 110 ppm for citrus fruit. It is banned in non-citrus fruit.

The Hon. LYNN ARNOLD: I noticed the article in the *New Scientist*, and I was concerned that there might be a problem for some of our citrus exports. However, we should not be worried because it is not being used in South Australia or, indeed, in most of Australia at this time. Diphenyl was phased out Australia-wide more than 10 years ago and it has been replaced by dipping fruit in other fungicides, primarily benlate. Previously, diphenyl was used in the plastic wrapping of the fruit. It was impregnated with diphenyl which had a high volatility rate. Indeed, that was how it worked: its volatility resulted in its being released and effectively fumigating the fruit that was wrapped in the impregnated thin wrapping paper. As I have said, diphenyl has been phased out Australia-wide and its only use in Australia is in respect of certain tropical fruits from Queensland and Western Australia.

Diphenyl is still used extensively in the United States for citrus for export. I cannot comment on the situation in New Zealand, but it is highly possible that the fruit that has come from three different destinations (New Zealand, Australia and the US) is stored in one area in Malaysia and that the volatility of the chemical is resulting in produce from Australia being contaminated through cross-contamination from the US use of diphenyl.

So, I believe that there is no threat to the Australian industry. Indeed, those concerned about diphenyl not being used could take assurance that it is not used for Australian citrus. If our customers in Malaysia are concerned about that, they ought to talk to their packers and wholesalers about possibly separating Australian citrus from citrus from the United States or possibly New Zealand. As I say, I am not sure whether it is still being used in New Zealand.

EDUCATION DEPARTMENT PROMOTION SYSTEM

Mr BRINDAL (Hayward): In view of the Minister of Education's oft-repeated praise for a new promotion system in his department, which is based solely on the merit of applicants as established through an application and interview process, will he inform the House how many acting appointments have been made of either GME or Education Act employees under such 'tap on the shoulder' methods as a Director-General's appointment; what is the length of each appointment; and will the Minister allow such nepotistic and scandalous practices to continue?

I have in my possession a significant list of names of officers of the Education Department who have received promotion opportunities without either application or interview processes. Since any appointment of this kind relies on the previous knowledge of a senior officer of the employee, it cannot be considered fair to all employees and can rightfully be described as 'tap on the shoulder' or 'nepotistic'.

The SPEAKER: Before calling on the Minister, I point out that there is a tendency by members to introduce comment in their questions. Again, I ask all members to watch their questions.

The Hon. G.J. CRAFTER: It has always been the prerogative of a responsible management to appoint senior members of the department into various positions of responsibility. I am not sure whether the honourable member is indicating that that is no longer available to senior management of Government departments. It is a very important, well settled and established principle of prudent management in both the public and the private sector. I would very much regret it if the Opposition was, in fact, developing a concretised policy of management as a plank of its platform for public sector management, because that would be a most retrograde step indeed.

The Education Department has done a great deal of work and achieved a lot in recent years to establish the principle of appointment on the basis of merit rather than that of seniority and taking people off the top of promotion lists and placing them in positions of responsibility. That was a most inappropriate management tool and has now undergone dramatic change in the department. I do not know the precise details of how many temporary appointments have been made, bringing people in to perform specific duties or tasks for limited periods, but I will obtain that information for the honourable member and advise him.

However, I can assure him that the management of the Education Department is responsible and it is in line with modern management practices. Unfortunately, some people resist that, do not want to see change and want to revert to the old practices. In fact, they want to resist those practices that do see the most competent people appointed to the positions for which they are best suited and, indeed, want

to deny the department the flexibility to use its resources in the most efficient and effective way possible. I only hope that the honourable member is not, in fact, giving credence to those retrograde views.

REVIEW OF DISABLED SERVICES

Mrs HUTCHISON (Stuart): Will the Minister of Health inform the House whether the review of disabled services has been completed? If so, what have been the results of that review to date and what action is anticipated as a result of that review?

The Hon. D.J. HOPGOOD: I am not yet in a position to go public because there is a bit of work to be done. However, I will get what information I can for the House and bring it back.

SHEEP PAUNCHES

The Hon. H. ALLISON (Mount Gambier): Will the Minister of Agriculture act to see whether sheep paunches can be made available again for sale to the public? I could well have addressed this question to the Minister in his capacity as Minister of Ethnic Affairs, because the tale which I have to tell would have Robbie Burns shuddering in his grave each time 'the Ode to the Haggis'—

The SPEAKER: Order! A very short while ago I made mention of comment in questions. I ask the honourable member to be very careful about how he phrases the question.

The Hon. H. ALLISON: Deleting any reference to Robbie Burns, I point out that the haggis is now contained on Burns' Night within a fritz skin instead of within the sheep's paunch. This tale was told to me by a Scotsman so emotional that he could hardly roll his Rs. For centuries, the sheep's paunch or stomach has provided a container for the Scottish haggis. The Scotsman told me that the paunches are no longer available in South Australia and one of his butchers, well known for his fine haggis, has given up because he cannot get this traditional covering.

A check with SAMCOR reveals that this decision arose from health regulations, which designate sheep paunches as non-edible offal. The Scotsman informed me that the use of these coverings has not in any way adversely affected those of Scottish decent. He claims they are a sturdy race. Millions of sheep are slaughtered each year and it is regarded as unfortunate by the Scots that the bureaucracy stands in the way of the Scottish tradition so important to the South Australian heritage. Perhaps the Minister can hear the clans calling for him to remove this discrimination against Scottish gourmets.

The Hon. LYNN ARNOLD: I thank the honourable member for his question and I will be most pleased to have it further investigated because he has a point with respect to those who wish to eat the haggis. I must say that, earlier this year, when my colleague the Minister of Labour organised a haggis night at Parliament House, I thoroughly enjoyed the occasion. Although we did not realise that it was in fritz skin. Haggis is an age old culinary feast and it certainly does not seem to have done the Scots any harm at all by being made in a sheep's paunch. Therefore, one could seriously question the decision that it is for hygienic reasons or health reasons.

The only complicating factor might be whether or not those who cook the haggis expect the sheep's paunch to be supplied in an uncooked or cooked form. There may be a question regarding hydatids, and I will have that further investigated. Indeed, I am happy to have the matter looked at because any possible use of sheep in this State to meet the culinary wishes of any part of the population should be examined, especially in the current situation with respect to sheep. Another part of sheep that has some potential is the lining of the stomach, that is, sheep tripe. It is felt in overseas circles that Australian sheep tripe is the best quality in the world yet we do not take the opportunity to sell it.

HEALTH AND LIFE CARE LIMITED

Mr HAMILTON (Albert Park): Has the Premier been made aware of correspondence directed to me as member for Albert Park from the Managing Director of Health and Life Care Limited (Victoria), a Mr John Rashleigh, threatening to cease all its operations in South Australia because of my representations on behalf of one of my constituents?

The Hon. J.C. BANNON: The honourable member showed me this correspondence and has made a number of remarks about it. The complete overreaction to a member going about his duty as a member of Parliament and, as the company acknowledged in the letter, on what appeared to be a legitimate grievance is most unfortunate. I do not think that we can do anything about the counter threats, if one might term them that, contained in the letter in a fairly offensive tone, except to say that it is a pity that this sort of overreaction should occur towards people going about their business in a sensible way. I reject it and support a number of the member's remarks about that correspondence and its nature.

GULF ST VINCENT PRAWN FISHERY

Mr MEIER (Goyder): Does the Minister of Fisheries agree with Professor Parzival Copes' recommendation in his latest report on the Gulf St Vincent prawn fishery that 'the South Australian Government should assume direct responsibility for the debt of the 1987 buy-back program as an investment in the rehabilitation of the Gulf St Vincent prawn fishery'? The debt for the Government instigated buy-back scheme has risen from $2.8 million to $3.6 million. Does the Minister believe that the 11 boats remaining in the fishery must pay the debt, even if it bankrupts them?

The Hon. LYNN ARNOLD: The second report of Professor Parzival Copes is under consideration at the moment and, indeed, I have had some discussions with the Gulf St Vincent Prawn Boat Owners Association and, likewise, there have been discussions between that association and officers of the Department of Fisheries. In the first instance, the honourable member used the phrase 'the Government instigated buy-back scheme'. Is the shadow Minister of Fisheries suggesting that there should not have been a buy-back scheme in 1987? Is he suggesting, by some quaint degree of analysis, that the prawn fishery in the Gulf St Vincent would be healthier without having had a buy-back scheme? I see that the honourable member is now shaking his head at that suggestion. I suppose the honourable member was attempting to slur the Government as having done something that should not have been done, but I take it that he now recognises that something had to be done.

The scheme was put in place on the basis of advice in Professor Parzival Copes' first report, and it was based on certain predictions about catch rates that would apply with respect to prawns if the number of boats in the fishery were reduced. It is true to say that the rehabilitation of that

fishery has not been as quick as was predicted in 1987. If I recall correctly, it had been predicted that the fishery would recover to the extent that 400 tonnes per year could be harvested from it. In fact, the actual catch in recent years has been between 170 and 240 tonnes per year. Nevertheless, the matter is being looked at at the moment. I have not yet taken a submission to Cabinet on the basis of the second report because, as I say, we have been having quite extensive discussions about the various options that we should consider.

In the final analysis, there is the question of who is responsible for the debt, which presently amounts to about $3.6 million. The community has every right to ask, 'Why should the Government bear the responsibility for picking up that particular debt?' Clearly, this applies to not only the prawn fishery but also many other industries. Every time the Government is asked to pick up the debt for something, the legitimate question arises, 'How come? Why can't other industries get similar access to the taxpayer picking up debt in those areas?' However, there are some ramifications which are a bit different in that the prawn fishery in it is a controlled access fishery. As I say, at the moment the matter is being looked at and, until those investigations have been completed, I am not prepared to comment further.

PERSONAL EXPLANATION: MEMBER FOR NAPIER

Mr D.S. BAKER (Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

Mr D.S. BAKER: Earlier this morning I was telephoned by a news reporter asking whether I had in my possession a letter from the member for Napier and would I care to comment on it. I denied having any such letter but it seemed rather unusual to me that the news reporter already had that letter. When I arrived at my office this morning there was a letter on my desk from the member for Napier, as follows:

> I would therefore request that you allow me to examine the file that the Liberal Party has kept about my activities, in order that I might correct any inaccuracies that may be contained in your records.

On looking in my records, I have such a file. It is a relatively old file headed 'Mr Terry Hemmings, 1977-'. The file starts with the biographical details of the honourable member when he first stood for the seat of Napier in 1977, and in the 13 years since then there are only three additions to the file. The first addition was on 9 February 1984 in the form of an article in the *Advertiser* which states in part:

> The Minister of Housing, Mr Hemmings, was demoted by losing the local government portfolio to Mr Keneally . . .

There is a very good photograph of Mr Wright, who had taken on extra activities, and Mr Keneally, who had to take on that job from the member for Napier. The next entry on file is dated 29 December 1974 and is in a critique about Cabinet; it states:

> Terry Hemmings, Minister of Housing.
>
> Since being stripped of his local government medals Mr Hemmings has deteriorated into an even shakier performer for the Government.
>
> In Parliament, he is propped up during Question Time with a sheaf of written replies which he reads from go to whoa to the derisive delight of the Opposition. He is unlikely to see another term as a Minister.

The final entry in the file was when the former and failed Minister got headlines on the front page of the *Advertiser* on 17 August 1990 regarding a discussion about Australia breeding its own royal family from blue blood English stock. The article states:

> The Opposition Leader, Mr Dale Baker, nominated Labor MP Mr Hemmings who, he said, was English, had the right breeding, had done nothing in Parliament for years and had the time to take the job.

It was in the context of that file that I made those comments and the honourable member is quite at liberty to check the file for its accuracies or inaccuracies.

Members interjecting:

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

The Hon. TED CHAPMAN: On a point of order, Mr Speaker, as a matter of practice of this House I ask you to rule, in view of that comprehensive personal explanation, that from hereon in with personal explanations anything goes.

The SPEAKER: Order! The member for Alexandra is drawing a long bow. The Chair has always ruled that personal explanations are valid as long as they are not debated. The Leader has quoted from material; there was no debate, only comment.

SITTINGS AND BUSINESS

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

> That the House at its rising adjourn until Tuesday 6 November at 2 p.m.

Motion carried.

LAND AGENTS, BROKERS AND VALUERS ACT AMENDMENT BILL

Second reading.

The Hon. G.J. CRAFTER (Minister of Education): I move:

That this Bill be now read a second time.

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

Leave granted.

Explanation of Bill

The Land Agents, Brokers and Valuers Act 1973 regulates the activities of the real estate industry in South Australia.

One important function of the Act is to require prospective purchasers of land or small businesses to be given information about a wide range of possible encumbrances on land, and financial information about businesses.

The required information is prescribed in detail in the regulations, and set out in the prescribed forms (Forms 18 and 19 of the second schedule to the Land Agents, Brokers and Valuers Regulations 1986), which must be served on a prospective purchaser of land or a small business. Over 60 000 of the forms are used per annum.

Forms 18 and 19 came into operation in 1986, but most of Form 19 was almost immediately withdrawn following serious criticism by the Real Estate Institute of South Australia Incorporated ('the REI') and a new date set for its operation, while an attempt was made to resolve the difficulties with the form. The date has been extended several times, and is currently set at 1 January 1991.

In late 1987, after the Department of Public and Consumer Affairs ('DPCA') received a detailed submission from the REI on problems with both forms and the Local Government Association of South Australia Incorporated ('the LGA') also expressed concern, the Commissioner for Con-

sumer Affairs set up a working party to review both forms and formulate alternatives.

The working party was convened by DPCA and comprised also representatives of the REI and LGA (when available) and later, the Department of Lands which has responsibility for the 'LOTS' system on which information about land is stored, and the Office of Parliamentary Counsel.

The working party concluded that the currently prescribed Forms 18 and 19 were out of date. The information to be disclosed on them needed to be updated and expanded, particularly to reflect additional factors that can affect the enjoyment of land, including legislative changes.

To ascertain how this could be done, the working party consulted widely with Government departments and agencies that will need to provide information to be disclosed on the form.

The Department of Lands held its own consultations about arrangements for placing information from departments and agencies onto the LOTS system.

To make the proposed changes, Part X of the Act must be amended to make it possible to require the wider range of factors to be disclosed on the forms to be prescribed in the regulations.

The most significant of these additional factors are:

(1) Prohibitions or restrictions under the Aboriginal Heritage Act 1988.

(2) Mining tenements and private mines under the Mining Act 1971.

(3) Past use of land as a waste depot (for example, to avoid health risks involved in building on or occupying such land, as has occurred at Alberton and Bowden in South Australia, and in Queensland and New South Wales). This applies particularly to toxic wastes.

(4) Details of water allocation for irrigation purposes, including transfers of water allocations.

(5) Disclosures concerning restrictions on the height of buildings imposed under Commonwealth legislation relating to civil aviation or defence.

(6) Information relevant to farmers and graziers concerning:

- clearance of native vegetation,
- destruction or control of animals or plants,
- transportation of animals, plants or soil,
- fruit and plant protection,
- agricultural chemicals,
- stock diseases.

The purpose of such disclosures is to prevent situations in which purchasers of agricultural or grazing land suffer economic loss because they are unaware of restrictions on the use of the land, or unwittingly contribute to the spread of animal or plant diseases.

(7) Directions under the Food Act 1985 prohibiting use of unclean or insanitary premises or equipment.

(8) Unambiguous and more comprehensive financial information than that which would be provided on the currently gazetted Form 19.

The amendment of the Act also presents an opportunity to make other changes which remove ambiguities in current provisions and practices, and to streamline procedures.

In particular, it is proposed:

(1) That the financial information relevant to a small business must be verified by a qualified accountant. This step should help to increase the likelihood that information disclosed is accurate.

(2) To bring the legislation up to date with modern technological developments, by allowing service of cooling-off notices and Forms 18 and 19 by facsimile ('fax'), where a party accepts this method of service, and in the case of posting, to specify 'certified mail' and remove reference to 'registered mail' which is no longer offered.

(3) To allow service of a cooling-off notice by giving it to the vendor's agent, at the agent's registered office or nominated branch office.

(4) To limit the right to cool-off on a contract by:

(a) not allowing cooling-off where a person who bid at an auction for a property which was not sold, buys the property on the same day;

and

(b) limiting the right to cool-off where a purchaser excercised an option to purchase or bought by tender, to not less than five clear business days after the grant of the option or the close of tenders, and not less than two clear business days after the vendor's statement is served in the case of the sale of land, or not less than five clear business days after the vendor's statement is served in the case of the sale of a small business.

These steps will close loopholes which have been used by commercially sophisticated purchasers to take advantage of cooling-off periods.

(5) To define 'encumbrance' to include any easement other than a statutory easement not registered on the certificate of title to the land that relates only to the provision of electricity, gas, water, sewerage or telephone to the land.

The absence of clarity in the current Act on this point has the possible effect that a purchaser has a right to avoid a contract if a Form 18 or 19 that omits such easements has been served.

(6) Resolved ambiguity as to the status of a form containing a slight inaccuracy by specifying that the vendor's statement must be accurate at the date of service on the purchaser.

Further, the Bill specifies that if information disclosed changes prior to the purchaser signing the contract, a notice of amendment will need to be served.

(7) To delete sections 90 (12) and (13) and 91 (5a) and (5b) which are ambiguous and can be read to conflict with sections 103 and 104. These sections concern remedies available under other Acts.

(8) To require a vendor of land or a small business to serve, or cause to be served, a statement in the prescribed form (Form 18 or 19) on the purchaser, and make it an offence to fail to do so.

This overcomes the problem with the Act at present that can arise when a vendor who is selling land or a small business without an agent, and who fails to serve a form, does not commit an offence.

It is also proposed, however, that where an agent acts on behalf of a vendor, the agent is still required to make the prescribed inquiries and certify the completeness and accuracy of the statement.

It is further proposed that the certificate must be endorsed on, or attached to, the vendor's statement.

(9) To remove the requirement that an agent make not only prescribed inquiries, but also 'such other inquiries as may be reasonable in the circumstances' from the Act. The code of conduct which agents are required to comply with already requires agents to make such inquiries. Courts have also held that such a duty exists.

(10) To expand the rights of a purchaser of land or a small business who wishes the purchase to proceed quickly, to waive not only cooling-off rights but also right to the period of 10 clear days in the case of land and five clear

business days in the case of a small business, after receipt of Form 18 or 19 and before settlement, or the right to receive a Form 18 or 19, if independent advice is received from a legal practitioner and that practitioner signs a certificate in the prescribed form. Section 92 of the Act will need to be amended to achieve this.

(11) To provide a means of determining the value of land to be sold in fee simple in pursuance of a contract for the sale of a business, where the vendor and purchaser have not agreed as to the value of the land.

It is proposed that the value be the capital value determined under the Valuation of Land Act 1971.

(12) To not require an agent acting for a purchaser to make the prescribed inquiries and prepare and serve a statement and certificate if there is already an agent acting for the vendor.

(13) To require councils and statutory authorities to provide the required information within eight clear business days of receiving an application for it (after the prescribed fee and documents are received) and enable a fine to be imposed for non-compliance. The obligations of councils and statutory authorities are also to be more clearly outlined. This would provide incentives to avoid unreasonable delays.

(14) To clarify the amount of the deposit which a vendor may require a purchaser of a small business to pay by specifying the deposit to be '10 per cent of the total consideration for the sale specified in the contract'. This should enable parties to agree in advance on the anticipated value of stock.

(15) To give courts power to make a wider range of orders when determining disputes concerning vendors' statements. This follows judicial criticism of the current situation under which the remedies of rescission and damages are in the alternative, rather than both being available.

(16) To expand the range of defences to a charge of an offence or to civil proceedings, to bring the defences more into line with those set out in the Fair Trading Act 1987.

(17) To rearrange and rationalise the provisions of Part X of the Act.

(18) To clarify the definition of 'date of settlement' in section 6 by expressly allowing parties to agree on a date different from that specified in the contract.

(19) To change the upper limit for the value of a small business from $70 000 as currently specified in the Act ($150 000 in the regulations) to $200 000.

The Legislative Council has passed an Opposition amendment to insert a new paragraph into new section 91h to provide an additional defence.

The additional defence would be:

That the alleged contravention or non-compliance was due to reliance on information as to the existence of, or relating to, a charge, prescribed encumbrance or prescribed matter recorded on the Land Ownership and Tenure System database kept by the Department of Lands or associated manual records kept by that department.

The Government has some sympathy with the intention to give users of the LOTS system certainty that information provided can be relied upon.

However the Government strongly opposes this particular amendment and will move for its deletion.

As pointed out in the speech of the Minister of Consumer Affairs, the section 90 statement includes a copy of the title, the accuracy of which is guaranteed. The statement also includes information from other departments. The Department of Lands guarantees the fact that the other departments have an interest, but details of that interest are guaranteed by those other departments.

It should be noted that there is no general disclaimer on a section 90 statement. There is, however, a disclaimer on one page that is not actually a part of the section 90 statement as required by the Act and regulations, but which is provided by the Department of Lands together with the statement as extra information for the benefit of inquirers. This page lists items such as the capital value of the property. This is not the sort of information which the Government could reasonably guarantee.

The effect of the amendment would be that a person (usually an agent) who gained information from the LOTS system would have a defence to an offence or to civil proceedings if that information had been relied upon and turned out to be inaccurate.

However, it is also, and has hitherto been, possible to get much of the section 90 information directly from Government departments and agencies, rather than from the Department of Lands.

These other departments and agencies supply information to the Department of Lands, to be placed onto the LOTS system.

The effect of the amendment therefore would be to give an agent no defence when the original (primary) source of information is used, but to give a defence when the secondary system is used. This, clearly, is incongruous.

It is analogous to recognising that a photocopy of a document is deemed to be accurate but the original is not.

The amendment is silent on whether reliance on information from local councils can be a defence and on the status of information gained directly from the vendor. This is relevant, as for example, the vendor alone of all the parties involved in supplying information, is likely to have knowledge of a notice under the Fences Act 1975.

Furthermore, a court examining the proposed amendment together with section 91h *(a)* would probably hold that it was the intention of Parliament to give a special status to information from the LOTS system, but not to that from other sources.

There are broadly two alternative ways of dealing with the problem of reliance on information.

The first would be to specify that a defence exists if inquiries required by the legislation were made from the sources specified in the Act or the regulations, and that information was relied upon.

The second would be to simply rely upon the proposed section 91h *(a)*. The provision gives an adequate defence, as it is difficult to see how an inquirer could be negligent if the inquiries required by the legislation were all properly carried out.

The Government believes that the second alternative will provide a satisfactory defence.

The Bill is supported by the REI.

The passing of the Bill will be beneficial to purchasers of land in this State by giving them access to a wider and updated list of disclosures.

The expanded disclosures, however, need not involve extra work for vendors or agents. This is because the LOTS system of the Department of Lands will be able to supply most of the information required to be disclosed on the forms, at a cost lower than that of making inquiries with each of the individual departments and agencies.

The remaining information will need to be gathered from councils, the vendor and, in the case of a strata unit, the Strata Corporation.

It is also envisaged the regulations will free the persons filling in the forms from the requirement to answer all questions (many of which may not be relevant to any particular property) by presenting a 'core' of items which

must be answered in every case but requiring remaining parts of the forms to be served only if they refer to matters that apply to the particular case.

The Bill will also benefit the real estate industry generally, by streamlining procedures and resolving uncertainties with which its members have had to contend.

Clause 1 is formal.

Clause 2 provides for commencement of the measure on a day to be fixed by proclamation.

Clause 3 amends section 6 of the principal Act by striking out the definition of 'date of settlement' and substituting a new definition that ensures that where the parties to a contract for the sale of land or a business agree on a date for settlement in substitution for the date fixed by the contract, 'date of settlement' means the date agreed by the parties.

Clause 4 inserts an interpretative provision, new section 87a, into Division II of Part X of the principal Act. Subsection (1) defines various words and phrases used in this Division.

'Purchaser' and 'vendor' were previously defined in sections 88 (5), 90 (9), 91 (8) and 91a (8). The definitions of these words remain unchanged except that 'vendor' now includes a prospective vendor and 'purchaser' now includes a prospective purchaser.

The terms 'section 90 statements' defined in section 88 (5) and 'section 91 statements' defined in section 91a (7) have been substituted by 'vendor's statement', defined to mean the statement that the vendor of land or a small business is required to serve under section 90 or 91 and to include all certificates that are required to be endorsed on or attached to the statement.

A definition of 'qualified accountant', a new term used in new section 91, is included. A 'qualified accountant' is a person who has qualifications in accountancy approved for the purposes of this definition by the regulations or a person experienced in accountancy who is approved by the Commercial Tribunal as a fit and proper person to exercise the functions of a qualified accountant under Division II of Part X of the Act.

'Encumbrance' was previously defined in section 90 (9). The only change to the definition is that 'encumbrance' does not now include a statutory easement not registered on the certificate of title to the land that relates only to the provision of electricity, gas, water, sewerage or telephone to the land.

'Small business' was previously defined in section 91 (6). The only change to its definition is that the upper limit of total consideration currently fixed in the Land Agents, Brokers and Valuers Regulations 1986 at $150 000 is raised to $200 000 and is now fixed in the Act and that the provision contained in section 91 (7) is incorporated in the definition.

Subsection (2), a new provision, states that for the purposes of the definition of 'small business', the value of any land sold or to be sold in fee simple in pursuance of a contract for the sale of a business will be taken to be the value agreed in writing between the vendor and purchaser, or in the absence of such an agreement, the capital value determined under the Valuation of Land Act 1971.

Clause 5 repeals section 88 of the principal Act and substitutes a new provision. Previously section 88 set out the cooling-off rights with respect to the sale of land and section 91a set out the cooling-off rights with respect to the sale of a small business. The new section 88 combines the old sections 88 and 91a. The substantive changes are found in new subsections (2) and (7).

Subsection (2) provides for the following additional methods of service of a cooling-off notice:

1. By giving the notice to the vendor's agent personally at the agent's registered office or a registered branch office nominated by the agent for the purpose of service of the notice.

2. By leaving the notice for the agent, with a person apparently responsible to the agent, at the agent's registered office or a registered branch office nominated by the agent for the purpose of service of the notice.

3. By transmission of the notice by facsimile transmission to a facsimile number provided by the vendor or the vendor's agent.

If the notice is 'faxed' it is taken to have been given at the time of transmission.

The subsection places the onus of proving the giving of a cooling-off notice on the purchaser.

Subsection (7) sets out those cases in which there is no right to cool-off. The changes from old sections 88 (4) and 91a (6) are as follows:

1. A purchaser of either land or a small business no longer has a right to 'cool-off' if the land or business is offered for sale, but not sold, by auction and a person by whom, or on whose behalf, a bid for the land or business was made at the auction enters into the contract on the same day as the auction is held. Previously the right to cool-off was lost only if the person who bid at the auction entered into the contract on the same day for a price not exceeding the amount of the bid.

2. A purchaser of land or a small business no longer has a right to cool-off if the sale is by tender and the contract is made not less than five clear business days after the day fixed for the closing of tenders and not less than two clear business days after the vendor's statement is served on the purchaser in the case of the sale of land or not less than five clear business days after the vendor's statement is served on the purchaser in the case of the sale of a small business.

3. A purchaser of a small business no longer has a right to cool-off if the contract is made by the exercise by the purchaser of an option to purchase the business and the option is exercised not less than five clear business days after the grant of the option and not less than two clear business days after service of the vendor's statement on the purchaser in the case of the sale of land or not less than five clear business days after service of the vendor's statement on the purchaser in the case of the sale of a small business. Previously the right to cool-off was lost only in the case of land acquired by the exercise of an option not less than seven days after the grant of the option and not less than two clear business days after service of the vendor's statement on the purchaser.

Clause 6 repeals sections 90, 91 and 91a of the principal Act and substitutes new provisions.

New section 90 is different from the old section 90 as follows:

1. Some of the matters in relation to which prescribed particulars must be supplied by a vendor of land (that is, strata units and building indemnity insurance) will be prescribed by regulation. Other matters will be able to be prescribed by regulation as the need to include them arises.

2. Old subsections (2) and (2aa) have been removed.

3. The substance of old subsection (2a) has been re-enacted in subsection (2).

4. Old subsections (3), (4), (4a) and (4b) have been removed.

5. The substance of old subsection (5) has been incorporated in section 91f.

6. The substance of old subsection (5a) has been re-enacted in section 91e.

7. The substance of old subsections (6) and (7) has been incorporated in section 91g.

8. Old subsection (8) has been removed.

9. The substance of old subsection (9) has been re-enacted in new section 87a (1).

10. The substance of old subsection (9a) has been re-enacted in subsection (3).

11. Old subsection (9b) has been re-enacted in section 91c.

12. The substance of old subsection (11) has been re-enacted in section 91d.

13. Old subsections (12) and (13) have been removed from the Act as they are inconsistent with sections 103 and 104.

14. Old subsection (14) is now part of new section 90 (4). Section 90 will now apply only to the sale of land where the interest being sold is an estate in fee simple or leasehold interest granted by the Crown in pursuance of statute.

New section 91 is different from the old section 91 as follows:

1. A qualified accountant will be required to serve a certificate in relation to the financial particulars disclosed in the vendor's statement.

2. Old subsection (1a) has been removed.

3. The substance of old subsection (1b) has been re-enacted in section 91c.

4. The substance of old subsections (2) and (3) has been re-enacted in section 91g.

5. Old subsection (4) has been removed.

6. The substance of old subsection (5) has been re-enacted in section 91d.

7. Old subsections (5a) and (5b) have been removed from the Act as they are inconsistent with sections 103 and 104.

8. The substance of old subsection (5c) has been re-enacted in section 91 (1) *(c)*.

9. The substance of old subsection (6) has been re-enacted in new section 87a (1).

New section 91a requires an agent acting on behalf of a vendor of land to make the prescribed inquiries into the matters as to which particulars are required by the vendor's statement and to certify that the responses to those inquiries confirm (subject to any stated exceptions) the completeness and accuracy of the particulars contained in the statement. The vendor is required to ensure that the certificate is endorsed on or attached to the vendor's statement at the time of service on the purchaser. Where there is no agent acting for the vendor but there is an agent acting for the purchaser, the requirements to make prescribed inquiries and give a certificate must be carried out by the purchaser's agent. The purchaser's agent is required to serve the certificate or cause it to be served on the purchaser.

New section 91b deals with variations in particulars in a vendor's statement. Subsection (1) requires a vendor's statement to be accurate as at the date of service on the purchaser. Subsection (2) provides that if after service of a vendor's statement but before the purchaser signs the contract circumstances change so that if a fresh statement were to be prepared there would have to be some change in the particulars contained in the statement, the vendor's statement will be regarded as defective until a notice of amendment is served and when such a notice is served it will be presumed that the vendor's statement was served, as amended by the notice, on the date of service of the notice.

New section 91c restates the requirement previously contained in sections 90 and 91 that an auctioneer offering land or a small business for sale by auction must make the vendor's statement available for perusal by members of the public at his or her office for at least three consecutive business days preceding the auction and at the place of auction for at least 30 minutes prior to the auction and must cause public advertisement to be given in the prescribed manner and form of the times and places at which the statement may be inspected.

New section 91d requires a council, within eight clear business days of receiving a request for information, to provide the applicant with information reasonably required as to any charge or prescribed encumbrance over land within the council's area of which the council has the benefit or of building indemnity insurance in relation to a building on land within the council's area. The section similarly requires a statutory authority to provide, within eight clear business days, information about charges and prescribed encumbrances over land of which the statutory authority has the benefit or of any other prescribed matter.

New section 91e makes a person who gives a certificate under the Division knowing it to be false in a material particular guilty of an offence. Previously this offence was contained in section 90 (5a) as no certificate was required under section 91. This general provision will cover certificates of qualified accountants under section 91, certificates of land agents under section 91a and those given by legal practitioners under sections 88 and 91h.

New section 91f makes a person who contravenes or fails to comply with this Division guilty of an offence and liable to a maximum $2 000 fine. Previously where a requirement of section 90 was not complied with by an agent or person acting on behalf of an agent, the only person who was guilty of an offence was the agent.

New section 91g is a remedies provision. It was previously contained in sections 90 (7) and (8) and 91 (2) and (3). The only change is that a court will now be empowered to award damages and make such orders as may be just in the circumstances where the court avoids a contract, instead of having to choose between avoiding the contract or awarding damages.

New section 91h provides general defences to a prosecution for contravention of, or non-compliance with, a requirement of the Division. It is a defence for the defendant to prove—

(a) that the alleged contravention or non-compliance was unintentional and did not occur by reason of the defendant's negligence or the negligence of an officer, employee or agent of the defendant;

(b) that the alleged contravention or non-compliance was due to reliance on information as to the existence of, or relating to, a charge, prescribed encumbrance or prescribed matter recorded on the Land Ownership and Tenure System database kept by the Department of Lands or associated manual records kept by that department;

or

(c) that the purchaser received independent legal advice from a legal practitioner in relation to waiving compliance with the requirement, the legal practitioner signed a certificate as to the giving of that advice and the purchaser waived compliance with the requirement by signing an instrument of waiver.

These defences replace the defence of reasonable diligence contained in old sections 90 (8) and 91 (4).

New section 91i provides that if a vendor's statement, notice of amendment of a vendor's statement or certificate of an agent acting on behalf of a purchaser is to be effected by post, service must be by way of certified mail.

Clause 7 makes a minor consequential amendment to section 92 of the principal Act.

Clause 8 amends section 105a of the principal Act to make an amendment consequential on the insertion of new section 91i and to enable notices and other documents required or authorised to be given under the Act to be given by facsimile transmission.

Mr INGERSON secured the adjournment of the debate.

WILPENA STATION TOURIST FACILITY BILL

In Committee.

(Continued from 24 October. Page 1399.)

Clause 3—'Construction, etc., of tourist facility.'

The CHAIRMAN: The amendments circulated by the member for Heysen and the Minister have been retyped and those copies are designated by an orange dot in the corner. I ask members to refer to that copy only.

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

Page 3, lines 21 to 34—Leave out subclauses (4) and (5) and insert subclauses as follows:

(4) Subject to subsection (5), the Minister must (at the request of the lessee) by notice in the *Gazette*, increase the capacity of the facility to accommodate not more than 2 924 overnight visitors in the following forms of accommodation:

- a hotel of not more than 280 bedrooms;
- not more than 180 separate bungalows;
- dormitories providing a total of not more then 240 single beds;
- not more than 100 powered caravan or camping sites;
- not more than 300 unpowered camping or caravan sites;
- sites for the accommodation of the passengers of not more than 10 buses.

(5) The Minister must not increase the capacity of the facility under subsection (4) unless—

(a) the Minister is satisfied that the lessee has complied with the requirements of the approved environmental maintenance plan in relation to the use of available water and has complied with clause 5.12.3 of the lease or, if the Minister is not satisfied as to those matters, the Minister is satisfied that an adequate and permanent supply of water is available for the purposes of the facility:

and

(b) the lessee and all former lessees under the lease have complied with the essential terms of the lease.

(5a) Subject to subsection (5b) the Minister may (at the request of the lessee) by notice in the *Gazette*, increase the capacity of the facility to accommodate not more than 3 631 overnight visitors in the forms of accommodation specified in the notice.

(5b) The Minister must not increase the capacity of the facility under subsection (5a) unless—

(a) both Houses of Parliament have passed a resolution approving the increase;

(b) the Minister is satisfied that the lessee has complied with the requirements of the approved environmental maintenance plan in relation to the use of available water and has complied with clause 5.12.3 of the lease or, if the Minister is not satisfied as to those matters, the Minister is satisfied that an adequate and permanent supply of water is available for the purposes of the facility;

and

(c) the lessee and all former lessees under the lease have complied with the essential terms of the lease.

(5c) When determining the question of compliance by the lessee or a former lessee for the purposes of subsection (5) or (5b) any non-compliance that has been rectified to the Minister's satisfaction will not be taken into account.

The amendment is self-explanatory. I wish to compare the amendment with the clause in the Bill. The clause provides that the Minister may, by notice in the *Gazette*, increase the number of overnight visitors to 3 631. This is a significant increase, which is putting it mildly, in the number of overnight visitors. So far as the Opposition is concerned, the Bill contains no safeguards and it is necessary to have the safeguards written into the Bill. Therefore, we are willing for the number of overnight visitors to be increased to 2 924, provided the Minister is satisfied that the lessee has complied with the requirements of the approved environmental maintenance plan and has complied with clause 5.12.3 of the lease, which provides:

With respect to the water supply component of the environmental maintenance plan the plan shall address the following:

1. The impact of the lessee's draw down of water from the Wilpena Spring situated in the park on down stream vegetation and the impact of such draw down on vegetation around the bores numbered 94775 and 9477 situated in the demised premises.
2. The sufficiency of water in the park and environs as demonstrated by hydrogeological survey and testing.
3. Details of recycled water availiabilty.

Pending the lessor's approval of the water supply component of the environmental maintenance plan any water removal from the said Wilpena Spring by the lessee will not be greater than that which lowers the level of Wilpena Spring by more than one metre below the outflow into the creek unless the lessee is able to establish to the reasonable satisfaction of the lessor that the level may be lowered by more than the aforsaid one metre without any significant detriment to vegetation or the environment.

In the event that the lessee and the lessor are unable to agree on the water sufficiency or availability component of the environmental maintenance plan then the dispute shall be determined by a single arbitrator in accordance with the Commercial Arbitration Act 1985 or any statutory amendment in that behalf for the time being in force.

For the purposes of this subclause 'outflow into the creek' means the level of water outlet of the said Wilpena Spring determined by the lessor within three calendar months from the date hereof by survey to a datum point established for reference purposes.

We believe that it is totally appropriate that the Minister should be required to take into account that provision. New subclause (5a) provides the opportunity for the Minister to increase the number to the maximum capacity referred to in the legislation, but only on the grounds that the Minister must not increase the capacity of the facility under subclause (5a) unless both Houses of Parliament have passed a resolution approving the increase and unless the Minister is satisfied that the lessee has complied with the requirements of the lease in clause 5.12.3.

That is a significant improvement and it is something that would be required by the community generally. From talking to people in the planning profession, I am aware of concern expressed about the opportunity that the Minister has under the legislation to increase the number of overnight visitors substantially as a result of a notice in the *Gazette*. We have taken that into account and believe that it is essential that the opportunity be taken to bring the matter before both Houses of Parliament for further consideration. That would also provide the opportunity for the Minister to be able to indicate quite clearly that the lessee has taken into account the responsibilities that the lessee has under the lease. I urge the Committee to support this amendment.

The Hon. JENNIFER CASHMORE: As members know, I oppose the project, and I oppose the Bill. However, I do support the amendment because I believe it brings a much greater degree of responsibility into what is otherwise a clause of most extraordinary laxity in terms of its possible consequences, containing what I consider to be quite unprecedented breaches of normal planning procedure. If this amendment were not adopted, and if this Bill were passed, which I hope it is not, there would be nothing to stop the Minister, the day after proclamation of the Act, from publishing in the *Gazette* a notice which would enable the developers to increase the capacity of the facility to

accommodate 3 631 overnight visitors simply at the stroke of a pen. That would increase five-fold the present number of visitors. Given the developer's visitor occupancy forecasts, it would bring a projected one million, or thereabouts, visitor nights with all the consequences that would flow from that in terms of human pressure on that arid fragile area.

I believe the prospect of that is untenable, unconscionable and should not be contemplated by this Parliament. The clause as already written is extraordinary in so far as it purports to establish stage 1 of the development under statute and then gives the Minister power by regulation to increase that many times. The requirements that the member for Heysen is seeking in respect of the lessee complying with requirements of the improved environmental maintenance plans, and the Minister's satisfaction with an adequate and permanent water supply, are the very least we should expect, and they should have been incorporated in the Bill in the first place.

I support the amendment, but I want to ask the Minister several questions about this clause. Before getting to the water situation, which is critical, I want to ask the Minister a question about clause 3. This clause establishes the Minister in effect as the developer by asking the Minister to erect or construct the works, convert, alter or add to a building, change the use of the development zone, clear native vegetation and undertake any act or activity. How can she reconcile that role of the Minister with the role given to the developer under the lease, which has not only the force of common law in terms of a lease, but the protection of statutes under clause 10 of the Bill? How is it possible to reconcile those two roles which could so easily become conflicting roles?

The CHAIRMAN: The question before the Chair at the moment is the amendment moved by the member for Heysen.

The Hon. JENNIFER CASHMORE: When that amendment is passed—which I hope it will be—the opportunity for this question will also have passed, will it not?

The CHAIRMAN: The question will then be that clause 3 as amended be agreed to, and the honourable member would be entitled to ask questions relating to clause 3, as it will still be.

The Hon. JENNIFER CASHMORE: In relation to the member for Heysen's amendment regarding the water supply, what action does the department intend to take to ensure that the long-term sustainability of the water supply, given the increased visitor numbers, is assured before any further expansion is undertaken? The Minister's own Director is on public record as saying in an ABC radio interview in April (I trust I am not misquoting the Director, but I vividly remember what he said) that the long-term sustainability of the water supply has not been proven and that it would take at least 10 years to do so. What the Minister is contemplating will very likely occur before 10 years is up. I assume the period of 10 years is to ensure that rainfall and spring flow under varying conditions can be put to the test.

How long does the Minister expect it will take to prove up the long-term sustainability of the water supply? When will the developers be required to undertake the necessary tests? Why has that not been done to the satisfaction of the department in terms of the long-term sustainability (and I am not talking about the adequacy of the water supply in any given year)?

The Hon. S.M. LENEHAN: I would like to respond to a number of points, because I think we are looking at the amendment moved by the member for Heysen. I want to clarify for the public record that I am happy to accept the amendment from the member for Heysen in the spirit of cooperation and bipartisanship, which I have put on the public agenda from day 1 when I indicated to this House that I would be bringing this enabling legislation before the Parliament. However, it is my view (and, in fact, I have sought some advice and it has been substantiated) that everything the member for Heysen seeks to do in his amendment is covered in the Bill.

If we look at the original clause 5 of the Bill, and then look at clause 10 *(a)* and *(b)*, this means that all the conditions of the lease must be carried out and this Bill does not take away from the power of the Minister under the lease and/or the requirements of the developer under the lease. If one looks at the question of water and a whole range of other environment issues that I believe are vitally important, they are the fundamental reason why we are removing the facilities from the sensitive mouth of the pound three kilometres into the Wilpena Station area, under these conditions, the environmental maintenance plan clearly spells out the requirements. I always intended, as did my predecessor, that every single one of the environmental maintenance plans be carried out. Therefore, there would not be any stress on the water supply in terms of a gradual increase in the number of visitors.

In talks about 'with respect to the water supply component of the environmental maintenance plan, the plan shall address', and, as the member for Heysen read out, it will specifically examine the draw down, the impact of the draw down, the impact of the areas around these particular bores and, as well as that, the sufficiency of water in the park. It even goes further than talking about just the impact upon the immediate region: it talks about the whole park. It also goes on to talk about the availability of recycled water, which is a vitally important component of this project. While I am happy to accept the amendment, I think it would be quite wrong of me not to point out that the whole environmental question had been covered. If the member for Heysen feels more comfortable with restating or in some way—perhaps more clearly than is in the Bill—spelling out these conditions, I am happy to accept that, as I said, in a spirit of cooperation and bipartisanship.

In relation to the specific points raised by the member for Coles, I must inform the honourable member that, after I became Minister of Water Resources—and I know that she has received from me a very detailed letter spelling this out—I addressed this whole matter when the Water Resources Act was completely rewritten and considered in this Parliament, but I am very happy to go through it again. What will happen, and what has happened in the past, is that the E&WS will provide me with very detailed and analytical figures in relation to the long-term sustainability of water in the Flinders Ranges.

I find it amazing that the honourable member thinks that I am not going to pursue this to the very last breath in me, because not only am I the Minister for Environment and Planning but I am also the Minister of Water Resources. Therefore, it is my responsibility, and one that I welcome, to ensure that there are long-term sustainable water resources in this area, just as I have taken some very hard decisions—decisions with which the Opposition has disagreed—to ensure the long-term viability and protection of water in a whole range of sensitive areas around the State.

Some members of the Opposition have come to me with delegations seeking assurances about these matters, and in every case I believe that I have delivered the correct answer and the appropriate information. The E&WS will, together with the proponents of this development, conduct continual

testing. There will not be some magical time when suddenly someone will rush out to start testing. The sensitivity of this area has been acknowledged absolutely by me, my predecessor and this Government, and that is the very reason for this particular facility proceeding.

Now that we have an enabling Bill, there will be ongoing testing to ensure that the conditions of the lease are met and maintained—this would have happened even before we had enabling legislation—and that there will be no stress on the underground water supplies or, indeed, on the Wilpena Creek. I give the House that assurance and I will ensure with the proponents of the development that there will be continual and ongoing testing to ensure that we have adequate water supplies.

Thorough and adequate detailing of the figures on the ongoing viability of water has been provided for conservationists. The development will not happen overnight; and no-one, not even the most blinkered opponent, would suggest that someone will rush up there and build accommodation for the full amount covered under the environmental impact statement which, again, was a public document. Of course, there will be ongoing testing and monitoring, and I find it quite incredible that anyone would suggest otherwise. A number of conservationists have informed me that, in their opinion, water is not an issue.

The Hon. Jennifer Cashmore: Name one.

The Hon. S.M. LENEHAN: I am not going to start naming people. The honourable member might want to start threatening people, but I have been approached by a number of people—I have a file of correspondence—and water has not been identified as the major issue. Indeed, in the past couple of weeks in the debates leading up to this particular debate, the question of water was not raised. The whole question of the economic viability of this proposal was raised, together with a number of issues that I would have thought are outside the interest and purview of the conservation movement, but this one was not. However, if the honourable member wishes me to read all the figures into *Hansard*, I shall be delighted to do so.

The Hon. D.C. WOTTON: I do not believe that this issue is as clear as the Minister has indicated, and the member for Coles will follow up specifically the water issue. As far as I am concerned, there is an enormous amount of concern in the community, understandably and quite rightly, regarding the availability of water.

The Hon. S.M. Lenehan interjecting:

The Hon. D.C. WOTTON: One has only to look at the media reports or talk to people through the conservation organisations to understand that that concern is there. We believe very strongly that, because of the importance of this issue, the Bill should stipulate very clearly the responsibilities of the Minister and should make special reference to the clause that relates to the lease.

I do not back off in any way whatsoever from the need for this amendment. Leaving aside the question of water for the moment, referring to new clause 5a, we believe, as I said earlier, that it is vitally important that this Parliament and the people of South Australia have the opportunity to keep in touch with what is happening in regard to the responsibilities of the lessee before any further extensions are approved to substantially increase the number of overnight visitors who may take advantage of this facility. It is essential that that be the case, and that is why it is so vitally important that this amendment be supported.

The Hon. JENNIFER CASHMORE: If the Minister and the member for Henley Beach want names of people concerned about the water supply, I refer them both, and any other doubting members of this Committee, to almost all of the more than 400 people who made submissions on the EIS and whose names are listed in that document. There was barely a submission—

Mr Ferguson: Not good enough.

The Hon. JENNIFER CASHMORE: All right.

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

The Hon. JENNIFER CASHMORE: If the honourable member would like me to list one or two names, the District Council of Kanyaka-Quorn wrote a quite extensive submission on water supplies.

Mr Ferguson interjecting:

The Hon. JENNIFER CASHMORE: Yes.

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

The Hon. JENNIFER CASHMORE: I do not need a lesson in debating from the member for Henley Beach, although I acknowledge his skills in that area. I am seeking to save the time of the Committee. In order to quote my next authority—

Mr Ferguson interjecting:

The Hon. JENNIFER CASHMORE: I will give chapter and verse, and the member for Henley Beach may be sorry that he asked. The Minister said that she would ensure that water supplies are sufficient. Unless she is God Almighty, she is not capable of doing that; no-one is. Only nature can ensure that the water supplies are sufficient. The Minister cannot do that, and it is no use giving these futile assurances to the House. They simply cannot be taken seriously because they are quite spurious.

The Minister says in comforting tones that the E&WS will conduct regular testing. There is no use having ongoing testing if simultaneously there is ongoing expansion of the resort until we come to a point where suddenly we realise that long-term sustainability is not there and we have a resort designed for 3 631 people, and the whole thing then collapses in a heap. That is the fear of anyone who has any notion of economic responsibility, let alone environmental responsibility.

I remind the Minister, if she is not aware of this fact, of the four-year droughts from 1926 to 1930 and from 1932 to 1936. We have had some great rains in recent years since this report was proposed. There is nothing to say that there will not be another drought of the kind there was 60 years ago, and it will not be a very happy situation if we have a major tourist resort in a fragile, arid area should such a disaster occur.

In his 'Review of Water Resources for the New Wilpena Station Resort' dated June-July 1989, Dr Gordon Stanger of the Centre for Research into Groundwater Processes at the Flinders University presented the following conclusions—

Mr Ferguson interjecting:

The Hon. JENNIFER CASHMORE: Don't be patronising. He said:

> In this area of widespread public concern over the environment, it is astonishing to find that such poor hydrological records have been kept. In particular, monthly values of the total spring discharge, streamflow and groundwater levels could and should have been obtained throughout the interval 9 August 1987 to 20 March 1989 (after the boreholes were drilled).

This Government was responsible for that, and it did not do it. The report goes on:

> Absence of this essential data severely hampers an adequate hydrological assessment. Routine monitoring of these parameters should begin forthwith.

But it did not. So much for the Minister's soothing assurances! The report continues:

> (2) The water balance for the proposed project, as presented in the existing documents, indicates an apparently 'healthy' excess

of supply over demand. Implicit in these data are optimistic estimates of the long-term water supply and what could arguably be regarded as underestimates of demand in respect of the woodlot irrigation requirement.

(3) The water balance has concentrated upon the mean annual data, whereas from the point of view of potential damage to the environment, it is a combination of minimum yields, maximum water deficit and maximum transpiration stress that is significant. That is the 'worst case scenario'.

Namely, a drought lasting four years or more. Further, the report states:

(4) When a drought water balance is compiled, the excess of supply over demand will be greatly reduced and may even be negative. In the latter case, the 'balance' is less than the errors incurred in compilation. Caution therefore dictates that, during prolonged drought, a serious risk of a cumulative water deficit (in the order of tens of megalitres) must be assumed.

(5) In the absence of spring flow and long-term water yield data from the boreholes, the present yields cannot be relied upon indefinitely. Therefore, an additional groundwater source, other than the ABC quartzite, should be identified and rigorously tested. A full capacity aquifer test should also be run on one of the existing boreholes for a minimum of two weeks.

I want to know whether that has been done and, if not, why not? I also explain to the Committee that the reason why the pastoralists passed a unanimous resolution condemning the Minister and this resort in April this year was their concerns for their land, their stock and their livelihood, and for the Flinders Ranges itself. That concern cannot be more amply demonstrated than in the opinion of a totally independent hydrologist.

Mr GUNN: We have listened with some interest to the discussion in relation to these proposed amendments. I am not particularly fussed about them and I do not think that they are particularly necessary. There has been great development in this State and people have provided for their own water since the beginning of that development. If this line had been adopted from the beginning, there would have been very little development within my electorate. Therefore, I am somewhat perturbed—

The Hon. Jennifer Cashmore: Above Goyder's line.

Mr GUNN: Goodness me, there are huge developments above Goyder's line, including very successful agriculture that has no water. Many of the large projects that have been developed have had to look after and account for water. If this argument were true, Coober Pedy would not exist today. In my judgment, this is an emotive argument, and a red herring is being drawn across the whole escapade.

One of the issues that concerns me is that unfortunately in this community there are a few people who claim to be conservationists and who believe that all wisdom and knowledge flows from them. I do not accept that. I have had some experience during my life in providing water and in looking at those projects and I know of no-one who has been involved in either a small operation or a large operation who has not had to be very careful to ensure that they do not do anything that will damage the long-term future of the operation. I am not fussed about whether or not the amendments go through, but I am particularly concerned that we will go through this type of exercise every time some development that will assist and improve the lot of the State is proposed. I think that would be counterproductive to the welfare of every citizen of this State.

I am also concerned about the size limits and unnecessary constraints being placed in the way of the second stage of this development. I think that any decision should be based purely on demand. If there is a clearly demonstrated demand to indicate that the facility will operate successfully and that people will want to go there, I cannot see what this argument is all about. If there is a demand and a need, it is far better to have those people incorporated into properly managed facilities that will then benefit the rest of the tourist operators in the area, rather than having them harassing and worrying landholders. The pastoralists and others in the area have enough to put up with. So, I have some concerns about it. I do not want to delay the Committee unduly, but I am one of those people who supports orderly and responsible development in this State: that is the only way we will maintain our standard of living.

Development must be balanced, and in the future the tourist industry will play a very significant role in the economy of South Australia. People must understand those things if they want development outside the metropolitan area and if they want facilities similar to those they currently enjoy within 30 kilometres of the Adelaide GPO. The thing that annoys me about these people—those who oppose this facility and are looking for all sorts of reasons to make it more difficult for it to go ahead—is that they do not have to live with their own decisions, because they have all the facilities provided for them. I am concerned about unnecessary constraints. I do not mind whether the amendment goes through, but I do not want to see amendments of this nature putting unnecessary barriers in the way of what will be a responsible development.

Dr ARMITAGE: In the interests of brevity I will ask three simple questions. Clause 3 (3) provides:

> The accommodation and facilities referred to in subclause (2) *(a)* (i) and (ii)—
>
> *(a)* must not include a building of more than one storey;

That excludes subclauses (2) *(a)* (iii) and (2) *(b)*, which provide:

> (iii) buildings, structures and other facilities that are incidental or ancillary to the accommodation and facilities referred to in subparagraphs (i) and (ii);
>
> and
>
> *(b)* buildings, structures and other works that are incidental or ancillary to the establishment or operation of the tourist facility.

In other words, in this Bill there is no limitation on the height of those buildings. Even with the amendment there is no limitation on height.

The CHAIRMAN: Order! Is the member for Adelaide addressing the amendment or the clause?

Dr ARMITAGE: In view of the previous contribution, I thought I would ask these questions now. I will address the amendment specifically. Nowhere in the Bill does it say that the capacity of the facility must be adhered to; it gives accommodation numbers, but nowhere does it say that the capacity must be adhered to. As I indicated last night, given clause 3 (8) I would like to hear the definition of 'golf course'.

The Hon. S.M. LENEHAN: I am actually taking this legislation incredibly seriously and I am very pleased to address some of the points raised by members opposite. I will start with the points raised by the member for Coles. I acknowledge that I am not God, and I have never suggested that I was. I think it is quite offensive for the honourable member to suggest otherwise. I cannot, and neither can any other human being in this Parliament or anywhere else, actually predict the effects in 20 years of the greenhouse problem. The potential effects are quite openly acknowledged right across the world. Neither can I be—

The Hon. Jennifer Cashmore interjecting:

The Hon. S.M. LENEHAN: The honourable member asked me a question. She had a long time in which to explain that question. I will try to keep my answers brief, but I would appreciate it if she allowed me to address the points that she raised without interruption.

The CHAIRMAN: The Minister will address the Chair.

The Hon. S.M. LENEHAN: I cannot give anyone a guarantee. There could be a 10 year or 15 year drought, or

the greenhouse effects that are being predicted could come to pass whereby the Flinders Ranges would have a greatly increased rainfall. Therefore, I cannot give any certainty of prediction under those conditions.

I thought I was acting in a spirit of commonsense and cooperation, given the history in terms of the availability of the water, which has been proven by two water searches. I understand that the proponents of the 1987 report into ground water resources at Wilpena Pound stand by their analyses. I have asked the Engineering and Water Supply Department to ensure that those figures were accurate and appropriate with respect to the department's knowledge and information. The EIS described a need for 78.5 megalitres and suggested that 451 megalitres would be available from a range of sources, but I will not take the time of the Committee in delineating all those sources.

Given the Opposition's amendment and the ceiling in the Bill, that would increase to 94.5 megalitres, which reduces the availability of water from a factor of availability over needs from 5.7 times to 4.8 times. In other words, on the projections, and given the data available to the Committee, there is some 4.8 times the availability of water on the 1994 projection under the environmental impact statement.

The member for Eyre said that the development will be governed by demand. I believe that it will be governed by more than demand because I have made clear from the time I assumed responsibility as Minister for Environment and Planning that no further expansion would take place unless all the environmental maintenance conditions were met. They are clearly spelt out under the lease, and the lessee is required to meet all those conditions. As I said, I am happy to accept the amendment from the member for Heysen which spells out clearly that that environmental maintenance plan must be carried out.

The member for Adelaide raised two questions. As I said yesterday, the Government has written into the legislation the requirement that no building will be above one storey. The honourable member is quite correct in saying that is not spelt out clearly in the lease. The Government did that in a spirit of bipartisanship and cooperation to ensure that the misinformation that a multistorey five-star hotel—someone said to me that it would resemble the Hyatt—would somehow rise out of Wilpena Station would be put to rest once and for all. It has never been intended by anyone nor stated in official documentation that it has been envisaged that the buildings will be of more than one storey, and I would have thought that the Opposition would be delighted that the Government has spelt out clearly the terms of the development. If the Opposition wants to seek to remove that from the Bill, it can vote against that aspect of the clause, but Government members will remain absolutely rock solid on that.

The member for Adelaide asked a frivolous question about why we have written into the legislation that there will be no golf course. I refer the honourable member to a dictionary so he can find out for himself the definition of 'golf course'. Is the honourable member seriously suggesting that everything that is not actually delineated in the lease has to be spelt out in the Bill? Do I have to come into Parliament with a definition of a nuclear power station so that we can be very clear that no nuclear power stations will be built in this development? I suggest that is an insult to the intelligence of reasonable people. Everyone knows exactly what a golf course is. I refer the member for Adelaide to the lease document to see what is permitted to be built in this facility, because it is spelt out clearly in the lease. Almost two years ago the Government made a public announcement that a golf course would not be built. That is now contained in the legislation.

The CHAIRMAN: Before calling the member for Adelaide, I remind him that the latitude extended in this debate and shown to the member for Heysen relates to the remaining amendments proposed by the member for Heysen rather than the clause. He may canvass those provisions, not the clause.

Dr ARMITAGE: I seek your guidance, Mr Chairman, I would like to ask further questions on clause 3 (8). When is it appropriate for me to do so?

The CHAIRMAN: Clause 3 (8) is not subject to the amendments. Therefore, once the amendments have been disposed of, the clause itself will be considered again by the Committee, and questions on that part of the clause will be possible at that time.

The Hon. JENNIFER CASHMORE: My question relates to that section of the amendment which requires the Minister to be satisfied that there is an adequate and permanent supply of water available for the purposes of the facility. Page 6.5 of the Assessment of the Potential Environmental Impact—in other words, the Government's own document—states:

> Even if a long-term water supply is proven, the potential exists for significant areas of vegetation (including areas containing species of conservation significance) to be stressed or even destroyed as a result of the resort's water demands and water quality to diminish to the extent that a desalinisation plant may be required.

Dr Stanger's report goes further and states:

> Chemically, both the surface and ground water sources are satisfactory. It is probable that both recession and extended pumping will result in some deterioration.

Dr Stanger did not express deep concern about the chemical deterioration, but he said:

> The possibility of biological contamination is more serious. With projected visitor nights likely to exceed 300 000 per year—

this Bill more than doubles that—

> the risk of bacterial pollution of the surface water is severe. The proposed measures to deal with this risk are inadequate.

Will the Minister outline what measures have been proposed to deal with biological contamination of the water supply, whether she believes they are adequate, and what she intends to do about it if they are not?

The Hon. S.M. LENEHAN: I note that the honourable member is addressing to me questions regarding the amendment moved by her own colleague, but I am happy to answer them. To ensure that the biological purity of the water is as high as possible, the most sophisticated sewerage treatment available for that site should be used. As I understand the proposal, the sewerage treatment proposed for the facility is more adequate than is considered necessary for the average facility for that number of visitors.

I point out to the honourable member that some 62 000 people visit the Flinders Ranges National Park per year. I do not wish to be indelicate, but a large number of those people perform their natural bodily functions in creeks and other areas. It could be considered to be a serious problem if, as both my department and Tourism South Australia have demonstrated, the number of visitors is increasing year by year, and it is essential that something is done to provide adequate sewerage facilities in the Flinders Ranges for those people. Again, it is part of that total management program for the whole of the Flinders Ranges and for the national park. However, I refer the honourable member to the fact that the lease obligations—

An honourable member interjecting:

The Hon. S.M. LENEHAN: The honourable member has asked me a question. I am happy to read out the relevant

section of the lease. I refer the honourable member to page 43 under 'Sewage'; at 12.22 it is stated:

... to provide for the disposal of sewage effluent from the demised premises by the construction of a sewerage treatment plant to the reasonable specifications as approved by the director, such approval not to be unreasonably withheld.

Of course, the E&WS Department would be involved in working with the proponents of this facility to ensure that we have the latest technology and the most efficient treatment of human effluent so that we can make sure that there is a high degree of protection in terms of the biological quality of water supplies.

Amendment carried.

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

Page 3, line 6—Leave out 'powered'.

This amendment is in the interests of uniformity. It does not mean that the proponent of this facility cannot have powered sites: there can be powered sites or unpowered sites. A number of buses do not require powered sites, so this tidying up amendment will ensure that there is some consistency. Indeed, my amendment is consistent with the member for Heysen's amendment.

Amendment carried.

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

Line 35—Leave out 'by subsection (4)' and insert 'under subsection (5a)'.

Line 37 and 38—Leave out 'referred to in subsection (4)' and insert 'under that subsection'.

Line 40—Leave out 'subsection (6)' and insert 'this section'.

Page 4, line 1—Leave out this line.

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

Amendments carried.

The Hon. JENNIFER CASHMORE: I wish to put to the Minister the question that I put prematurely before we were discussing the amendments. Will the Minister explain to the Committee how she can reconcile two developers for this project, one being the Minister, established under clause 3, and the other being the lessee, established under clause 10?

The Hon. S.M. LENEHAN: I am not sure that I understand the honourable member's question. Clause 3 (1) refers to 'the Minister or a person authorised by the Minister'. So the Minister has the power to authorise the lessee to carry out the building of the facility. Because under the lease there is an exclusive franchise, it is not possible for the Minister to authorise the building of one development and for the lessee to proceed with another development. It must be one and the same development. I am not sure whether the honourable member is suggesting that there is a potential for more than one development. I am not quite sure what the question is.

The Hon. JENNIFER CASHMORE: Indeed, I am suggesting that there is a potential for more than one development and, in law, no other interpretation can be put upon the inclusion of both these provisions in this Bill. The lease makes the lessee the developer. Clause 3 gives the Minister the power to be the developer. There is potential for the most fantastic litigation here. If the Minister does something the developer does not like and the developer believes that it is in breach of the lease or, alternatively, if the developer proceeds to do something that conflicts with what the Minister regards as development, there is no question whatsoever that in law clause 3, subclause (1), paragraphs *(a)*, *(b)*, *(c)*, *(d)* and *(e)* and subclause (2), as well as the rest of it, including the development, establish two developers. That in turn establishes the potential for total management conflict and future litigation. Will the Minister clarify who is the developer?

The Hon. S.M. LENEHAN: I have had quite a bit of legal advice on this and that is not the case.

The Hon. Jennifer Cashmore: So have I.

The Hon. S.M. LENEHAN: I have had legal advice from the Crown Solicitor and the Solicitor-General, which is the appropriate place for me to get legal advice. This is not establishing two developers. It refers to 'the Minister or a person authorised by the Minister'. The lease ensures that the Minister has authorised a lessee and that lessee can be the only lessee under the conditions on page 50 of the lease which grant an exclusive franchise. There is no potential to have two developments and to read that is quite inappropriate. The Minister is the vehicle by which the building of the facility is undertaken under the Bill. The Minister is the vehicle through which this happens. If a lessee chooses to operate under the Bill, that lessee gets approval under clause 3 (1).

The honourable member has missed the point that it is an enabling piece of legislation, so the development can take place through the Minister. The Minister is the vehicle by which the building is undertaken and, if the lessee chooses to operate under the Bill, the lessee gets approval under clause 3 (1) from the Minister. Alternatively, the lessee can build under the lease.

The legal advice that I have been given from a number of quarters is that there is absolutely no potential for there to be two developments. Apart from all that, would not commonsense dictate that we would not want two separate developments taking place in the one area? That seems to be in the realm of the fantastic.

The Hon. Jennifer Cashmore interjecting:

The Hon. S.M. LENEHAN: That is an interesting point, and finally the honourable member has shown her true colours. The honourable member is so obsessed with absolutely trying to prohibit this development that she is admitting that commonsense will not even be discussed. I have explained that there is absolutely no possibility of there being two developers building in some sort of competition (I presume that that is what the honourable member is suggesting) in the one area designated as the development zone. In fact, this enabling Bill clearly enables (that is the term) the lessee to proceed.

If the honourable member is unsure of that, I refer her to clause 10 of the Bill, which provides that nothing in the Act varies the lease or restricts the exercise of the lessee's rights or, secondly, restricts the Minister from exercising a discretion or power under the lease. This really is a red herring. I have answered the question and believe that it is quite clear to anyone who is not deliberately trying to find some area where there can be another reason to try to stall this proposal.

Mr OSWALD: Perhaps it would clarify the situation if clause 3 (1) simply referred to 'a person authorised by the Minister' so that we would not have this division.

The Hon. S.M. LENEHAN: I am told that would not clarify the situation; it is already clear.

Mr SUCH: I refer to the accommodation limits. Who will police the limits, how will they be policed and what are the penalties for non-compliance with the limits?

The Hon. S.M. LENEHAN: The proponents of a development would be unable to gain approval for a development that would attract in excess of the potential number of people who could visit, so we would not have facilities that could take more people. The honourable member's next question may be, 'Will we have somebody rushing around counting people in beds and elsewhere?' I do not envisage that I will be asking my staff in the department to embark on that task. Tourism figures are provided by all tourist

operators in South Australia and they are readily available. Surely the honourable member is not suggesting there would be some form of deception because, obviously, the buildings have to be given development approval in terms of the planning and erection, as with anything else. An hotel built with a certain number of rooms falls into the same category.

Mr SUCH: I was thinking in terms of the facility once it is operating. There seems to be no restriction on the operators doing what they like regarding accommodation levels once the facility is built. These limits in many ways are rather empty because, if there is no policing of them, there is effectively no control on the number of people on that site at any one time.

The Hon. S.M. LENEHAN: Unless the honourable member is suggesting that thousands of tents will be erected and somehow millions of people will be bussed in and put into tents, the accommodation has been carefully designed to take a range of people. Therefore, there will be only a certain number of rooms and a certain level of accommodation. This is the standard way in which things are done throughout the country, at places like Kosciusko, Yullara, and other areas where there are developments; it is the standard way of controlling the eventual size of the development and therefore, the number of visitors. The honourable member might like to suggest some other way of ensuring that; we could have a count every morning or round up people.

We should get back to the reason for this development: the whole emphasis is to ensure proper control and management of the visitors in this very sensitive area, but there will not be thousands of people wandering everywhere, cutting down timber, building camp fires wherever they like, defecating around the Flinders, leaving rubbish, and so on. There will be proper management of the whole area; there will be limits. That has been the case since the then Minister for Environment and Planning (Hon. Don Hopgood) signed the lease not quite two years ago. If the honourable member has some suggestion, perhaps he will make it to the Committee.

Mr OSWALD: Clause 3 (1) provides:

> The Minister, or a person authorised by the Minister, may . . .

Will the Minister take on advice the legal position of this provision before the Bill goes to another place? As one of my colleagues has a legal opinion saying that this provision implies that, on one hand, the Minister could have a project and, on the other hand, a person authorised by the Minister could have a project, it could clarify the situation. I believe that my suggestion of deleting 'The Minister, or' so that the provision would read 'A person authorised by the Minister may' would clear up the matter in the eyes of my colleague in respect of the legal advice that she has received. Using my wording, the Minister is involved authorising the person to proceed and it sits comfortably with what the enabling legislation proposes. It would put to rest the concerns expressed by my colleague.

The Hon. S.M. LENEHAN: I have to say that I have taken legal advice at the highest level in the State. On a commonsense reading, it does not say 'The Minister and a person': it says some thing or another thing. How anyone can interpret that to mean that the Minister can build a facility and someone else can build a facility next door, I do not know. Perhaps all my years of training in the English language have been for nothing and perhaps I should become a lawyer, which is perhaps not such a bad suggestion.

To me, it is 'the Minister or a person': it is not 'the Minister, and'. I am not willing to delay the time of the Committee, because in the clearest, simplest use of the English language it is not confusing, and I do not find it so. Just as economists can never agree there will always be a lawyer who will say, 'We can interpret this way or that.' We have found that in a number of Bills in this Parliament. As a Minister of the Crown I am responsibly bound to take the advice of the highest legal authorities that we have at our disposal, and I am quite relaxed and happy to do that.

The Hon. D.C. WOTTON: Obviously, there is a variation in the legal advice provided. I do not want to spend much time on this but it is appropriate, as the member for Morphett suggests, for the Minister to have another look at the matter. The matter raised by the member for Coles is a legitimate concern, and it is appropriate for the Minister and her officers to have another look at it.

Turning to another matter coming under the Minister's responsibility related to the lease, I refer to her responsibilities in the area of Aboriginal affairs and to a report prepared by the Department of Geography at Adelaide University in 1988. The concern expressed in that report relates to Aboriginal cultural heritage in the Flinders Ranges. The report points out that the Flinders Ranges provides a unique resource within South Australia with respect to Aboriginal cultural heritage, and it goes on to state:

> Currently, Aboriginal cultural sites in the Flinders Ranges are:
> Hallmarked by some of the worst management and protection measures of Aboriginal cultural sites in Australia, at best, or by no management at all, at worst:
> Suffering due to extensive graffiti, vandalism and often unintentional abuse;
> Not interpreted in any meaningful fashion, and many visitors leave with a negative attitude towards the art, Aboriginal culture and its management;

The report later continues:

> Should the proposed development [in Wilpena] be constructed and the same levels of non-management of Aboriginal cultural sites continue, it is anticipated that:
> *(a)* there will be an unprecedented increase in visitor numbers to the Aboriginal culture sites of the magnitude of 116 per cent increase by 1994;
> *(b)* a second type of visitor with totally different behaviour pattens will be viewing the art due to the introduction of commercial tours;
> *(c)* the current destruction of the Aboriginal cultural sites will be exacerbated.

Because it is another responsibility of the Minister under the Aboriginal Heritage Act, I would like to know what precautions the Minister intends to take about this important matter.

The Hon. S.M. LENEHAN: I thank the honourable member for giving me the opportunity to share with the Committee something about which I feel very passionately. Under the Act every single provision has been meticulously followed, most importantly, in consultation with the Aboriginal people for whom this area is their homeland. That has been absolutely essential. Not only is there an increase in the number of Aboriginal cultural sites now being identified and discovered but, in my discussions with Aboriginal people and from my reading about their view of all of this, I understand that they also believe that to have unbridled and uncontrolled visitation to the Flinders Ranges would involve for them a continual destruction of those sites. The words used this week by some Aboriginal people from the area were 'the sites are being trampled on'.

We have ensured both in the lease and in discussions with the Aboriginal people and the proponents of the facility that all of the commercial tours to the Aboriginal sites will be conducted only by Aboriginal people. The Aboriginal people themselves have expressed to us a desire that their cultural sites must be managed and interpreted by Aboriginal people.

I am delighted to be part of that interpretation because I believe that we will see in this facility probably one of the most sensitive and best interpretive centres and experiential approaches to the interpretation of Aboriginal history and

culture that we have ever seen in this country. I have to say that it is about time. Also, it will not be overseen or directed by academics or by white people who believe that they know more about Aborigines and Aboriginal culture than the Aboriginal people.

The Aboriginal people themselves have been involved in discussions and identifying sites. In working with officers of my department—the senior officer of course is an Aboriginal person, and the honourable member would recall that from the Estimates Committee—we have sought to ensure that every single requirement of the Aboriginal Heritage Act is carried out. Not satisfied with that, we have a whole section of the lease devoted to the management and care of Aboriginal heritage. That will be one of the most positive things to come out of this facility. For the first time in South Australia particularly—some of the interpretation in other States is excellent, but I think we will do much better (and I say that quite proudly)—we will have the opportunity of ensuring that local and overseas visitors and the white Australian community will have the opportunity of fully understanding and appreciating the wealth of history and culture that is so important in the Flinders Ranges and to those Aboriginal people for whom the Flinders Ranges is their homeland.

Mr SUCH: Why was not the development of this site put out to tender, and why was not the Rasheed family given an opportunity to participate?

The Hon. S.M. LENEHAN: Under which clause would that matter come?

The CHAIRMAN: Clause 3 relates to the question of authorising the construction of the development and it would be in order to ask how the development was considered. The question is in order.

The Hon. S.M. LENEHAN: I have to say that this was before my time in the Ministry. I am advised by the Director that the Government was not willing to proceed with the tendering process before all the other infrastructure and feasibility studies had been conducted.

The Hon. D.C. WOTTON: Returning to the protection of Aboriginal relics and culture, whilst I appreciate what the Minister has said and her enthusiasm in saying it, it will need a lot more than enthusiasm on the Minister's part. There is a very real responsibility. I just want to make quite clear to the Minister that, when the opportunity is provided for this matter, along with others, to be considered, should the Minister decide to increase the size of the facility and the opportunities taken to bring that matter before the Parliament, I will certainly seek an update on the management plans in regard to that important area at that time.

The Hon. S.M. LENEHAN: I will go further than that. I am sure the honourable member will be invited to visit first-hand the facilities that are provided and to be able to consult with Aborigines whenever he chooses. I find this rather sad. It is not just a matter of my having a personal enthusiasm for Aboriginal history and culture; that is very well known.

The Hon. D.C. Wotton interjecting:

The Hon. S.M. LENEHAN: Yes, of course, and nobody would suggest that it does not take a lot more than that. However, I thought I clearly outlined that there had been an enormous level of consultation with the Aboriginal community, that the Aboriginal community is happy with its involvement in the building and development of this facility and, indeed, the ongoing role that it will have in interpreting its own history and culture, as opposed to perhaps what has happened in the country over the past 150 years or so where the white race has determined that it should interpret the history and culture for its own ends.

All I am saying is that I believe this will have a positive outcome. I have had discussions with the relevant Aboriginal people in that area, and asked how they felt about this project, and they have indicated their enthusiastic support. So, I do not see that as an insurmountable problem. I think this is an opportunity to have a successful interpretation of their history and culture.

The Hon. D.C. WOTTON: I, too, have spoken to those Aborigines and I understand their enthusiasm. But, they will certainly need some back-up resources on the part of the Government, and that will be very much in the Minister's hands.

Clause as amended passed.

New clause 3a—'Compliance by lessee with plans.'

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

Page 4, after line 5—Insert new clause as follows:

3a. (1) Within 14 sitting days after the preparation of a public information plan, or a revised public information plan, by the lessee under clause 4.20 of the lease the Minister must cause a copy of the plan or revised plan to be laid before both Houses of Parliament.

(2) Within 14 sitting days after the preparation of an environmental maintenance plan, or an amendment to such a plan, by the lessee under clause 5.12 of the lease the Minister must cause a copy of the plan or the plan as amended to be laid before both Houses of Parliament.

(3) If, in relation to a plan referred to in subsection (1) or (2), the period of 14 sitting days will comprise more than six weeks, the Minister must within 10 days after the preparation of the plan give notice (in the *Gazette* and a newspaper circulating throughout the State) that the plan is available for public inspection or purchase at the office of the Minister.

(4) The Minister must, on or before 30 September in each year, prepare a report in relation to the lessee's compliance with the public information plan and the environmental maintenance plan and must cause the report to be laid before both Houses of Parliament on or before that date.

I want to quote briefly from the lease relating to the public information plan, part 4.20 of which states:

The lessee shall at the lessee's expense within 12 calendar months from the date of execution of this lease prepare to the director's satisfaction a public information plan which will detail a program of providing information and education activities to park visitors to the demised premises to interpret the nature and cultural conservation values of the park and include in such plan the number of trained persons that should be available from time to time at the expense of the lessee to provide the information and education activities and the lessee shall revise and submit such revised plan to the Director during each and every successive year during the term of this lease by the first day of March for the Director's approval and any failure to revise submit or implement the provisions of that plan shall result in the remedy by the lessor in accordance with subclause 2.5.2 to provide any public information and education activities deemed by the lessor to be necessary.

I believe that it is necessary for the public to be made aware whether or not the lessee is acting responsibly in this regard. One hopes that that would be the case, but I believe it is appropriate that that report be brought to Parliament.

In relation to the environmental maintenance plan, again I refer to the lease, paragraph 5.12 of which states:

The lessee shall prepare within 12 months from the date of execution of this lease an environmental maintenance plan for the demised premises which will detail landscape and cultural site protection, rehabilitation works, erosion control program, noxious weed and animal control program, monitoring of environmental impact of visitors and/or developmental works or operation of water sewerage or power services and such other matters as shall be necessary to ensure compliance by the lessee with all provisions hereof and . . . the environmental maintenance plan shall be submitted to the Director for approval in writing.

I believe it is essential that that be brought before the House. Further, I think it is important that on or before 30 September each year a report is prepared in relation to the lessee's compliance with the public information plan and the environmental maintenance plan and that that report

should be laid on the table of both Houses of Parliament on or before that date.

In relation to the remainder of the amendment, there are occasions under legislation or regulation when there is necessity for a report to be brought before the House because it may not be sitting. It is not always opportune for the public to be made aware of the contents of such a report, and that is covered in the remainder of the amendment.

The Hon. S.M. LENEHAN: I must say that I had some amendments similar to the honourable member's drawn in my own name, so I am happy to accept his amendment. I know that you, Mr Chairman, are also pleased with the amendment, and I am sure that you will welcome. It is important that the compliance with the lease be made available, and be made public, and I am happy to accept and incorporate this amendment.

The Hon. JENNIFER CASHMORE: I am pleased that the Minister is accepting the amendment. This is a whole new clause, and I commend it in so far as it gives Parliament some kind of oversight. It is my intention to oppose every step of the way, I will not be excluding this clause from my opposition, but that is part of my general opposition to the Bill. However, the new clause gives me the opportunity to question the Minister on the lessee's compliance with the lease. Under the member for Heysen's admirable amendment, Parliament will, if this Bill becomes law, have the opportunity to determine whether the lessee has complied with the lease. At present, the only person who has that opportunity is someone who is in possession of the lease who happens to be on the site and can observe the conflict between the provisions of the lease and the lessee's compliance with them. Page 17 (clause 5.1), of the lease states:

> The lessee will during the term of this lease and otherwise so long as the lessee may remain in possession or occupation when where and so often as need shall be maintain replace repair rebuild and keep the whole of the demised premises in good and substantial repair order and condition.

When my colleagues and I visited the lease site in June this year, we observed dreadful deterioration in the Wilpena Station buildings, the homestead and the outbuildings, and we were told that the lessee had done nothing whatever since the day the lease was signed to keep those buildings in a state of good and substantial repair, order and condition.

In short, since the lessee has been in possession of that site, there has been a substantial deterioration in heritage buildings. I ask the Minister what she has done about it. Is she aware of it? What does she intend to do about it? What sanctions are there on the lessee at this stage for so demonstrably failing to comply with the conditions of the lease? It is not an auspicious beginning.

The Hon. S.M. LENEHAN: I find the attitude of the honourable member to be quite amazing. Having done everything in her power to try to stop this development from proceeding, she then criticises the lessee for not having rushed ahead anyway knowing that there was ongoing and continuous litigation threatening this very development.

I have spoken with the lessee, who is very happy to comply with all of these requirements. If we gave the lessee access to the site in order to proceed with the development without the continuous threat of litigation hanging over the lessee's head, one might be able to stand here without a touch of hypocrisy and ask that question. But, having moved heaven and earth, and having said to the world that she would stop this development, the honourable member then asks why the developer has not proceeded.

I ask the honourable member: during her former days in this Parliament when she was a supporter of development—some people would say at any cost, but I do not believe that—would she have proceeded to carry out all of the requirements of the lease without any degree of certainty or assurance that she would be able to proceed with that development? The honourable member's question highlights her incredible hypocrisy and I am disappointed with her approach.

I assure the honourable member that, once the proponents of this facility receive some assurance that they may proceed to spend the money to ensure the maintenance, preservation, regeneration and enhancement of the degraded areas and, indeed, the ongoing preservation of those heritage buildings, the development will proceed very quickly. To criticise someone for not having proceeded when the very person who made that criticism has made it very clear publicly on a number of occasions that she will leave no stone unturned to prevent this development from happening is, as I said, utter hypocrisy.

The Hon. JENNIFER CASHMORE: Speaking of hypocrisy, the Minister's hypocrisy needs to be placed under the spotlight. A lease is a lease, and its provisions are designed to be upheld. That lease has been operational since January of last year. While I accept the Minister's remarks about the vulnerability of a lessee in the expectation that a lease may not ultimately be able to be taken up as a result of a court decision, nevertheless there is nothing whatsoever to stop the lessee from maintaining those heritage buildings in good repair in accordance with the lease, and if, by reason of law, the project did not proceed, to reclaim the costs incurred for those repairs from the Government which, as the owner of the land, is responsible ultimately for the repair of those buildings.

If the lessee was not willing to do this, why was the Government not willing to incur the expense, which, in turn, it could reclaim from the lessee, of repairing buildings which are crumbling to the point of almost no return in some cases? It is an indictment of both the Minister and the lessee that nothing has been done to preserve those buildings, and the ultimate cost of doing so will now be considerably greater. For the Minister, in those circumstances, to talk about hypocrisy is nothing more than clap-trap—it simply cannot be sustained.

The Hon. S.M. LENEHAN: When the lease was signed it was apparent from the very beginning that obstructionist and frivolous matters would be raised to try to stop this development. The department felt that these things would be resolved and, therefore, it did not embark on a whole range of programs as it was not sure how long this litigation and the frustrations that have been imposed on this facility, in part by the honourable member would continue. I assure the honourable member and the rest of the Committee that, as soon as the proponents of this facility have the ability to proceed unimpeded by vexatious, obstructionist-type tactics, we will see these things proceeding very quickly, and I am happy to give that assurance.

The Hon. D.C. WOTTON: I agree with the concerns expressed by the member for Coles. If, for some reason, the Minister did not want to give the responsibility to the lessee to carry out that maintenance work, it would have made a lot of sense, since the Government had taken over that property, to ensure that the maintenance was kept up.

If the legislation is successful, this development will take place in an environmental class A zone. During the debate last night I referred to the objectives set down in regard to an environmental class A zone, and I reiterate some of those principles of development as follows: the development should not impair the natural scenic features of the area; no new roads or tracks should be formed; native vegetation should not be cleared; and no buildings or structures includ-

ing transmission lines, towers and antennae should be erected other than simple shelters, rainwater storage, etc. If this legislation proceeds, how in the world can the Minister stand by, recognising the principles of development control and the objectives in regard to an environmental class A zone, without giving some reason for flying in the face of all this? This is just one of the concerns that has been brought to my notice on numerous occasions, so I ask the Minister to explain how she can allow this to happen.

The Hon. S.M. LENEHAN: According to the map, the actual boundary between A and B class zones runs through the middle of the development: the formal aspects of the development are located in the B class area and the camping facilities are located in the A class area. So, the buildings and other formal developments are located on the other side of the line that delineates between the two zones. The honourable member talked about powerlines and other matters: the powerlines will be underground, so that will add to the protection of the environment.

The Hon. D.C. WOTTON: I understand what the Minister is saying, but we are talking about a line running down the middle of a map. With a development of this size, when the objectives and the principles of development are so clear, it is farcical and totally unacceptable for the Minister to say that the area on one side of the line is an environmental class A zone and the other is not. It is unacceptable for the Minister to suggest that the development should be built in such a sensitive—

The Hon. Jennifer Cashmore interjecting:

The Hon. D.C. WOTTON: As the member for Coles says, it calls the Minister's credibility into account since this matter has been raised on numerous occasions and I have not heard the Minister make any reference to this fact.

New clause inserted.

Progress reported; Committee to sit again.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I move:

That the time for moving the adjournment of the House be extended beyond 5 p.m.

Motion carried.

STAMP DUTIES ACT AMENDMENT BILL (No. 4)

Returned from the Legislative Council without amendment.

WILPENA STATION TOURIST FACILITY BILL

Adjourned debate in Committee (resumed on motion).

(Continued from this page.)

Clause 4—'Construction, etc., of airport.'

The Hon. D.C. WOTTON: This clause relates to the airport. I asked questions of the Minister last night, but I reiterate my concern about the broad nature in which the interpretation has provided for the actual placement of the airport. I also asked a question last night about the costs involved for the Government. Because of the importance of that matter, has the Minister been able to obtain that information? I think it is important to know how much it will cost to upgrade the airport and what part of the overall cost the Government will contribute?

The Hon. S.M. LENEHAN: The Government will contribute $1.35 million and a further $2.5 million will be contributed under the lease.

The Hon. D.C. WOTTON: I do not know whether the Minister will be able to provide this information, but there has been considerable speculation over a period about the size of the aircraft that will be allowed to use the airport and also in relation to the number of people who will be flying into the resort if it proceeds.

The Hon. S.M. LENEHAN: The aircraft are known as 'whisper jets', and the particular type—

Members interjecting:

The Hon. S.M. LENEHAN: If honourable members opposite know the answer to this question, why are they taking up the time of the Committee to ask?

The CHAIRMAN: Order!

The Hon. S.M. LENEHAN: The aircraft is a BAE146-100, the reference code is 3C and there is seating for 93 people. I understand that there is also a BAE146-200 jet with seating for 109 people. It is interesting to point out the fact that the amount of noise that will be created by these aircraft is less than the noise that is currently created by the aircraft that fly in and out of Hawker airport five days a week. I also point out that the airport at Wilpena will be closed and that, therefore, there will be no joy flights from that very sensitive area that we have all agreed it is vitally important that we protect. Joy flights will be conducted from areas away from there. There will also be a reduction in noise in terms of the take-off and the landings. As the honourable member would know, with small aircraft that is the time at which they are most noisy. Indeed, by facilitating this airport we will ensure that people, particularly interstate and overseas visitors, can visit the Flinders Ranges National Park. There will be less noise from these aircraft than is currently experienced by the local residents in Hawker as a result of the normal five days a week service.

An honourable member interjecting:

The Hon. S.M. LENEHAN: I do not know how many people will fly in and out, because we do not actually have the airport yet.

The Hon. D.C. WOTTON: I have seen the anticipated figures that indicate the need, or otherwise, for the airport. Surely the Minister has some of those figures that can be placed on the record.

The Hon. S.M. LENEHAN: I do not have those figures, but I can get the projected figures that Tourism South Australia would have worked with in terms of the proposal.

The Hon. JENNIFER CASHMORE: I would have thought that this question might have come from the member for Stuart, who would undoubtedly have an interest in this matter. For the past two elections, the Liberal Party has supported the upgrading of airport facilities at Hawker. We readily recognise that, for both tourism and local purposes, people in remote areas need access to good air services. However, given the amount of money that is being spent on this airport, and given its very highly specific function in relation to tourism, why has not the Government chosen to do what is the more logical thing, namely, to upgrade the totally inadequate airport facilities at Port Augusta, which serve a whole region rather than a specific location? Was any consideration given to upgrading the Port Augusta airport rather than spending millions of dollars on a very small location at Hawker? If the Government did consider the Port Augusta option, why did it reject it?

The Hon. S.M. LENEHAN: Of course, those questions would be much better directed to the Premier and Treasurer than to me as Minister for Environment and Planning. It is rather interesting that the honourable member is determined to leave no stone unturned to try to ensure that no development at all takes place in the northern region. If one looks at—

The Hon. Jennifer Cashmore: That is not true!

The Hon. S.M. LENEHAN: That is the point that the honourable member has made. In respect of support for the development of a viable tourism industry and the development of the Hawker region, I remind the honourable member that the councils of Hawker and Quorn are supportive of this proposal and have made it incredibly obvious that they support it. It is important not only for the development of very important tourism infrastructure for South Australia but also to ensure that some regional areas that would not see any sensible growth and development should be given some degree of support. I think that to try to play one region off against another and say—

The Hon. Jennifer Cashmore interjecting:

The Hon. S.M. LENEHAN: That is exactly what the honourable member said.

The CHAIRMAN: Order!

The Hon. S.M. LENEHAN: I fear the honourable member is becoming slightly hysterical; I am not even allowed to answer the question.

The CHAIRMAN: Order! Would the Minister address the Chair and the question before the Chair?

The Hon. S.M. LENEHAN: Yes, Mr Chairman, I will. The question was why this airport was not put at Port Augusta. Is the honourable member suggesting that our visitors and tourists should travel from Port Augusta when, in fact, the logical place to put this airport with respect to the whole region is, of course, Hawker? I must say that I have certainly had no criticism from the people of Port Augusta about why the airport has been located at Hawker. I am sure that the honourable member will be able to pursue the other aspects of her question with the relevant Minister.

Clause passed.

Clause 5—'Construction, etc., of powerlines.'

The Hon. JENNIFER CASHMORE: In addition to the Liberal Party's longstanding support over at least the past three elections in highly detailed tourism and regional policies to establish improved air and road access to the northern regions, we have also undertaken to extend power to people in remote areas. I want that on the record because, as the chief architect of the tourism policies and those linked to tourism, I have long been a supporter of ensuring that power is supplied to people in remote areas. However, it is a question of how the power is supplied, both in an environmental and economic sense that is important, particularly in relation to this Bill.

The 'Proposed Wilpena Station Resort—Flinders Ranges National Parks Assessment of Potential Environmental Impacts' gave a summary of the total scores of each energy option in terms of no impact, minimal impact, moderate impact and severe impact as well as costs. I seek leave to incorporate in *Hansard* table 5.2 (page 5.2 of the assessment of the potential environmental impacts) which gives a summary of the total scores for each energy option.

The CHAIRMAN: Is the table purely statistical?

The Hon. JENNIFER CASHMORE: Yes, Sir.

Leave granted.

SUMMARY OF TOTAL SCORES FOR EACH ENERGY OPTION

Location	Energy Source	Score
On-site	Solar-PVA's	14
On-site	Dieseline	13
On-site	LPG	14
On-site	LNG	17
Off-site	Transmission Line	22

The Hon. JENNIFER CASHMORE: Members will see from that table that the best option from an environmental viewpoint is on-site generation, possibly using dieseline or, alternatively, using solar photovoltaic units or LPG. Construction of a transmission line is the least preferred option from an environmental perspective, particularly with regard to visual intrusion (and I acknowledge that the undergrounding eliminates that once construction is completed), conflict with planning policy and disturbance of vegetation. It is stated that many submissions appropriately pointed out that the transmission line would be a visual intrusion in the outback vistas. It is contrary to planning policies for the environmental class A and B zones.

Only part of the powerline will be undergrounded. Will the Minister explain to the Committee which part will be undergrounded and how much vegetation will be cleared in addition to the clearance required at the resort site? I seek leave to incorporate in *Hansard* table 5.1 (appearing on pages 5-3 and 5-4 of the assessment) which identified a comparison of the various energy options in respect of noise, visibility, safety/health, operation traffic, security supply and planning policy. The table is purely statistical.

Leave granted.

COMPARISON OF THE VARIOUS ENERGY OPTIONS

Power Source	Noise	Visibility	Safety/Health	Operation Traffic	Security of Supply	Planning Policy
On site Dieseline	Could be reduced to acceptable limits. Trucks every two weeks	Adjacent to WW Treatment plant— minimal impact. Exact building size not known	Possible spills. Tank fractures. Safety measures can be incorporated	Minimal additional trucks based on current loads	Back up incorporated in design for emergencies	Evn. Class B—contrary to Dev. Plan policy. Conflict with Dev. Plan policies is reduced if resort proceeds
	1	1	1	1	1	2
On Site Liquid Natural Gas	Noise away from resort—can be reduced and noise at site reduced to acceptable limits. Trucks every 12 days	As above. 3 m × 3 m equipment plant	As above. Some explosion potential	As above. New road likely—may conflict with tourist and pastoral traffic	As above	As above
	1	1	1	1	1	2
On Site Liquid Petroleum Gas	Could be reduced to acceptable levels. Trucks every 10 days	As for on-site dieseline	As above. Some explosion potential	As for dieseline	As above	As above
	1	1	1	1	1	2

Power Source	Noise	Visibility	Safety/Health	Operation Traffic	Security of Supply	Planning Policy
Transmission Line	Minimal sound at 11 KV substation	Visible over 3-4 kms. Dairy Flat and 600 m Prelinna Homestead and Hawker Wilpena road. Also visible from Martins Well road, Hawker-Leigh Creek road, and from Arkaroo Rock, Moonarie Gap and Mount Ohlssen Bagge	Fire—see later. Unlikely health risk from electro-magnetic field effects due to low voltage	No significant increase—only occasional maintenance vehicle	An auxilliary emergency supply is needed on site also	Env. Class B outside park. Env. Class A inside park. Contrary to Env. Class B Zone, Env. Class B Area, Env. Class A zone policies
	0	3	0	0	2	3
Solar	None	Visible in conjunction with other buildings	None	As above	Weather conditions may not be appropriate	Env. Class B—may be acceptable if sited unobtrusively. Conflict is reduced if resort goes ahead
	0	3	0	0	1	0

The Hon. JENNIFER CASHMORE: Before giving the Minister the opportunity to answer those questions, I point out that, even with a power transmission line, it is noted that auxiliary energy sources, such as on-site generators, are required. The assessment points out:

> Although an auxiliary supply is required for all energy options, it could be integrated with the main supply to form one set of infrastructure if any of the on-site options [including solar energy] are adopted. With the transmission line option, two sets of infrastructure are required, one on-site and the other extending off-site, thereby increasing the environmental impact.

I wish to put on the record the conclusions of the assessment which state:

> *(a)* Only a preliminary assessment of environmental factors associated with the energy options has been undertaken for this assessment at this stage. This assessment relies heavily on information available in the draft EIS, background reports, the supplement and the development plan. No further investigations have been conducted to clarify the severity of the impacts identified. It must also be realised that this assessment is based solely on known environmental and social factors with only brief and incomplete consideration of economic cost. No detailed economic information is available so that the costs to the State and local governments and the developer could be considered.
>
> *(b)* Nevertheless, the matrix clearly indicates that on environmental grounds, on-site generation is more acceptable than connection to the ETSA network via a transmission line.

There is more, but I will not take up the time of the Committee. This resort represents a perfect opportunity for the Government to use existing technology in the form of solar energy gained through PVAs in order to provide energy to this site. Few Governments could have been presented with such a perfect opportunity as this Government has been presented with in respect of the Wilpena resort. What investigations were made of photovoltaics? If any were made, why was that option not adopted? It would have been a more cost-effective option and a more environmentally benign option.

The Hon. S.M. LENEHAN: I will take up the points raised by the honourable member and refer to the assessment report, from which the honourable member quoted extensively and from which she had tables inserted in *Hansard*. The report was completed in 1988 and stated:

> Insufficient information is available at this stage to enable a judgment to be made on the relative merits of on-site power generation versus connection to the ETSA network via a transmission line. Accordingly, it is recommended that:
>
> a decision on the form of power supply for the proposed resort be the subject of a separate analysis which takes account of all factors.

I am not sure whether the honourable member is aware of that, but subsequent to that there has been an assessment report entitled 'Analysis of the Power Supply Options for the Proposed Wilpena Station Resort', dated July 1990. It has been available to the public since August of this year. Without taking the time of the Committee to go through the full analysis of this report—which, I understand, is the latest report analysing the most viable economic and environmentally acceptable options—I will read from the summary. If the honourable member does not have a copy I will ensure that she is provided with one. Point 4.4 states:

> The revised matrix shows that on the basis of environmental and social factors, the construction of a transmission line is the preferred option. It is the lessee's decision as to which option is preferred on economic and technical factors. The objective of the EIS process is to ensure that the preferred option does not have unacceptable levels of social and environmental impacts which would affect the general community. The revised matrix shows that the preferred option does not have unacceptable levels of social and environmental impacts.

I will be happy to provide the honourable member with a copy of this specific analysis of the options for the power supply. In answering the other aspect of the honourable member's question as to which areas of the powerline will be undergrounded, it would be quite improper of me to clearly identify those areas before a full environmental impact statement has been done, as that is one of the major reasons why we are having an environmental impact statement carried out, that is, to clearly identify the areas in which lines need to be undergrounded.

In answer to the last part of the honourable member's question as to how much native vegetation would need to be removed in the construction of this transmission line, I made fairly clear last night in the House that a minimum of native vegetation will be cleared because the preferred option for the powerline is through easements already in existence and clearly identified. The powerline will be designed so that a minimum of clearance will be required. Given the two commitments, namely, to use existing easements and to redesign the powerline once we have the information provided by the EIS, at that time I will be delighted to provide to the House and to the community

generally information on which sections of the powerline will need to be undergrounded.

Clause passed.

Clause 6—'Environmental impact assessments.'

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

Page 5, line 36—After 'environmental impact assessments' insert 'and copies of submissions made in response to an invitation from the Minister under this section'.

On some occasions submissions are made public; on other occasions, they are not. Because of the sensitivity of this issue, I am suggesting that these submissions be made public.

The Hon. S.M. LENEHAN: I am happy to accept the amendment, which is quite in line with the Government's thinking. We would be pleased to have that information made public.

Amendment carried.

Dr ARMITAGE: Subclause (3) provides:

The Minister must . . . invite interested persons to make written submissions on a draft environmental impact assessment within a period of not less than six weeks from the date of publication of the notice.

Subclause (6) provides:

. . . where a proposed amendment would significantly affect the substance of the environmental impact assessment, it must not be made before interested persons have been invited, by public notice . . .

However, it gives no minimum time, as does subclause (3). It would be reasonable to give people affected by the proposed alteration to the EIA a minimum time in which to respond. Last night I mentioned that I was a fan of the general process of environmental impact audits. No mention is made in this clause of such audits or to the project in general, and I wonder whether the Minister might consider amending the Bill to that effect in another place.

The Hon. S.M. LENEHAN: This clause contains the exact wording of section 49 of the Planning Act, and it is considered to be the appropriate wording because of that consistency. The Planning Act does not spell out the amount of time that is required but, in practice, adequate time has always been given. Every Minister, including me, has always been prepared to accept late submissions and to extend the period where necessary. To specify a time would tie it down and make the situation tighter. As it is, there is greater flexibility. Some people make late submissions but, as long as they notify the Minister or the department, there is always a willingness to accept those submissions. I have extended the period by weeks, sometimes months, because one must look at the issues as they arise.

Dr ARMITAGE: My point is that subclause (3) provides a minimum period but subclause (6) does not. I take the Minister's point that the time for making submissions can be extended but there is no minimum time before which the Minister must consider submissions. I also accept that it is part of section 49 of the Planning Act and I understand and accept the provision for a maximum, but I wonder about a minimum period.

The Hon. S.M. LENEHAN: Subclause (3) relates specifically to this Bill, having public notice, inviting people, etc. As long as we have a reasonable time, I think that it is adequate. I do not find any great problem with either of those provisions. With respect to environmental impact audits, I understand that the Opposition will not be moving an amendment in that regard, and I am happy to consider whether such a course of action is appropriate.

The Hon. JENNIFER CASHMORE: I oppose this clause. It is contrary to every sound principle of planning and it is totally contrary to the fundamental principles of environmental impact. The whole notion of environmental impact statements is to determine, first, whether a project should proceed or whether its environmental impact is such that it should not go ahead. It is clearly contrary to the famous commonsense upon which the Minister claims she relies to say that a project will be approved and then it will be subject to an environmental impact statement. The Minister's own environmental impact assessment review took place so long ago that she probably was not the Minister. In fact, it took place under her predecessor. It is so old that it is mouldy now, and no-one in the Government has taken a shred of notice—

Mr Hamilton interjecting:

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

The Hon. JENNIFER CASHMORE: No-one in the Government has taken a shred of notice of it. The environmental impact assessment procedure in this State has become nothing more than a political ritual, a farce, which could not gain the respect of the most empty-headed, illogical planner, because it has no basis in planning. Its only basis is political. It is designed to soothe the community, but the community is getting fed up with it. I do not believe that the words 'environmental impact assessment' can be taken seriously as long as this Government remains in office.

The whole notion of this clause is to put the cart before the horse. In other words, a project will be approved whether it is good, bad or indifferent and whether it will be of benefit. The environmental impact assessment will be put in place after that. No-one could countenance such an unconscionable act.

The Hon. S.M. LENEHAN: I cannot let that tirade go without some kind of factual and reasonable response. Let me remind the Committee that the EIS is only for the airport and powerline. There has already been a full environmental impact statement and assessment for the project. Before the project was approved by Cabinet, it was subjected to a very public and thorough environmental impact assessment. Having gone through that process, Cabinet recognised that statement and decided that it would not approve a golf course because of the information in the EIS. It is not proper for the honourable member to suggest that the Government does not take any notice of environmental impact statements in terms of decision-making.

I remind the honourable member of the Sellicks marina proposal. Following the EIS, the Government decided that it would not proceed with that particular proposal. I was Minister and I assure the honourable member that that is absolutely factual. In respect of the Mount Lofty development, following an EIS, Cabinet decided that it would not allow the cable car part of the proposal to proceed. The Government was criticised by the Opposition for being anti-development and for not supporting these projects. Decisions were taken by Cabinet based on the recommendations and responses provided through the EIS process. In both cases I was the relevant Minister and no-one would know the situation better than I, so it is not fair or correct for the honourable member to say that there is no proper EIS process.

This clause refers to an EIS for infrastructure, for a powerline. The powerline has already been the subject of an EIS but Cabinet was not satisfied with it. Another, separate EIS will be undertaken for the powerline. An EIS will also be carried out for the airport. It is misleading for the honourable member to suggest that no EIS was conducted for this project before the decision was made. The decision was taken after the EIS was presented and assessed. I was a member of Cabinet at that time and I assure the House that was the way in which it happened.

Mr Hamilton interjecting:

The CHAIRMAN: Order! The member for Albert Park will cease assisting the Minister. She is conducting her own debate quite adequately without his help.

Clause as amended passed.

New clause 6a—'Conditions imposed by Minister.'

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

Page 5, after line 41—Insert new clause as follows:

6a. (1) The Minister, after considering the environmental impact assessments in relation to the airport works and the powerlines, must, by notice served on the council, impose on the council, or the person authorised by the council, such conditions as the Minister thinks are necessary or desirable in relation to the establishment of the airport works or the power lines.

(2) If the council, or the person authorised by the council, fails to comply with a condition imposed under subsection (1), the Minister may apply to the Supreme Court for an order enforcing compliance with the condition.

I believe this new clause is essential. I support what the member for Coles has said. There is a desperate need for us to tighten up on the environmental impact assessment procedures. As the member for Coles said, that has been recognised for a very, very long time. I understand that the reason this has been delayed is because of the planning review. I hope that during the review process the whole matter of environmental impact assessment will be considered at length.

This clause provides that, if the council, or person given the responsibility by the council, fails to comply with the condition imposed under 6a (1), relating to the environmental impact assessment, the Minister may apply to the Supreme Court for an order to enforce compliance with the condition. I believe that is quite reasonable. I believe that it is absolutely necessary for the Minister to have that power, to ensure that whatever might come out of the environmental impact statement, the concerns or recommendations brought forward, are complied with.

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

New clause inserted.

Clause 7—'Other Acts, etc., not to apply.'

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

Page 5, lines 44 to 46—Leave out 'and those acts and activities may be undertaken in accordance with this Act notwithstanding any other Act or law to the contrary'.

The Opposition feels very strongly about this. We believe that already in this debate a considerable number of concerns have been expressed about the reasons why the Minister has indicated the necessity to proceed with this legislation. I do not want to go into all of that again but this clause suggests that it is a totally open book. The Minister is indicating that it should not apply to the Planning Act and to the Native Vegetation Act. I have already expressed concerns about this and I will do so again at a later stage. I do not believe that it is necessary to broaden the opportunity for exemption from other Acts and activities. I request the support of the Committee for my amendment.

The Hon. S.M. LENEHAN: I am not going to accept the amendment from the honourable member. It is important to realise that this provision does not rule out the application of regulatory Acts. It rules out the potential application of any Act which, in fact, would cut across the intention of this enabling Bill. It is a catch-all clause. It is there because of the continuous and ongoing threat of litigation. I cannot accept the member for Heysen's amendment.

The Hon. JENNIFER CASHMORE: I support the amendment. In her reply, the Minister has just revealed the whole underlying purpose of this Bill, which is to get the Government off the hook and to avoid the potential financial consequences and liabilities of a High Court ruling that the Government acted illegally. This clause is the bottom line of the Bill.

It is the underlying framework of the Bill. It is the whole reason why we are debating this obnoxious piece of legislation today. No one on the Government benches can hold his or her head up high if they support a clause that overrides and overrules the rights of ordinary citizens in the way that this clause does. It makes a total nonsense of the planning laws of the State. It is an indictment of a Government that thought it could establish a resort in a national park contrary to the State's planning laws and, indeed, contrary to the National Parks and Wildlife Act.

This clause is the most abhorrent clause in the Bill and the Government insists on its retention in the Bill. Because of the time and because of the constraints of other members who might wish to speak, I will not speak at length. I can only say that never again should the Labor Party lay claim to any pretentions whatsoever to the protections of natural rights of people and to support for natural justice. This clause is absolutely odious. It is a travesty of justice and should never be allowed to pass. If it does pass, this Parliament can hardly be said to be upholding the rights of people.

In her second reading reply, the Minister stated that anyone who opposed this Bill was in some way challenging the supremacy of Parliament. Not for one moment would I challenge the supremacy of Parliament, but what I do challenge is the absolute trampling on the rights of people by a Parliament that has forgotten its moral obligation. The Minister in introducing this Bill has totally put aside any pretentions she might have had as a legislator who has the best interests not only of planning and the environment at heart but also of the underlying principles that uphold our legal system. This is retrospectivity.

In fact, this is the setting of a precedent by taking away the power of a court to assess the validity of acts done under the Planning Act prior to the enactment of this Bill. No-one with any sense of natural justice could condone or support this clause. I support the amendment and oppose the clause.

The Hon. S.M. LENEHAN: As usual, the honourable member has gone right over the top. In terms of this clause, it does not mean that people are prevented from taking any sort of legal action on this legislation. Instead, it ensures that this legislation can enable the development and the facility to take place. It says that the Planning Act and the Native Vegetation Act do not apply to the Acts or activities referred to specifically in those three sections. As I have said, it quite clearly does not challenge or change all of the regulatory Acts from applying.

It is the kind of rhetoric that we have come now—in my eight years in this Parliament—to expect from the honourable member. She resorts to personal abuse when she cannot sustain an argument. I do not intend to do that. It is important that this Bill enable the project to proceed, and that is exactly what this clause ensures.

The Committee divided on the amendment:

Ayes (20)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker and Brindal, Ms Cashmore, Messrs Eastick, S.G. Evans, Goldsworthy and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton (teller).

Noes (24)—Messrs L.M.F. Arnold, Atkinson, Bannon, Chapman, Crafter, De Laine, Ferguson, Gregory, Groom, Gunn, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan (teller), Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Pair—Aye—Mr Blacker. No—Mr Blevins.

Majority of 4 for the Noes.

Amendment thus negatived.

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

Page 6, lines 1 and 2—Leave out subclause (2) and insert the following subclause:

(2) The grant and acceptance of the lease did not constitute division of an allotment within the meaning of the Planning Act 1982.

In the debate last evening—and unfortunately I do not have the time to go into a lot of detail regarding this clause—I referred to a concern that has been expressed by a number of professioal organisations in regard to this clause. We have received representations from the acting Chairman of JICOP, the National Environmental Law Association (South Australian Division) and other organisations and individuals. I am aware that this provision is extremely complex. A number of opinions have been provided about what the subclause really stands for. I am told that, in the scheme of the legislation, it is reasonably insignificant and that it seeks to protect the validity of the lease.

When the conservation groups took this matter to court, including an appeal to the High Court, this was not considered to be a major issue. However, I believe that the amendment clarifies the situation significantly. It has the support of a large number of people with whom I have consulted and, therefore, I ask the Committee to support it.

The Hon. S.M. LENEHAN: I have discussed the clause with the honourable member, and the Government is prepared to accept the amendment.

Amendment carried.

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

Page 6—

Line 5—Insert after '3, 4 and 5' 'by a person to whom the Minister has granted a permit under this subsection'.

After line 5—Insert subclause as follows:

(4) A permit referred to in subsection (3) will be subject to such conditions as the Minister thinks fit.

This is one of the most incredible clauses that I have ever seen in any piece of legislation. It provides:

(3) The National Parks and Wildlife Act 1972 does not apply to, or in relation to, the killing, injuring or molesting of a protected animal in the normal course of undertaking the acts or activities referred to in sections 3, 4 and 5.

I find that absolutely incredible. What are the Government and the Minister on about when there is legislation to protect endangered species and there is legislation to protect the species that have already been referred to in this debate? If the Minister is keen to ensure that that provision remains in the Bill, we suggest strongly that the opportunity is there for the Minister to grant a permit under this subclause to enable it to happen. I am very concerned about the whole provision. However, I hope that, with the amendments, there will be more responsibility taken on the part of the Minister and, in turn, through the Minister, by the lessee.

The Hon. S.M. LENEHAN: After that discussion, I refer the honourable member to my second reading speech in which I clearly explained how this provison will operate. I do not intend, because of the lateness of the hour, to pursue a grand debate on this matter and I am prepared to accept the amendments of the member for Heysen.

The Hon. JENNIFER CASHMORE: I support the amendments. I agree with the member for Heysen that for a Bill that purports to assist the management of a national park to provide for the killing, injuring or molesting of protected animals is almost beyond belief. Much of what the Government has done in the past two days in relation to this Bill is almost beyond belief, but this is—

The Hon. D.C. Wotton interjecting:

The Hon. JENNIFER CASHMORE: I know that the Minister accepts the amendments, but she insists on the clause. Whilst I support the amendments, which in some very small way qualify and modify what is a totally odious clause, I point out that we are talking about giving someone a permit to kill, injure and molest protected animals in a national park.

I refer to the Flinders Ranges Management Review—the Government's own document—dated February this year. Page 5 refers to the biophysical nature and range of environment types in the Flinders Ranges. It refers to the goal of preserving scenic values and valid objectives and the development of other less tangible but equally significant goals such as habitat maintenance and soil conservation. The document also refers to the need for the maintenance of essential ecological processes and life support systems, the preservation of genetic diversity and the sustainable utilisation of species and ecosystems. However, the Government now talks about giving people the legal right to kill, injure and molest protected animals. This Government has no credibility.

The Hon. S.M. LENEHAN: The honourable member again distorts the actual reality of what this clause will do. I made it clear during the second reading debate that every single precaution will be taken to ensure that there is minimal disruption to the native flora and fauna of the—

The Hon. Jennifer Cashmore interjecting:

The Hon. S.M. LENEHAN: The honourable member has lost touch with reality and is not interested in hearing my response, and I think other members will judge her accordingly. I made it very clear that every attempt would be made to ensure that there was minimal disruption and, indeed, destruction of any native flora and fauna with this development. I remind the honourable member that, if she has ever built a house, some native insects, small animals and even birds will find that their habitat has been destroyed. It is not possible to ensure that not one single beetle, ant, tiny insect or flying animal will be—

An honourable member interjecting:

The Hon. S.M. LENEHAN: Some of them will be protected, but I am talking about ensuring that any will not be harmed or have their habitat harmed in some way. I gave an assurance during the second reading debate, but obviously the member for Coles and the member for Heysen did not bother to read it. I made the intention of the clause very clear. It is to stop people from initiating frivolous litigation. Someone could say that a particular animal had been killed and use that as the basis for some sort of legal injunction against the building's proceeding.

It is interesting to note that all workers will not come on site until they have received an education package to ensure that they have maximum understanding in respect of the protection of animals, the plant life and so on on that site. It is deliberately erroneous on the part of the member for Coles to suggest that, as Minister responsible for animal welfare in this State, I would have any part in the deliberate killing or maiming of any animal. I personally resent that. My record speaks for itself. The member for Coles is being quite deliberately obstructionist in relation to this clause.

Amendments carried; clause as amended passed.

Clause 8—'Resumption of pastoral lands.'

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

Page 6—Leave out this clause and insert new clause as follows:

Resumption of Lands

8. Where land held pursuant to a pastoral lease, a perpetual lease or a miscellaneous lease has been selected for the purpose of establishing the airport, the Wilpena powerline or the airport powerline under this Act, the land may be resumed pursuant to the Pastoral Land Management and Conservation Act 1989, or the Crown Lands Act 1929, for that purpose.

This is a tidying up amendment to ensure that the area of land that is under pastoral lease is also under either a miscellaneous or perpetual lease.

Amendment carried; clause as amended passed.

Clauses 9 and 10 passed.

New clause 11—'Payment by Crown of court costs.'

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

Page 6, after line 20—Insert new clause as follows:

Payment by Crown of court costs

11. The Crown must meet the legal costs of the Australian Conservation Foundation Inc. and the Conservation Council of South Australia Inc. in relation to Action No. 2946 of 1988 in the Supreme Court and Action Nos. A7 and A23 both of 1990 in the High Court of Australia taxed as between solicitor and client.

I believe it is essential that the Crown support this amendment. As a result of this legislation both the Conservation Council and the Australian Conservation Foundation have been prevented from completing the case that otherwise would be heard by the High Court. This legislation invalidates that action; it circumvents legal action being taken. I believe, because of the costs that have already been met by these two organisations, it is very appropriate that the Crown pick up the legal costs.

The Hon. S.M. LENEHAN: We should look at this new clause in some detail. I have taken some advice on this. In coming to the conclusion as to the Government's position, I put on the record the fact that I have a great deal of respect for the Conservation Council and the ACF; I meet regularly with both those organisations. In fact, I am responsible for providing the accommodation for the Conservation Council and the ACF. The accommodation was purchased in December 1983 and later settled in 1985 at a cost of $183 950, and the Conservation Council's share of that was $60 000. The Conservation Council pays rates and maintenance, and this year the Government will assist it with a grant of $60 000 in terms of its accommodation.

With respect to the ACF, I point out that I personally, from my budget line, funded it in 1989-90 to the tune of $25 200, and that included a part-salary component. This year, in 1990-91, I made available an amount of $1 200, which was paid in July—

The Hon. D.C. Wotton: The people of South Australia are paying it, not you.

The Hon. S.M. LENEHAN: It is very interesting that the honourable member has to interject in such an aggressive manner. I think it is important that the people of South Australia also understand, through *Hansard*, what their money is spent on. When I stood to give these figures I said how much I support the work of both the Conservation Council and the ACF, and how closely I work with them.

The Hon. D.C. Wotton interjecting:

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

The Hon. S.M. LENEHAN: This $1 200 was paid in July for a youth delegate to attend the Montreal Protocol meeting in London. Subsequently I have had a number of meetings with this delegate, and I will certainly be meeting with him before the next conference to get some information from him. As well as that, $46 000 on top of the $25 200, including a salary component of $30 000, is still to be paid and is awaiting endorsement in my office. I want on the public record the fact that this Government and I, as Minister, have supported the ACF over a very long period.

I cannot support this proposed new clause because I believe that it will create a precedent that would be absolutely untenable in terms of every litigant taking action against a Government department. A litigant would then be able to point to this clause in relation to recouping the amounts that have been paid. It is also important to note that in the process of this litigation, where the ACF and the Australian Conservation Council took the Government to the Supreme Court, and where the Government was successful with a unanimous judgment of the court, there was never any suggestion by my department, the Government or me that we should seek in any way to get costs from the Conservation Council or the ACF. I am quite relaxed about that; I do not believe that we should have done that. Therefore, if we are to have a consistent approach to this whole issue of payment of costs by litigants and payment of costs by those who are litigated against, we have to look very carefully at the precedent that this would create. I suggest to the Opposition that it would be a precedent it would find very difficult to live with financially should it be in Government at any future time.

The Committee divided on the new clause:

Ayes (19)—Messrs Allison, Armitage, P.B. Arnold, D.S. Baker, S.J. Baker, Becker and Brindal, Ms Cashmore, Messrs Eastick, S.G. Evans and Ingerson, Mrs Kotz, Messrs Lewis, Matthew, Meier, Oswald, Such, Venning and Wotton (teller).

Noes (24)—Messrs L.M.F. Arnold, Atkinson, Bannon, Chapman, Crafter, De Laine, Ferguson, Gregory, Groom, Gunn, Hamilton, Hemmings, Heron, Holloway and Hopgood, Mrs Hutchison, Mr Klunder, Ms Lenehan (teller), Messrs McKee, Mayes, Peterson, Quirke, Rann and Trainer.

Pair—Aye—Mr Blacker. No—Mr Blevins.

Majority of 5 for the Noes.

New clause thus negatived.

Schedule and title passed.

The Hon. S.M. LENEHAN (Minister for Environment and Planning): I move:

That this Bill be now read a third time.

The Hon. D.C. WOTTON (Heysen): I make the point again that it is ironical that this legislation has reached this stage. This legislation was not necessary. The Government could have achieved what it wanted to do, accepting the responsibility to do it, if it had worked through section 50 of the legislation. However, the Bill in its present form is far improved on the Bill that was introduced by the Minister. The Minister introduced flawed legislation. Uncertainties have arisen out of the legislation, and many of those have been referred to in debate and through media comments, etc. I still have personal concerns about the legislation and the need for it but, because the Opposition has been able to improve the legislation considerably, I support the third reading.

The Hon. JENNIFER CASHMORE (Coles): This Bill subverts the fundamental principles of law. It subverts the Planning Act, the Native Vegetation and Management Act and the National Parks and Wildlife Act. It is a disgrace to the Government and I oppose it.

Bill read a third time and passed.

APPROPRIATION BILL

Returned from the Legislative Council without amendment.

MOTOR VEHICLES ACT AMENDMENT BILL (No. 2)

Adjourned debate on second reading.

(Continued from 5 September. Page 696.)

Mr INGERSON (Bragg): The Opposition supports the Bill.

Bill read a second time and taken through its remaining stages.

ADJOURNMENT

At 6 p.m. the House adjourned until Tuesday 6 November at 2 p.m.